

MATHARE YOUTH SPORTS ASSOCIATION

Giving youth a sporting chance



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MYSA POLICIES

In 1988, the year after MYSA was founded, MYSA adopted its first policy which, appropriately, was on “Fairplay”. Since then MYSA has developed, adopted and implemented a wide range of policies on key areas and issues.

Copies of those policies are attached in the same sequence as in the following list. Some of these policies are scheduled for review this year (e.g. Leadership Awards) while several new policies are now being developed on, for example, injuries to members during MYSA events and on the selection criteria and process for coaches and players for international tournaments.

MYSA Policies		Adopted	Amended
01	Age Cheating	1995	2003
02	Child Protection	2012	...
03	Common Services/Sustainability	2014	
04	Conflicts of Interest	2011	...
05	Drug-Free Workplace	2011	...
06	Elections	2008	2014
07	Fairplay	1988	2001
08	Finance and Procurement	2012	2014
09	Healthy Relationships	2001	2012
10	HIV/AIDS at the Workplace	2011	...
11	Host Families	2012	...
12	Human Resources	2003	2014
13	Leadership Awards	2003	...
14	Reporting Misconduct	2013	2014
15	Staff Development and Training	1999	2014
16	Theft	1996	2003



MYSA Policy on Age Cheating¹

1. Zero-tolerance policy

1.1 MYSA adopted and has applied a zero-tolerance policy on overage cheating since it started in 1987. In applying that policy MYSA staff carefully check the ages and identities of all players for Kenyan and international youth tournaments in several different ways.

2. Verification of age and identity

- 2.1 MYSA coaches and staff verify the age and identity of a player using the following six methods:
- (a) all players must provide documentary proof of their age and birthdate (e.g. birth certificates, baptism cards, school certificates, etc);
 - (b) the player's parents or guardian must complete and sign a special form stating the date and place of birth of the player which also contains this statement that "it is against Kenyan law to provide false information for a passport application";
 - (c) the headmaster of the player's school must also complete and sign a special form stating the date and place of birth of the player in the school records and also contains the same warning statement as in the parent's form;
 - (d) all MYSA teams complete a team list every year with the names and birthdates of all players which every player must sign and those records are also checked;
 - (e) if there are any differences in the ages recorded in any of the above documents and records, the birth certificate is also checked against the official government registry records;
 - (f) the school records are also checked to confirm the date and age of the player when starting primary school.

3. Penalties

- 3.1 If the above verification measures and investigations reveal any serious discrepancies or doubts, then the player is dropped and not selected.
- 3.2 If a player provided any false information or documents, the player is immediately suspended.
- 3.3 Any player who submits false information to MYSA is automatically suspended for at least one year and cannot join a Mathare United youth team for at least two years.
- 3.4 Any coach or leader who knowingly allowed or assisted a player to cheat is immediately suspended and, if a staff member, is summarily dismissed for gross misconduct.

4. Norway Cup rules

- 4.1 The Norway Cup tournament rules specifically allow teams to include overage players. Depending on the age group, teams are allowed to have up to four (4) overage players but can only field two (2) overage players at the same time.
- 4.2 Despite being allowed to do so, MYSA still does not knowingly select any overage players. All players for Norway Cup teams are selected according to the exact age group in which they will compete (e.g. U13 boys, U14 girls and U16 boys).

¹ Adopted by the MYSA Executive Council in 1995 and amended by the Council in March 2003.



MYSA Policy on Common Services and Sustainability¹

As in many public service organizations, MYSA has previously struggled with two key financial challenges: providing, managing and covering common services costs so that all partners and projects fairly share and integrate those costs in an economical and equitable manner; and creating a strategic reserve for ensuring financial stability and sustainability when dealing with periodic cash flow problems, unexpected public health or security crises in the slums and investments in cost-saving or income-generating activities to reduce donor dependence.

1. Common Services

1.1 Common services costs include the salaries of the senior managers and administrative staff in the finance, human resources and office/field maintenance departments; their office rent, equipment, stationery, security, utilities, local transportation and other overhead expenses; the meeting costs for the main governance and management committees; and the general legal, annual audit and other costs which are all not included in specific project budgets.

1.2 Based on a detailed analysis and cost-reduction audit, all future project budgets will include a standard common services allocation of 15%. To ensure better monitoring, management, control and reporting of all common services costs, those funds will be transferred to a special MYSA Common Services Fund (COSF) from which all common services expenses will be paid. For full transparency, the COSF income/expenditure records will be open for review by any MYSA partners.

2. Sustainability

2.1 Most partners include a section on “sustainability” in their project applications and annual progress reports. As MYSA is owned and managed by the youth themselves and includes extensive training and capacity building courses for its elected leaders and volunteers as a key part of its programmes, over the last two decades MYSA has excelled on becoming *organizationally* sustainable.

2.2 However, as in other community-based organizations working with the poorest of the poor in large urban slums, MYSA’s *financial* sustainability has always been a constant challenge, especially as MYSA has never been able to build a strategic reserve for dealing with periodic cash flow problems caused by delayed payments by some partners, for responding to unexpected emergencies in the slums (e.g. outbreaks of disease or inter-ethnic violence, etc), for investing in cost-saving or overhead reduction measures (e.g. drilling a borehole for a secure and affordable water supply, buying rather than renting equipment, etc) or for starting new income-generating activities for reducing donor dependence and improving sustainability (e.g. producing and selling branded products, improving and renting its facilities to other sports teams and events, etc).

2.3 All future project proposals and budgets will therefore include a standard sustainability allocation of 5% to be transferred to a special MYSA Sustainability Fund (SUSF) which will serve as a strategic financial reserve for dealing with these recurring challenges. To ensure proper due diligence and accountability, all transfers from the SUSF will require the prior approval of the Board of Trustees.

¹ Adopted by the MYSA Senior Management Committee on October 7, 2014, the MYSA Executive Council on November 28, 2014 and the MYSA Board of Trustees on December 5, 2014.



MYSA Policy on Conflicts of Interest¹

1. Main aim of the policy

1.1 The MYSA Board of Trustees, elected officials and staff have an obligation to act in the best interests of the organisation and in accordance with the MYSA constitution. Conflicts of interest may arise when an individual's personal or family interests or loyalties conflict with those of the organization. Such conflicts may create problems. For example, they can inhibit free discussion, result in decisions or actions that are not in the best interests of the organisation and risk the impression that MYSA has acted improperly.

1.2 The main aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

2. Declaration of interests

2.1 All MYSA Board Members, elected officials and staff must declare their interests and any gifts, hospitality or other benefits received in connection with their role in MYSA. A Declaration of Interests Form will be provided for this purpose and will list the types of interests which should be declared.

2.2 If uncertain on what to declare or on how and when to update a declaration, always err on the side of caution. The MYSA Human Resources Manager will always be available for confidential advice and guidance. Interests will be recorded in the official MYSA Register of Interests to be maintained by the MYSA Human Resources Manager. The Register will be accessible to the members of the Senior Management Committee, Executive Council and Board of Trustees.

3. Conduct when facing a conflict of interest

3.1 If a person is a user of MYSA services or the carer of someone who uses MYSA services, that person should not be involved in any decisions that directly affect the service they, or the person they care for, receive. They should declare their interest at the earliest opportunity and withdraw from any subsequent discussions. The same provisions apply when facing a conflict of interest for any other reason. However, a person may participate in discussions on matters which may indirectly benefit them when, for example, the benefits are universal for all users or their benefits are minimal.

3.2 If a person has a conflict of interest, they must not be involved in managing or monitoring a contract in which they have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices and also for the termination of the contract if the relationship is unsatisfactory.

3.3 If a member of the Board of Trustees or Executive Council or the Executive Director or any other senior staff member is aware of an undeclared conflict of interest by another person, they are obliged to report that conflict to the Executive Director, Executive Council Chairman or Board Chairman.

4. Decisions on conflicts of interest

4.1 When the Board of Trustees, Executive Council or management has to decide on a question in which a Board member, elected official or staff member has a conflict of interest, all decisions will be made by a simple majority vote. A quorum must be present for the discussion and decision. Interested parties will not be counted when deciding whether the meeting is quorate.

4.2 Executive Council and Board members may not vote on a conflict of interest case in which they are directly involved. They must absent themselves from the discussion. All decisions on a conflict of interest case will be recorded by the secretary and reported in the minutes. The report will record the nature and extent of the conflict, an outline of the discussion and the actions taken to avoid or manage the conflict.

¹ Adopted by the MYSA Executive Council in April 2011.



MYSA Policy on a Drug-Free Workplace¹

1. Policy statement

1.1 It is the policy of MYSA to maintain a safe and productive workplace free of drugs. MYSA employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is MYSA's intent and obligation to provide a healthy, safe and secure work environment.

2. Drug-free commitment

2.1 Any employee reporting to work who uses controlled substances or dispenses or sells controlled substances on MYSA property or while doing MYSA business will be subject to corrective action which may include termination for a first offense.

2.2 MYSA also prohibits the possession, use, solicitation or sale of illegal drugs or alcohol away from the organization premises. Such activities or involvement adversely affects the employee's work performance and the safety of the employee or others and puts the MYSA's reputation at risk.

3. Dealing with drug abuse problems

3.1 Although MYSA retains the right to terminate employment at will, employees needing help in dealing with drug abuse problems will generally be encouraged to seek professional assistance. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record.

3.2 MYSA shall make information available to its employee about drug counselling, rehabilitation and any special employee's assistance programmes. The aim of making such information available to employees who voluntarily seek assistance is to help, rather than discipline, the employee.

4. Reporting drug related convictions

4.1 An employee must, as a condition of employment, abide by the terms of this statement and report in writing to his supervisor any conviction under a criminal drugs statute for violations occurring on or off the MYSA premises while conducting MYSA business. That report must be submitted within five (5) days after the conviction.

4.2 Within ten (10) days of receiving notice of an employee's conviction for a violation of a drug statute, the supervisor must report such a conviction, including the position title of the convicted employee, to the Human Resources Manager. Within thirty (30) days after such notice, MYSA must take disciplinary or remedial action.

5. Confirmation by employee

I,, have read the drug-free workplace statement and had an opportunity to ask questions about anything I did not understand. I understand the statement and will comply with it entirely. I understand that compliance with the policy is a condition of my employment.

.....
Signature

.....
Date

¹ Updated in 2011.



MYSA Policy on Elections¹

1. Election Guidelines

- 1.1 All candidates must be 15-25 years old and have been an active MYSA volunteer leader, coach, player or referee for at least the two previous years.
- 1.2 All candidates will be considered on merit. Anyone who solicits support will be disqualified. Anyone who makes promises of personal benefits to others will be suspended.
- 1.3 All Chairmen are elected for a non-renewable term of one year. The Chairman must be of a different gender than the Chairman for the previous year.
- 1.4 The Vice Chairman and Deputy Secretaries of all MYSA bodies must be of a different gender than the Chairman and Secretary.

2. Election Procedures

- 2.1 MYSA elections at all levels shall be organized and supervised by a MYSA staff member appointed by the Executive Director.
- 2.2 The supervising officer must prepare a signed register of those entitled to vote and ensure that only those entitled to vote are present. The representatives of 30% of the registered clubs must be present to make a quorum.
- 2.3 All candidates will be given an opportunity to make a short statement on their qualifications, experience and proposed plans before the election for each position.
- 2.4 All elections will be conducted by a show of hands or by secret ballot if a majority (50%+1) of the members present and voting so decide.
- 2.5 A candidate must receive the support of a majority of the members present and voting to be elected. After each round of voting the candidate with the lowest votes shall be dropped and voting continued until one candidate receives over half the votes.

3. Zonal Executive Committees

- 3.1 Each registered team in the zone shall have one representative and one vote and be represented by either the Coach or Captain.
- 3.2 All candidates for election must be living in the zone and be an active coach or player on a registered team in the zone or an active referee in the zone.
- 3.3 Each Zonal Executive Committee shall elect a Chairman, Vice Chairman, Secretary, Deputy Secretary, a Community Service Coordinator and Deputy Community Service Coordinator (one male and one female), a Head Referee from among the active referees living in the zone and a Leadership Awards representative from among the previous winners.

4. Sports Council

- 4.1 The Chairmen of the 16 Zonal Executive Committees are voting members of the Sports Council with their Vice Chairmen as their alternates if they are unable to attend.
- 4.2 Each of the 16 MYSA zones shall have one representative and one vote.
- 4.3 The voting members of the Sports Council shall elect a Chairman, Vice Chairman, Secretary and Deputy Secretary.
- 4.4 The Head Referees of the 16 zones shall elect one of the 16 Head Referees as the overall Head Referee who shall become an *ex-officio* member of the Sports Council.

5. Community Service Council

- 5.1 The Community Service Coordinators in the 16 zones are voting members of the Community Service Council with their Deputies as their alternates if they are unable to attend.
- 5.2 Each of the 16 MYSA zones shall have one representative and one vote.
- 5.3 The voting members of the Community Service Council shall elect a Chairman, Vice Chairman, Secretary and Deputy Secretary.

¹ Adopted by the MYSA Executive Council on February 13, 2008. Amended by the MYSA Executive Council on November 29, 2014 and by the MYSA Board of Trustees on December 5, 2014.

6. Executive Council

6.1 The voting members of the Executive Council shall be the Chairman and three other members elected by and from the Sports Council plus the Chairman and four other members elected by and from the Community Service Council. In both cases there must be at least two members of a different gender than the others and at least one member from each group of four zones.

6.2 The Chairmen of the Sports Council and the Community Service Council automatically become the Vice Chairmen of the Executive Council. The voting members of the Executive Council shall elect a Chairman, Secretary and Deputy Secretary from among the remaining members.



MYSA Policy on Fairplay¹

Fairplay Code

For those who want to be winners on and off the field

1. No indiscipline

I will always maintain good conduct and discipline on and off the field and compete without endangering other players or committing fouls.

2. No unfair play

I will never fake a foul or injury, use unfair tactics or indulge in any other unsporting conduct such as using abusive language or gestures.

3. No retaliation

I will never retaliate when fouled or abused.

4. No fouls

I agree to be substituted immediately for fouling or abusing another player or official.

5. No appeals

Only my captain or coach may speak to the officials. When a dispute arises I will always remain silent and at least ten steps away.

6. Respect the coach

I will always obey my coach's instructions. I agree to be substituted or suspended for indiscipline or unsporting conduct.

7. Respect the captain

I will always obey my captain during competitions, especially on teamwork and conduct.

8. Respect teammates

I will always support and encourage my teammates on and off the field. I will never abuse a teammate who makes a mistake.

9. Respect opponents

I will always treat my opponents with respect, assist injured players and offer to shake hands before and after every competition.

10. Respect the officials

I will always obey the decisions of officials. I will stop immediately when required and move quickly into position for restarting the competition.

11. Respect myself and the environment

I will not smoke, drink alcohol or use illegal substances. I will promote environmental awareness and improvement as healthy athletes need a healthy environment.

¹ Adopted by MYSA in 1988.



MYSA Policy on Healthy Relationships¹

1. Avoiding sexual harassment and abuse

1.1 All MYSA members, leaders and staff must respect the following guidelines:

- (a) treat everyone with respect and refrain from all forms of communication, action or behaviour that may be perceived as offensive;
- (b) avoid body contact that may be perceived as unwanted;
- (c) avoid all types of verbal intimacy that may be perceived as sexually charged;
- (d) avoid expressions, jokes and opinions that relate to the athlete's gender or sexual orientation in a negative way;
- (e) seek to have both sexes represented in the support network;
- (f) avoid contact with the athletes in private spaces unless there are several persons present or in agreement with parents/guardians or the sports management;
- (g) show respect for the athlete's private life;
- (h) avoid dual relationships (e.g. boyfriend and coach). If a reciprocal relationship is established, the situation should be raised and clarified openly in the environment;
- (i) do not offer any form of reward with the purpose of demanding or anticipating sexual services in return;
- (j) take action and give notice if a breach of these rules is experienced.

2. Conduct of members, leaders and staff

2.1 MYSA members, leaders and staff must always treat each other with mutual respect, courtesy and kindness and avoid all conduct which could be considered as harassment, intimidation or exploitation of others, especially by those of the opposite sex.

2.2 Any MYSA staff and leaders who violate the MYSA policy and procedures on healthy relationships will be immediately suspended and sent on unpaid compulsory leave and will be expelled from MYSA if further investigations reveal that any improper conduct occurred.

3. Guardian/Counsellor on healthy relationships

3.1 The MYSA Executive Council will appoint a mature and experienced person as the MYSA Guardian/Counsellor who will have the mandate and authority:

- (a) to receive and make confidential investigations on any complaints or reports on possible violations of the MYSA policy and rules on healthy relationships;
- (b) to provide advice and guidance to those involved in such relationships;
- (c) to submit confidential reports with recommendations for appropriate action to the MYSA Chief Executive Officer or the Chairman of the MYSA Board of Trustees on reported violations of the MYSA policy and procedures on healthy relationships;
- (d) to counsel and assist those affected by improper conduct;
- (e) to identify and maintain contacts with other relevant groups and experts;
- (f) to organize periodic discussion groups and workshops to improve understanding and compliance with the MYSA policy and procedures on healthy relationships;
- (g) to carry out any other relevant duties or tasks at the request of the MYSA Chief Executive Officer or the Chairman of the MYSA Board of Trustees.

¹ Adopted by the MYSA Executive Council in 2001 and amended by the Council in October 2011 and November 2012.



MYSA Policy on HIV/AIDS and the Workplace¹

1. Objectives

- 1.1 The MYSA Policy in HIV/AIDS and the Workplace is intended:
- (a) to minimise the possibility of HIV infection of MYSA staff, their partners and dependents;
 - (b) to ensure a supportive work environment for staff infected and affected by HIV/AIDS;
 - (c) to manage and mitigate the impact of HIV/AIDS on the work at MYSA;
 - (d) to eliminate the stigma and discrimination in the workplace on the basis of a person's real or perceived HIV status or vulnerability to HIV infection.

2. Definitions

- 2.1 "Adult" is defined as a person aged 18 years or older and an "adult dependent" is a person who is either:
- (a) a person in a legally recognised relationship, married or *de facto*, with a staff person;
 - (b) a person who has cohabited with a staff member for not less than two year and where there is a continuing relationship of emotional and financial interdependency.
- 2.2 "Child" is defined as a person under 18 years of age and a "child dependent" is either:
- (a) the biological or legally recognised child of a staff member;
 - (b) a child who lives in the same house as the staff member.
- 2.3 "HIV-related information" includes information that someone:
- (a) may have HIV;
 - (b) has been asked to have an HIV test or has been counselled about having a HIV test;
 - (c) is receiving or has received treatment or counselling which suggests he may have HIV;
 - (d) may have had experiences which put him at risk of contracting HIV;
 - (e) has a close association or relationship with someone with HIV/AIDS.
- 2.4 "HIV screening" means any measurement of potential or actual HIV infection, whether direct (HIV testing), indirect (assessment of risk-taking behaviour) or asking questions about tests already taken or about medication.
- 2.5 "Reasonable accommodation" means any modification or adjustment to a job or to the workplace which is reasonably practicable which will enable a person living with HIV or AIDS to have access to, or participate or advance in, employment.

3. Responsibility for implementation

- 3.1 In MYSA the Executive Director and the Human Resource Manager has overall responsibility for implementation of this policy.

4. HIV screening, recruitment and employment

- 4.1 The only medical criterion for recruitment is fitness to work. HIV infection does not, in itself, constitute a lack of fitness to work.
- 4.2 There is no obligation on applicants or staff to inform MYSA of their HIV status.
- 4.3 HIV screening will not be required either as a condition of recruitment or for continuation of employment unless required by law (e.g. for duty travel).

5. Confidentiality

- 5.1 MYSA encourages a supportive work environment in which staff can discuss HIV/AIDS openly, including their own experience living with HIV/AIDS. Where staff disclose that they or their dependents are living with HIV/AIDS, the confidence will be respected with regard to the circumstances in which the information was shared. If there is any doubt, the person living with HIV/AIDS should be consulted before further disclosure takes place.
- 5.2 HIV-related information relating to applicants for employment, staff or dependents will be kept strictly confidential and be kept only on medical files.

¹ Adopted and amended by the MYSA Executive Council in 2011.

5.3 Unauthorised disclosure of HIV-related information is a disciplinary offence. It may also lead to legal proceedings against the person who disclosed the information.

5.4 With the voluntary and informed consent of the person concerned, HIV related information may be disclosed strictly as necessary for the purposes of recruitment or assignment of staff living with HIV where the job description or task identifies this qualification.

6. Travel, assignment and vaccination

6.1 When arranging short-term travel to other countries for MYSA staff, MYSA will notify the relevant individual of any legal restrictions on entry for people with HIV, and any recommended or required vaccines. Individuals living with HIV must make personal choices as to whether or not they wish to attempt to travel to countries with legal restrictions.

6.2 Staff living with HIV should seek medical advice on the advisability of vaccination according to their particular health status. If a staff member cannot undertake short term travel for these reasons, reasonable measures will be taken to identify other ways of accomplishing the necessary tasks.

6.3 When HIV screening is required, MYSA will ensure referral to pre-test and post-test counselling for relevant staff or short listed applicants.

6.4 If an existing staff member is unable to take an assignment in a particular country because of that country's HIV related requirements, MYSA will take reasonable steps to find an alternative post.

7. HIV prevention measures

7.1 MYSA will provide staff with sensitive, accurate and up-to-date information to enable them to protect themselves from HIV and other sexually transmitted or blood borne infections.

7.2 In countries where the blood supply is not secure, MYSA through its HIV/AIDS awareness programme will provide information to staff on where safe blood can be obtained.

7.3 MYSA through its HIV/AIDS awareness programme will also provide information on where sterile needles and syringes can be obtained and may also provide disposable syringes and needles to staff on duty travel to areas where there is no guarantee of the proper sterilisation of such materials. A letter explaining why it is being carried will accompany the equipment.

7.4 MYSA will provide staff and their dependants with condoms where there is no reliable and consistent supply of high-quality condoms from the private sector. Access should be free, simple and discreet. Access to free, voluntary and confidential HIV testing and counselling shall be made available at the MYSA VCT Centre.

8. Occupational and other exposure

8.1 In the case of accidents involving the risk of exposure to human blood, universal precautions shall be used so there is no risk of transmission of HIV or other blood borne infections.

8.2 MYSA shall develop procedures for the immediate referral for counselling, assessment and medical treatment with post-exposure prophylactics where appropriate for staff or dependents exposed to the risk of HIV infection (e.g. through accident or sexual assault), whether in the workplace or elsewhere. Reasonable paid time off will be granted for counselling after occupational or other exposure.

9. Information and training

9.1 MYSA will provide information and training on the workplace issues raised by the epidemic, on appropriate responses and on the general needs of people living with HIV/AIDS and their carers. Such information and training will be gender sensitive as well as sensitive to race, disability and sexual orientation.

9.2 Information will include the availability of local support organisations for people living with HIV/AIDS and other affected communities. As far as practicable, such information and training will be integrated into existing education and human resources policies and programmes as well as occupational safety and anti-discrimination strategies.

9.3 Staff training on HIV/AIDS will take place during paid working hours and attendance by all staff, including senior staff, shall be considered as part of their work obligations. All staff will be trained on the implementation of this policy.

10. Stigma and discrimination

10.1 MYSA will not discriminate on the basis of actual or perceived HIV status, or membership of a group at increased risk of HIV infection, in the conditions of work and opportunities for transfers and promotions. Staff living with HIV/AIDS will be treated no less favourably than staff with other serious illnesses.

10.2 MYSA will undertake activities to address HIV and related stigma in the workplace, including staff training and the promotion of an open, accepting and supportive work environment for staff who chose to disclose their HIV status.

11. Reasonable accommodation

11.1 MYSA may reasonably accommodate the special needs of staff living with, or directly affected by, HIV/AIDS on a case-by-case basis, subject to the overall requirements of the organisation. Reasonable accommodation may include flexible working hours and time off for counselling and medical appointments, transfers to lighter duties and part-time work.

12. Termination of employment

12.1 HIV infection is not a cause for termination of employment. Staff with HIV related illness will continue in employment as long as they are medically fit for available and appropriate work. In the case of termination of employment due to extended illness, staff with HIV/AIDS will receive the same benefits and conditions as apply to termination due to other serious illnesses.

13. Gender dimensions

13.1 MYSA acknowledges that HIV/AIDS impacts on male and female staff differently. This includes the recognition that women normally undertake the major part of caring for those with AIDS-related illnesses, and that pregnant women with HIV have additional special needs.

14. Counselling, grievance and disciplinary procedures

14.1 MYSA will provide information to all staff on where HIV-related advice, counselling and referral can be found outside the work environment. MYSA will provide procedures that can be used by staff for work-related grievances, including failure by MYSA to implement any aspect of this policy.

14.2 Disciplinary proceedings may be commenced against a staff member who violates this policy.

15. Policy review

15.1 MYSA management will periodically review this and other relevant policies.

Declaration

I, the undersigned, hereby declare that I have read and understood the MYSA HIV/AIDS Policy on HIV/AIDS and the Workplace.

Date

Signature

Witness



MYSA Policy on Host Families¹

1. Introduction

1.1 MYSA really appreciates the commitments in time as well as additional costs for food and transportation and other contributions-in-kind made by host families and communities. However, some guidelines are needed to discourage violations of the MYSA rules, to encourage the youth to *earn* benefits by helping others and to avoid unnecessary pressures in and among host families.

2. MYSA codes of conduct

2.1 As MYSA aims to reduce attitudes of dependency among its members, It is against the MYSA rules for youth to solicit for gifts or funds from host families and friends. Moreover, those selected for teams travelling abroad already receive significant benefits compared to the over 25,000 other MYSA youth. If they receive even more benefits and gifts, that is unfair to the many other members.

3. MYSA Leadership Awards

3.1 Although it is tempting to pay the school fees for some of the hosted youth, that undermines the basic MYSA principle of helping yourself by helping others in the community.

3.2 Each year MYSA allocated over 500 leadership awards to members who have earned the most points in self-help activities such as coaching and refereeing younger teams, helping organize environmental cleanups and participating in AIDS prevention campaigns.

3.3 Instead of paying school fees for individuals who haven't earned them, host families and friends are requested to contribute to the MYSA Leadership Awards Project and then encourage the youth to try on their return home to earn an award by helping those less fortunate than themselves.

4. Fairness among host families

4.1 Guidelines are also needed to avoid unnecessary comparisons and pressures in and among host families and communities. It is advisable that all host families agree on some common guidelines.

5. Guidelines

5.1 Recommended guidelines include:

- (a) It is reasonable to donate some second-hand or inexpensive clothes, shoes or football boots to the youth for sharing with their family but avoid expensive gifts like mobile phones or portable computers which should instead be donated to MYSA for use by its many volunteer leaders.
- (b) If a youth tries to solicit gifts or funds, discuss the MYSA guidelines and reasons with the youth and/or consult the MYSA leader accompanying the youth group.
- (c) It is preferable for host families to organize joint activities and events involving all the youth and host families in the community.
- (d) While families may organize some private activities with the youth they are hosting, those activities should not involve any significant additional expense and be within the guidelines agreed among all host families in the community.
- (e) Avoid giving or promising to send funds for school fees and instead donate to the MYSA Leadership Awards Project which is open to all members.
- (f) While later correspondence between host families and youth is encouraged, do not send or respond to any appeals for funds without first consulting MYSA.

¹ Adopted by MYSA in 2012.

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MYSA Policy on Human Resources¹

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¹ Adopted by the MYSA Executive Council in 2003 and revised in 2012. Amended by the MYSA Executive Council on November 29, 2014 and by the MYSA Board of Trustees on December 5, 2014.

MYSA POLICY ON HUMAN RESOURCES

1. INTRODUCTION

1.1 Title

1.1.1 This document shall be referred to as “General Terms and Conditions of Employment”.

1.2 Application

1.2.1 The “General Terms and Conditions of Employment” will apply to all MYSA employees.

1.2.2 The “General Terms and Conditions of Employment” will be attached to the employee’s contract.

1.2.3 Amendments may be made in the “Special Terms and Conditions of Employment” relating to particular employment positions in specific project areas which will also be attached to the employee’s contract.

1.2.4 The application of this document is the responsibility of the Executive Director, Programme Directors and Project Managers.

2. GENERAL STAFF CONDUCT

2.1 MYSA Values

2.1.1 Employees are expected to work toward the protection and promotion of MYSA’s good name.

2.1.2 Employees are expected to respect the culture and religious beliefs of the population served.

2.1.3 Employees will not in any way act in a manner that may be seen to exploit the community.

2.2 Conflicts of Interest

2.2.1 All staff must respect and adhere to the MYSA Policy on Conflicts of Interest.

2.3 Confidentiality

In this context, confidentiality refers to ensuring that information is accessible only to those authorized to have access and is protected throughout its lifecycle.

2.3.1 Employees who by nature of their work handle confidential information or documents should take care to handle the information in a confidential manner so as not to allow access to unauthorized persons. Deliberate or careless exposure of such material will be seen as gross misconduct.

2.3.2 Similarly, MYSA will not give out information regarding employees without their consent except in the case of references or under a condition of the law.

2.3.3 English shall be the official language in all correspondence and documentation.

2.4 Reporting Misconduct

2.4.1 All staff must respect and adhere to the MYSA Policy on Reporting and Investigating Misconduct

2.5 Dress Code

2.6.1 All MYSA staff are expected to dress in a respectable manner. The employees will dress in the MYSA uniform whenever required to.

2.6 Drug-Free Workplace

2.6.1 All staff must respect and adhere to the MYSA Policy on a Drug-Free Workplace.

2.7 Healthy Relationships

2.7.1 All staff must respect and adhere to the MYSA Policy on Healthy Relationships.

2.8 Child Protection

2.8.1 All staff must respect and adhere to the MYSA Policy on Child Protection

2.9 MYSA Property

2.9.1 MYSA property belongs collectively to the youth and members. Anyone taking MYSA property is stealing from the youth. Anyone in possession of stolen MYSA property is illegally using property belonging to all the youth.

2.9.2 All staff must respect and adhere to the MYSA Policy on Theft.

2.10 Procurement

2.10.1 MYSA is committed toward ensuring a fair, transparent and accountable process in the provision of services and the purchasing of goods and services

2.10.2 All staff must respect and adhere to the MYSA Policy on Procurement.

3. RECRUITMENT

3.1 Vacancies

3.1.1 Should there be a vacancy for employment in MYSA, priority will be given to outstanding MYSA members unless there is special need for recruitment outside the organization and subject to availability of funding for that particular position.

3.1.2 A manager wishing to create a new staff position must submit a written request to the Human Resources Department which should contain the following information:

- (a) the rationale for the new position with a summary of tasks that the new person will carry out;
- (b) the nature of the position (contracted or casual) and length of proposed employment;
- (c) person specifications;
- (d) the job title;
- (e) whether there are funds in the budget for this position.

3.2 Selection of Candidates

3.2.1 Once a position has been approved, the Human Resources Director will take the lead in managing the recruitment process, working closely with the relevant supervisor throughout.

3.2.2 Candidates are assessed on the following criteria:

- (a) educational background (according to specific requirements in vacancy);
- (b) years of work experience (according to specific requirements in vacancy);
- (c) skills experience (according to specific requirements in vacancy);
- (d) key competencies;
- (e) active involvement with MYSA activities for a minimum of at least two years.

3.2.3 In applying for positions, all candidates will be provided with a job description, details of the appropriate conditions of service and details about MYSA. A brief statement about the appointment procedure will also be provided and an indication of the date when interviews will be held. The job description will include a list of the main duties and responsibilities of the post together with an outline of the qualifications and experience which candidates are expected to possess.

3.2.4 In drawing up the job description and conditions of service, MYSA will ensure that no applicant receives less favourable treatment than another on the grounds of disability, gender, race, religion or belief, age, sexual orientation, marital status, parental status, caring responsibilities or hours of work and that no applicant is placed at a disadvantage unjustifiably by requirements or conditions which have a disproportionately adverse effect on a particular group.

3.2.5 To facilitate the short-listing process, brief telephone interviews with zonal leaders may be held to explore or clarify information on the CV. This is applicable to all candidates and is regarded as part of the MYSA's normal filtering process.

3.2.6 Applicants will be required to supply the names and addresses of three people from whom references can be obtained, one of whom should normally be the applicant's current or most recent employer.

3.3 Interview Process

3.3.1 The interview panel for a particular post is selected by the Human Resources Director in consultation with the relevant manager.

3.3.2 All interview panels will consist of at least four people, including human resources representative and the supervisor of the potential employee as well as representation from outside of the relevant Function.

3.3.3 Interviews shall be conducted according to the MYSA standardised 'Interview Template' and the 'Criteria Checklist'.

3.3.4 Rejected applications are filed in the file 'Rejected applications' after letters of regret have been sent to relevant applicants.

3.3.5 All interviewed candidates will be notified of the outcome of the selection process at the earliest opportunity by the Director or, if absent, the Project Coordinator, either by phone, email or letter.

3.4 Contract of Employment

3.4.1 MYSA staff will work on a contract basis. Upon receipt of the contract, the employee will be expected to read, understand and sign the contract. Contracts will be issued by the Human Resources department and must be signed and returned after two weeks from the date of issue.

3.4.2 Upon signing of the contract, employees will be bound to follow the rules and procedures outlined in the contract of employment.

3.5 Probation

3.5.1 All newly contracted employees will be required to serve an initial three months probation.

3.5.2 During the probation period the employee will be expected to demonstrate suitability for the position and for continued employment with MYSA. The employee will accumulate leave during the probation period but will not be eligible to take it until the probation period is over.

3.5.3 The employee will receive all the salary and entitled to sick leave during the probation period.

3.5.4 During the probation period either party may terminate the contract by giving seven days written notice or by payment of the equivalent salary for the notice period.

3.5.5 The employee's supervisor will conduct an appraisal at least 14 days before the end of probation and submit the report to the Programme Director (after discussing with the employee). A confirmation letter will be written to the employee if the evaluation is approved. If not, the employee will not be confirmed in the position.

3.5.6 The probation period may be extended if the performance of an employee is not satisfactory. The period should not extend one month. Reasons for extending the probation period must be explained to the employee to give room for improvement. Only after satisfying the supervisor will the letter of confirmation be written.

3.5.7 The date of first appointment of a newly appointed person will be the date on which he reports for duty.

3.6 Induction

3.6.1 MYSA is committed to providing a productive and supportive work environment for new staff members. The following areas must be covered in all orientation programmes:

3.6.2 The aim of induction is to familiarise the employee with the MYSA's mission, vision, values, objectives, goals, structures and functions. In particular, on:

- (a) the administrative and financial systems;
- (b) the health and safety provisions;
- (c) the equal opportunities approach;
- (d) the MYSA vision and values;
- (e) the staff team;
- (f) the human resources policies;
- (g) the job and role of the employee.

3.6.3 The orientation programme should be agreed with, and circulated to, all staff involved in delivering the plan prior to the new employee's first day at work.

3.6.4 The type and length of induction programme depends on the position and shall be developed by the Director or Project Coordinator.

3.7 Types of Employment

3.7.1 Contracted employees: Employees with a written contract or agreement.

3.7.2 Casual employees: Staff employed on a day-to-day basis where the salary is determined at a daily rate, although wages may be paid periodically in accordance with mutual agreement between the parties. This type of employment should never run for one month consecutively without a break in order not to compromise the law.

4. STAFF DEVELOPMENT

4.1 Performance Management

4.1.1 MYSA will manage the performance of its staff on an annual and continuous cycle requiring inputs from employees, line managers, and the MYSA leadership team.

4.1.2 Using the key competency framework, standardised objectives have been developed for each work level in MYSA and line managers, supported by the Human Resources Director, will communicate these to all staff at the beginning of the performance year.

4.1.3 The Human Resources Department will set any individual or performance related objectives with all staff and record on their Personal Development and Training Plan.

4.1.4 During discussions with their line manager, MYSA staff will develop individual Personal Development and Training Plans that set out how they will approach their learning and development and any actions for the remainder of the year that will help them to achieve their objectives.

4.1.5 All MYSA staff will be expected to collect feedback, evidencing their performance against objectives, on a continuous basis which will be used in their end of year performance appraisal.

4.1.6 At the end of the performance year, all staff will complete a self-evaluation of their

performance, before attending a final appraisal meeting with their line manager to assess performance against objectives and assign each individual a performance rating between 1 and 4.

4.1.7 After all final review meetings have been completed, MYSA's leadership team will conduct a moderation meeting to ensure that performance ratings are consistent and fair across MYSA.

4.1.8 Final ratings will then be passed back to managers for communication to staff. Ratings will be used to assess pay levels within MYSA.

4.2 Talent Management

4.2.1 The recognition of talent is key to shaping the future profile of the organisation; it works in parallel with performance management and contributes to longer term succession planning.

4.2.2 Talent at MYSA will be developed through the provision of skills and training to all staff to help ensure that they are well-equipped and knowledgeable to carry out their role in the organisation.

4.2.3 Talent identification in MYSA will be based on, the assessment of both performance and potential, and will be reviewed on an annual basis as part of the performance appraisal moderation meeting.

4.3 Promotions

4.3.1 In evaluating an employee's performance for promotion, the organization shall give emphasis to merit and ability while also taking into accounts work performance ratings and professional credentials.

4.3.2 In a case where a manager recommends an employee for promotion in preference to another more senior employee, the departmental head shall submit confidential reports to the Executive Director on both employees indicating their specific qualifications for the promotion and grounds for recommending the junior employee.

4.3.3 A serving employee who is recommended for promotion to a new position with new duties and responsibilities shall be promoted subject to a 3-month probation period.

4.3.4 Such a promotion to a new and more senior position shall be subject to the approval of management

4.4 Staff Development and Training

4.4.1 The MYSA Policy on Staff Development and Training applies to all staff.

4.5 Transfers

4.5.1 Temporary transfers are not to be encouraged unless it is unavoidable. In any case they should not exceed thirty (30) days.

4.5.2 In cases where a position is to be filled for a period of longer than one month, it is recommended that the Director finds a permanent solution by recruiting a new person to fill the position.

4.5.3 When it is possible to fill the position by appointing an existing employee from another duty station, it is recommended that the employee be paid all outstanding dues in their existing position before applying for and accepting the new terms and conditions associated with the new position, department and responsibilities.

5. REMUNERATION

5.1 Salaries

5.1.1 MYSA will endeavour to establish (and revise as necessary) an appropriate salary structure or grading system compatible with the projects that it implements.

5.1.2 Salaries will be determined by qualifications, experience, length of service, special skills, market factors and budget provisions. Entry level will be determined by the nature of the post.

5.1.3 Salaries may be reviewed annually on the basis of cost of living, staff performance appraisal and the overall funding situation of the programme. Awarding of an annual salary increment shall not be automatic.

5.1.4 In the case of a casual employee, salary shall be paid at the end of the day of service or at such intervals as may be agreed between the employee and the appointing authority.

5.1.5 In the case of an employee on piecework, salary shall be paid at the end of each month in relation to the amount of work accomplished, or on completion of work whichever date is earlier.

5.1.6 In the case of an employee on a written monthly contract, salary shall be paid at the end of the month (last working day) but may be paid earlier or a few days after at the discretion of the Executive Director.

5.1.7 All salaries for employees with a written contract will be paid into a bank account for security reasons. Employees are encouraged to open convenient bank accounts as soon as they take up employment with the organization and to advise the Finance and Human Resources offices on their

bank account details accordingly. Any changes to these details should be communicated to the Finance and Human Resource offices as soon as they occur.

5.2 Statutory Deductions

5.2.1 All income, including allowances and termination benefits arising from the period of employment, will be subject to income tax in accordance with the laws of Kenya. All taxation shall be effected at source.

5.2.2 The following statutory deductions are recovered from salaries and applicable to income accrued or deemed to have accrued in Kenya:

- (a) PAYE: Pay As You Earn;
- (b) NSSF: National Social Security Fund;
- (c) NHIF: National Hospital Insurance Fund.

5.2.3 There is no exemption for payment of statutory charges.

5.2.4 Staff on short-term consultancy employment will be taxed at source in accordance with the current rates of taxation.

5.2.5 Staff will be expected to take care of their own families' medical expenses.

5.3 Acting Allowances

5.3.1 Acting allowance do not apply in MYSA.

6. STAFF WELFARE AND BENEFITS

6.1 Working Hours

6.1.1 Normal working days are Monday to Friday (40 hours). However, deviations from this may occur. The Director or manager will provide details.

6.1.2 Kenyan Law provides for one day of rest out of seven days.

6.2 Overtime

6.2.1 As a matter of policy, MYSA does not encourage overtime. Employees are expected to treat work requirements as a priority during working hours.

6.2.2 In case of overtime or hours worked during public holidays, compensatory time off may be given to the employees.

6.3 Annual Leave

6.3.1 Annual leave is accrued on the basis of two (2) days per month or 24 days per year.

6.3.2 The leave may be taken all at once or piecemeal at the discretion of the management and should be completed in full within the contract period. For the purpose of leave calculation a five-day working week is utilized.

6.3.3 A leave request form should be completed and submitted one month in advance for approval by the supervisor. Leave cannot be carried forward. Any untaken leave shall be forfeited.

6.3.4 Leave will not be paid for in cash unless in exceptional situations such as dismissal or death of an employee, and only upon approval by the Executive Director.

6.3.5 Unauthorized leave or absences from work will be deducted from annual leave.

6.4 Public Holidays

6.4.1 MYSA will observe all national or religious holidays that are officially recognized nationally.

6.5 Maternity/Paternity Leave

6.5.1 Female employees will be entitled to maternity leave equivalent to three months with full pay provided they have completed six months of service with MYSA and provided the prevailing contract of employment does not expire during the period of maternity leave.

6.5.2 No female employee shall forfeit her annual leave entitlement under section 28 on account of having taken maternity leave.

6.5.3 Male employees shall be entitled to two weeks paternity leave with full pay.

6.6 Sick Leave

6.5.1 Defined as "absence from duty on account of illness" and must be supported by a medical certificate from a registered medical practitioner within 48 hours. Absence from duty without approval entails liability to either deduction of leave days, forfeiture of salary and/or other disciplinary action. In one calendar year, an employee will be allowed sick leave of eighteen (18) working days.

6.5.2 Should an employee fall ill while on leave and remain ill beyond the expiry date of that leave, he/she shall report the fact in writing to the Human Resources Officer immediately and at the same

time attach the requisite supporting certificate from a registered medical doctor stating details of the illness and its duration.

6.5.3 Records of all periods of sick leave granted to an employee will be kept in their personal file for future reference.

6.5.4 Where an employee is constantly sick the Director and/or the employee's line manager may request for a medical report on the employee and/or dependents to determine the cause of constant sickness in order to find ways of managing the particular case.

6.5.5 Serious illness: In case of serious illness a staff will get a one month full pay and get half pay for the next two months. An employee may later on be retired on medical grounds.

6.7 Compassionate Leave

6.7.1 In the event of death of a spouse, child or parents of an employee, he/she will be entitled to compassionate leave of 7 calendar days. These days will not be deducted from the annual leave.

6.7.2 Should an employee require more time off after the expiry of the period of compassionate leave this extra time will be deducted from their annual leave.

6.7.3 In the event of death of any other person related to the employee, he/she may be granted leave at the discretion of the management but this leave must be deducted from the annual leave entitlement of the employee.

6.8 Returning from Leave

6.8.1 All employees are duty bound to report for work on time or explain in writing any expected lateness from resumption of duty after expiration of leave.

6.8.2 If an employee does not return to duty on expiry of their leave and does not report the reason for the delay in writing the action may be taken as desertion if the absence lasts for more than 7 days. Consequently the salary will be stopped effective from the date the leave days expired.

6.9 Annual Leave

6.9.1 In addition to the 24 annual leave days, employees will be entitled to a maximum of six (6) days during the Christmas to New Year break unless these days coincide with the period of annual leave, in which case the two shall run concurrently.

6.9.2 Those staff on duty during this period will be given Compensatory Time Off (CTO).

6.9.3 Staff attending a professional course will be entitled to seven (7) days study leave annually.

6.10 Compensatory Leave

6.10.1 All staff that go on official missions out of Nairobi will be entitled to one day off upon their return for every seven full days spent away. This should be taken within 30 days of their return, otherwise it will be forfeited.

6.11 Transport and Travel

6.11.1 MYSA will provide transport or shall reimburse transport costs incurred by the employee by the most economical means under the following circumstances:

- (a) while on duty at their duty station in accordance with their job description and responsibilities;
- (b) on approved missions (e.g. workshops, seminars, conferences, official meetings).

6.11.2 In cases where transport costs are to be reimbursed, the employee must present the original receipts for reimbursement.

6.11.3 Where an employee is authorized to use their own vehicle the rates approved will be based on the Automobile Association of Kenya (AA) schedule prevailing at the time.

6.12 Per Diem

6.12.1 A per diem is the daily rate that covers for out-of-pocket expenses for every night spent outside the duty station but not at the place of residence while on an approved mission.

6.12.2 Employees will not qualify for the payment of per diems for locations in which they or their families normally reside.

6.12.3 Employees exceeding the authorized number of days for duty travel will not be paid the per diem for the time overspent while on duty.

6.12.4 Per diem rates will be reviewed by an appointed committee and approved by the Executive Director on an annual basis.

6.12.5 Employees going on mission outside Africa will be paid a daily rate of US\$ 20 and those going outside Kenya to another African country will be paid a daily rate of US\$ 15 and those going outside Nairobi but not outside Kenya will be paid a daily rate of US\$ 10.

6.12.6 All per diems should be claimed within 7 days after completing the mission. Per diems not claimed within the specified period shall be forfeited. All claims should be accompanied by a report.

6.13 Provident Fund

- 6.13.1 All staff members will be registered in a provident fund set up by MYSA
- 6.13.2 MYSA will in turn remit all the funds to a registered and reliable insurance company.
- 6.13.3 All the staff members will contribute 7.5% of their total earning monthly to the fund.
- 6.13.4 Deductions will be at source and reflected in individual staff pay slips.
- 6.13.5 MYSA will in turn contribute 12.5% of each staff salary to this fund.
- 6.13.6 Staff members will only claim their total savings from the organization at the time they leave the organization, less any deductions due or for owing the organization any property.
- 6.13.7 All staff members will claim the savings only after being issued with a Clearance Certificate.

6.14 Health Insurance

- 6.14.1 MYSA will identify a designated hospital for use by the staff and immediate family up to the limit of the available budget. For treatment outside the designated facility, the management will review, refund or pay directly on a case by case basis within the available budget.

6.15 Staff Advances/Loans

- 6.15.1 In special circumstances, MYSA will provide a salary advance or loan to staff provided this is done in writing and is within the staff member's ability to repay it from their salary in three months.

7. HEALTH AND SAFETY: HIV/AIDS

- 7.1 All staff must respect and adhere to the MYSA Policy on HIV/AIDS and the Workplace.

8. EQUAL OPPORTUNITIES**8.1 Disabled People**

- 8.1.1 MYSA will ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Hiring procedures are continually reviewed so as to provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.
- 8.1.2 Reasonable accommodation is available to all disabled employees where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria and not the disability of the individual.
- 8.1.3 Qualified individuals with disabilities are entitled to equal pay and other forms of compensation, or changes in compensation, as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority list. Leave of all types will be available to all employees on an equal basis.
- 8.1.4 MYSA is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. MYSA will follow any laws that provide individuals with disabilities greater protection.

9. GRIEVANCES**9.1 Grievance Statement**

- 9.1.1 An employee who feels aggrieved by a superior colleague or with working conditions is encouraged to follow the procedures that are outlined in this policy to address grievances with the understanding that:
 - (a) there will be no reprisals taken against them for using the procedures;
 - (b) the grievances will be responded to thoroughly and appropriately.

9.2 Grievance Procedure

- 9.2.1 An employee with a grievance should first discuss it with their immediate supervisor.
- 9.2.2 If the employee is not satisfied with the outcome of such discussions, the grievance should be lodged in writing with the employee's immediate supervisor.
- 9.2.3 The immediate supervisor is required to reply in writing to such grievances within 48 hours.
- 9.2.4 If the employee is not satisfied with the supervisor's written reply, he/she should direct in writing the grievance the Human Resources Officer with a copy to the Director and Project Manager attaching copies of the previous correspondence with the immediate supervisor.
- 9.2.5 The Human Resources Officer, in consultation with the Director, will review the grievances and reply in writing within seven (7) days from the date of receipt of the grievance.

9.2.6 The employee has the right to direct access to the Director in order to discuss the problem.

9.2.7 The decision of the Director, in consultation with the management group and the Board of Trustees, will be final.

10. DISCIPLINE

10.1 Purpose and Scope

10.1.1 The disciplinary procedure is the code of practice on disciplinary issues under MYSA employment. The code sets out guidelines on managing and resolving disputes of a disciplinary nature.

10.1.2 This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim of this code is to ensure consistent and fair treatment for all.

10.1.3 No disciplinary action will be taken against an employee until the case has been fully investigated.

10.1.4 At every stage in the procedure, employees will be advised of the nature of the complaint against them and will be given the opportunity to state their case.

10.1.5 An employee will have the right to appeal against any disciplinary penalty.

10.2 Misdemeanours

10.2.1 Misdemeanours are those actions, which cause disruption of teamwork and efficiency but are not of a serious nature unless part of a wider pattern of negative unproductive behaviour. Examples of misdemeanours include:

- (a) lateness or truancy;
- (b) failure to achieve acceptable levels of performance;
- (c) minor cases of carelessness with the organization's property.

10.2.2 A verbal warning will be given for misdemeanours as a first step. Any subsequent misdemeanours acts within a period of five (5) months are considered to be incidents of misconduct.

10.3 Misconduct

10.3.1 Misconduct is a serious breach of discipline. Examples include:

- (a) misrepresentation or omission of facts when obtaining employment with MYSA;
- (b) absence from duty station;
- (c) lack of co-operation with other staff;
- (d) failure to follow the organization's standard operating procedures (e.g. personnel, finance, logistics and security);
- (e) failure to reach acceptable levels of performance as stipulated in the job description;
- (f) failure to carry out legitimate instructions of a senior staff;
- (g) insubordination;
- (h) deliberate dishonesty;
- (i) sexual harassment;
- (j) inappropriate behaviour injurious to the good standing of MYSA's image and reputation;
- (k) drinking or being under the influence of alcohol during working hours.

10.3.2 Sexual harassment is not restricted to the seeking of sexual favours in a working environment but also perceived acts of harassment calculated to intimidate an employee on the basis of their gender. Therefore, no employee or volunteer should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical actions, that created an intimidating and hostile environment. An employee who believes that he/she has been subjected to sexual harassment is strongly urged to report the matter promptly first to the attention of the immediate manager, Director or the Human Resources Administrator.

10.3.3 Cases of misconduct will result in a first warning letter. Any subsequent misbehaviour within the period of the next five months will result in a second and final warning letter. Any further misbehaviour will be considered as gross misconduct.

10.4 Gross Misconduct

10.4.1 Gross misconduct is a breach of discipline of such magnitude as to warrant instant dismissal. It looks at a single act of misconduct that is serious enough on its own to justify the employee's immediate dismissal. Examples include:

- (a) engaging directly in trade or business at the project location that is considered incompatible with employee responsibilities;
- (b) any action that brings the organization into disrepute;
- (c) discharge of confidential information to unauthorized parties;
- (d) gross incompetence;
- (e) criminal conviction;

- (f) divulging false information about MYSA;
- (g) driving an organization's vehicle or operating machinery when drunk or under the influence of alcohol or drugs;
- (h) desertion (e.g. absence from duty without leave or sufficient cause for a period of days);
- (i) absence from work or repeated late attendance without reasonable cause;
- (j) behaviour that leads to inability to perform duties specified in the job description;
- (k) theft, fraud, corruption or bribery of any nature and of any scale;
- (l) physical attack on a colleague or client within the work premises or duty station;
- (m) any other action stipulated in the employment Act (Cap. 226) of the Laws of Kenya.

10.4.2 Cases of gross misconduct will automatically lead to instant dismissal without recourse to any procedures.

10.5 Suspension and Dismissal

10.5.1 Sanctions for breaches of discipline are primarily through warning letters and dismissal. However, the management may, at its own discretion, reduce the punishment to suspension from duty without pay.

10.5.2 If any employees commit a breach of discipline that warrants suspension, they will be sent home pending an investigation whose outcome may result in a warning letter or termination of service or any other necessary action.

10.5.3 Suspension of an employee will not exceed two (2) weeks, this being the required period set for the completion of investigations.

10.5.4 If the employee is found to be innocent and is reinstated, payment of any unpaid wages will be restricted to the period of suspension. In case of legal dismissal, the employee will only be entitled to full salary paid up to the date that the employee was first suspended.

10.5.5 Any of the examples given above under gross misconduct justify the summary dismissal of an employee for lawful cause.

10.5.6 The employee will be paid all the salary earned up to the time of dismissal and other leave benefits.

10.5.7 Accomplices: Any staff that witnesses or participates in a breach of rules and regulations without reasonable effort to prevent the offence will also be liable to disciplinary action.

11. TERMINATION OF EMPLOYMENT

11.1 Voluntary Resignation

11.1.1 Either of the parties to the contract may terminate the contract of employment by giving one month's notice in writing to the other, or by payment of the equivalent period's salary.

11.2 End of Contract

11.2.1 If the termination of the contract is due to the expiry of the contract MYSA will, whenever possible give the employee one month's notice to the effect that the employee's contract will not be renewed due to reasons other than inability or incompetence.

11.3 Lack of Funds

11.3.1 In such cases where the donor fails to meet its contractual obligations and commitments to MYSA, the status of the employee's contract will need to be reviewed and modified as necessary and appropriate. In the event of severe funding constraints the contract with the employee may have to be terminated.

11.4 Summary Dismissal

11.4.1 This is any necessary action that amounts to gross misconduct so as to justify the summary dismissal of the employee. Where an employee is summarily dismissed for lawful cause, the employee shall, on dismissal, be paid all moneys, allowances and benefits due to them up to the date of their dismissal.

11.4.2 No wages shall be payable to an employee in respect of a period during which the employee is detained in custody or is serving a sentence of imprisonment imposed under any law.

11.4.3 MYSA may deduct any amount due from the employee as a contribution to any provident fund or superannuation scheme or any other scheme approved by the Commissioner for Labour to which the employee has agreed to contribute;

11.4.4 MYSA may deduct a reasonable amount for any damage done to, or loss of, any property lawfully in the possession or custody of the employer occasioned by the wilful default of the employee.

11.4.5 MYSA may make a deduction to which is authorised by any written law for the time being in

force, collective agreement, wage determination, court order or arbitration award.

12. EXIT AND CLEARANCE

12.1 Handing Over

12.1.1 A handing over is required in order to obtain a Clearance Certificate.

12.1.2 Outgoing employees are required to submit a written hand over report, which should describe all pending work, to their immediate supervisor with copies to other relevant staff.

12.1.3 Before any termination benefits can be released to the employee, the outgoing employee will be required to hand in equipment, assets and any other item belonging to MYSA.

12.1.4 Outgoing employees are required to sign a "No Further Claims Declaration" before their final dues are released.

12.2 Clearance Certificate

12.2.1 Outgoing employees will have to complete a Clearance Certificate that will be signed by all heads of department in MYSA.

12.2.2 The Officer in charge of an outgoing employee will be responsible for clearing the employee and advising the relevant authorities to release the final dues.

12.2.3 The final dues for an outgoing employee should be net of all liabilities in debts including statutory deductions. This net payment will be released separately from the rest of the payroll and preferably by cheque.

12.3 Certificate of Service

12.3.1 Every employee will be given a Certificate of Service upon leaving employment provided he has served for a continuous period of not less than three (3) months.

12.3.2 A Certificate of Service will be issued to an employee after securing a Clearance Certificate.

12.3.3 The Certificate of Service will contain the following details:

- (a) name of the employer and the registered office;
- (b) name of the employee;
- (c) date when employment commenced;
- (d) nature and usual place of employment;
- (e) date when employment ceased;
- (f) any other particulars that may be deemed relevant.

13. LEGAL OBLIGATIONS OF STAFF

13.1 In any disagreement on MYSA policies, management and decisions, the staff member agrees to respect the appropriate internal management processes and procedures of MYSA and to refrain from raising their concerns with any MYSA partners or donors or organizations or persons external to MYSA. The staff member agrees that any violation of this requirement will lead to summary dismissal.

13.2 During their period of employment by MYSA, the staff member agrees not to undertake voluntary or paid assignments or contracts with another organization or company or to accept any financial or other benefits from another organization or company without the prior written agreement of MYSA. The staff member agrees that any violation of this requirement will lead to summary dismissal.

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MYSA Policy on Leadership Awards¹

1. Activity Forms

- 1.1 Activity forms should only list those activities which are organized by MYSA and approved by a MYSA leader. Only those activities recorded in the activity form are counted.
- 1.2 Activity forms should be submitted to the MYSA Leadership Awards staff immediately after they are fully completed.
- 1.3 Points earned during the annual MYSA Championships in early December will also count. The final deadline for submission of the forms is three days after the annual MYSA Championships.

2. Point System

- 2.1 When awarding points, special consideration will be given to volunteers who are 13 years old or younger as they have less opportunities to earn points.
- 2.2 Volunteers over 13 years old can earn points for their various MYSA activities. The MYSA Leadership Awards staff will review and approve the awarding of points in all applications.
- 2.3 The final list of award winners must be approved by the MYSA Executive Council and be signed by the MYSA Director.
- 2.4 The list of winners list will be approved before or by early January. The award winners will be informed by MYSA leaders immediately after the list is approved.

3. Payment of Awards

- 3.1 The number of annual Leadership Awards will depend on the availability of funds.
- 3.2 The maximum annual amount for an award winner is Ksh 10,000. The award will be paid directly by cheque to the school or training institution chosen by the award winner.
- 3.3 All award winners must submit to the MYSA Leadership Awards staff the official prospectus and fee structure of their school or training institution which must be officially stamped and signed by the head of the institution as well as a parent or guardian. The institution must have a bank account as all payments shall be made by cheque.
- 3.4 The main aim of the Leadership Awards Project is to help talented young volunteers and leaders to stay in school or otherwise improve their qualifications for employment. Consequently, the awards should only be used for the education or training of the award winner.
- 3.5 In exceptional cases the award may be transferred to their brother or sister or their own wife or child if the award winner is already in reasonable employment and their brother, sister or wife is an active MYSA member.
- 3.6 In such exceptional cases the award winner must submit a written statement explaining the reasons and basis for transferring the award.
- 3.7 The awards will not be paid to schools or training institutions outside Nairobi.
- 3.8 If the activity forms or associated statements and documents are found to contain any false information, that person shall be immediately disqualified. If part or all of an award has already been paid, that person must repay that same amount to MYSA within a reasonable period or face possible prosecution for fraud and other disciplinary measures.

4. Postponed Payments

- 4.1 If the award winner is still in a primary school where there are no fees to be paid, they can receive some funds for paying for their primary school uniforms and textbooks with the remaining balance to be paid when they start secondary school.

¹ Adopted by the MYSA Executive Council in January 2003.



MYSA Policy on Reporting and Investigating Misconduct¹

1. Purpose of policy

1.1 All MYSA staff, volunteers and members are committed to setting and maintaining the highest professional and ethical standards in their conduct and to respecting fully all MYSA policies and Kenya laws.

1.2 This policy reflects MYSA's commitment to ensuring concerns raised in good faith about actual or suspected violations of its policies or Kenyan laws or other misconduct by its staff, volunteers or members are handled and investigated in a constructive, fair and responsible manner.

2. Duty to report

2.1 All MYSA staff, volunteers and members have a duty to report in good faith any actual or suspected misconduct by other MYSA staff, volunteers or members which they reasonably believe is or could constitute:

- (a) a serious violation of Kenyan laws and regulations;
- (b) a serious violation of MYSA's policies and procedures;
- (c) a serious threat to the integrity and reputation of MYSA;
- (d) a serious threat to the health, safety or security of others;
- (e) a criminal offence, especially corruption and bribery;
- (f) a fraudulent act regarding financial matters and reporting;
- (g) an unsporting or fraudulent attempt to manipulate matches;
- (h) an unsporting or fraudulent attempt to manipulate all-star team selections;
- (i) a deliberate attempt to conceal any of the above.

3. Reporting

3.1 To help implement this policy, a member of MYSA's Senior Management Committee shall be appointed as the MYSA Integrity Officer to receive and act on confidential reports on misconduct.

3.2 All reports on actual or suspected misconduct shall be submitted in writing to the MYSA Integrity Officer and/or Executive Director or, in exceptional circumstances when the conduct of either of them is at issue, to the Chairman of the Board of Trustees.

3.3 All such reports must include credible, factual and verifiable information, and preferably supporting documentation as well, on the actual or suspected misconduct.

3.4 All such reports shall be treated as confidential and, when requested, the identity of the person submitting the report shall be known only to those agreed with that person.

3.5 Those submitting such reports may choose to remain anonymous although that raises questions about their own good faith and intentions and also makes investigations more difficult to conduct.

4. Acting in good faith

4.1 Those submitting a report in good faith on actual or suspected misconduct shall be respected and shall not be subject to any reprisals or other detrimental or discriminatory actions against them.

4.2 Those submitting such reports shall not reveal their concerns to anyone else in or outside MYSA while the internal investigations are still being conducted.

4.3 Those submitting such reports who are later found to have provided false or intentionally inaccurate or misleading information shall be subject to disciplinary action.

5. Investigation procedures

5.1 All reported cases of actual or suspected misconduct shall be investigated in a confidential, fair and timely manner.

5.2 The investigation shall be conducted by the person receiving the original report or by a special task force with up to three (3) members appointed by that person.

¹ Adopted by the MYSA Executive Council on December 3, 2013. The policy was amended and adopted by the MYSA Senior Management Committee on July 21, 2014, by the MYSA Executive Council on July 26, 2014 and by the MYSA Board of Trustees on July 31, 2014.

5.3 On the basis of credible and verifiable evidence of misconduct, the accused person may be suspended at any point during the investigation.

5.4 The investigation shall be conducted and completed within thirty (30) days after the date of submission of the original report on the actual or suspected misconduct.

6. Findings and recommendations

6.1 Before a decision is made based on the findings and recommendations of the investigation, the accused person must be given an opportunity to explain and defend themselves.

6.2 The final report and recommendations of the investigation shall be submitted for approval to the Senior Management Committee which must act within five (5) working days after receiving the report.

6.3 The results of the internal investigation and the action taken shall be reported to the Executive Council, to the Executive Committee of the Board of Trustees and to the person who submitted the original report within five (5) working days after the Senior Management Committee meeting.



MYSA Policy on Staff Development and Training¹

1. MYSA will endeavour to identify the job related training needs of its staff and arrange for in-house training programmes by other staff and external trainers.
2. MYSA will also encourage and support staff to improve their relevant qualifications and performance through external training courses.
3. For that purpose MYSA will reserve a specific amount each year for in-house, short-term and external training.
4. For successful applicants, MYSA will pay up to a maximum of 60% of the tuition costs which should not be more than 20% of the total staff academic training budget.
5. Staff can apply for support under that fund on the following conditions:
 - (a) applicants must have worked in MYSA with satisfactory performance for at least two years;
 - (b) the proposed course is directly related to their work or other activities in MYSA;
 - (c) the proposed course is no longer than twenty-four (24) months;
 - (d) applicants agree to reimburse the full amount of the support by MYSA if they fail to complete or pass the course or leave MYSA for any reason within a minimum of two years after completing the course;
 - (e) applications must be submitted one month before the course commencement date.
6. Priority among the applicants will be given to those who have worked for MYSA with satisfactory performance for the longest period.
7. The support is subject to the availability of funds and the annual approval of the management and Chairman of the Board Finance Committee.
8. At the end of the year, any outstanding balance on the academic and short-term budgets shall be transferred to the Leadership Award Project, subject to approval by the relevant partners when necessary.

¹ Adopted by the MYSA Executive Council in 1999 and amended and approved by the Council on November 29, 2014 and the MYSA Board of Trustees on December 5, 2014.

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MYSA Policy on Theft¹

1. MYSA property

1.1 MYSA property belongs collectively to the youth and members. Anyone taking MYSA property is stealing from the youth. Anyone in possession of stolen MYSA property is illegally using property belonging to all the youth. In both cases the following MYSA policy will be applied.

2. Theft of property

2.1 Anyone who steals MYSA property will:

- (a) return the stolen property or reimburse MYSA for its full value by a date specified by the Executive Council; or, in default,
- (b) be reported to the MYSA advocates and the police for criminal or civil prosecution.

3. Theft by staff members

3.1 In addition to the provisions in paragraph 1, members or staff who steal MYSA property will be expelled from the organization. Staff who steal MYSA property will:

- (a) be allowed to resign and receive a certificate as specified in the Employment Act *if* they record a full and accurate statement on the theft and make full restitution to MYSA within a time period specified by the Executive Council; or,
- (b) be summarily dismissed, lose all accrued and future rights and benefits in MYSA and, if the Executive Council so decides, be reported as in 1(b) above and in notices placed in the community, newspapers and letters to other organizations.

4. Possession of stolen property

4.1 Anyone found in possession of stolen MYSA property will:

- (a) return the stolen property to MYSA and record a statement how they obtained it;
- (b) be reported to the MYSA advocates and the police for being in possession of stolen property and risk a criminal prosecution for receiving stolen property and/or a civil case for restitution of the property or its equivalent value.

4.2 Any MYSA member found in possession of stolen MYSA property will be suspended until it is returned and risks criminal or civil prosecution under paragraph 2.1 (b).

5. Reporting theft

5.1 MYSA members who fail to report anyone who has stolen from MYSA or is in possession of stolen MYSA property will be suspended from MYSA for such period as the Executive Council shall decide. All reports on the theft or illegal possession of MYSA property will be thoroughly investigated and reported to the Senior Management Committee and Executive Council for action.

¹ Adopted by the MYSA Adopted by the MYSA Executive Council on June 6, 1996 and amended on October 9, 1996, December 12, 1996 and March 2003.

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CHILD SAFEGUARDING AND PROTECTION POLICY

2012

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ABBREVIATIONS AND ACRONYMS

ACRWC	African Charter on the rights and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
CPC	Child Protection Committee
ECD	Early Childhood Development
ECE	Early Childhood Education
HIV	Human Immune Virus
ICT	Information, Communication and Technology
IEC	Information, Education and Communication
ILO	International Labour Organization
MDGs	Millennium Development Goals
MYSa	Mathare Youth and Sport Association
OVC	Orphan and Vulnerable Child
PWD	Persons with Disability
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Emergency Fund

OPERATIONAL DEFINITION OF TERMS

The following are the definitions of various terms and concepts as used in the National Guidelines and Standards of Practice (FMWASD 2007) and also adopted here in this policy Document. The writers also include definitions culled from a few other sources.

Caregiver: The individual who takes primary responsibility for the physical, mental, and emotional needs and well being of a child.

Child: A person who is below the age of 18 years.

Child Labour: There is no universally accepted definition of child labour. Definitions are varied and ambiguous. Child labour is a complex phenomenon; the 1997 State of the World's Children (UNICEF, 1997: 24) captures this complexity: "[Child labour] takes place along a continuum. At one end of the continuum, the work is beneficial, promoting or enhancing a child's physical, mental, spiritual, moral or social development without interfering with schooling, recreation, and rest. At the other end, it is palpably destructive or exploitative." This statement raises important questions: At what point does child labour become a social problem? When do we cross the line from beneficial to harmful? Clearly there are extreme forms of child work that are unacceptable – child prostitutes, bonded labourers, and child soldiers – and should not be tolerated under any circumstances.

However, there are other types of work like household chores, farm work that need to be closely examined to determine their impact on children. For example, household chores may promote social development for some children but at the same time may be exploitative and destructive for other children. Child work is further complicated when the same type of work may be beneficial and harmful to the same children. For example, agricultural work may be beneficial in terms of providing income and improving nutrition but if children are taken out of school during planting or harvesting the work becomes harmful because it is hindering their education.

Child labour is a complex phenomenon that is difficult to define. Definitions tend to be either too broad or too narrow. A broad definition of child labour may include aspects of child work that are beneficial, while a narrow definition may exclude harmful child activities. By defining

child labour as an economic activity researchers fail to capture the large number of children contributing to the upkeep of the household at the expense of school and social development.

ILO defines child labourers as (1) children between 5-11 years of age who are economically active; (2) children between 12-14 years of age who work in an economic activity for 14 or more hours per week, and (3) children between 12-17 years of age engaged in hazardous work.

The definition of child labour used by the ILO is derived from two conventions, Convention 138 on the Minimum Age for Admission to Employment and Work, which sets the minimum working age at 15 years (14 years for some developing countries), and Convention 182 on the Worst Forms of Child Labour, which focuses on the worst forms of child labour. The main assumption is that work that does not interfere with children's schooling or affect their health is positive. Although ILO makes this distinction between child work and child labour, ILO survey data measure whether a child is engaged in economic activity. This is a narrow definition because it excludes domestic chores. Majority of working children participate in domestic chores - they fetch water, cook, clean, farm, and take care of their younger siblings (Reynolds, 1991). UNICEF has a broader definition of child labour. It defines child labour as work that exceeds (1) 1 hour of economic labour or 28 hours in a week of domestic labour for children, 5 –11 years; (2) 14 hours of economic labour or 28 hours of domestic labour for children, 12 – 14 years, and (3) 43 hours of economic labour for children, 15 – 17 years within a span of 7 days. This definition expands the ILO definition but also has limitations.

The definition assumes 28 hours of domestic chores per week do not interfere with school attendance.

28 hours of domestic chores for a child age 6 seems too high and is likely to impact schooling.

The number of hours children work is an important indicator of the intensity of child work, but it is also useful to know the time of day/night children work to determine its impact on schooling. The definition of child labour continues to be the greatest obstacle to the study of children at work.

Despite its limitations, the UNICEF definition is more inclusive and a significant improvement from the ILO definition. UNICEF noted, and rightly so, that child labour happens along a continuum then we cannot exclude household chores because it may be harmful to children if they fail to attend school, work long hours, engage in physically demanding tasks, or experience abuse.

Child Work: Children's participation in economic activity that does not negatively affect their health and development or interfere with their education. Work that does not interfere with their education (light work) is permitted from the age of 12 under the International Labour Organization (ILO) Convention 138. (See **Child Labour, Economic Activity, and Hazardous Work.**)

Community: A group of people, usually living in an identifiable geographical area, who share a common culture and are arranged in a social structure that allows them to exhibit some awareness of a common identity as a group.

Community Development Committee also called **Child Protection Committees** (responsible for child welfare): A group comprising men, women, girls, and boys, which should be established and/or strengthened in communities and which will be responsible for identifying orphans and vulnerable children (OVCs) and for implementing, and monitoring OVC programs in communities. It could be an existing village or community committee, age grade, and so on, that can effectively take on the added responsibility of ensuring child welfare.

Disability: The state in which a person has a visual, hearing, speech, physical, mental, emotional, or intellectual impairment that may be present singly or in combination; may be mild, moderate, or severe in nature.

Economic Activity: A broad concept that encompasses most productive activities undertaken by children, whether for the market or not, paid or unpaid, for a few hours or full time, on a casual or regular basis, legal or illegal. It excludes chores undertaken in the child's own household or schooling. To be counted as economically active, a child must have worked for at least one hour on any day during a seven-day reference period (ILO 2006). (See **Child Labour and Hazardous Work.**)

Extended Family: A collection of a number of households or families of individuals who are related by blood and with social ties and responsibilities toward one another. Most communities especially in the rural areas depend on extended families for nutrition, care, and support.

Extreme Poverty: The state in which a person is living at a subsistence level that is below the minimum requirements for physical well-being, usually based on a quantitative proxy indicator such as income (less than one dollar a day) or calorie intake, but sometimes taking into account a broader, qualitative package of goods and services

Family: A group consisting of one or more parents, their offspring and close relations that provides a setting for social and economic security, transmission of values, protection, and affection for the family members.

Field Officer: A generic term that refers to the program staff or community volunteer, paid or unpaid, full time or part time who has direct, everyday contact with orphans and vulnerable children and their households (program beneficiaries).

Field Supervisor: A generic term for program staff or community volunteer, paid or unpaid, full time or part time, who has less frequent contact with orphans and vulnerable children and their households (program beneficiaries). She/he supervises a number of field officers, and often has oversight for the program.

Gender: Refers to the socially constructed roles and responsibilities of women and men in a given culture and location. These roles are influenced by perceptions and expectations arising from cultural, political, environmental, economic, social, and religious factors, as well as custom, law, class, ethnicity, and individual or institutional bias. Gender attitudes and behaviours are learned and can be changed. (CEDPA)

Gender Mainstreaming: The process of assessing the implications for women and men of any planned action (including legislation, policies, or programs), in any sector and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres. This is to ensure that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality." *Source: UN*

Economic and Social Council, Report

Guardian: Any person caring for a non-biological child.

Hazardous Work: Any activity or occupation that, by its nature or type, has or leads to adverse effects on the child's safety, physical or mental health, or moral development.

Hazards could also derive from excessive workload, physical conditions of work, and/or work intensity in terms of duration or hours of work, even where the activity or occupation is known to be non-hazardous or safe (ILO 2006). Hazardous work is a subcategory of child labour, which in turn is a subcategory of economically active children.

Household: A group of people who normally live and eat together in one spatial unit and share domestic functions and activities. Although a household is similar to a family, the two are not identical. A household may be a family living in the same house or compound. A household may consist of one or more parents, children, and often includes extended family and friends.

Human Rights: Human rights are the rights people have simply because they are human beings regardless of their nationality, ethnicity, gender, language, race, or other status. They are the basic standards without which people cannot live in dignity. They are held by all persons equally and forever. Human rights are universal, interdependent, inalienable, and indivisible and are based on equality, human dignity, non-discrimination, and responsibility

Marginalized: A term used to refer to persons who are deprived of opportunities for living a respectable and reasonable life that is regarded as normal by the community to which they belong.

Minimum Package of Services and Rights: Proposed priority interventions that have been selected through a national consultative process that should provide a supportive environment for orphans and vulnerable children to live to their full potential.

Nutrient Dense: Refers to a lot of nutrients in a food serving (nutrients are proteins, fats, carbohydrates, vitamins, minerals, and water). Dark-colored foods are often more nutrient dense than light-colored foods. For example, whole grain flour is more nutrient dense than white colored highly processed flours; and dark leafy greens like the African spinach are more nutrient dense than lighter leafy greens like lettuce or cabbage.

Orphan: A child who has lost one parent [maternal/paternal orphan] or both parents [double orphan]. In some parts of Kenya, however, a child is not regarded as an orphan if the father is alive. In other parts, a child is regarded as an orphan only if both parents are dead. Most Kenyan languages do not have an equivalent for the term “orphan.”

Poor or In Need: The segment of the population that is defined, using a set of accepted criteria by the community, as belonging to the lowest socioeconomic strata in terms of access to opportunities, social services, and wealth (See **Extreme Poverty** and **Poverty**.)

Poverty: The inability of an individual, family, or community to attain a minimum standard of living, as defined in the Millennium Development Goals. This is evidenced by the lack of basic needs and services such as food, clothing, bedding, shelter, basic health care, roads, markets, education, information, and communication. (See **Extreme Poverty** and **Poor or In Need**.)

Vulnerability: A state of being or likely to be in a risky situation, where a person may suffer significant physical, emotional, or mental harm that could result in his or her human rights not being fulfilled. There are many factors that make a child vulnerable (See **Vulnerable Child**.)

Vulnerable Child: A child who, because of circumstances of birth or immediate environment, is prone to abuse or deprivation of basic needs, care, and protection, and is thus disadvantaged relative to his or her peers. Below are the categories of vulnerable children, as defined during consultations with stakeholders from the eight provinces in Kenya:

- ✚ Children who have lost one or both parents
- ✚ Children living with terminally or chronically ill parent(s) or caregiver(s)
- ✚ Children on or of the street (i.e., child hawkers)
- ✚ Children living with aged or frail grandparent(s)
- ✚ Children who get married before 18 years
- ✚ Neglected and abandoned children
- ✚ Children in child-headed homes
- ✚ Children infected with HIV
- ✚ Child beggars/destitute children including street children (*chokora*)
- ✚ Internally displaced or separated children
- ✚ Child domestic servants

- ✚ Child sex workers
- ✚ Children with special challenges or disability, or whose parents have disability
- ✚ Trafficked children
- ✚ Children in conflict with the law
- ✚ Children of migrant workers (e.g., fishermen or -women, nomads)
- ✚ Children living with teenage unmarried parent(s)

1.0 PREAMBLE

This policy defines a child as any person under the age of 18 years. Children hold a special place in society. Their nurture and well being is the responsibility of key stakeholders who include parents, wider family, the state (central and local government) and civil society. Kenya, upon recognition that children rights are human rights, has taken great strides in advancing and advocating for them. In this respect, Kenya is a signatory to various international conventions including the United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and the Hague Convention on the protection of children and cooperation in respect of inter-country adoption.

The country has gone further and domesticated the same instruments by enacting the Children Act 2001, and participated in the various sessions reporting the progress made in implementing the said instruments. The commitment to the Millennium Development Goals (MDGs) and the articulation of children issues in Kenya's Vision 2030 is a demonstration of this obligation.

The Children Act was enacted in 2001 and came into force in March 2002. The fact that the said legislation came into being without reference to and in the absence of any existing policy framework has presented many challenges in its enforcement. This policy therefore serves as a framework to guide the government in achieving commitment to our children through the implementation of the Children Act 2001. By so doing, all the children in Kenya will realize their rights as articulated in the various international instruments. More importantly, this policy will ensure that these rights are protected and advanced so that children in Kenya have a chance of realizing their full potential by growing in a safe and stable environment.

This MYSA policy draws its context from the existing international, regional and national instruments and frameworks that support the realization of the rights and welfare of children. Key among these include; The United Nations Convention on the Rights of the Child (1989); The African Charter on the Rights and the Welfare of the Child (1990); The Children Act (2001); National Early Childhood Development Policy framework; The Refugee Act (2006); The Hague Convention (1993); Employment Act (2007); ILO convention number 182; Minimum Age Convention number 138; Refugee Convention (1951); and the Disability Act (2003). Other relevant frameworks include the Kenya Health Policy Framework (1999), the National Health

Sector Strategic Plan II (2005-2010), The Water Act (2002), the National Early Childhood Development Service Standard Guidelines (2006), Sexual Offenses Act (2006), Food and Nutrition Policy (2007) and the National Hygiene and Sanitation Policy (2007).

After this policy is approved, a detailed five year Plan of Action will be drawn to operationalize it. In order to address the emerging issues that may affect the realization of children rights, it is recommended that this policy be reviewed from time to time when need arises.

2.0 THE POLICY VISION, GOALS AND OBJECTIVES

The policy goals stated herein are based on the key pillars of Child Rights as articulated in the (UNCRC), 1989. These are **Survival Rights, Development Rights, Protection Rights** and **Participation Rights**.

2.1 Policy Vision:

The vision of this policy is to create an environment where all the rights of a child in contact with the MYSA will be fulfilled.

2.2 Policy Goals and Objectives:

The overall goal of this policy is to realize and safeguard the rights and welfare of the child in contact with MYSA.

The specific policy objectives include:

- 2.2.1 To provide a framework for addressing issues related to children's rights and welfare in a holistic and focused manner within the organization.
- 2.2.2 To provide direction and purpose in establishing social and child protection mechanisms while mobilizing resources for action.
- 2.2.3 To act as a criterion for evaluating and monitoring the implementation of various policies and programmes on issues related to children.

2.3 Policy Principles:

The following are the policy principles;

- 2.3.1 To uphold the best interest of the child in all situations.
- 2.3.2 To ensure respect for human dignity, accountability, non-discrimination, equity and equality in relation to children.

2.3.3 To ensure accessibility of services and participation by children

2.3.4 To commit every individual adult within the organization to take responsibility to protect the rights of the child regardless of the individual's relationship with the child.

2.4 Purpose of policy

The purpose of the MYSA child protection policy is to promote, protect and fulfil children's rights regarding abuse, neglect, exploitation and violence as expressed in the UN Convention on the Rights of the Child and other human rights, humanitarian treaties and Conventions, as well as national laws.

2.5 Aims of policy

2.5.1 The main aims are:

- (a) To ensure MYSA provides children with a protective, safe, healthy and stimulating environment;
- (b) To ensure all MYSA children have enriching and educational experiences designed to strengthen their confidence and self-esteem and improve their physical and mental health;
- (c) To ensure all MYSA employees, peer leaders, interns, coaches and instructors respond adequately to child protection issues.

2.6 MYSA CHILD PROTECTION POLICY STATEMENT

MYSA is committed to creating and maintaining the safest possible environment for children to play, nurture and develop talent in sport.

We do this by:

2.6.1 Recognizing that all children have the right to freedom from abuse and harm.

2.6.2 Ensuring that all our staff and volunteers are carefully selected and vetted, have the relevant qualifications and experience, and accept responsibility for helping to prevent the abuse of children in their care.

- 2.6.3 Responding quickly and appropriately to all suspicions or allegations of abuse of children.
- 2.6.4 Providing parents/carers, children with the opportunity to voice any concerns they may have.
- 2.6.5 Adopting alternative methods of disciplinary measures and sanctions which are non-violent and do not impose humiliation.
- 2.6.6 Appointing a child protection officer who takes specific responsibility for children's protection, safety and well-being.
- 2.6.7 Reviewing the effectiveness of the clubs child protection policy and procedures.
- 2.6.8 Working with external agencies, for example governing body, district children office, police, to ensure as far as is possible, that children are protected fully.
- 2.6.9 Not tolerating bullying. Incidents of bullying will be investigated and treated seriously. Action will be taken to stop the bullying if identified by child protection officer.

MYSA makes no distinction between, caste, religion, gender, ability or disability; all are children and all should be given an equal opportunity whilst remaining equally free from oppression and abuse race, class religion or ethnic.

Children are entitled to the following rights provided by the parents and the Kenya government as stated in Sections 3-19 of Part II of the Children Act of 2001 of the Laws of Kenya:

- (a) Right to life;
- (b) Right to parental care;
- (c) Right to free and compulsory basic education;
- (d) Right to religious education subject to appropriated parental guidance;
- (e) Right to health and medical care;
- (f) Right to be protected from economic exploitation and any work that is likely to be hazardous or to interfere with the child's education or harmful to the child's health or physical, mental, spiritual, moral or social development;
- (g) Right to protection from taking part in hostilities or armed conflicts;

- (h) Right to their name and nationality;
- (i) Right for a child with a disability to be treated with dignity and accorded appropriate medical care, special care, education and training;
- (j) Right to protection against harmful cultural practices, including circumcision, early marriage and other cultural practices that are likely to negatively affect a child;
- (k) Right to protection from sexual exploitation and use in prostitution, from inducement or coercion to engage in any sexual activity and from exposure to obscene materials;
- (l) Right to protection from drugs, including hallucinogens, narcotics, alcohol, tobacco products and psychotropic drugs;
- (m) Right to leisure, play and participation in cultural and artistic activities;
- (n) Right to protection from torture, cruel treatment or punishment, including capital punishment, and from unlawful arrest or deprivation of liberty, including life imprisonment;
- (o) Right to privacy subject to parental guidance.

3.1 Application of policy

3.1.1 The application of this Child Protection Policy applies to the periods before, after and during a MYSA activity, whilst every effort will also be made to affect positively the behaviour of adults and children, towards children, in a wider societal context.

3.1.2 MYSA will meet its commitment to safeguard children through the following means:

- (a) **Awareness:** Ensuring that all MYSA employees, peer leaders, interns, coaches and instructors and others are aware of the problem of child abuse and the risks to children;
- (b) **Prevention:** Ensuring, through awareness and good practice, that MYSA employees, peer leaders, interns, coaches and instructors and others minimize the risks to children;
- (c) **Reporting:** Ensuring that staff and others are clear what steps to take where concerns arise regarding the safety of children;
- (d) **Responding:** Ensuring that action is taken to support and protect children where concerns arise regarding possible abuse.

3.1.3 In order that the above standards of reporting and responding are met, MYSA will:

- (a) Give immediate and serious attention to any concerns raised on child abuse;
- (b) Take positive steps to ensure the protection of children who are subjects of any concern;
- (c) Support children, MYSA employees, peer leaders, interns, coaches and instructors or other adults who raise concerns or who are the subjects of concern;
- (d) Act immediately and effectively in instigating or cooperating with any investigations;
- (e) Respect the principle of the best interests of the child in its child protection practices;
- (f) Listen to and takes seriously the views and wishes of the children.

3.2 Code of Conduct

3.2.1 The aim of the Code of Conduct is to empower children by involving and discussing with them their rights and also what is acceptable and unacceptable conduct and how they should and can respond when there is a problem.

3.2.2 The following key principles shall be paramount in all MYSA work with children:

- (a) Children should be free to learn and develop in an appropriate manner without the threat of punitive measures and exclusion for lack of achievement;
- (b) Children should be afforded the opportunity to participate in MYSA activities regardless of age, race, class, caste, religion, gender, ability or disability;
- (c) Children should be free to express themselves and to learn and develop in a manner that they see as suitable for their needs;
- (d) Children should be free from verbal, physical, and mental bullying, not just from adults but from their peers before, during and after MYSA activities;
- (e) Children should be treated as human beings in a stage of development and their protection during this development will be a top priority during all MYSA activities;

- (f) Children should be afforded the opportunity to express their opinions about issues that are important to them, not just about MYSA activities but also about anything they feel is important;
- (g) Children should experience the continuous promotion of fair play;
- (h) Children should be provided with appropriate information on HIV/AIDS prevention;
- (i) Anything a child tells MYSA employees, peer leaders, interns, coaches and instructors will be treated as confidential unless that information constitutes a significant risk to the child or other children or community;
- (j) All MYSA employees, peer leaders, interns, coaches and instructors, whether adult or child will conform to all rules and guidelines in this and other relevant MYSA policies.

3.2. 3. It is important for all MYSA employees, peer leaders, interns, coaches and instructors and others in contact with children:

- (a) To be aware of situations which may present risks and handle them appropriately;
- (b) To plan and organise their work and workplace so as to minimize risks;
- (c) To be visible in working with children as much as possible;
- (d) To ensure a culture of openness exists to encourage any issues or concerns to be raised and discussed;
- (e) To ensure that a sense of accountability exists among all MYSA employees, peer leaders, interns, coaches and instructors so that poor practices or potentially abusive behaviour does not go unchallenged;
- (f) To talk to children about their contact with MYSA staff and other leaders and encourage them to raise any concerns;
- (g) To empower children by discussing with them their rights and also what is acceptable and unacceptable and what they can do if there is a problem.

3.2.4 In general, it is inappropriate for MYSA employees, peer leaders, interns, coaches and instructors to:

- (a) Spend excessive time alone with children away from others;
- (b) Take children to their homes, especially if no other adults will be present.

3.2.5 MYSA employees, peer leaders, interns, coaches and instructors and others *must* never:

- (a) Hit or otherwise physically assault or physically abuse children;
- (b) Develop physical or sexual relationships with children;
- (c) Develop relationships with children which could in any way be deemed exploitative or abusive;
- (d) Act in ways that may be abusive or may place a child at risk of abuse.

3.2.6 MYSA employees, peer leaders, interns, coaches and instructors *must* avoid actions or behaviour that could be construed as poor practices or potentially abusive. For example, they should never:

- (a) Use language, make suggestions or offer advice which is inappropriate, offensive or abusive;
- (b) Behave physically in a manner which is inappropriate or sexually provocative;
- (c) Have children with whom they are working stay overnight at their home unsupervised;
- (d) Sleep in the same room or bed as a child with whom they are working;
- (e) Do things for children of a personal nature which they can do for themselves;
- (f) Condone or participate in behaviour of children which is illegal, unsafe or abusive;
- (g) Act in ways intended to shame, humiliate, belittle or degrade children;
- (h) Perpetrate any form of emotional abuse;
- (i) Discriminate against or show different treatment or favour toward particular children to the exclusion of other children.

4.0 PROCEDURES AND RESPONSES

Child Protection commitment

4.1 The safety and welfare of children remains a key priority in MYSA activities. MYSA is committed to protecting children from any forms of abuse or suspicion of abuse. Any instance of abuse of a child must be reported and responded to.

Dealing with reported cases

4.2 The investigation and responding of reported cases will be within the responsibility of the MYSA Guardian/Counsellor who will have the mandate and authority:

- (a) To receive and make confidential investigations on any complaints on possible violations of this and other relevant MYSA policies;
- (b) To refer the children to institutions where they can get treatment and help;
- (c) To submit confidential reports with recommendations for appropriate action to the Chief Executive Officer or Chairman of the Board of Trustees on reported violation;
- (d) To counsel and assist children affected by such cases;
- (e) To identify and maintain contacts with other relevant groups and experts on children rights;
- (f) To organize periodic discussions and workshop with children and parents to improve proper understanding and compliance with child rights and the MYSA child protection policy;
- (g) To protect vulnerable children in MYSA;
- (h) To ensure that the rights of vulnerable kids are protected;
- (i) To prepare and assess data concerning any abused children in MYSA;
- (j) To involve other MYSA partners in child protection measures;
- (k) To organize training workshops on parenting skills;

(l) To promote community awareness on child protection and rights.

5.0 SURVIVAL RIGHTS

All Children Have a Right to Be Born, Nurtured and to Grow in a Conducive and Secure Environment.

5.1 Health

MYSA acknowledges that all children regardless of their socio-cultural, economic and political status have a right to the highest attainable standard of health and appropriate health facilities and services. It shall be the obligation of the MYSA to provide adequate and quality health services to all children within its programmes.

MYSA also has obligation to ensure that children access quality preventive promotive, curative and rehabilitative services. In addition, special measures ought to be put in place by MYSA and all duty bearers to mitigate the impact of HIV/ AIDs and other diseases on children and embrace reproductive health concerns. This shall be realized through among others:

- 5.1.1 Measures to prevent and manage work place, injuries and accidents.
- 5.1.2 Provision of services and Information, Education and Communication (IEC) on HIV prevention, adolescent health, safe drinking water, environmental hygiene and sanitation.
- 5.1.3 Provision for child friendly counselling and testing services and access to age appropriate information.
- 5.1.4 Measures to control practices prejudicial to the health of the child.

6.0 DEVELOPMENT RIGHTS

Development Rights include Education, Play and Leisure, Cultural and Artistic Activities, Access to Appropriate Information, Social Security and Parental Care.

6.1 Education

All children under MYSA will access quality, relevant, accessible affordable and child friendly education in a secure and safe environment. The MYSA and parents/guardians are required to take steps to ensure accessibility, utilization of free and compulsory basic education that should take into account the foundational significance of the Early Childhood Education (ECE). This shall be achieved by among others:

- 6.1.1 Provision of equitable access to quality and adequate educational facilities, with safe drinking water and separate sanitation facilities for boys and girls.
- 6.1.2 Elimination of hidden barriers detrimental to accessing free education.
- 6.1.3 Provision for free feeding programmes for the needy and vulnerable children in schools.
- 6.1.4 Promotion of appropriate and child friendly physical education (games, sports) and other types of recreational as well as cultural and scientific activities in schools, MYSA community centres and other auxiliary institutions of MYSA..

6.2 Leisure, Recreation and Play

All children under MYSA shall have access to adequate and appropriate leisure, recreation and play for their holistic development for the realization, growth and exploitation of their talents. This shall be provided through among others:

- 6.2.1 Provision of child-friendly and well equipped community centres that are universally accessible and suited for all categories children.
- 6.2.2 Promote and inculcate the importance of play and leisure for the continued holistic development of the child

6.3 Socialization, Parental Care and Access to Information

positive socialization is a necessity in the overall development of the child. it is enhanced through inculcation of social norms, values and attitudes gained through parenting, peer association and social interactions. access to accurate and appropriate information supplements the process of socialization and prepares children for various life experiences and challenges. these shall be enhanced through among others:

- 6.3.1 Ensuring that children under care of MYSA do not access information that is detrimental to their development
- 6.3.2 Initiating Programmes to strengthen family ties so that full potentialities of growth of children are realized within the family, neighbourhood and the community environment.
- 6.3.3 Encouragement of foster care and adoption as alternatives to loss of parenting.

6.3.4 Provision of age-appropriate and gender responsive information, life skills and materials at all levels of child development.

6.4 Cultural and Artistic activities

As children grow, they are entitled to understand and identify with their cultural and artistic activities. It is the duty of the MYSA to encourage positive cultural and artistic development. This shall be achieved through among others:

6.4.1 Encouragement and institutionalization of regular cultural events to foster positive cultural values.

7.0 PROTECTION RIGHTS

All Children Under MYSA Especially Children With Disabilities and those with Special Needs Will be Protected from any Harm that may Interfere with their Growth and Development.

7.1 Drugs and Substance Abuse

This can be achieved through among others:

7.1.1 Initiating accessible and affordable or referral to rehabilitation and rescue centres, equipped with qualified personnel and equitably distributed countrywide for children who abuse drugs and other substances as well as medical care to children addicted to drugs.

7.1.2 Incorporation or mainstreaming of the dangers of drug abuse into MYSA programmes.

7.1.3 Provision of more recreational facilities with varied activities to engage children fully during times of leisure especially during the holidays.

7.2 Physical Abuse

All children under MYSA have a right to be protected from physical violence such as hitting, kicking, beating, bites, burns as well as corporal punishment, among others. Appropriate measures for protecting children from physical abuse will include:

7.2.1 MYSA will ensure enforcement of laws on corporal punishment and other forms of cruel and degrading punishments.

7.2.2 Lobbying and advocating for alternative forms of disciplining children.

7.3 Child Labour

All children under MYSA have the right to be protected from work that threatens their well being which include health, education growth and development. Appropriate measures for this protection include:

- 7.3.1 Advocate for programmes that prevent and protect children from child labour.
- 7.3.2 Ensure provision of social protection services especially access to education for all children as well as life skills.
- 7.3.3 Appropriate and marketable of sports skills for all school dropouts with provision as educational tool for life skill.

7.4 Child Trafficking

Protection of all children against all forms of sale, trafficking and abduction needs to be guaranteed. This is achievable through:

- 7.4.1 The involvement of the government (as a primary stake holder) and other duty bearers in the rescue and rehabilitation of all vulnerable children under MYSA care.
- 7.4.2 Ensuring that families of vulnerable children have access to social protection services.

7.5 Child Sexual Abuse and Exploitation

All children are vulnerable to sexual violence although girls are more affected. Protection against these shall be provided through among others:

- 7.5.1 MYSA will enhance provision of IEC programs and life skills for vulnerable children especially girls including children living with abusing parents.
- 7.5.2 Provision of child protection systems to receive and respond to cases of child sexual abuse.
- 7.5.3 Establishment of linkages with sheltering organization for children who have been sexually abused.
- 7.5.4 Putting in place child safety mechanisms at all departmental level.

7.6 Child Neglect

All children under MYSA care have a right to be brought up in a conducive environment and should be protected from neglect. Neglect is an important contributor of illness and death in

young children if not prevented. Measures to prevent and protect children from neglect include:

7.6.1 Support for parents and families.

7.6.2 Ensuring the existence of social protection and programmes.

7.7 Negative impact of Information Communication Technology (ICT) and Media

Children are susceptible to harmful information through ICT and media. There is therefore need for MYSA, stakeholders and other key persons in a child's life to ensure that the child is protected against possible harm. The specific measures of protection include among others:

7.7.1 Instituting rules on the use of Internet by children while incorporating clear guidelines and regulations on pornography and other criminal related exposures within the organization.

7.7.2 Awareness programs for the duty bearers on the dangers posed by exposure to uncontrolled media and pornographic materials.

7.8 Retrogressive Cultural, Beliefs and Practices

All children under MYSA shall be protected from retrogressive and repugnant cultural, beliefs and practices. Cultural and traditional practices constitute one of the major challenges to the full realization of child rights in Kenya. The necessary measures may include:

7.8.1 Provision of IEC programs to discourage retrogressive and repugnant cultural beliefs and practices.

7.8.2 Provision of linkages with other child friendly shelters for those rescued from retrogressive and repugnant cultural beliefs and practices

7.9 Negative influences and harm by Caregivers

All children under MYSA deserve quality care, nurture and protection against any dangers posed by those entrusted with their care. While girls are the most affected, children with disabilities have not been spared. Protection against harm by caregivers can be enhanced through among others:

- 7.9.1 Measures to support wider dissemination and implementation of the Sexual Offenses Act 2006 and the Disability Act (2003).
- 7.9.2 Provision of IEC programs to raise awareness on the rights of the children and forms of child abuse by caregivers.
- 7.9.3 Provision of a free and accessible channel to air complaints of child abuse especially for right claimers.

7.10 Orphans & Vulnerable Children (OVC)

Although all children have a right to be protected and receive support within the family, community and the wider society. Appropriate measures to protect orphans & vulnerable children (OVC) include:

- 7.10.1 Support for parents, families and care givers strengthen and support structures and community system take care of the orphans & vulnerable children (OVC)
- 7.10.2 Provision of treatment, care and support to children including their parents and caregivers.

8.0 PARTICIPATION RIGHTS

Due to socio-cultural influences, children are ignored in key decisions that impinge on their welfare hence, the call to underscore their participation as a right. All children shall participate in all areas relevant to their gender and age. This shall be facilitated through such measures as:

- 8.1 Provision of appropriate and accurate information at all stages in their growth to enhance their participation in regard to expression of opinion.
- 8.2 Provision for appropriate forums to promote association and expression of opinion for all categories of children, at all levels, with proper representation by region, age and gender.

8.3 Popularization of the already existing child participation guidelines to the public.

9.0 DUTIES AND RESPONSIBILITIES OF CHILDREN

In pursuant to Article 31 of the African Charter, clear guidelines on the duties and responsibilities of children in the application of the rights of a child should be availed. These shall incorporate:

9.1 Work for the cohesion of the family and the community.

9.2 Respect for parents, superiors and elders at all times

9.3 Service to the community;

9.4 Preservation and strengthening of social and national solidarity including responsible citizenship

9.5 Preservation and strengthening of the positive cultural values of the community

10.0 MYSA DISCLOSURES OF ABUSE – WHAT TO DO

If a child makes a disclosure of abuse the following actions are to be taken:

10.1 React calmly so as not to frighten or deter the child

10.2 Listen carefully to what the child tells you without interrupting and take it seriously.

10.3 Ask questions for clarification only. Avoid asking questions that suggest a particular answer.

10.4 Do not stop a child who is freely recalling significant events. Allow them to continue at their own pace.

10.5 Acknowledge how difficult it might have been for them to share this with you.

10.6 Reassure them that they have done the right thing in telling

10.7 Tell the child that they are not to blame.

10.8 Never promise a child that what they told you can be kept a secret. Explain to the child that you have a responsibility for their safety and therefore have to tell somebody in authority. Let them know that there are others who can help them and that they are not alone.

10.9 Tell them what you will do next and with whom the information will be shared.

10.10 Ensure the safety of the child.

- 10.11 As soon as possible take care to record in writing what was said using the child's own words. Record the date, time, setting, any names mentioned, to whom the information were given and other people present, sign and date the record.
- 10.12 Record any subsequent events and actions.
- 10.13 It is not your responsibility to decide if a child has been abused. Any disclosure must be raised with the named child protection officer/ team and followed through appropriately.
- 10.14 A child may recall former abuse once in a safe situation. Although they may be under no current threat to their safety, any disclosure must be raised with the named child protection person and followed through appropriately.
- 10.15 You may also have concerns about a child's welfare where there has not been any disclosure or allegations. In the best interests of the child, these concerns should be raised with the named child protection person and followed through appropriately.

11.0 MYSA GUIDELINE ON GOOD PRACTICE

The following guidelines should be followed:

- 11.1 Treat all children equally, with respect and dignity.
- 11.2 Put the welfare of the child first, before winning or achieving goals
- 11.3 Make the club safe, fun enjoyable e and promote fair play
- 11.4 Give enthusiastic and constructive feedback
- 11.5 Adopt a child protection policy and actively promote it to all staff, volunteers, parents' careers, and children.
- 11.6 Display the model club policy statement
- 11.7 All staff and volunteers are carefully selected and criminal records bureau checked. (please refer to ISCB's good practice and safer recruitment guidelines for guidance
- 11.8 All staff and volunteers have access to training
- 11.9 Ensure that any videoing or photography of the children in pre-arranged with the club organizer and requests are in writing.
- 11.10 Avoid situations where you may be alone with a child or group of children and are completely unobserved.

11.11 Avoid taking children on car journeys

11.12 Do not allow any physically rough or sexually provocative games or inappropriate talking or touching during any activity.

11.13 All physical interactions between adults and children must be appropriate to the situation. If physical contact needs to be made, for example, supporting a child during a particular movement, the staff member should always explain what they are going to do and why beforehand, physical contact should be minimized and ceased as soon as it is safe to do so.

12 RESPONDING TO ALLEGATIONS AGAINST A MEMBER OF STAFF / VOLUNTEER OR ANOTHER CHILD

- a) As with any allegation of abuse this information must be passed on to the named child protection person. If the allegation is against the named child protection person concerns should be reported to a senior staff member and / or the relevant governing body for advice on how to proceed.
- b) Fully support and protect any staff/volunteer who in good faith (without malicious intent) reports their concerns about a colleagues' practice, or the possibility that a child may be being abused. Staff/volunteers should be able to raise concerns confidentially if necessary ensure the safety of the child.
- c) As a preventative measure, procedures should be in place for the safer recruitment of staff and volunteers. (Please refer to Good Practice and Safer Recruitment Guidelines for staff)

12.1 BULLYING

Bullying is not always easy to define but includes:

12.1.1 Deliberate hurtful behavior and aggression towards a victim

12.1.2 A victim who will often be weaker and less powerful than the bully or bullies

12.1.3 An outcome which is always painful and stressing for the victim

12.1.4 Physical: pushing, kicking, hitting, pinching, poling or any other form of physical contact which is harmful to the victim, theft.

12.1.5 Verbal: name-calling, sarcasm, spreading rumours, persistent teasing, swearing

12.1.6 Emotional: including, tormenting, ridicule, humiliation, isolation, sending hurtful text messages

12.1.7 Emotional and verbal bullying can be more difficult to cope with or prove than physical bullying

12.1.8 Racist: racial taunts, gestures, graffiti

12.1.9 Sexual: unwanted physical contact, abusive sexual comments, sexual innuendos, graffiti

12.1.10 Homophobic: taunts, teasing about the victim's sexuality, gestures, spreading rumours on sexuality.

12.1.11 Innuendos, unwanted physical contact, graffiti

12.1.12 Disability taunts, gestures, graffiti, unwanted physical contact, teasing about the victim's disability.

12.2 Actions to prevent bullying:

12.2.1 Take all signs of bullying very seriously

12.2.2 Encourage children to speak and share their concerns

12.2.3 Have a clear anti-bullying policy to which staff, volunteers, parent/carers, children sign up.

12.2.4 Improve supervision

12.2.5 Hold club discussions on bullying

12.3 If bullying occurs the club will

12.3.1 Take the problem seriously

12.3.2 Investigate it

12.3.3 Talk to the bullies and victims separately

12.3.4 Decide on appropriate action

12.4 Responding to suspected bullying

12.4.1 Help the victim speak out

12.4.2 Take action to ensure the victim is safe

12.4.3 Inform parents/carers of victim

12.4.4 Hold a follow-up meeting with the victim and their families to report progress

12.4.5 Talk to the bully to see if the allegation has any foundation, ideally not one-to one

12.4.6 Try to get the bully/ies to see the consequences of their behaviour

12.4.7 Support/encourage bullies to change behaviour.

12.4.8 Obtain an apology from bully/ies to victim

12.4.9 Inform parents/carers of the bully/ies

12.4.10 Insist on the return or replacement of any items "borrowed" stolen or destroyed

- 12.4.11 Impose appropriate sanctions against bully/ies in consultation with the parents/carers. These may result in the bully/ies being asked to leave the club
- 12.4.12 Hold a follow-up meeting with the bully/ies and their families to report progress
- 12.4.13 Provide support to coaches of bullies and victims
- 12.4.14 Inform relevant members of the club about the incident and any action taken
- 12.4.15 Keep a written record of incidents and action taken
- 12.4.16 Report any concerns to the named child protection person

13.0 VULNERABILITY OF SOME GROUPS OF CHILDREN – CARE OF DISABLED CHILDREN

- 13.1 Discuss and agree with parent/carers and child the care they require and the physical contact that is necessary for them to participate in the activity.
- 13.2 Communicate with the child about what you are doing and give choices where possible, particularly if you are involved in undressing/undressing outer clothing or if lifting/assisting a disabled child.
- 13.3 Avoid taking on the responsibility of tasks for which you are not appropriately trained.

14.0 CHANGING POLICY IN DRESSINGS ROOMS

- 14.1 If children / young people need to share changing facilities with adults the club must have consent from parents/carers that their child can share a changing room with adults in the club.
- 14.2 Their parents must be allowed to supervise them whilst they are changing if they so wish
- 14.3 Adults should not change or shower at the same time as the children using the same facility
- 14.4 Children should be supervised at all times in the changing rooms by 2 members of staff/volunteer.
- 14.5 If any child is uncomfortable changing or showering in public no pressure should be placed on them to do so.
- 14.6 In this instance, encourage them to change or shower at home.

If the activity is mixed gender, separate facilities should be made available.

15.0 USE OF PHOTOGRAPHIC, VIDEO RECORDING, IMAGE RECORDING AND MOBILE PHONE CAMERA USE

It is not the intention to prevent parents/carers from taking pictures, but to ensure that photographic practices are monitored and to reduce the risks of inappropriate photography/filming

15.1 No one is permitted to photograph or record images in the following areas

- a) Changing area
- b) Toilet areas
- c) First aid room
- d) Locker rooms

15.2 Participants and parents/carers must be informed when a photographer will be attending an event

15.3 Permission will only be granted after the event registration form is completed

15.4 Photographers will be required to have formal identification which must be worn at all times

15.5 Children's /young people's images will not be used for promotional or press releases unless parents/carers have consented.

15.6 Unsupervised access to participants or one-to-one photo sessions are prohibited

15.7 Photo sessions outside the event or at a participant's home are not allowed.

15.8 Personal details which might make a child/ vulnerable, for example, address, email address, phone number, should never be revealed

15.9 Any concerns regarding inappropriate or intrusive photography/filming reported to, or observed by the event organizer must be followed up by them with the person in question. If concerns persist this person can be requested to leave the event.

15.10 Use of video equipment is a legitimate coaching aid. Participants and parents/carers should be made aware that this is part of the coaching programme. Care must be taken in the storing of these films.

16.0 TRIPS, TOURS AND HOLIDAY CLUBS

16.1 MYSa will ensure travelling to away games and having trips away from home should be safe and fun for children. It should be a chance for them to grow in confidence, self-esteem and skills.

16.2 MYSa shall involve parents/carers when their children are away but careful planning and preparation should help to ease their worries, and demonstrated that you have taken into account

the various needs of their children and the potential dangers of a trip away.

16.3 MYSA CP officer shall ensure supervision must be provided if children are taken on trips and tours.

If the children are over 8 years of age there should always be 2 adults and a minimum of 1 adult to 10 children. Three adults are requiring with younger children and a minimum of 2 adults to 10 children.

16.4 Parents and carers must be notified and sign a consent form giving permission for their child to attend any trip, tour or holiday club

16.5 A lead officer must be nominated on transported trips

16.6 If parents and volunteers accompany any trip they will be under the direction of the lead officer

16.7 The use of parents shall not compromise staff/child ratios

16.8 Although parents/carers have a valuable and crucial role, they should not be left alone with children who are not their own.

16.9 The lead officer must have registration forms, a full and up to date first aid kit, medical notes, medicines and a mobile phone for easy communication.

16.10 There should always be a qualified first aider in the trip.

16.11 Any hospital referrals must be relayed to parents/carers immediately by the lead officer.

16.12 A complete list of all children and adults must be drawn up and heads counted on departure and arrival at all times.

16.13 All children should be seen to be picked up on return unless specifically told otherwise in writing and signed for by the parent/carer in advance. A verbal agreement is not acceptable

16.14 In the event of a 'new' person being requested to collect a child, the parent must complete an additional registration form. At no time should a child be handed over without full confirmation by the parent/carer.

16.15 If a parent/carer fails to collect a child, two members of staff must be present and remain with the child at all times

16.16 It is the duty of the lead officer to try and contact the parent/carer. If no parent/carer arrives after one hour it is advisable to contact the alternative guardian.

17.0 Lost children

17.1 On suspicion of a lost child the lead officer will conduct a roll call without alarming the children

17.2 The lead officer and one other staff member will conduct a thorough search of the premises and immediate vicinity

- 17.3 Staff conducting the search and remaining staff must ensure a clam manner and normal routine will be conducted
- 17.4 If the child is not found, the police and the child's parent/carer will be contacted
- 17.5 The named child protection person will be informed
- 17.6 The relevant authorities will be informed
- 17.7 Staff will work closely with the police and parents/ carers to ensure all relevant information is made available to aid the safe recovery of the child.
- 17.8 The incident will be evaluated and fully discussed with all staff, named child protection person, district children office and the police
- 17.9 A full report will be produced
- 17.10 Procedures and policies will be reviewed and amended if necessary.

18.0 When staying away

- 18.1 When staying away someone from the club who is not going away needs to be identified as a point of contact.
- 18.2 They should have a list of who is on the trip, including leaders/ helpers and their contact details
- 18.3 Name the designated officer for child protection for the trip and ensure the group is aware who this officer is
- 18.4 All beds must be single and staff and players must not share a room
- 18.5 If the group is on more than one floor there should be at least one adult room on each floor
- 18.6 On all staying away trips ensure that all children carry a safe away card.

19. Review of policy

- 19.1 The MYSA Policy on Child Protection will be reviewed every two years or earlier if warranted and any lessons learned will be reflected in subsequent versions.

ANNEX 1: CLUB ANNUAL MEMBERSHIP INFORMATION AND CONSENT FORM

This form is to be completed by the parent/carers and child when joining the club and each following year.

Name of child: _____

Date of birth: _____

Age: _____

Address: _____

Telephone: _____

Parent's /carer's mobile number: _____

Health needs

Does your child have any known health needs? For example, asthma, diabetes, epilepsy, allergies, etc

If yes, please specify and complete section below.

Health needs: _____

Current medication

Name: _____

Dose: _____ frequency: _____

What does the club need to do to help keep your child well? For example, administer planned medication/call ambulance/give snacks. Please be specific.

Do club members need any medical training other than first aid to care for your child? If yes, please specify

Specific needs

Does your child have any specific needs to enable them to participate in the club's activities? Yes ____ no ____

If yes, please specify so we can assist your child's participation.

Images

At times the club may wish to take photos or videos of the team or individuals. We ensure that these are safe and respectful and used solely to promote and celebrate the activities of the club and for training purposes. Please indicate if you agree that your child's picture be taken for these purposes. Yes ____

No _____

Consent of parent/carers

I give consent for my child to participate in (name of club) events. I accept that it is my responsibility to inform the club directly of any changes to the details recorded on this form.

Signature: _____

Please print name: _____

Date : _____

Player's consent

I agree to participate in the club's events and agree to adhere to the guidelines and / or codes of conduct that may be issued in the interests of my own safety.

Signature: _____

Please print name: _____

Date: _____

ANNEX 2: CLUB CHILD WELFARE INCIDENT FORM (INCLUDING CONCERN AND ALLEGATIONS)

To be completed by named child protection person
(Block capitals please)

Name of club/facility where incident occurred:		
1. personal details Name of child:	Age	Parent's / carer's name:
Date of birth: Home address:		Home tel no: Parent's / carer's work no:
Post code: mobile no:		
2. incident (including concerns and allegations) details Nature of incident, concerns, allegations: Date Time:		
3. reporting Name of person reporting incident: Address: Tel no: Date incident reported: Time incident reported:		
Have you or anyone else spoken to the parents/carers? Yes / no If yes, please provide details or what was said:		
Date parents spoken to: Have you spoken to the child? Yes / no If yes, please provide details of what was said:		
Date child spoken to: Have you spoken to the person the allegations are being made against? Yes / no If yes, please provide details of what was said:		
Date person spoken to: Please provide details of any further action taken to date:		
Have you informed the statutory authorities, district children office, and police? Please give details and who you informed:		
4. your signature I certify that the details provided on this form true.		

Signature: _____ date: _____ time: _____

ANNEX 3: PHOTOGRAPHY EVENT REGISTRATION FORM

This form should be completed by anyone taking photographs or recording images at an event.

I wish to take photographs or record images at this event. I agree to abide by the event organizers' guidelines and confirm that the photographs or recorded images will only be used for the purposes agreed with the event organizer.

Name: _____

Address: _____

Tel No: _____

Signature: _____

Date: _____

Please return this registration form to the event organizer

ANNEX 4: MYSA RISK ASSESSMENT FORM

To be used when planning travelling/events/trips away.

What is the risk/danger?	What actions can we take to reduce the risks?	Who is responsible for the action?

ANNEX 5: PARENTAL / CARER CONSENT FORM FOR TRIPS, TOURS AND AWAY GAMES (BLOCK CAPITALS)

Name of club: _____ proposed travel venue: _____ Inclusive travel dates: _____ lead officer on trip: _____

1. PERSONAL DETAILS

Name of child: Date of birth	Age	Parent's /carer's name: Home tel no: Parents/carers work no: Mobile no: Alternative contact name & telephone number:
Home address: Postal code:		

2. CHILD'S DOCTOR AND MEDICAL INFORMATION *(previous or current if any)*

Name of doctor : Address: Tel no: Does your child experience any conditions requiring medical treatment &/or medication? Yes /no If yes, please give details: Does your child have any allergies? Yes /no If yes, please give details: Does your child have any specific dietary requirements? Yes /no If yes, please give details: Please provide any further information you feel is necessary

3. DECLARATIONS

I have received comprehensive details of the proposed tour. I consent to my child taking part in the activities indicated. I agree to be at the pick/drop off point at the agreed time. I confirm to the best of my knowledge that my child does not suffer from any other medical condition other than those indicated. I consent to my child receiving medical treatment which in the opinion of a qualified medical practitioner may be necessary.

Authorization: signature _____ Date: _____
 Print name: _____

Annex 6: child safeguarding/protection training record

Name (name of club)	Course	Date	Manager's signature

[illegible]

MATHARE YOUTH SPORTS ASSOCIATION

Giving youth a sporting chance



MYSA, Box 69038
00622 Nairobi, Kenya
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Mobile: +254-718-825545
Mobile: +254-733-863946
E-mail: info@mysakenya.org
Website: www.mysakenya.org

MYSA VISITORS POLICY

MYSA welcomes all visitors with a genuine interest in helping the youth from the slums to help themselves through sports and community service. However, every visit involves a diversion of MYSA staff and other resources away from the main task of helping the MYSA youth directly.

MYSA has therefore developed the following post-recovery rates for visitors services, through a contribution to the MYSA Leadership Awards Programme so that every visit is immediately and mutually beneficial and every visitor helps more of the best volunteer youth leader to continue their education.

To expand the geographic and vocational knowledge of the MYSA staff and youth, visitors are often invited to share some of their life experience and views.

Best times for visits

The best times for visit the zones are any Saturdays as this is the time where the zones have matches and guests can participate in. Monday- Friday is an ideal time to visit the MYSA Office and the staff will take you through what their projects entail.

MYSA Leadership Awards Programme.

MYSA youth earn points as volunteer leaders in different MYSA sports and community service activities (e.g. coaching, refereeing, garbage clean up, AIDS prevention, arts etc.). At the end of each year the boys and girls with the highest points in different age groups and zones receive Leadership Awards which is paid directly to the school or vocational training programme of their choice.

Every year, MYSA issues over 500 scholarships to underprivileged young people across the MYSA Zones. One scholarship goes for a minimum of **Ksh.10, 000**. To ease this budget, we encourage our guests to sponsor as many young people to be able to complete their education through the leadership award program. This helps the best MYSA youth leaders to stay in school or improve their qualifications and chances for employment.