



**Policy and Guidelines
on Protecting Children in School
from Abuse, Violence, Exploitation,
Discrimination, Bullying and Other
Forms of Abuse**

DEPARTMENT ORDER No. 40, s. 2012

DECLARATION OF POLICY

- DepEd shall ensure that schools are a safe place for the education of children. The best interest of the child shall be the paramount consideration in all decisions and actions involving children.
- DepEd's zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse.

Child Protection

ABUSE...



LEGAL BASES...

- Philippine Constitution
- Presidential Decree 603 or “Youth and Children Code”
- Republic Act No. 7610 Special Protection Against Child Abuse
- Republic Act No. 10627 or Anti-Bullying Act of 2013
- Republic Act No. 9344, as amended or Juvenile Justice and Welfare Act
- Republic Act No. 10630 RIRR of RA 9344



LEGAL BASES

- Convention on the Rights of the Child (1989)
 - Protects children from all forms of violence, injury or abuse;
 - Establishes the Right of the Child to Education



Legal Bases

The Philippine Constitution

- The State shall protect the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development (**Art. XV. Sec. 3(b)**)



Legal Bases

The Philippine Constitution


- All educational institutions shall...x x x... foster love of humanity, respect for human rights ...x x x...develop moral character and personal discipline.. (Article XIV, Section 3, (b))



- **Article 218, 220, 233 of the Family Code of the Philippines and PD 603**

“gives the school, its administrators and teachers, or the individual, entity or institution engaged in child care the special parental authority and responsibility over the minor child while under their supervision, instruction or custody”.....

“Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution....”



Coverage

- Children who are enrolled in the basic education system;
- School Personnel
 - School Head
 - Teaching or Non-Teaching personnel
- School Visitor or Guest
 - Media
 - Suppliers or Bidders
 - Parents and Guardians, etc.



PROHIBITED ACTS

- a. Child abuse;
- b. Discrimination against children;
- c. Child exploitation;
- d. Violence against children in school;
- e. Corporal punishment;
- f. Any analogous or similar acts; and
- g. Bullying or peer abuse



Child Abuse: Republic Act No. 7610 also known as "*Special Protection of Children Against Abuse Exploitation and Discrimination.*"

❖ Refers to the maltreatment of a child which includes:

- Psychological Abuse;
- Physical Abuse;
- Neglect;
- Sexual Abuse
- Emotional Maltreatment;
- Any act by deeds or words that degrades the dignity of a child as a human being;



Child Abuse:

- Unreasonable deprivation of the child's basic needs for survival;
- Failure to immediately give medical treatment to an injured child resulting in serious impairment of the child's growth and development and permanent incapacity or death.



➤ **Discrimination against children**

- Refers to an act of exclusion, distinction, restriction or preference which impairs the recognition, enjoyment or exercise by all pupils or students on an equal footing, of all rights and freedoms.

➤ **Child Exploitation**

- Refers to the use of children for someone else's advantage, gratification or profit resulting in unjust, cruel and harmful treatment of the child.

➤ **Child Exploitation**

Forms:

1) Sexual Exploitation – refers to the abuse of a position of vulnerability, differential power, or trust, for sexual purposes.

2) Economic exploitation – refers to the use of the child in work or other activities for the benefit of others.



VIOLENCE AGAINST CHILDREN COMMITTED IN SCHOOLS

- a single act or a series of acts
- committed by school administrators, academic and non-academic personnel
- against a child which result in or is likely to result in physical, sexual, psychological harm or suffering, or other abuses including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to the following acts:
 1. Physical violence
 2. Sexual violence
 3. Psychological violence
 4. Other acts of violence




CORPORAL PUNISHMENT

- refers to a kind of punishment or penalty imposed for an alleged or actual offense, which is carried out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult, or any other child who has been given or has assumed authority or responsibility for punishment or discipline.



Bullying (RA 10627)

- Any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following:
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DUTIES AND RESPONSIBILITIES OF SCHOOLS

- ❑ Ensure the institution of effective child protection policies and procedures and monitor compliance thereof;
- ❑ Adopt a child protection policy, and organize and convene the Child Protection Committee (CPC) of the school;
- ❑ Conduct the capacity building activities for the members of CPC and Guidance Counselors/Teachers;
- ❑ Ensure that the participatory and other rights of children are respected and upheld in all matters and procedures affecting their welfare;
- ❑ Coordinate with appropriate offices, agencies or instrumentalities for appropriate assistance and intervention



CHILD PROTECTION COMMITTEE

- **Composition:**

- School Head/Administrator – Chairperson
- Guidance Counselor/ Teacher –Vice Chairperson
- Representative of the Teachers as designated by the Faculty Club
- Representative of the Parents as designated by the PTA
- Representative of pupils/students as designated by the Supreme Student Council
- Representative from the Community as designated by the Punong Barangay, preferably from the Barangay Council for the Protection of Children



FUNCTIONS OF CPC'S

- Information dissemination programs;
- Establish a system for identifying students who may be suffering from significant harm;
- Monitor the implementation of positive measures;
- Ensure that the children's right to be heard are respected and upheld in all matters and procedures affecting their welfare;
- Accomplishment of Intake Sheet.



PREVENTIVE MEASURES:

CAPACITY BUILDING OF SCHOOL OFFICIALS, PERSONNEL, PARENTS & STUDENTS

Strategies:

- ❑ Conducting sessions, trainings and seminars on positive peer relationships and enhancement of social and emotional competence;
- ❑ Using training modules which include positive and non-violent discipline in classroom management and gender sensitivity;
- ❑ Integrating and teaching children's rights in the classroom.



Procedure in Handling Bullying Cases in School (IRR)

A. Immediate Responses

1. Attention of any shall be immediately called
2. The school personnel shall intervene, by:
 - i. Stopping the bullying or retaliation immediately;
 - ii. Separating the students involved;
 - iii. Removing the victim or, in appropriate cases, the bully or offending student, from the site;
 - iv. Ensuring the victim's safety
 - v. Bringing the bully to the Guidance Office or the designated school personnel.

Procedure in Handling Bullying Cases in School (IRR)

B. Reporting the Bullying Incident or Retaliation

- ❑ All bullying incidents or retaliation shall be immediately reported to the teacher, guidance counselor or any person designated to handle bullying incident.
- ❑ Intake Sheet, as provided in DepEd Order No. 40, s. 2012, shall be filled up.
- ❑ The school head or the designated school personnel shall inform the parents or guardian of the victim and the bully about the incident.

Procedure in Handling Bullying Cases in School (IRR)

- ❑ If an incident of bullying or retaliation involves students from more than one school, the school that was first informed of the bullying or retaliation shall promptly notify the appropriate administrator or school head of the other school so that both schools may take appropriate action.
- ❑ Anonymous reports shall be entertained, and the person who reported the incident shall be afforded protection from possible retaliation.



Procedure in Handling Bullying Cases in School (IRR)

C. Fact - Finding and Documentation

The school administrator or school head, guidance counselor/teacher, or person designated to handle bullying incidents shall:

1. Separately interview in private the bully or offending student and the victim.
2. Determine the levels of threats and develop intervention strategies.



Procedure in Handling Bullying Cases in School (IRR)

C. Fact - Finding and Documentation

3. Inform the victim and the parents or guardian of the steps to be taken to prevent any further acts of bullying or retaliation; and
4. Make appropriate recommendations to the Child Protection Committee on proper interventions, referrals and monitoring.



Procedure in Handling Bullying Cases in School (IRR)

D. Intervention

The CPC shall determine the appropriate intervention programs for the victim, the bully and bystanders. The School Head shall ensure that these are provided to them.



Procedure in Handling Bullying Cases in School (IRR)

E. Referral

Further assessment and appropriate intervention measures, the school head or the CPC may refer the victims and the bully to trained professionals outside the school, such as social workers, psychologists, as may be necessary.



PROCEDURE IN HANDLING BULLYING CASES IN SCHOOL (IRR)

The school head or the designated school personnel shall notify the Women and Children's Protection Desk (WPCD) of the local Philippine National Police, if he believes that appropriate criminal charges may be pursued against the bully or offending student.



Procedure in Handling Bullying Cases in School (IRR)

F. Disciplinary Measures

- Bullying incidents or retaliation shall be treated according to their nature, gravity or severity and attendant circumstances.
- Punitive measures will be the last resort



Procedure in Handling Bullying Cases in School (IRR)

F. Disciplinary Measures

- Written reprimand
- Community service
- Suspension
- Exclusion or expulsion
- Required to undergo an **intervention program** which shall be administered or supervised by the school's CPC. The parents of the bully shall be encouraged to join the intervention program.



Applicability of R.A. 9344, as amended, and other related laws (IRR)

If the bullying incident or retaliation resulted in serious physical injuries or death, the case shall be dealt with in accordance with the provisions of Republic Act 9344 or the "Juvenile Justice and Welfare Act," as amended, and its Implementing Rules and Regulations, in connection with other applicable laws, as may be warranted by the circumstances attendant to the bullying incident.



PROCEDURE: *PROTECTIVE AND REMEDIAL MEASURES TO ADDRESS CORPORAL PUNISHMENT AND OTHER ACTS OF VIOLENCE COMMITTED BY SCHOOL PERSONNEL*

1. Expeditious conduct of investigation and reporting of cases;

Note: Complaints shall not be brought for amicable settlement (Sec. 17, D.O. 40, s. 2012, and A.M. No. 10-4-16-SC).

2. School Head or the Schools Division Superintendent shall forward the complaint within 48 hours to the Disciplining Authority, who shall issue an Order for the conduct of a fact-finding investigation, not later than 72 hours from submission;

Note : Failure to submit an incident Report or to render a decision involving the case within the prescribed period , without justifiable cause, shall be a ground for administrative action for neglect of duty against the responsible official (Sec. 16G, D.O. 40, s. 2012)

PROCEDURE: *PROTECTIVE AND REMEDIAL MEASURES TO ADDRESS CORPORAL PUNISHMENT AND OTHER ACTS OF VIOLENCE COMMITTED BY SCHOOL PERSONNEL*

3. If the person complained of is a non-teaching personnel, the Schools Division Superintendent shall cause the conduct of a fact-finding investigation within the same period;
4. Criminal and civil liability shall not be a bar to the filing of an administrative case;
5. The Revised Rules of Procedure of DepED in Administrative Cases shall apply in all other aspects;



PROCEDURE: *PROTECTIVE AND REMEDIAL MEASURES TO ADDRESS CORPORAL PUNISHMENT AND OTHER ACTS OF VIOLENCE COMMITTED BY SCHOOL PERSONNEL*

6. The identity or other information that may reasonably identify the pupil or student shall remain confidential; and
7. The identity of a respondent-teacher shall likewise be kept confidential.



ASSESSMENT & REFERRAL OF VICTIMS TO THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICE (LSWDO)

- ❑ The School Head may refer the victims and offenders to the local social welfare and development office (LSWDO) for assessment and appropriate intervention
- ❑ The CPC will coordinate closely with the Women and Child Protection Desks of the PNP, the LSWDO, other government agencies and NGOs, as may be appropriate



REPORTING AND MONITORING SYSTEM

- ❑ The Intake Sheets will be forwarded to the DepEd Division Office
- ❑ The DepEd Division Office will consolidate the reports on incidents and cases of all schools and submit a Division Report to the Regional Office
- ❑ The DepEd Regional Office will consolidate the reports on incidents and cases of the Division Offices within the Region and submit a Regional Report to the Undersecretary for Legal and Legislative Affairs
- ❑ The Central Office will be the Central Repository of Regional Reports

