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OPERATIONAL MANUAL FOR THE CENTRES OF ADAPTATION OF MINORS AND CENTRES FOR THE SUPPORT OF CHILDREN IN DIFFICULT LIFE SITUATIONS ON PROVIDING SERVICES TO CHILDREN AFFECTED BY MIGRATION

Tested in the cities of Nur-Sultan, Almaty
and Shymkent and Turkestan Oblast



**OPERATIONAL MANUAL FOR
THE CENTRES OF ADAPTATION
OF MINORS/ CENTRE FOR THE
SUPPORT OF CHILDREN IN
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PROVIDING PROTECTIVE SERVICES
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Operational manual for the Centres of Adaptation of Minors and Centres for the support of children in difficult life situations on providing services to children affected by migration, 2021

Tested in the cities of Nur-Sultan, Almaty and Shymkent and Turkestan Oblast.

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ACRONYMS

CABM	Child affected by migration
CAM	Centre of Adaptation of Minors
CRC Committee	UN Committee on the Rights of the Child
CSC	Centre for the Support of Children in Difficult Life Situations in Nur Sultan
EU	European Union
NGOs	Non-governmental organisations
ODK	Open Data Kit
UN	United Nations
UNICEF	United Nations Children's Fund



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1. PURPOSE OF THE MANUAL



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This Manual contains guidance for the Centres of Adaptation of Minors (CAMs) and Centre for the Support of Children in Difficult Life Situations

(CSC) on delivering protective services to children from the age of 3 who are affected by migration in Kazakhstan.



'Children affected by migration' or 'CABM' are:

- Children who are cross-border or internal migrants, either alone or with their families;
- Children who remain in Kazakhstan while one or both of their parents or legal representatives migrates elsewhere;
- Children born in Kazakhstan to migrant parents;
- Children repatriated to Kazakhstan.

CABM includes child asylum-seekers, child refugees and child victims of trafficking, but excludes kandas (repatriate). A **'child'** is an individual aged 0 to 18 years.

The implementation of this Manual tested and approved by the following bodies in the following locations for 12 months between 2020 and 2021:

- The CSC in Nur-Sultan City;
- The CAM in Almaty City; and
- The CAM in Shymkent City/Turkestan Oblast.

This Manual should be used by all employees, consultants, interns and volunteers (referred to as **'staff'** or **'staff members'**) of the CAMs/CSC to deliver protective services to CABM in their respective localities.



Covid-19: Please note that the development of this Manual commenced before the Covid-19 pandemic and is therefore based on the assumption that no social distancing or quarantine measures are in place. However, staff from the CAMs/CSC will be coached on adapting the procedures in this Manual in light of any Covid-19 restrictions in place at the time.

Any future users of this Manual should make the necessary adjustments to the procedures set out in this Manual in order to comply with any existing social distancing or quarantine measures in place. Such adjustments should, however, continue to comply with the guiding principles set out in Part 5 of this Manual.

2.

KEY TERMS AND DEFINITIONS

For the purposes of this Manual, the following terms have the following meanings:

An **'age-disputed child'** is an individual who claims to be a child but does not have any official documentation to prove his/her age, and whose child status or age is disputed by a Government authority.

A **'child'** is an individual aged 0 to 18 years.

A **'child affected by migration'** or **'CABM'** refers to a child who falls under one or more of the following categories:

- Children who are migrants themselves, either alone or with their families;
- Children who remain in Kazakhstan while one or both of the child's parents or legal representatives migrate to another country;
- Children born in Kazakhstan to migrant parents;
- Children who are repatriated to Kazakhstan or who are returned to Kazakhstan as their country of origin.

This definition includes child asylum-seekers, child refugees and child victims of trafficking, but excludes kandas.

A **'child in need of care and protection'** is any child who is suffering or at risk of suffering significant harm, regardless of whether or not the child is left without parental care or is an orphan.

'Child protection case management' has the meaning set out in Part 3.1, Integration of Child Migrants in the Child Protection System. Under the Joint Project, the CAMs/CSC are testing the delivery of child protection case management services for CABM from the age of 3 who are in need of care and protection.

A **'child protection meeting'** is a confidential meeting of professionals involved with the child and family to review all relevant information and plan how to support the family to care for, protect and safeguard the child, as described in Part 8.7.

A **'child protection plan'** is a plan to safeguard the child from further harm, promote the child's health and development, and support the family to care for the child, while the child continues to live with his/her parent or legal representative.

An individual's **'country of origin'** is his/her country or nationality or, if the individual is stateless, country of habitual residence.

The **'Director'** is the staff member within the CAM/CSC who is responsible for the overall management, development and implementation of the model as set out in this Manual.

A **'durable solution'** is a long-term, sustainable care arrangement for a CABM, which meets the child's best interests.

'Exploitation' refers to the act of taking advantage of a child, including through

- Economic exploitation, including forced labour, and any other work that is likely to be hazardous or interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual, moral or social development;
- Exploitation for illicit drug production and trafficking;
- Sexual exploitation and sexual abuse, specifically the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials; and
- The abduction of, sale of or trafficking in children, or any other forms of child exploitation, including slavery, practices similar to slavery, servitude or the removal of organs.¹

'Family Code' refers to the Code on Marriage (Matrimony) and Family 2011 of the Republic of Kazakhstan, as amended from time to time.

¹ Based on the definition of 'child exploitation' contained in the IOM's Glossary on Migration (2019) and the description contained in Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).

‘Harm’ means ill treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development, including impairment suffered from seeing or hearing the ill-treatment of another. Harm may be caused by physical, sexual or emotional abuse, neglect or exploitation.

The **‘Manager’** is the staff member within the CAM/CSC who is responsible for managing individual cases of CABM who are in need of care and protection, supervising the CAM/CSC’s Social Workers, and managing the day-to-day delivery of the model set out in this Manual by the CAM/CSC.

The **‘Manual on Intersectoral Coordination’** is the guidance manual for stakeholders on how to coordinate cases involving CABM, including the identification of CABM in need of protective services, the referral of the child to the relevant service provider, coordinating the delivery of services, and monitoring the model.

‘Migrant’ or **‘migration’** refers to any movement of a person away from his or her place of usual residence, whether within Kazakhstan or across Kazakhstan’s international borders, temporarily or permanently.

‘Model’ or **‘model protective services’** refers to the system of providing child protection case management services and support services to CABM that is being tested in the cities of Nur-Sultan, Almaty and Shymkent / Turkestan Oblast under the Joint Project, as described in Part 4.

‘NGO Operational Manual’ refers to the Operational Manual for Non-Governmental Organisations on Providing Support Services to Children Affected by Migration that is being tested in the cities of Nur-Sultan, Almaty and Shymkent / Turkestan Oblast under the Joint Project.

‘Personal details’ refer to any information, or combination of information, which may reveal the identity of an individual.

‘Programme’ refers to the delivery of child protection case management services to CABM by the CAM/CSC under the Joint Project, as set out in this Manual.

‘Separated children’ are children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.²

A **‘Social Worker’** is a staff member of the CAM/CSC who is responsible for providing social work services to CABM who are in need of care and protection.

‘Staff’ or **‘staff members’** refers to all employees, consultants, interns and volunteers of the CAM/CSC who are involved in delivering child protection case management services under the model.

A person is **‘stateless’** if he/she is not considered as a national by any State under the operation of its law.³

‘Support services’ refers to the services being tested by the NGOs under the Joint Project as summarised in Part 4.2 and set out in more detail in the NGO Operational Manual.

‘Trafficking’ of children refers to the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. Child trafficking includes both internal and cross-border recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation.

‘Unaccompanied children’ refers to children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.⁴

2 CRC GC No. 6, para 8.

3 IOM’s Glossary on Migration (2019), p 203, based on the definition in the UN Convention relating to the Status of Stateless Persons 1960.

4 Broadly based on the description provided by the CRC Committee in CRC GC No. 6, para 7.



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3.

CONTEXT

3.1. INTERNATIONAL STANDARDS

Key Treaties and Instruments

Kazakhstan is obliged under international law to protect the rights of CABM. These obligations derive mainly from the Convention on the Rights of the Child (CRC),⁵ its Optional Protocol on the Involvement of Children in Armed Conflict⁶ and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.⁷ Under Article 2(1) of the CRC, Kazakhstan has an obligation to respect and ensure the rights contained in the CRC for every child within its jurisdiction without discrimination of any kind, irrespective of the child's or the child's parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or 'other status.' 'Other status' includes statelessness, nationality and immigration status.⁸ Therefore, Kazakhstan's obligations under the CRC apply not only to CABM who are Kazakh citizens, but also to all CABM within Kazakhstan's jurisdiction, regardless of the child's citizenship, nationality or migration situation.

Kazakhstan is also party to other international human rights conventions, which guarantee protections for children in general, as well as special protections for migrant children. These treaties include the International Covenant on Civil and Political Rights,⁹ the International Covenant on

Economic, Social and Cultural Rights,¹⁰ the Convention on the Elimination of All Forms of Discrimination against Women,¹¹ the Convention on the Rights of Persons with Disabilities,¹² the 1951 Convention Relating to the Status of Refugees,¹³ the Protocol Relating to the Status of Refugees 1967,¹⁴ the Minimum Age Convention 1973,¹⁵ the Worst Forms of Child Labour Convention 1999,¹⁶ the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment¹⁷ and its Optional Protocol.¹⁸

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is also an important treaty, which protects the rights of CABM. The United Nations (UN) Committee on the Rights of the Child (CRC Committee) and the UN Committee on the Protection of the Rights of All Migrant Workers stress the primacy of children's rights in the context of migration and the need for this treaty and the CRC to be integrated by States into their migration-related frameworks.¹⁹

Kazakhstan's international obligations are elaborated in a range of 'soft law' standards. These include general comments issued by UN human rights monitoring bodies, and guidelines developed by UN bodies and multilateral organisa-

5 Kazakhstan ratified the Convention on the Rights of the Child (CRC) on 12 August 1994.

6 Kazakhstan ratified the Optional Protocol on 10 April 2003.

7 Kazakhstan ratified the Optional Protocol on 24 August 2001.

8 United Nations (UN) Committee on the Rights of the Child (CRC Committee), General Comment No. 6, para 12; CRC Committee, General Comment No. 22, para 12.

9 Kazakhstan ratified this treaty on 24 January 2006.

10 Kazakhstan ratified this treaty on 24 January 2006.

11 Kazakhstan became party to this convention on 26 August 1998.

12 Kazakhstan became party to this convention on 21 April 2015.

13 Kazakhstan became a party to this convention on 15 January 1999 without making any reservations.

14 Kazakhstan became a party to this protocol on 15 January 1999 without making any reservations.

15 Kazakhstan ratified this treaty on 18 May 2001 and has specified a minimum age of 16 years for the purposes of this treaty; retrieved from https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312283 on 1 November 2019.

16 Kazakhstan ratified this treaty on 26 February 2003.

17 Kazakhstan became party to this treaty on 26 August 1998.

18 Kazakhstan ratified this instrument on 22 October 2008.

19 CRC Committee, General Comment No. 22, para 13. Though note that Kazakhstan is not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

tions.²⁰ Further, safe migration of all humans, including children, is a key part of the Sustainable

Development Goals (SDGs), which Kazakhstan is aiming to achieve by 2030.²¹

The Rights of Children Affected by Migration

Under international standards, Kazakhstan should ensure that all CABM and their families are integrated into the local community by ensuring the realization of their rights and access to services on an equal footing to nationals.²² This standard stems from the child's right to life, survival and de-

velopment under Article 6 of the CRC, as well as a range of economic, social and cultural rights in the CRC, which children are entitled to without discrimination on the basis of their migration status or those of their parents or legal representatives.²³ These economic, social and cultural rights include



The right to health:²⁴ Every CABM should have access to healthcare equal to that of nationals, regardless of their migration status.²⁵ In particular, CABM should have access to health services without being required to present a residence permit or asylum registration.²⁶ Administrative and financial barriers to accessing health services should also be removed;²⁷



The right to education:²⁸ All CABM, irrespective of their status, should have full access to all levels and all aspects of education, including early childhood education and vocational training, on an equal basis to nationals.²⁹ Kazakhstan should therefore ensure equal access to quality and inclusive education for all CABM, irrespective of the child's migration status.³⁰ Kazakhstan should also take positive steps to eliminate discrimination against CABM and adopt a gender-sensitive approach to removing barriers to education. This includes additional language education and intercultural support; dedicated staff to facilitate the child's access to education and promote the child's integration in school; the prohibition and prevention of segregation in education; and psychosocial support;³¹



Adequate standard of living and social assistance:³² Kazakhstan is required to recognise the right of every child, including CABM, to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Whilst parents and others responsible for the child have primary responsibility for securing these conditions for the child within their abilities and financial capacities, Kazakhstan is required to take 'appropriate measures' to assist parents and legal repre-

20 The CRC Committee's General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin; Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the CRC Committee on the General Principles regarding the Human Rights of Children in the Context of International Migration; Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the CRC Committee on State Obligations regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return; and the Recommended Principles to Guide Actions Concerning Children on the Move and Other Children Affected by Migration, retrieved from <http://un-act.org/publication/view/recommended-principles-to-guide-actions-concerning-children-on-the-move-and-other-children-affected-by-migration/> on 1 November 2019.

21 SDG Target 10.7 is for all States to 'facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.' One of the indicators for this target is the 'number of countries that have implemented well-managed migration policies.' SDG 16 on promoting peaceful and inclusive societies is also relevant, particularly the targets to end the abuse, exploitation, trafficking and all forms of violence against and torture of children (SDG 16.2), ensuring equal access to justice for all (SDG 16.3), and by 2030, providing legal identity for all including birth registration (SDG 16.9).

22 CRC Committee, General Comment No. 22, para 22.

23 CRC, Arts 2 and 6; CRC Committee, General Comment No. 23, para 53.

24 Articles 23, 24 and 39 of the CRC.

25 CRC Committee, General Comment No. 23, para 55.

26 CRC Committee, General Comment No. 23, para 56.

27 CRC Committee, General Comment No. 23, para 56.

28 Articles 28 to 31 of the CRC.

29 CRC Committee, General Comment No. 23, para 59.

30 CRC Committee, General Comment No. 23, para 59.

31 CRC Committee, General Comment No. 23, para 62.

32 Article 27 of the CRC.

representatives to implement this right in accordance with national conditions and within its means. Assistance includes material assistance and support programmes, particularly with regard to nutrition, clothing and housing. Kazakhstan should also expeditiously reform legislation, policies and practices that discriminate against CABM and their families or prevent them from effectively accessing services and benefits, such as social assistance;³³



Birth registration:³⁴ Children have the right to be registered immediately after birth. The absence of birth registration may restrict the child's other rights and lead towards child marriage, trafficking, forced recruitment and child labour. Kazakhstan should therefore take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of the child's or parent's migration status.³⁵ Legal barriers to accessing birth registration services, such as requiring parents to produce documentation regarding their migration status, should therefore be removed.³⁶ Furthermore, children who do not have birth registration should be ensured equal access to health care, child protection, education and other social services.³⁷

Prohibition of the Detention of Children on the Basis of their Migration Status

The **deprivation of a child's liberty** (i.e. **detention**) has very negative consequences for a child's development and seriously hampers the child's integration into society. If a child is placed in a public or private custodial setting by order of a judicial, administrative or other public authority, and the child is not permitted to leave that custodial setting at will, then the child is regarded, under international standards, as being detained / deprived of their liberty.

Given the seriousness of depriving a child of his/her liberty, the CRC sets strict standards on when this measure may be applied. Article 38 (b) of the CRC requires that no child shall be deprived of his/her liberty unlawfully or arbitrarily and that the arrest, detention or imprisonment of a child must conform with the law and be used **only as a measure of last resort and for the shortest appropriate period of time**. In migration contexts, this means that:



- Unaccompanied or separated children should not, as a general rule, be detained;³⁹ and
- Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on the child's migratory or residence status, or lack thereof.⁴⁰

Further, where it is necessary as a measure of last resort to place a child in detention, the child is entitled to procedural safeguards, including the right to prompt access to legal and other appropriate assistance, and the right to challenge the legality of the detention before a court or another competent, independent and impartial authority, and to a prompt decision on any such action.⁴¹

Integration of Child Migrants in the Child Protection System

An effective child protection system is one that prevents and responds to violence, abuse, neglect

and the exploitation of children. Under international standards, child protection systems at the national

33 CRC Committee, General Comment No. 23, para 53.

34 Article 7 of the CRC.

35 CRC Committee, General Comment No. 23, para 20.

36 CRC Committee, General Comment No. 23, para 21.

37 CRC Committee, General Comment No. 23, para 22.

38 CRC Committee, GC No. 6, para 62.

39 CRC Committee, GC No. 6, para 62.

40 CRC Committee, GC No. 6, para 60.

41 CRC, Art 37(d).



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and local levels should mainstream child migrants into their programmes, regardless of whether the State is a country of origin, transit, destination or return for the child.⁴² This means that CABM should be identified promptly in border controls and other migration-control procedures within the State's jurisdiction, and that anyone claiming to be a child is treated as such and promptly referred to child protection authorities and other relevant services.⁴³

Case management is an important part of implementing an effective child protection system. Case management can be defined as 'a process practiced by social service workers that supports or guides the delivery of social service support to vulnerable children and families and other populations in need.'⁴⁴ Child protection case management includes:

- **Identification** of CABM who are or might be in need of care and protection;
- **Referral** of the CABM to the responsible child protection authority;

- **Social assessment** of the needs and best interests of the CABM by a skilled social worker;
- **Decision-making** on whether the CABM is, in fact, in need of care and protection;
- **Developing an individualised plan** for the child by identifying and matching services to the child's assessed needs and defined goals;
- **Coordinating** the implementation of the plan;
- **Monitoring** the child's and family's progress, and making adjustments to the plan as the child's needs change; and
- **Closing** the case when the goals of the plan are met.

In addition, particular considerations apply to unaccompanied and separated children, including family tracing and family reunification.⁴⁵

As a matter of good practice, and given the State's duty to protect children in need of care and protection, child protection case management functions should remain within Government, although NGOs may be involved in the provision of services.⁴⁶

42 CRC General Comment No. 22, para 14.

43 CRC General Comment No. 22, para 32(h).

44 Global Social Service Workforce Alliance, Core Concepts and Principles of Effective Case Management: Approaches for the Social Service Workforce, 2018, p 7.

45 See Part 6.3 of the Legal Review for more details.

46 C. Hamilton, Commentary on the Proposed Legislative Amendments to the Code of the Republic of Kazakhstan on Marriage (Matrimony) and Family 2011, as amended, 2019, p 6.

3.2. THE JOINT PROJECT TO PROTECT CHILDREN AFFECTED BY MIGRATION IN KAZAKHSTAN

The Commissioner for Human Rights in the Republic of Kazakhstan has launched a programme in partnership with UNICEF Kazakhstan and with funding and support from the European Union (EU), to 'Protect Children Affected by Migration in Kazakhstan' (the 'Joint Project'). The Joint Project is part of UNICEF's larger EU-funded programme, which covers seven countries (Bangladesh; Kazakhstan; Kyrgyzstan; Myanmar; Tajikistan; Thailand; and Uzbekistan) and runs from 2017 to 2021.

As part of the Joint Project, UNICEF has engaged Coram International as consultants to help design and 'test' the implementation of a model for providing protective services to CABM in three selected locations: Nur-Sultan; Almaty; and Shymkent / Turkestan Oblast. The overall goal of the model is to contribute to ensuring that CABM are protected effectively and that their rights are progressively realised. This Manual sets out part of the framework for the model protective services developed under the Joint Project.

3.3. SITUATION OF CHILDREN AFFECTED BY MIGRATION

Between November 2019 and January 2020, Coram International carried out research into the situation of CABM in three Cities (Nur-Sultan; Almaty and Shymkent) to inform the design of the model protective services. The research focused on the risks and challenges that CABM face; their ability to access services to meet their needs and realise their rights in line with international standards; whether and how CABM are integrated into the child protection system at the national and local levels; and the legal mandates, organisational structures and job descriptions of those involved in providing protective services to CABM.

The research found that all categories of CABM are prevalent in the test Cities, though their exact numbers were undetermined. This is due in part to gaps in the indicators used to collect administrative data, as well as children fluctuating in and out of the definition of 'CABM.' CABM and their parents are also largely 'hidden,' either because they are reluctant to approach the authorities due to mistrust or fears of deportation, or because they are unaware that their migration situation is an issue until they are in need of services (e.g. when the child becomes ill or graduates from school and requires an official certificate).

Further, CABM potentially have very different needs, given the various categories of children that fall within this definition. Children may also fall under more than one category of the definition of CABM, and face multiple risks and challenges.

The risks and challenges CABM may face include:



Barriers to accessing education and health services:

participants reported instances of schools and clinics asking children and parents to provide certain documentation, such as the child's individual identification number, in order to enrol a child in school or access health services, which undocumented or irregular⁴⁷ CABM are unable to provide;



Barriers to accessing legal services:

it is not clear whether and at what stage in the legal process free legal services are provided to CABM and their families when they come into contact with law enforcement authorities in practice, particularly in cases where parents are deprived of parental responsibility, and when CABM come into contact with juvenile police. Further, undocumented CABM and their families appear to rely on NGOs to provide free legal services to resolve issues surrounding their documentation (e.g. registration for migration purposes; citizenship; birth registration etc.). Furthermore,

⁴⁷ Irregular migration refers to situations where a person enters or remains in Kazakhstan without the requisite authorisation, documentation or registration with the Department of Migration Services, or where the person works in Kazakhstan without a work permit or for an employer which is not authorised to hire foreign employees (irregular labour migration).

there was no evidence that CABM who are deprived of their liberty in the CAMs in Almaty and Shymkent, or in the CSC in Nur-Sultan, are provided with legal and other appropriate assistance, as required by Article 37(d) of the CRC;



Barriers to accessing social welfare: key social welfare services, particularly those applying to children and families in difficult life situations, apply only to Kazakh citizens or foreign or stateless persons residing permanently in Kazakhstan.⁴⁸ This creates a legal gap in the provision of social welfare services to CABM who are temporarily residents in Kazakhstan or those in irregular migration situations. CABM and families who are not eligible for these services may therefore have difficulties accessing services and benefits to help meet their basic needs, including food, clothing and shelter;



Children left without parental care: research indicates that children placed with relatives or family friends while their parents migrate are subsequently removed by the authorities and placed in State care due to the absence of a power of attorney formalising the care arrangement with the relative or family friend;



Risk of exploitation: research indicates links between irregular migration, the lack of documentation and children's experiences of labour and other forms of exploitation, as well as begging on the streets;



Access to the child protection or social welfare system: participants' responses indicated that migrant families who work or beg on the streets, particularly those from the Lyuli communi-

ty, are not being recognised by the authorities as being vulnerable or at risk of harm. These families are consequently handled predominantly using a 'law enforcement' approach, including the temporary detention of children in the CAM/CSC while the police address the parents. These families revert to their difficult life situation after they reunite due to the absence of family support services;



Administrative liability: under the national law, CABM aged 16 and over may be held administratively liable for migration-related offences. These offences relate predominantly to irregular migration situations. While children under the age of 16 cannot themselves be administratively responsible, they may nevertheless be questioned by police leading to administrative liability and penalties being imposed on their parents.

In addition, the study found that the fragmentation of the child protection system and the absence of a designated child protection body results in CABM who are in need of care and protection being referred to a range of different stakeholder bodies, without any clear lines of coordination and referral. Where CABM are referred to the child protection system, participants' responses indicate that the children do not have any meaningful say in the matter, contrary to Article 12 of the CRC on the right of the child to be heard. This can leave the child feeling powerless and confused about their current or future situation.

The CAMs/CSC are places of detention. The research highlights cases where CABM are detained in the CAMs/CSC solely on the basis of their migration status or due to the absence of any temporary alternative care measures in the community. This is a violation of Kazakhstan's obligations under the CRC, and is in urgent need of reform.

These findings have formed the basis for the design of the model protective services developed and tested under the Joint Project

48 For example, Kazakhstan's Law on Special Social Services 2008.

4.

OVERVIEW OF THE MODEL PROTECTIVE SERVICES

The Commissioner for Human Rights has worked closely with stakeholders at the national and local levels to develop a 'model' for providing protective services to CABM, with the support of UNICEF and the EU and technical expertise from Coram

International. The implementation of this model tested in the Cities of Nur-Sultan, Almaty, Shymkent and Turkestan Oblast for 12 months between 2020 and 2021 under the Joint Project.



Under the model, the following bodies will provide the following services:

1. The CAMs (in Almaty, and Shymkent / Turkestan Oblast) and CSC in Nur-Sultan shall provide child protection case management services for all CABM from the age of 3 who are in need of care and protection; and
2. The selected NGOs in each of the test locations shall provide four types of support services to CABM who meet their admission criteria: social support services; legal services; psychological counselling services; and 'independent supporter' services.

A description of the model protective services is provided below.

4.1. CHILD PROTECTION CASE MANAGEMENT BY THE CAMS/CSC

Overview

To address the fragmentation in the child protection system, it was decided that child protection case management functions should be assigned to a single body within Government. After detailed consideration of the mandates and capacities of various local Government bodies, it was decided that the CAMs (in Almaty and Shymkent) and the CSC (in Nur-Sultan) would be best placed to take on these functions during the Joint Project. However, the CAMs/CSC do not have jurisdiction over children under 3 years of age. Given UNICEF's parallel efforts to strengthen child protection case management of children under the age of 3 in partnership with the Ministry of Health and other

stakeholder bodies, it was decided that children from the age of 3 years of age would not be included in the model tested by the CAMs/CSC under the Joint Project.

This means that all **CABM from the age of three in the test locations should be referred to a social work case manager within the CAM/CSC if there is reason to believe that the child is in need of care and protection, regardless of whether or not the child is without parental care.** For CABM under the age of 3 who are in need of care and protection, the referral should be made to the Guardianship and Tutelage Authority.



A **'child in need of care and protection'** is one who is suffering or at risk of suffering significant harm.

'Harm' means ill-treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development, including impairment suffered from seeing or hearing the ill-treatment of another. Harm may be caused by physical, sexual or emotional abuse, neglect or exploitation.

However, the referral of the child to the CAM/CSC does not necessarily mean that the child should reside in the CAM/CSC. The child may, instead, remain with their family or in an alternative care arrangement in the community, depending on what is in the child's best interests. Under the model, it is the responsibility of the Manager and delegated Social Worker in the CAM/CSC to conduct an assessment of the child's situation,

determine whether the child is in need of care and protection, and develop, coordinate and monitor a plan that is in the child's best interests. This means that the CAMs/CSC will be providing case management for CABM from the age of three to those who are in need of care and protection and living with their parents/ legal representatives, as well as those placed in alternative care or residing on the premises of the CAM/CSC.

Open Regime

Under the model protective services, the CAM/CSC should, as a general rule, operate an **open regime**. This means that CABM residing in the CAM/temporary residential unit of the CSC

should attend school in the community, though the CAM/CSC may provide remedial education and other support to assist the child in catching up at school and integrating into community life.

Appointment of an Independent Supporter

The process for handling cases involving unaccompanied and separated CABM is often complex with multiple authorities making decisions, including the CAM/CSC, the Guardianship and Tutelage Authority and Department of Education, the Commission on Issues of Minors, the Department of Migration Services etc. The child may even be involved in criminal or administrative proceedings, for example, as a victim of trafficking. Therefore, there is a need for an independent person to mentor and provide emotional support to the child, help the child to navigate the system, and act as a check to ensure that all relevant authorities are involved and meeting the child's needs (whether legal, social, health, psychological, material, educational or other needs).

In addition, unaccompanied and separated child migrants, as well as other categories of CABM who are the subject of child protection case management by the CAM/CSC, may be left feeling confused about why they are in contact with the authorities or unclear about the status of their case. The impact of the decisions by the authorities on the child can be profound, and may include the child being settled in another state, or being removed from the care of their parents if this is in the child's best interests. In such situations, it is important that children who are capable of forming their own views have the opportunity to voice their views freely and have these views taken into account in accordance with their age and maturity, in line with their right to be heard under Article 12 of the CRC. To facilitate this, an independent person should be assigned to the child to:



- To mentor and provide emotional support to the child, while helping the child navigate the child protection, migration and other systems and processes in which the child is involved;
- Ascertain the child's views, wishes and feelings (to the extent that the child is capable of forming his/her own views) on his/her current and future situation and help the child to express these to the decision-making authorities;
- Explain and keep the child informed about the decisions made by the authorities and the progress of his/her case;
- Explain to the child why a particular decision was taken if the decision departs from the child's views, wishes or feelings; and
- Issue recommendations to the authorities and parties involved in the child's case on the steps that should be taken to meet the child's needs.

The arrangements for providing these services vary from state to state. Under Kazakh law, legal representation for children without parental care or orphans is normally provided by the Director

of the body providing the child with alternative care, such as the CAM/CSC or children's home. However, many alternative care providers, such as the CAM/CSC, are state bodies mandated to make decisions about the child, which means that they are not sufficiently independent to take on the role outlined above. Under the Joint Project, the selected NGOs in each test location (i.e. the International Bureau for Human Rights in Nur-Sultan; Rodnik in Almaty; and Sana Sezim in Shymkent / Turkestan Oblast) will therefore offer independent support services. This means that the manager or

a delegated social worker is required to contact the NGO at the outset of the child's case to ask the NGO whether it can appoint a member of its staff to act as the child's independent supporter.

To ensure that the supporter from the NGO is independent, the NGOs are not permitted to take on this role if they have any conflict or potential conflict of interest with the child, which is a decision that needs to be made on the facts of each individual case. See Part 9 for more details.

4.2. SUPPORT SERVICES PROVIDED BY THE TEST NGOS

NGOs as Service Providers

Under the model protective services, NGOs take on the role of 'service provider.' This means that whenever the NGO comes into contact with a child who it considers might be in need of care and protection, it should:

- Refer the child to the CAM/CSC for case management if the child is aged 3 or above with a notification to the Guardianship and Tutelage Authority; or
- Refer the child to the Guardianship or Tutelage Authority if the child is under the age of 3.

If the CAM/CSC considers that the services provided by the NGO match the child's needs, the CAM/CSC can approach the NGO and request it to provide the necessary services as part of the child's plan. However, in such cases, the man-

agement of the child's case would remain with the manager in the CAM/CSC. Alternatively, the NGO may provide 'independent supporter' services to a child subject to child protection case management by the CAM/CSC, provided that there is no conflict or potential conflict of interest between the NGO and child (see above for details).

Where a child does not appear to be in need of care and protection and a child protection referral to the CAM/CSC (for children from the age of 3) or Guardianship and Tutelage Authority (for children under 3) does not need to be made, the CABM may be referred to the NGO directly in order to receive legal, social support services or psychological counselling services. In such cases, the NGO is responsible for managing the child's case.



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4.3. IDENTIFICATION AND REFERRAL OF CABM

To implement the model protective services, all persons who come into contact with a CABM (teachers; juvenile police; the Department of Migration Services; border guards; Guardianship and Tutelage Authority; Commissions on Issues of Minors; etc.) should identify CABM who are in

need of care and protection or support services, and refer them to the appropriate body (CAM/CSC or Guardianship and Tutelage Authority or NGO) without delay. These stakeholder bodies will also collaborate with the CAM/CSC and NGO to ensure the delivery of the model protective services.

4.4. DOCUMENTATION DEVELOPED TO IMPLEMENT THE MODEL

To implement the model protective services, the following documentation has been developed under the Joint Project:



- Intersectoral working protocols for stakeholders on identifying CABM, referring the child to the appropriate body for protective services, and collaborating with other stakeholder bodies to ensure the delivery of protective services ('Manual on Intersectoral Coordination');
- The development of this Manual for the CAM (in Almaty and Shymkent / Turkestan Oblast) and CSC (in Nur-Sultan) on providing child protection case management services to CABM from the age of 3; and
- The development of a NGO Operational Manual for the selected NGOs in the test locations on delivering support services to CABM and their families.

These documents should be read together in order to obtain a complete understanding of how the system for providing model protective services to CABM operates.

The remainder of this Manual sets out the operational framework for the CAMs/CSC to deliver protective services to CABM from the age of 3 under the model.



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5.

GUIDING PRINCIPLES

All staff members of the CAM/CSC must apply the following principles when delivering protective services to CABM under the Joint Project, as set out in this Manual:

- I. In all actions concerning the child, the best interests of the child are a primary consideration. In cases of adoption, the best interests of the child shall be the paramount consideration;
- II. The child's right to life, survival and holistic development shall be respected and protected at all times;
- III. The child must not be discriminated against on the basis of the child's or his or her parent's or legal representative's race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, migration, or other status. This means that all children who are eligible for protective services under this Manual must be treated equally and without discrimination on any of these grounds;
- IV. The child has the right to be heard. This means that, where the child is capable of forming his or her own views, the child has the right to express those views freely, and to have those views given due weight in accordance with the child's age and maturity. Every child should be presumed to be capable of forming his or her own views, unless proven otherwise;
- V. The child's dignity shall be respected and protected at all times. This means that the child must be treated with care, sensitivity, fairness and respect, with special attention given to his or her personal situation, wellbeing and specific needs, and with full respect for the child's physical and psychological integrity;
- VI. The child's right to privacy shall be respected at all times in line with the policy outlined in Part 10 of this Manual;
- VII. All children have the right to live and be nurtured in a family. The removal of a child from the care of his/her family shall therefore be used only where this is in the best interests of the child and as a measure of last resort and shall, whenever possible, be temporary and for the shortest possible duration. Further, all decisions regarding children in alternative care shall have due regard to the importance of ensuring that the child is placed in a stable home that meets his/her basic need for safe and continuous attachment to their caregivers, with permanency generally being a key goal where it is not in the child's best interests to return to the care of his/her parents.



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6.

OVERVIEW OF THE PROGRAMME

6.1. IMPACT, OUTCOME AND OBJECTIVE

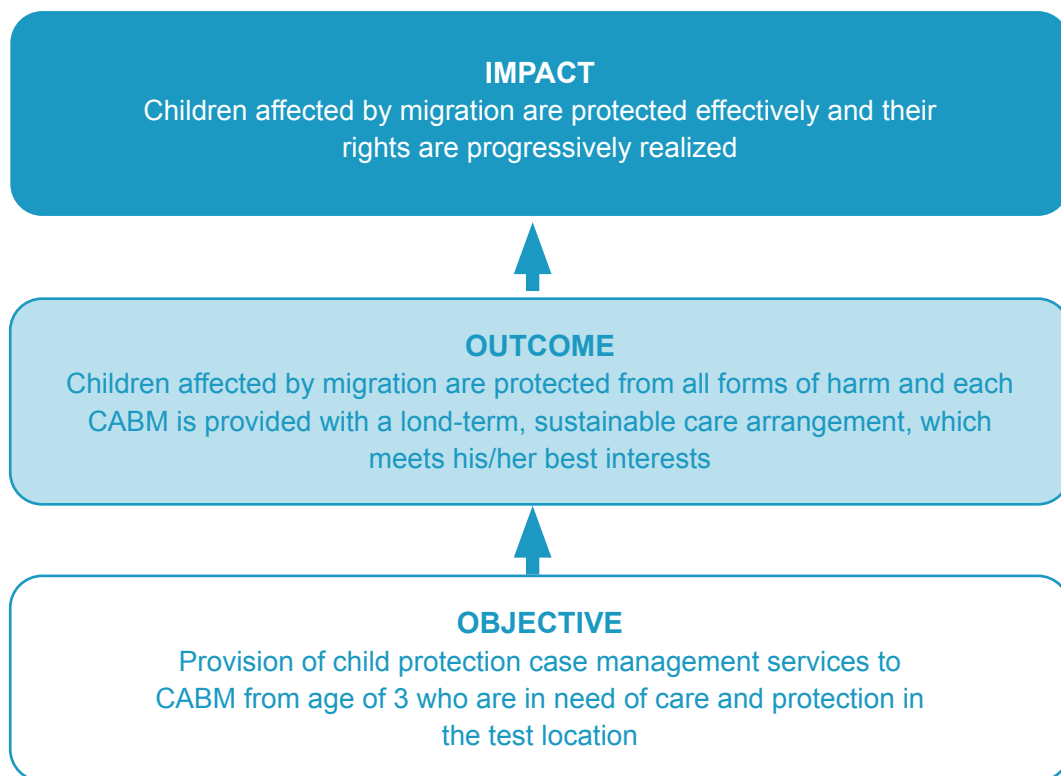
The delivery of child protection case management services to CABM by the CAM/CSC under the Joint Project according to this Manual is referred to as the 'Programme.'

The objective of the Programme is to provide child protection case management services to CABM from the age of 3 who are in need of care and protection in the test locations of Nur-Sultan, Almaty, Shymkent and Turkestan Oblast.

The intended outcome of the Programme is for the CABM to be protected from all forms of harm and provided with a long-term, sustainable care arrangement, which meets the child's best interests.

The overall aim or impact of the Programme is to contribute towards ensuring that CABM are protected effectively and that their rights are progressively realised.

Figure 1: Impact, Outcome and Objective of the Programme



6.2. SERVICES PROVIDED BY THE CAMS/CSC

Under the Programme, the CAM/CSC shall provide child protection case management services to CABM from the age of 3 who are in need of care and protection in the test locations of Nur-Sultan, Almaty, Shymkent and Turkestan Oblast in order to:

1. Protect the child from all forms of harm; and
2. Provide the child with a 'durable solution' (i.e. a long-term, sustainable care arrangement that meets the child's best interests).



Remember: A **'child in need of care and protection'** is one who is suffering or at risk of suffering significant harm.

'Harm' means ill-treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development, including impairment suffered from seeing or hearing the ill-treatment of another. Harm may be caused by physical, sexual or emotional abuse, neglect or exploitation.

The provision of these services involves the following:

- **Identification** of CABM from the age of 3 who are or might be in need of care and protection;
- **Receipt of referrals** of CABM from the age of 3 who are or might be in need of care and protection;
- **Social assessment** of the needs and best interests of the CABM by a skilled social worker;
- **Decision-making** on whether the CABM is, in fact, in need of care and protection;
- **Developing an individualised plan** for the child by identifying and matching services to the child's assessed needs and defined goals;
- **Coordinating** the implementation of the plan;
- **Delivering** social work input to the child and parents or legal representatives;
- **Monitoring** the child's and family's progress, and making adjustments to the plan as the child's needs change; and
- **Closing** the case when the goals of the plan are met.

Special consideration shall be made when identifying unaccompanied and separated CABM. In such cases, the CAM/CSC shall:

- When assessing the child's situation and needs:
 - o Conduct an age assessment if the individual's age is in dispute and it is undetermined whether or not he/she is a child;
 - o Promptly register the child with the CAM/CSC as a child in need of care and protection;
 - o Conduct a comprehensive assessment of

the child's identity, including his or her nationality, upbringing, ethnic, cultural and linguistic background;

- o Identify the reasons for the child's migration situation, including why the child is separated or unaccompanied;
 - o Identify the child's particular vulnerabilities and protection needs (health, physical, psychosocial, material and other protection needs, including those deriving from domestic violence, trafficking or trauma);
 - o Assess all other relevant information to determine the potential existence of international protection needs (i.e. whether the child needs asylum);
 - Appoint an 'independent supporter' for the child;
 - Conduct family tracing, unless this is not in the child's best interests;
 - If relevant, engage a lawyer to provide the child with legal services to help resolve any legal issues relating to the child's migration situation. This includes cases where a criminal or administrative charge is made against a child based solely on his/her migration situation;
 - Identify and implement a 'durable solution' for the child that is in his/her best interests;
 - Pending the identification and implementation of a durable solution, place the child in a temporary care arrangement that is in the child's best interests.
- In the following Part 7 sets out the provisions on recruitment, roles and responsibilities of staff members of the CAM/CSC who are involved in delivering the Programme, as well as the responsibilities of other key stakeholder bodies.

7.

ROLES AND RESPONSIBILITIES, AND HUMAN RESOURCES

7.1. SAFE RECRUITMENT POLICY

The CAM/CSC is committed to the safety and wellbeing of all children participating in the test services. All staff members must share, and act according to, this commitment. The CAM/CSC must therefore operate a 'Safe Recruitment Policy' whereby all candidates working on the Pro-

gramme are vetted according to safety standards and checks to ensure that they are appropriately skilled and qualified to work with children and uphold this commitment. The Safe Recruitment Policy is enclosed in Annex A.



7.2. ROLES AND RESPONSIBILITIES OF CAM/CSC STAFF

The Programme requires the following staff:

- Director (a role which should be performed by the Director of the CAM/CSC);
- Manager x 1;
- Social Worker x 2.

The roles of the Director and Manager should be carried out by separate individuals, given the wide

scope of their duties, the specialist social work expertise required from the Manager, and the need for the Manager to be available in the CAM/CSC to manage day-to-day operations of the Programme, including the receipt of referrals. Further, ideally, there should be at least two Social Workers assigned to the Programme so that the services can continue if one Social Worker is on leave, or so that one Social Worker can cover the Manager's

position while he/she is on short term leave (e.g. is on holiday or is unwell for a day). If the CAM/CSC does not have any existing social workers among its staff, preference should be given to the appointment of pedagogues from among its staff

who most closely resemble the specification below, in order for them to build their social work and perform the role of the Social Worker under the Programme.

Director

The Director is responsible for the overall management, development and implementation of the Programme. This role may be exercised part-time. The Director's responsibilities include:

- The overall management and supervision of staff members and safety of all children participating in the Programme;
- The overall management of the CAM/CSC's finances and supplies as they relate to the Programme;
- Collecting and analysing data from the CAM/CSC's activities to measure the indicators in Part 12.2 and monitor the Programme, and using the data to advocate for evidence-based reforms to laws, policies and practices to protect CABM;
- Representing the CAM/CSC and reporting on the Programme's activities to the Steering Committee (for more details see below);
- Evaluating the staff's work for quality assurance;
- Providing opportunities to staff members to build their capacity, particularly the pedagogues who are appointed to build their social work capacity and take on the role of the social worker under the Programme;
- Monitoring the quality of Programme services delivered by staff members;
- Building links between the CAM/CSC, the test NGO, referring bodies, the Steering Committee, UNICEF and other relevant stakeholders, to ensure the efficient running of the Programme;
- Drafting public annual reports on the Programme's activities and results;
- Raising public awareness of the aims, achievements and activities of the Programme;
- Undertaking such training as is necessary for the efficient management and development of the Programme.



The role of the Director should be carried out by an individual who meets the following requirements:

- University degree in management, development, law, social work, pedagogy or similar subject;
- Meets the Safe Recruitment Policy;
- At least 7 years of experience of delivering social services to children in alternative care and children and families in difficult life situations;
- Strong track record at senior levels of organisational planning and development, and leadership;
- Excellent interpersonal and organisational skills;
- Experience in developing and sustaining collaborative working relationships with other bodies;
- Strong knowledge and understanding of national laws and procedures relating to the protection of children;
- Demonstrates a commitment to the objectives of the Programme, the Guiding Principles and the safety and wellbeing of all children participating in the Programme;
- Ability to advocate for the protection and promotion of children's rights;
- Is flexible and has a proactive and dynamic approach to work.

Manager

The Manager is responsible for managing individual cases of CABM from the age of 3 who are in need of care and protection, supervising Social Workers, and managing the day-to-day operations of the Programme. **This is a full-time role.** The Manager is responsible for:

- The day-to-day management and supervision of the Social Workers, including the allocation of work between them;
- Liaising and cooperating with referring bodies to ensure that correct referrals of CABM are being made to the Programme;
- Receiving referrals of CABM on behalf of the CAM/CSC and conducting the initial interview, or delegating this task to a suitably qualified Social Worker under the Manager's supervision;
- Appointing an independent supporter for the child, or delegating this task to the Social Worker;
- Assigning a Social Worker to conduct, under the Manager's supervision, initial assessments, age assessments, family tracing and full social assessments of a CABM referred to the CAM/CSC;
- Where there is evidence that a crime or an administrative offence has been committed against a CABM referred to the CAM/CSC, assigning a Social Worker to meet with the police to plan the joint handling of the child's case;
- Obtain the relevant consents from the child or his/her parent or legal representative to conduct a medical examination of the child;
- Make recommendations to the Guardianship and Tutelage Authority and Commission on Issues of Minors, where relevant, on the placement of a child in temporary care;
- Reaching decisions on whether or not the child is in need of care and protection, and the action that should be taken to protect the child;
- Chairing child protection meetings and meetings to review the child's care plan;
- Developing and coordinating the implementation of a child protection plan or care plan;
- Managing the review of a child protection plan or care plan and making necessary amendments to the plans;
- Deciding when to close an individual case file;
- Ensuring that any necessary follow-up services or on-going support arrangements are in place before the closure of the child's case;
- Ensuring the protection of all children participating in the Programme;
- Keeping the child's case file up-to-date;
- In collaboration with the Director, representing the CAM/CSC at meetings, seminars and conferences, including at meetings with UNICEF, the funder and the Steering Committee;
- Preparing monthly reports on each child's case for the Director;
- Providing relevant statistical data to the Director for monitoring purposes (see Part 12); and
- Together with the Director, raising the profile and public awareness of the Programme's aims, activities and results at the rayon, City/Oblast and national level.

The Manager shall undertake such training as the Director considers necessary for the efficient management and development of the Programme.



The role of the Manager should be carried out by an individual who meets the following requirements:

- University degree in social work, pedagogy or similar subject;
- Meets the Safe Recruitment Policy;
- At least 7 years of experience of delivering social services to children and families in difficult life situations, children in alternative care and child migrants;
- Strong experience in social work case management;
- Strong track record at senior levels of team management and supervision of social workers;
- Excellent organisational skills;
- Experience in developing and sustaining collaborative working relationships with others;
- Excellent knowledge and understanding of national laws and procedures relating to the protection of children;
- Cultural sensitivity and adaptable interpersonal skills;
- Excellent ability to communicate with children in a child-sensitive manner and ability to facilitate their participation;
- Demonstrates a commitment to the objectives of the Programme, the Guiding Principles and the safety and wellbeing of all children participating in the Programme; and
- Is flexible and has a proactive and dynamic approach to work.



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Social Worker

The role of the Social Worker is to provide social work services to CABM from the age of 3 who are in need of care and protection.

In particular, the Social Worker is responsible for:

- Receiving referrals of CABM on behalf of the CAM/CSC, conducting the initial interview with the child and appointing an independent supporter for the child when delegated by the Manager;
- Conducting the initial assessment, age assessment, family tracing and full social assessment of a CABM referred to the CAM/CSC under the supervision of the Manager;
- Where there is evidence that a crime or administrative offence has been committed against a CABM referred to the CAM/CSC, meeting with

the police to plan the joint handling of the child's case;

- Arranging child protection meetings for the child's case, or meetings to review a child's care plan, acting as secretary of these conferences / meetings, and conducting the post-conference / meeting administration;
- Delivering social work input to the child and family according to the child's care plan or child protection plan;
- Providing progress reports to the Manager on the child and family's progress.

The Social Worker shall undertake such training as the Director or Manager considers necessary for the efficient management and development of the Programme.



The role of the Social Worker should be carried out by an individual which meets the following requirements:

- University degree in social work (a degree in social care or social pedagogy is permissible provided that the person has completed educational courses in social work);
- Meets the Safe Recruitment Policy;
- Experience in social work case management;
- Knowledge of national laws and procedures relating to the protection of children;
- At least 5 years' experience in providing social work services to children in alternative care, children in difficult life situations, and child migrants;
- Excellent ability to communicate with children in a child-sensitive manner and ability to facilitate their participation;
- Cultural sensitivity and adaptable interpersonal skills;
- Excellent communication skills and ability to develop collaborative working relationships with other bodies;
- Demonstrates a commitment to the objectives of the Programme, the Guiding Principles and the safety and wellbeing of all children participating in the Programme;
- Is flexible and has a dynamic and proactive approach to work;
- Excellent organisational skills.

7.3. UNICEF

During the Joint Project, UNICEF shall provide support and advice to the CAMs/CSC, referring bodies and the Steering Committee on the establishment and implementation of the Programme.

7.4. STEERING COMMITTEE

The implementation of the model protective services requires the buy-in and commitment of all stakeholders involved in working with CABM. Without the buy-in and commitment of these stakeholders, CABM will not be referred to the CAM/CSC in order to receive the necessary protective services. For this reason, it is recommended that in each of the three test locations, a multi-disciplinary Steering Committee is set up to oversee the implementation of the Programme and provide guidance to stakeholders to ensure its implementation.

The role of the Steering Committee is not to monitor individual cases. Rather, the Steering Committee should be mandated to ensure the effective intersectoral coordination of cases of CABM and to eliminate overlaps and gaps in the provision of protective services to these children during the implementation of the model. The Steering Committee should therefore function as a forum for stakeholders to discuss and address any issues that have arisen with the implementation of the model protective services during the course of the test. Issues may include, for example, certain stakeholder bodies not making any referrals of CABM from the age of 3 who are in need of care and protection to the CAM/CSC for child protection services.

The Steering Committee for each location should consist of representatives of all City and Oblast-level stakeholders involved in working with CABM, including:

Coram International, as UNICEF consultants, will also provide coaching and training to staff within the CAM/CSC on implementing the Programme.

- The CAM (in Almaty and Shymkent / Turkestan Oblast) or CSC (in Nur-Sultan);
- The NGO selected by UNICEF under the Joint Programme (i.e. the International Bureau of Human Rights in Nur-Sultan; Rodnik in Almaty and Sana Sezim in Shymkent / Turkestan Oblast);
- UNICEF;
- Deputy Akim;
- Commission on Issues of Minors;
- Guardianship and Tutelage Authority;
- Department of Education;
- Department of Health;
- Department of Labour and Social Protection;
- Department of Internal Affairs (Division for Juvenile Inspection; Police Investigation; and Department of Migration Services);
- Border Guard Service;
- Judiciary;
- Prosecutor's Office.

Each representative shall be nominated by the body for which they work. The representative should have sufficient authority to make operational decisions in its respective institution. Procedural guidelines for the operations of the Steering Committee are enclosed in Annex B.

8.

PROCEDURAL GUIDELINES

8.1. RECEIVING REFERRALS



Under the Manual on Intersectoral Coordination, if a person who performs professional or official duties has reasonable cause to believe that a CABM is in need of care and protection (i.e. is suffering or is at risk of suffering significant harm) or is separated or unaccompanied, that person must:

- If the child is aged 3 years or above, refer the child to the Manager in the CAM (in Almaty and Shymkent / Turkestan Oblast) or CSC (in Nur-Sultan); and
- Notify the Guardianship and Tutelage Authority at the City or Oblast level in which the child is located that a child protection referral has been made.

8.1.1. At any one time, there should a staff member available at the CAM/CSC to receive referrals of CABM. Ordinarily, this will be the Manager. However, for non-business hours, weekends, public holidays, and periods when the Manager is on leave, the Manager shall delegate this task to a senior Social Worker who shall be 'on call' to receive referrals during these periods.

8.1.2. If the Manager or delegated Social Worker receives information that there is instant danger to the life or health of a child (i.e. an emergency), in addition to following this Part 8.1, the Social Worker shall also initiate the emergency procedure in Part 8.2.

8.1.3. Within **24 hours** of receiving the referral, the Manager or delegated Social Worker shall:

- a. Verify that a notification has been made to the Guardianship and Tutelage Authority of the City / Oblast in which the child is located and, if not, notify the Guardianship and Tutelage Authority of the referral;
- b. If the evidence indicates that a crime or administrative offence has been committed against the child, inform the Department of Police Investigation (for crimes) or Department of Juvenile Inspection (for administrative offences) or, where relevant, the Department of Migration Services;

- c. Inform the referrer, when possible, that the referral has been received and will be acted upon;
- d. Appoint an 'independent supporter' for the child (see Part 9);
- e. Ascertain whether there has already been a previous referral of the child to the CAM/CSC; and
- f. Ascertain whether a file on the child already exists within the CAM/CSC.

8.1.4. If the child has been the subject of a previous referral, and a file relating to the child exists in the CAM/CSC but has been closed, the Manager or delegated Social Worker shall reopen that file. If the child has not been the subject of a previous referral and a file does not already exist for that child, the Manager or delegated Social Worker shall open a hard copy case file in the child's name. The opening of a hard copy case file on the child shall not prevent information being recorded in electronic form in accordance with any electronic case file management system in place.

8.1.5. The Manager or delegated Social Worker shall ensure that the referrer completes the **REFERRAL FORM** in Annex C for all referrals to the CAM/CSC under the Programme when making the referral:

- a. The date of the referral;
- b. The name of the referrer (if known);

- c. Whether the referral was made by a member of the public or a professional;
- d. If the referrer was a professional, the professional's role (e.g. juvenile inspector; social pedagogue under the Department of Education; social pedagogue under the Department of Health etc.);
- e. The concern that was expressed;
- f. Basic information about the child, to the extent that this is ascertainable, including the child's name, date of

birth, address, names of parents, legal representatives or carers (if different), school attended, whether the child has any siblings, and any other information that may be relevant; and

- g. Information or evidence on which the concerns are based.

The Manager or delegated Social Worker shall keep the original version of the completed Referral Form in the child's case file, though the referrer may retain a copy of the original if he/she made the referral in a professional or official capacity.

8.2. EMERGENCY MEASURES

8.2.1. If the Manager or delegated Social Worker receives information that indicates that there is imminent danger to the life or health of a child (i.e. an emergency), the Manager or delegated Social Worker shall take the following steps **immediately**:

- a. Inform the Department of Juvenile Inspection of the City or district in which the child is located (unless the child protection referral was made by the Department of Juvenile Inspection);
- b. When possible, accompany the juvenile inspector to the child's home or the place where the child is to determine whether the child is suffering or is at immediate risk of suffering significant harm.

8.2.2. When the Manager or delegated Social Worker has reasonable cause to believe that a child is suffering or is at immediate risk of suffering significant harm and that it is necessary to remove the child for his/her protection, the Manager or delegated Social Worker shall **immediately**:

- a. Notify the Guardianship and Tutelage Authority at the City/Oblast level that it is necessary to remove the child for his/her protection;

- b. Together with the Guardianship and Tutelage Authority where possible, seek the assistance of the Department of Juvenile Inspection to remove the child, in order to place the child in temporary care for his/her protection, in which case the juvenile inspector shall assist the CAM/CSC without delay (see Part 8.4 on temporary care);

- c. Together with the Guardianship and Tutelage Authority, give notice to the Office of the Public Prosecutor under section 82 of the Marriage (Matrimony) and Family Code 2011 (Family Code) that the child has been removed and placed into temporary protection.

8.2.3. If the Manager or delegated Social Worker is unable to accompany the juvenile inspector, the juvenile inspector shall inform the Manager or delegated Social Worker of the outcome of the visit and whether or not the child has been removed for his/her protection immediately or within 3 hours of the visit.

8.2.4. When a child is removed and placed into temporary protection, the Manager or delegated Social Worker shall ensure that an initial assessment is completed within **48 hours** of the child's removal.

8.3. INITIAL ASSESSMENT

General

- 8.3.1.** Immediately after a case file has been opened for the child, the Manager shall:
- Assign a Social Worker to work on the child's file; and
 - Direct the Social Worker to undertake an initial assessment of the child under the Manager's supervision.
- 8.3.2.** The purpose of the initial assessment is to determine whether or not the child is suffering or is at risk of suffering significant harm and whether the CAM/CSC should take any initial steps to protect the child in accordance with this Part 8.3.
- 8.3.3.** If there is evidence that the child is suffering or is at immediate risk of significant harm, including cases where the child has been removed under the emergency procedures in Part 8.2, the initial assessment by the Social Worker shall be completed within **48 hours** of receiving the referral or, if later, the child's removal. If there is no evidence that the child is suffering or at immediate risk of significant harm, the initial assessment shall be completed within **72 hours** of receiving the referral. A written report of this initial assessment shall be placed in the child's case file.
- 8.3.4.** In determining whether a child is suffering or is at risk of suffering significant harm, the child's health or development must be compared to that which could reasonably be expected of a child in similar circumstances, taking into account the following factors:
- The nature and extent of the harm suffered or likely to be suffered by the child;
 - The impact on the child's health and development;
 - The child's development within the context of his/her family and the child's wider environment;
 - Any special needs of the child, for example, a medical condition, communication impairment or disability, that may affect the child's development or care within his/her family; and
- The capacity of the parents, legal representatives or caregiver to protect and safeguard the child and meet the child's needs.
- 8.3.5.** The Social Worker assigned to work on the child's case shall undertake an initial assessment of the child using the **INITIAL ASSESSMENT FORM** in Annex D.
- 8.3.6.** The purpose of the initial assessment is to determine whether intervention is required to protect the child. The initial assessment shall involve:
- Undertaking an assessment of the individual's age if the age is in dispute and it is undetermined whether or not the individual is a child (see paragraphs 8.3.12 to 8.3.16);
 - Determining the child's identity, including the child's nationality, ethnicity, and an assessment of his/her upbringing, cultural and linguistic background;
 - Determining whether or not the child is separated or unaccompanied;
 - Identifying the reasons for the child's situation, including the reasons for why the child is separated or unaccompanied, and identifying possible cases of domestic violence or trafficking;
 - Identifying cases where a crime has potentially been committed against the child;
 - Undertaking an assessment of whether or not family tracing would be in the child's best interests and, if so, commencing this as soon as possible (see paragraphs 8.3.17 and 8.3.20);
 - Identifying the child's immediate protection needs, particularly with regard to the child's material needs and physical and mental health;
 - Determining whether or not a medical examination is necessary and in the child's best interests (see paragraphs 8.3.21 to 8.3.23); and
 - Assessing whether the child is in need of international protection (i.e. whether the child is in need of asylum).

- 8.3.7.** To conduct the initial assessment, the Social Worker shall:
- a. See and speak to the child on his/her own, according to the age and maturity of the child;
 - b. See and speak to the child's parents and legal representatives (to the extent that they are traceable or present);
 - c. Visit the child's home / shelter (unless the child is homeless and sleeping on the streets); and
 - d. Consult with other professionals and individuals involved in the child's situation in order to conduct a holistic assessment of the child's needs.
- 8.3.8.** To complete the assessment and draw conclusions on the child's needs, the Social Worker shall take into account all relevant information from all sources, including:
- a. Information provided directly by the child and family;
 - b. Information provided at the time of the referral by the referrer;
 - c. Written statements or written records of oral discussions from consultations with other professionals and individuals involved in the child's situation;
 - d. The Social Worker's own observations from meetings with the child and family;
 - e. The Social Worker's own observations from visits to the child's home / shelter; and
 - f. Documentation relating to the child and relevant family members, including identification papers, court decisions, medical records etc.

Evidence that a Crime or Administrative Offence May Have Been Committed

- 8.3.9.** If there is evidence that a crime or administrative offence has been committed against the child, the CAM/CSC shall coordinate with the relevant police departments in handling the case in accordance with the law and this Manual. Joint handling of the case between the CAM/CSC and the police is necessary to prevent the child from having to participate in numerous interviews or examinations with different bodies, which can often be traumatic and stressful for the child.
- 8.3.10.** If the Manager or delegated Social Worker has received information that a crime or administrative offence has been committed against the child, the Manager or delegated Social Worker should already have informed the police within 24 hours of the referral (see paragraph 8.1.3), and assigned a Social Worker to work on the child's case (see paragraph 8.3.1).
- 8.3.11.** The Social Worker assigned to work on the child's case shall arrange to meet the police at the earliest possible opportunity. The purpose of the meeting is for the Social Worker and police to agree:
- a. How the investigation and social work assessment are to be conducted and coordinated;
 - b. Where the family and any person against whom an allegation is made shall be interviewed;
 - c. Whether a medical examination of the child will be required and, if so, to arrange for a joint medical examination to be carried out for the purposes of the criminal / administrative investigation and child protection case;
 - d. Who will interview any other child in the family or found on the premises;
 - e. The issues that will be covered during the interview; and
 - f. The manner in which the interview will be recorded.



Where there is reasonable cause to believe that a crime or administrative offence has been committed against the child, and an investigative interview by law enforcement authorities with the child is necessary to gather evidence, a Social Worker should be present during the interview. The role of the CAM/CSC social worker is to gather information to contribute to the child's initial assessment. The CAM/CSC social worker is not there to help the child to express his/her views, wishes and feelings, as this role should be undertaken by an independent person (see Part 9). The child should not be interviewed in the presence of any person suspected of harming the child or suspected of colluding with such a person. The interview may be postponed to allow a medical examination of the child to take place (see paragraphs 8.3.21 to 8.3.23), but should take place immediately following the examination, unless this is not in the best interests of the child.

Age Assessment and Determination



The determination of whether or not a person is a child has a significant impact on the types of services, benefits and protection to which that person is entitled. Children without any official documentation to prove their age may sometimes be required to undergo an age assessment to determine their age and eligibility for these services, benefits and protection. However, there is no single and definitive method for assessing a person's age.⁴⁹ Even age assessments that are based on medical evidence have a margin of error.⁵⁰ This can lead to situations where children have to go through stressful, lengthy and, at times, invasive, procedures to assess their age, which do not produce conclusive results. The following paragraphs therefore set out the practices and standards that the CAM/CSC should adopt to ensure that children are age assessed only when necessary and in a prompt, child- and gender-sensitive and culturally appropriate manner, in line with the CRC and international child rights standards.

8.3.12. If there is no proof of an individual's age by birth certificate but the individual asserts that he/she is a child, as a general rule, the Social Worker should accept the child's assertion that he/she is a child. However, if there is reasonable cause for the Social Worker to believe that the individual is not a child, the Social Worker should accept all documentation that can prove the individual's age, such as a notification of birth, extracts from birth registries, baptismal or equivalent documents or school reports. The Social Worker should assume that the documents are genuine unless there is proof to the contrary.⁵¹ The Social Worker should also allow interviews with or testi-

monies by parents regarding age, and permit affirmations to be filed by teachers or community leaders who know the age of the child.⁵² If these measures prove to be unsuccessful, and there remains a reasonable cause to believe that the individual is not child, the Social Worker should undertake an age assessment of the child. In this situation, the child is referred to as an 'age-disputed child..

8.3.13. There may be cases where a Government body (for example, the Department of Migration Services) comes into contact with an individual who claims to be a child, but the individual does not have any official documentation to prove his/her age, and

49 L. Brownlees & T. Smith, Age assessment practices: a literature review & annotated bibliography, 2011, referenced in Coram Children's Legal Centre, *Happy Birthday? Disputing the Age of Children in the Immigration System*, May 2013, p 8 (source is in English).

50 Coram Children's Legal Centre, *Happy Birthday? Disputing the Age of Children in the Immigration System*, May 2013, p 8 (source is in English).

51 CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, 18 September 2019 (CRC GC No. 24), para 33.

52 CRC GC No. 24, para 33.



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the Government body argues that the individual is an adult, or is above a certain age thus disqualifying the child from receiving certain services or treatment. Under the Manual on Intersectoral Coordination, Government bodies are advised to apply the same guidance as set out in paragraph 8.3.12 to such cases.

8.3.14. Where it is necessary to carry out an age assessment of an age-disputed child, the Social Worker shall provide the child and his/her independent supporter with clear information about the purpose and procedure of the assessment.

8.3.15. In line with CRC Committee guidance and good practice, the age assessment shall be a multi-disciplinary, holistic assessment of the child's physical and psychological development, conducted by the Social Worker in collaboration with the relevant professionals. The role of the Social Worker is to ensure that:

a. The assessment is carried out in a child- and gender-sensitive and culturally appropriate manner, with the child best interests as a primary consideration;

- b. The assessment is carried out promptly, without any undue delay;
- c. Interviews are held with the child, parents, legal representatives and caregivers in languages that they understand;
- d. The least invasive method of assessment is adopted;
- e. The method of assessment adopted is scientific, safe and fair, avoids any risk of violating the physical integrity of the child, and gives due respect to the child's dignity;
- f. The assessment is multi-disciplinary. The CRC Committee considers that solely medical methods based on, among other things, bone and dental analysis, are 'often inaccurate, due to wide margins of error, and can also be traumatic.'⁵³

8.3.16. In the event that the age assessment produces inconclusive or uncertain results, the age-disputed child shall be given the benefit of the doubt.

Family Tracing



Family tracing refers to the process of finding the parents or other family members of an unaccompanied or separated CABM. Family tracing is an important part of finding a durable solution for an unaccompanied or separated CABM. The CRC Committee recommends that family tracing should therefore be 'prioritized except where the act of tracing, or the way in which the tracing is conducted, would be contrary to the best interests of the child, or jeopardize the fundamental rights of those being traced.'⁵⁴ There may also be cases where the child does not wish to trace his/her family.

8.3.17. Family tracing shall be undertaken as soon as possible, except where the act of tracing, or the way in which the tracing is conducted, would be contrary to the best interests of the child, or place a family member at risk of harm.

8.3.18. Before initiating family tracing, the Social Worker shall undertake an assessment of whether or not family tracing would be contrary to the child's best interests or place the family member at risk of harm. Family tracing may not be in the child's best interests where there are child protection concerns against the family member.

8.3.19. While conducting the assessment, the Social Worker shall ensure that the child is given the opportunity to express his/her views on whether or not to trace his/her family, and that these views are given due weight in accordance with the child's age and maturity. In order for the child to be able to develop an informed view on family tracing, the Social Worker shall provide the child with clear, age-appropriate information on what family tracing is, why it is being considered, how it will be carried out, and the consequences or potential repercussions of tracing or not being able to find the child's family.



Remember: The role of the independent supporter is important to help the child understand the process and repercussions, and to express his/her views on the matter to the Social Worker.

8.3.20. If the Social Worker concludes that family tracing is not contrary to the child's best interests and would not put the family member at risk of harm, the Social Worker shall, with the Manager's approval, undertake family tracing. The Social Worker is

responsible for liaising with the relevant bodies, such as the police, embassies and authorities in other States, in order to trace the child's family, and shall coordinate the family tracing process under the Manager's supervision.

Medical Examination

8.3.21. If there is reasonable cause to believe that a child is suffering or is at risk of suffering significant harm, and it is necessary and in the best interests of the child to conduct a medical examination, the Manager shall:

a. Where the child is under the age of 16, seek the written consent of the child's parent or legal representative; or

b. Where the child is age 16 or over, seek the written consent of the child.

Even though the law does not require the consent of children under the age of 16, the Manager shall also seek the consent of the child under the age of 16 where the child has sufficient maturity and understanding to provide consent to the medical examination.

54 CRC GC No. 6, para 80.

8.3.22. If the child's parent or legal representative refuses to provide consent but the child has sufficient maturity and understanding, the consent of the child should be sufficient. If the child does not have sufficient maturity of understanding, and the child's parent or legal representative (where legal representation is provided by a body other than a Government authority) refuses to

provide consent, the Manager shall submit an application to the Guardianship and Tutelage Authority/Court.

8.3.23. A determination of whether a child has sufficient maturity and understanding to provide consent to the medical examination shall lie with the doctor undertaking the medical examination.

8.4. PROVISION OF TEMPORARY CARE

8.4.2. Where a CABM is referred to the CAM/CSC and:

- a. It is necessary to remove the child and place him/her into temporary care for his or her protection; or
- b. The child's is not being cared for by a parent or legal representative, for example, because the child is orphaned, abandoned, lost or otherwise separated or unaccompanied;

the Manager shall regard the child as a child in need of care and protection and recommend to the Guardianship and Tutelage Authority and, where relevant, the Commission on Issues of Minors, the placement of the child in temporary care in accordance with the terms of the Family Code and this Manual.

8.4.3. When developing the recommendations in paragraph 8.4.2, the Manager shall apply the following principles:

- a. The guiding principles in Part 5;
- b. The child shall remain as close as possible to his/her habitual place of residence, to the extent that this is in line with the child's best interests, in order to facilitate the child's contact and potential reintegration with his/her family, and minimise disruption to the child's educational, social and cultural life;
- c. Siblings with existing bonds shall not be separated by placements in temporary care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort shall be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests;

d. The placement in the CAM/CSC temporary residential unit or other form of temporary residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests.

8.4.4. Where it is specifically appropriate, necessary and constructive for the individual child and in his/her best interests to be placed in the CAM/CSC temporary residential unit, the Manager shall:

- a. In collaboration with the Departments of Education and Education Units of the City/Oblast and relevant district, ensure that the child is subject to an open regime, including by allowing the child to continue to attend, or enrolling the child in, school or other education programme in the community on the same footing as a Kazakh national, unless the child is a significant risk of harm to him/herself or to others, in which case serious consideration needs to be made as to whether placement in the CAM/CSC temporary residential unit is appropriate for the child or other resident children in the first place;
- b. Together with other relevant bodies (e.g. the Commission on Issues of Minors and Guardianship and Tutelage Authority) review the child's placement at least every calendar month to ensure that the child's placement in the CAM/CSC temporary residential unit continues to be appropriate, necessary and constructive for the child and in his/her best interests, and does not exceed a period of **3 months**;

- c. Recommend to the Guardianship and Tutelage Authority that the child is placed in a family-based form of temporary care that is in the child's best interests as soon as the placement in the CAM/CSC temporary residential unit ceases to be appropriate, necessary and constructive for the child or in

the child's best interests.

- 8.4.5. The child shall remain in temporary accommodation until all necessary assessments are undertaken and a decision is made on the action required to safeguard and promote the welfare of the child in accordance with the law and this Manual.

8.5. ACTION FOLLOWING INITIAL ASSESSMENT

8.5.1. Following the initial assessment, the Manager, in consultation with the Social Worker who undertook the initial assessment and, where there is reasonable cause to believe that a crime has been committed, the police, shall reach one of the following decisions:

- a. There is **no** reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm, and no further action shall be taken; or
- b. There is no reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm but that the family should be referred for social support services; or
- c. There are reasonable grounds for concern that the child is suffering or at risk of suffering significant harm.

8.5.2. Where the Manager makes the decision under paragraph 8.5.1a above, and no parent or relative is charged with a criminal or administrative offence in relation to the child as a result of the initial assessment,

the Manager shall close the case file using the **CASE CLOSURE FORM** in Annex E and notify the referrer. When notifying the referrer, the Manager shall apply the privacy policy in Part 10. This means that unless the disclosure of personal details is permitted under the privacy policy, the Manager shall not provide any personal details about the child or family to the referrer but rather shall just inform the referrer that:

- a. An initial assessment has been completed; and
- b. The conclusion of the initial assessment is that the child is not suffering or at risk of suffering significant harm.

8.5.3. Where the Manager makes the decision under paragraph 8.5.1b above and no parent or relative is charged with a criminal or administrative offence in relation to the child as a result of the initial assessment, the Manager shall contact the Coordinator of the selected NGO in the City / Oblast to make a referral request using the NGO's **REFERRAL REQUEST FORM** in Annex F,



Remember - the selected NGOs are:

- The International Bureau for Human Rights for Nur-Sultan;
- Rodnik for Almaty; and
- Sana Sezim for Shymkent and Turkestan Oblast.

8.5.4. If the referral request is accepted by the NGO, the Manager shall close the child's case file using the **CASE CLOSURE FORM** in Annex E and notify the referrer in the same manner as outlined in paragraph 8.5.2. If the referral request is not accepted by the NGO (for example, because it

does not have any spaces left on its programme, or because the child does not meet its admission criteria), the Manager shall refer the child to another appropriate body in order for the family to receive the required social support services. Once the referral has been made and accepted, the

Manager shall close the child's case using the **CASE CLOSURE FORM** and notify the referrer in the same manner as outlined in paragraph 8.5.2.

- 8.5.5.** Closed case files shall be kept by the CAM/CSC until the child reaches 18 years of age, after which the case files shall be maintained according to Kazakhstan's laws on maintaining State records and archives.
- 8.5.6.** Where the Manager makes the decision under paragraph 8.5.1a or 8.5.1b, but a parent or legal representative has been charged with a criminal or administrative offence in relation to the child, the Manager and Social Worker should keep up to date with the progress of the criminal case according to the arrangements agreed with the CAM/CSC under paragraph 8.3.11. The Manager shall not close the case file until the criminal or administrative

case is complete and the parent or legal representative is not found to be responsible for the harm against the child. If the parent or legal representative is charged and found guilty of harm against the child, the Manager shall ask the Social Worker to update its social assessment of the child and reconsider whether there is reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm.

- 8.5.7.** If the Manager reaches the decision under paragraph 8.5.1c, the Manager shall:
 - a. Direct the Social Worker to undertake a full social assessment of the child (see Part 8.6); and
 - b. Notify the referrer that the case is still being considered and that he/she will be informed of the outcome once a decision has been made.

8.6. SOCIAL ASSESSMENT

General

- 8.6.1.** A full social assessment of the child shall be completed within eight weeks of the Manager's appointment of a Social Worker under paragraph 8.5.7a. The Social Worker shall undertake the assessment under the supervision of the Manager.
- 8.6.2.** The purpose of the social assessment is to determine whether:
 - a. The child is suffering or at risk of suffering significant harm; and
 - b. A parent or legal representative is able to protect and safeguard the child, promote the child's health and development and respond appropriately to the child's needs.
- 8.6.3.** During the assessment, the Social Worker shall:
 - a. See and speak to the child on his/her own, according to the child's age and maturity;
 - b. See and speak to the child's parents and legal representatives, if they are traceable;
 - c. Consult with other professionals and individuals involved in the child's situation. The Social Worker must consult with the police to determine whether a crime or administrative offence has been committed; and
 - d. If necessary, conducting another visit to the child's home or shelter (unless the child is homeless and sleeping on the streets).
- 8.6.4.** To complete the assessment and draw conclusions on the child's needs, the Social Worker shall take into account information from all the sources listed in paragraph 8.3.8.

Family Reunification

- 8.6.5.** This section on ‘Family Reunification’ applies to children who are separated or unaccompanied. In such cases, the ultimate aim shall be to identify a durable solution that addresses all of the child’s protection needs, taking into account the child’s views in accordance with his/her age and maturity, and overcomes his/her unaccompanied or separated situation. As per CRC Committee guidance, the social assessment must analyse the possibility of reuniting the child with his/her parents or legal representatives.
- 8.6.6.** If the child’s parents or legal representatives can be traced (see paragraphs 8.3.17 to 8.3.20), all efforts must be made to reunite the child with his/her parents or legal representatives, unless continued separation from them is necessary for the best interests of the child. As per CRC Committee guidance,⁵⁵ Social Workers should bear in mind that cases involving abuse or neglect of the child by the parents or legal representatives may prohibit the child’s reunification with them at any location. However, there may be circumstances preventing reunification at specific locations only. For example, for a separated or unaccompanied child outside of his/her country of origin, it may not be in the child’s best interests to be returned to his/her country of origin to reunite with his/her parents, in which case reunification in Kazakhstan or, if that is not possible, in a third country should be considered.
- 8.6.7.** When assessing whether it is in the child’s best interests to be reunited with his/her parents or legal representatives in their country of origin, subject to paragraph 8.6.8, the Social Worker shall:
- a. Balance the risks involved in returning the child to his/her country of origin with other rights-based considerations if the child is not returned, including the effect that continued separation would have on the child;
 - b. Regard the survival of the child as of paramount importance and a precondition for the enjoyment of any other rights; and
- c. Shall not permit non-rights-based arguments, such as those relating to general migration control, to override best interests considerations.
- 8.6.8.** It is not in the best interests of the child, and the child shall not be returned to his/her country of origin under any circumstances if:
- a. There are substantial grounds that there is a real risk of irreparable harm to the child, either in the country to which removal is to be effected or in any country to which the child may subsequently be removed. Irreparable harm includes, but is not limited to: torture; inhuman or degrading treatment or punishment; recruitment as a combatant or to provide sexual services for the military; direct or indirect participation in hostilities; and violations of the child’s right to life, survival or development. This rule applies regardless of whether or not the harm is caused by State actors or non-State actors, are directly intended or an indirect consequence of an action or inaction; or
 - b. There is a reasonable risk that such a return would lead to the violation of the fundamental human rights of the child; or
 - c. If the child is seeking asylum or has been granted refugee status.
- 8.6.9.** Where it is in the best interests of the child to be reunited with his/her parents or legal representatives, but not in the child’s country of origin, as per CRC Committee guidance, consideration should be made to whether family reunification can take place in Kazakhstan or, if that is not possible, resettlement with the parents or legal representatives in a third country, where this is in the best interests of the child.

⁵⁵ CRC Committee, General Comment No. 6 (2005), para 81

Conclusions of the assessment

8.6.10. Following the social assessment, the Manager, in consultation with the Social Worker who undertook the assessment and the police, shall make one of the following conclusions:

- a. There is no reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm, and that no further action shall be taken;

OR

- b. There is no reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering harm, but the family are in need of, and shall be referred to, relevant support services;

OR

- c. (i) There is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm;
- (ii) The harm and the risk are not so serious that it is necessary to remove the child from his parent or legal representative in order to protect and safeguard the child; and
- (iii) The child's case shall be referred to a child protection meeting (see Part 8.7);

OR

- d. (i) The parents or legal representatives of a separated or unaccompanied child have been traced;
- (ii) The child's parents or legal representatives are able to protect and safeguard the child, promote the child's health and development, and respond appropriately to the child's needs;
- (iii) It is in the best interests of the child to be reunited with his/her parents

or legal representatives, either in the child's country of origin, Kazakhstan or resettlement country; and

- (iv) The child's case shall be referred to a child protection meeting (see Part 8.7);

OR

- e. (i) The child is suffering or is at risk of suffering significant harm; and
- (ii) The harm and the risk are so serious that it is necessary to remove the child from his parent or legal representative and place the child in alternative care (see Part 8.10);

OR

- f. (i) The parents or legal representatives of a separated or unaccompanied child cannot be traced, or they have been traced but it is not in the best interests of the child to reunite with his/her parents or legal representatives in any location; and
- (ii) It is necessary to place the child in the alternative care (see Part 8.10).

8.6.11. In determining whether the child is suffering or at risk of suffering significant harm, the Social Worker shall follow the guidance in paragraph 8.3.4.

8.6.12. The Social Worker, under the Manager's supervision, shall complete the SOCIAL ASSESSMENT FORM in Annex G to document the assessment and conclusions. If the form does not have enough space, the Social Worker shall complete the Social Assessment Form to highlight the key points arising from the assessment, and append a full version of the social assessment report to the form

8.7. CHILD PROTECTION MEETING

General

- 8.7.1.** This Part 8.7 applies if, following the social assessment, the Manager decides that:
- There is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm, but that the harm and the risk are not serious enough to remove the child from his parent or legal representative in order to protect and safeguard the child; or
 - Where the parents or legal representatives of a separated or unaccompanied child have been traced, and it is in the best interests of the child to be reunited with them, either in the child's country of origin, in Kazakhstan or in a resettlement country.
- In such cases, the Manager shall refer the child's case to a child protection meeting.



A '**child protection meeting**' is a confidential meeting of professionals involved in the child's case to review all relevant information and plan how to support the family to care for, protect and safeguard the child.

- 8.7.2.** The Manager shall direct the Social Worker to convene a child protection meeting within **7 working days** of the completion of the Social Assessment Form.

Inviting professionals

- 8.7.3.** The Social Worker shall invite all professionals who are involved in the child's case and who are relevant to making plans for supporting the family to care for and protect the child. These professionals may include, but are not limited to:
- The Manager and Social Worker who carried out the social assessment of the child;
 - Representative of the Guardianship or Tutelage Authority;
 - Representative of the Commission on Issues of Minors;
 - Juvenile inspector;
 - Police investigator;
 - Any other professional involved with the child, including any doctor, nurse, teacher, school pedagogue or psychologist;
- 8.7.4.** The Social Worker shall request all professionals who have been invited to the meeting but who are unable to attend to submit a written report at least two working days before the meeting. The report should set out:
- The professional's views on the evidence in the child's case;
 - The action that should be taken to support the family in caring, protecting and safeguarding the child; and
 - The reasons for these views.
- g.** If it is in the child's best interests to be reunited with his/her parents or legal representatives in another country or City or Oblast of Kazakhstan, representatives of the relevant authorities from those locations.

Involving the child and relatives

- 8.7.5.** Subject to paragraphs 8.7.6 to 8.7.10, the Social Worker shall ensure the participation of the following individuals in the child protection meeting:
- The child, provided that he/she is of sufficient age and maturity and it is in the best interests of the child to attend;
 - The child's independent supporter;
 - The child's parents and relevant relatives (if they are traceable);

- d. If different to the parents, the child's legal representative; and
- e. Any caregiver who has looked after the child.

8.7.6. The Social Worker shall provide the persons in paragraph 8.7.5 with information about:

- a. The purpose of the child protection meeting;
- b. Who will attend;
- c. Their role in the meeting;
- d. How the meeting will operate;
- e. The date, time and venue of the meeting; and
- f. For participants joining the meeting virtually, the meeting dial in details.

8.7.7. If the child is of sufficient age and maturity, the Social Worker shall ensure that the child and his/her independent supporter are provided with this information in clear, age-appropriate language. The Social Worker shall also check whether any of the attendees have any communications needs, and that any necessary communication aids are provided at the child protection meeting (for example, a signer or interpreter).

8.7.8. The Manager may decide to exclude a parent, relative, legal representative or caregiver who is alleged to have abused the child, who is facing criminal prosecution in relation to the child, or whose presence may result in violence or intimidation of the child or other person, from the child protection meeting.

8.7.9. If a parent, relative, legal representative or caregiver is excluded, unable or unwilling to attend the meeting, the Social Worker shall permit him/her to:

- a. Submit a statement in writing, which shall be read out during the meeting; or
- b. Provide oral contributions via a friend or other attendee at the meeting.

8.7.10. If the Manager or Social Worker concludes that it would not be in the child's best interests to attend the child protection meeting, or part of the meeting, the attendance and involvement of the child's independent supporter becomes especially important. It is the role of the independent supporter to convey the child's views, wishes and feelings at the meeting in the child's absence, and to update the child on the events at the meeting after its conclusion.



Remember: even where the child attends the meeting, his/her independent supporter should be present in order to help the child to understand the discussions and express his/her views, wishes and feelings to the meeting on the issues at stake.

Information to be made available

8.7.11. The Social Worker shall ensure that the professional members of the meeting, including the independent supporter, have the following information:

- a. A chronology of significant events relating to the child's and family's contact with the relevant authorities;
- b. Information about the child's health and development;
- c. Information on the capacity of the parents, legal representative, caregiver and other relevant relatives to care for, protect and safeguard the child;

- d. Where relevant, information on the appropriateness of family reunification in the country of origin, Kazakhstan or resettlement country;
- e. Any reports submitted by professionals who are unable to attend the meeting (see paragraph 8.7.4);
- f. The expressed views, wishes and feelings of the child;
- g. Any submissions made by parents, legal representatives, relatives or carers who are not present at the meeting (see paragraph 8.7.9); and

- h. An analysis of future risks to the child's safety, health and development.

8.7.12. When providing the documentation to the meeting members, the Social Worker shall inform them that all documentation relating

to the child protection meeting is confidential and cannot be released to any person other than the professional members of the meeting.

Child protection meeting proceedings

8.7.13. The Manager shall chair the meeting. The Social Worker shall be the secretary for the meeting and is responsible for taking the minutes of the meeting.

8.7.14. At the start of the meeting, the chairperson shall remind the attendees at the meeting that time will be allocated to:

- a. Listening to the views, wishes and feelings of the child (where the child is present and capable of express his/her views);
- b. Listening to the views and submissions of the parents, relatives, legal representatives and carers (as relevant); and
- c. A professional discussion on the evidence presented, during which time the chairperson may require the child, the parents, legal representatives, caregiver and any person assisting them (including the independent supporter), to withdraw.

8.7.15. During the meeting, the chairperson may ask the child to withdraw if the chairperson deems that it is not in the child's best interests to hear the information being presented or discussed, and shall explain to the child the reasons why he/she is being asked to withdraw. In such cases, the child's independent supporter may remain in the meeting and provide child-friendly feedback to the child after the sensitive discussions have taken place.

8.7.16. At the child protection meeting, the professional members shall:

- a. Bring together and analyse the information about the child's health, development and wellbeing and the capacity of the parents, legal representatives or caregiver to protect and safeguard the child and promote the child's health and development;
- b. Decide whether the child is at continued risk of suffering significant harm, following the guidance in paragraph 8.3.4;
- c. Where relevant, whether it is in the best interests of the child to be reunited with his/her parents or legal representatives, in the child's country of origin, Kazakhstan or resettlement country (as relevant); and
- d. Make recommendations on the actions needed to support the family to care for, protect and safeguard the child (see paragraphs 8.7.18 to 8.7.21).

8.7.17. Before concluding the child protection meeting, the Manager shall remind all members of the meeting that the documents and minutes of the meeting are confidential, and cannot be retained or removed from the room other than by the professionals working with the child.

Recommendations of the child protection meeting

8.7.18. If the professionals at the meeting conclude that there is no evidence or insufficient evidence that the child is at continued risk of suffering significant harm, in light of the guidance in paragraph 8.3.4, the members may recommend that:

- a. No further action be taken; or
- b. The child and family be referred to relevant support services.

8.7.19. If the professional members of the meeting conclude that:

- a. The child is at continued risk of suffering significant harm; and
- b. The child's health and development can be safeguarded by putting in place a child protection plan while the child lives with his/her parent or legal representative,

the professional members shall, at the meeting, develop an outline of a child protection plan. The Manager shall then be responsible for finalising and managing the implementation and review of the child protection plan after the meeting (see Part 8.8).

8.7.20. If the professional members of the meeting conclude that it is in the best interests of the child to be reunited with his/her parents or legal representatives in the child's country of origin, Kazakhstan or third country, the professional members shall develop an outline of a child protection plan. The Manager shall then be responsible for finalising the child protection plan after the meeting and transferring case management to the relevant authority in the country of reunification (see Parts 8.8 and 8.9).

8.7.21. If the professional members of the meeting conclude that:

- a. The child is at continued risk of suffering significant harm, and the child's health and development cannot be safeguarded by putting in a place a child protection plan while the child lives with his/her parents or legal representative; or
- b. Where the child was separated or unaccompanied and it is not in the child's best interests to be reunited with his/her parents or legal representatives in any location,

the professional members shall refer the case back to the Manager in order for the CAM/CSC to develop and manage the implementation and review of a care plan for the child (see Part 8.10).

Post-meeting administration:

8.7.22. Following the meeting, the Social Worker shall submit the draft minutes of the meeting to the Manager for review, approval and signature. The minutes shall include details of the recommendations and, where relevant, the outline of the child protection plan made at the meeting. Once the minutes, recommendations and any outline of a child protection plan have been approved and signed by the Manager, the Social Worker shall:

- a. Submit a copy of the minutes and child protection plan to all professional parties attending the meeting;
- b. Keep a copy of the minutes and child protection plan on the child's case file in the CAM/CSC;
- c. Provide a copy of the child protection plan to the parents or legal representative (as relevant);

- d. Provide a copy of the minutes of the meeting, excluding the professional discussions, to the parent, legal representative and child upon their request;
- e. Provide a copy of the child protection plan to the independent supporter;
- f. Where the child is of sufficient age and maturity, provide the child with a copy of the child protection plan, in age-appropriate language.

8.7.23. Any person attending the meeting may make representations to the Manager (as the meeting's chairperson) with regard to the accuracy of the minutes. If the Manager decides not to amend the minutes, the representations shall be placed in the child's case file.

8.8. DEVELOPING THE CHILD PROTECTION PLAN

- 8.8.1.** A ‘**child protection plan**’ is a plan to safeguard the child from further harm, promote the child’s health and development, and support the family to care for the child, while the child lives with his/her parent or legal representative. The plan shall be for no longer than 12 months in duration without a new social assessment.
- 8.8.2.** If the child protection meeting reaches the conclusions in paragraphs 8.7.19 or 8.7.20, the Manager shall, in consultation with the Social Worker assigned to the child’s case, finalise the child’s child protection plan within **7 working days** of the child protection meeting. The Manager shall use the template **CHILD PROTECTION PLAN** in Annex H.
- 8.8.3.** The Manager shall ensure that the child protection plan:
- a. Identifies the risks of significant harm faced by the child and detail the ways in which the child shall be protected;
 - b. Establishes short-term and long-term objectives that are directly linked to reducing the risk of harm to the child, protecting the child’s safety, and promoting the child’s health and development;
 - c. Details the actions that shall be taken to reach the objectives, the persons responsible for those actions and the time limits for achieving these objectives;
 - d. The date for the next periodic review of the plan, which shall take place within 30 days from the start of the plan;
 - e. If the child is reuniting with his/her parents or legal representatives in the country of origin or resettlement country:
 - i. Identifies a case manager within the child protection authority of that country who will manage the child’s case;
 - ii. Details the dates and process for the review of the child protection plan by that authority;
 - iii. Details the process for returning the child to his/her country of origin or resettlement country, which must not involve depriving the child of his/her liberty at any stage of the process solely on the basis of the child’s migration status or for the child’s care and protection; and
 - iv. Details for handing over the case management of the case file from the CAM/CSC to the case manager in the other country.
- 8.8.4.** The Social Worker shall:
- a. Provide a written copy of the final child protection plan to all relevant professionals working with the child and obtain signatures from bodies required to provide approval (for example, the Guardianship and Tutelage Authority or child protection authority in the country of origin/ resettlement country);
 - b. Provide a written copy of the child protection plan to the child’s parent or legal representative for their written agreement to follow the plan;
 - c. Provide a written copy of the child protection plan to the child’s independent supporter; and
 - d. Where the child is of sufficient age and maturity, explain the child protection plan to the child, in the presence of the child’s independent supporter. The Social Worker shall also provide the child with a copy of the child protection plan, unless the Social Worker believes that this would be contrary to the child’s best interests.

8.9. IMPLEMENTATION, REVIEW AND CLOSURE OF THE CHILD PROTECTION PLAN

Children remaining in Kazakhstan

- 8.9.1.** The Manager shall coordinate the implementation of the child protection plan with the assistance of a Social Worker.
- 8.9.2.** The Manager shall ensure that the child protection plan is reviewed by a meeting of professionals involved in the child's case. The Manager is responsible for:
- Ensuring that the child protection plan is reviewed at least once every 30 days;
 - Convening the meeting by following the same guidance given for child protection meetings in paragraphs 8.7.3 to 8.7.12.
- 8.9.3.** The purpose of the review meeting is to consider:
- Whether the child protection plan continues to adequately safeguard the child;
 - Whether the child protection plan has been followed;
 - The progress made by the child and family; and
 - Whether the child protection plan should continue in its current form or be amended to better meet the child's needs.
- 8.9.4.** The review meeting shall adopt the same procedures as the initial child protection meeting (see paragraphs 8.7.13 to 8.7.17).
- 8.9.5.** Following the discussions at the meeting, the professional members of the meeting shall make one of the following recommendations:
- The child protection plan continues to be necessary for the best interests of the child and should continue as drafted;
 - The child protection plan continues to be necessary for the best interests of the child but needs to be altered to meet the child's needs;
 - The child protection plan is no longer adequate to protect and safeguard the child and promote his/her health and development, such that further intervention is necessary;
 - The child protection plan has continued for 12 months but there is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm; or
 - There is no longer any reasonable cause to believe that the child is suffering or is at risk of suffering significant harm, and that the child protection plan is no longer necessary to protect and safeguard the child, promote his/her health and development, or support the parents / legal representatives to meet the child's care needs.
- 8.9.6.** The Manager shall accept the recommendations of the meeting except where the Manager considers that the recommendations are not in the child's best interests. If the Manager rejects any recommendations, the Manager shall provide his/her reasons to the professional members of the meeting in writing within **2 working days** of the meeting.
- 8.9.7.** If amendments are to be made to the child protection plan, the Manager shall, in consultation with the Social Worker assigned to the child's case, amend the child protection plan within **7 working days** of the meeting and set a date for the next review. The Social Worker shall take the steps in paragraphs 8.8.4 and as it relates to the amended child protection plan and follow the post-meeting administration steps in paragraphs 8.7.22 to 8.7.23 as it relates to the review meeting.
- 8.9.8.** If the child protection plan has continued for 12 months but the child continues to be at risk of suffering significant harm, or where the child protection plan is no longer adequate to protect and safeguard the child and promote his/her health and development, the Manager shall appoint a Social Worker to conduct another assess-

ment of the child in accordance with Part 8.6, and consider whether it is necessary, for the best interests of the child, that he/she be placed in temporary care in accordance with Part 8.4.

8.9.9. If there is no longer any reasonable cause to believe that the child is suffering or is at risk of suffering significant harm, and that the child protection plan is no longer necessary to protect and safeguard the child,

promote his/her health and development, or support the parents / legal representatives to meet the child's care needs, the Manager shall:

- a. Ensure that the child and family are referred to any appropriate support services; and
- b. Close the child's case file using the **CASE CLOSURE FORM** in Annex E.

Children returned to their country of origin or resettlement country

8.9.10. The Manager shall oversee the implementation of the child protection plan in so far as it relates to activities taking place in Kazakhstan. This will include managing and coordinating the implementation of the provisions for the safe return of the child to his/her country of origin or resettlement country, and transferring case management to

the relevant authority in that country.

8.9.11. The Manager shall close the child's case file using the **CASE CLOSURE FORM** in Annex E upon confirmation by the child's case manager in the country of origin / country of resettlement of the child's safe arrival in that country.

8.10. DEVELOPING THE CARE PLAN

General provisions

8.10.1. The Manager shall develop a 'care plan' for a child where:

- a. Following the social assessment, the Manager, in consultation with the Social Worker who undertook the assessment and the police, decides that:
 - i. The child is suffering or is at risk of suffering significant harm and the harm and the risk are so serious that it is necessary to remove the child from his parent or legal representative in order to protect and safeguard the child and place the child in an alternative care arrangement according to the Family Code; or
 - ii. It is not in the child's best interests to reunite with his/her parents or legal representatives in any location, such that it is necessary to place the child in alternative care; or
- b. The child protection meeting concludes that:
 - i. The child is at continued risk of suffering significant harm and the

child's health and development cannot be safeguarded by putting in place a child protection plan while the child lives with his/her parent or legal representative; or

- ii. It is not in the best interests of the child who was separated or unaccompanied to be reunited with his/her parents or legal representatives in any location (see paragraph 8.7.20).

8.10.2. Before developing the care plan, the Manager shall review the initial assessment and full social assessment reports to ensure that the child falls within one of the cases listed in paragraph 8.10.1.

8.10.3. Once the Manager is satisfied that a care plan is necessary for the child under the preceding paragraph, the Manager shall develop a care plan for the child within 21 days of the decision or conclusion in paragraph 8.10.1 using the template in Annex I. The care plan shall contain information on:

- a. The arrangements to meet the child's physical and mental health; education

and training; emotional and behavioural development; identity including the child's religious, cultural and linguistic background; family and social relationships; placement; and social and self-care skills;

- b. Any support that will be provided to the child and the family to prepare the child for his/her potential reintegration into the family home;
- c. The access the child shall have to his/her parents / legal representatives during the care plan or the reasons for denying access;
- d. The long-term plan for the child's upbringing, including adoption if this is in the best interests of the child;
- e. Any other provisions necessary to safeguard the child;
- f. The roles and responsibilities of all professionals, including the nature and frequency of their contact with the child; and
- g. The date of the review of the child's care plan, which shall take place no later than 28 days from the commencement of the care plan; and
- h. When relevant, arrangements and services that shall be put in place and delivered to support the child to transition from care.

8.10.4. When developing the care plan, the Manager shall ensure compliance with the guiding principles in Part 5 as well as the following:

- a. The child shall remain as close as possible to his/her habitual place of residence, to the extent that this is in line with the child's best interests, in order to facilitate the child's contact and potential reintegration with his/her family, and minimise disruption to the child's educational, social and cultural life;
- b. The child shall be provided with a stable home that meets their basic need for safe and continuous attachment to their caregivers, with permanency as a key goal, whether through reintegration into the child's nuclear family, placement with the child's extended

family or, if that is not possible, in an alternative care arrangement that is in the child's best interests;

- c. Siblings with existing bonds shall not be separated by placements in alternative care unless there is a clear risk of abuse or other justification as it relates to the best interests of the child. In any case, every effort shall be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests;
- d. The placement of the child in residential care (for example, in the SOS Children's Village or other form of children's home) shall be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests;
- e. In collaboration with the Guardianship and Tutelage Authority and residential institution, ensure that the child's placement in residential care is reviewed at least every three months to ensure that the child's placement in the residential institution continues to be appropriate, necessary and constructive for the child and in his/her best interests;
- f. Recommend to the Guardianship and Tutelage Authority that the child is placed in a family-based form of temporary care that is in the child's best interests as soon as the placement in the CAM/CSC temporary residential unit ceases to be appropriate, necessary and constructive for the child or in the child's best interests;
- g. The alternative care measure selected for the child shall not involve depriving the child of his/her liberty;
- h. Arrangements and services to support the child to transition from care, integrate into the community, and transition to adulthood are put in place and delivered as early as possible in the care plan;
- i. All decisions relating to the adoption of the child shall be made with the best interests of the child as the paramount consideration.

Separated or unaccompanied children outside their country of origin

8.10.5. If the child cannot be reunited with his/her parents or legal representatives (either because they cannot be traced, are deceased, or it is not in the child's best interests to reunite with his/her parents or legal representatives in any location), the Manager shall request the Social Worker to conduct an assessment of whether or not it is in the best interests of the child to return to his/her country of origin (either to the care of his/her extended family or, if that is not possible, to an alternative care arrangement).

8.10.6. When undertaking this assessment, the Social Worker shall take the following factors into account:

- a. The safety, security and other conditions, including socio-economic conditions, awaiting the child upon return;
- b. The availability of care arrangements for that particular child in his/her country of origin;
- c. The views of the child, in accordance with the child's age and maturity;
- d. The child's level of integration in Kazakhstan and the duration of absence from the country of origin;
- e. The child's right to preserve his or her identity, including nationality, name and family relations;
- f. The desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background; and
- g. The child's ties and relationships to family, relatives or carers in Kazakhstan and their suitability to care for the child.

The Social Worker shall not permit non-rights-based arguments, such as considerations relating to migration control, to override the child's best interests.

8.10.7. A child must not be returned to his/her country of origin if:

- a. Paragraph 8.6.8 applies;

OR

- b.
 - i. It is not possible or in the child's best interests to place the child with his/her extended family; and
 - ii. A secure and concrete alternative care arrangement in line with the standards in paragraph 8.10.4 cannot be put in place for the particular child or is not ready for implementation in the country of origin.

8.10.8. If it is not in the child's best interests to be returned to his/her country of origin or if the child's return is not permitted under the preceding paragraph, the Social Worker shall conduct an assessment of the child's situation with a view to integrating the child in Kazakhstan. To do this, the Social Worker shall follow the steps in paragraphs 8.6.1 to 8.6.4.

8.10.9. Based on the assessment and in collaboration with the Manager, the Social Worker shall recommend:

- a. The appropriate long-term arrangements for the child within the local community in line with paragraph 8.10.4;
- b. The measures that need to be taken to provide the child with secure legal status in Kazakhstan;
- c. The measures that should be taken to ensure that the child has the same rights as a Kazakh national child, particularly in regard to education, training, employment and health care;
- d. The support the child needs to facilitate his/her integration into the local community, which may include language lessons, social services, psychological counselling, remedial education, legal services (to document the child) and other support; and
- e. Arrangements and services that need to be put in place or delivered as early as possible in the care plan to support the child to transition from care, integrate into the community, and transition to adulthood.

Approving the care plan

- 8.10.10.** After developing the care plan, the Manager shall submit the care plan to the relevant bodies, such as the Guardianship and Tutelage Authority, Commission on Issues of Minors, alternative care provider and, where relevant, the appropriate authorities in the country of origin, for their written approval.
- 8.10.11.** Once approved by the relevant bodies under paragraph 8.10.10, the delegated Social Worker shall explain the content of the care plan to the child, with the involvement of the child's independent supporter, and to the child's parent/legal representative (where relevant). For children remaining in Kazakhstan, this shall include explanations on:
- a. Any family support services that shall be provided to the child and parent / legal representatives to prepare them for the child's potential reintegration into the family home;
 - b. The process that shall be followed if the parents do not agree to the care plan, including any applications that shall be made to the court to restrict or deprive the parents of their parental rights, and the circumstances under which an application for the restoration of parental rights will be made;
 - c. Arrangements for access between the child and parents and any other significant persons in the child's life;
 - d. The process for reviewing the progress of the child and, where relevant, parent / legal representative under the care plan; and
 - e. If the parents are involved, the right of the child's parents / legal representatives to obtain legal advice on the implementation of the care plan.

8.11. IMPLEMENTATION AND REVIEW OF THE CARE PLAN

Children remaining in Kazakhstan

- 8.11.1.** The Manager is responsible for overseeing the implementation of the care plan, and ensuring that it is reviewed in accordance with its terms.
- 8.11.2.** The purpose of the review is to assess whether the care plan is addressing the child's needs, is in line with the principles outlined in 8.10.4, and whether any changes are required. Given the vulnerabilities of and potential risks for children in alternative care, especially for unaccompanied and separated children and child victims of trafficking, the reviews shall pay particular attention to ensuring the child's physical and psychosocial health, protection against domestic violence or exploitation, and access to educational and vocational skills and opportunities.
- 8.11.3.** The first review of the child's care plan shall take place no later than 28 days after the date of the care plan. Subsequent reviews shall take place at least every three months until the end of the care plan.
- 8.11.4.** The Social Worker shall invite the following persons to the review:
- a. The child (where the child is of sufficient age and maturity);
 - b. The child's independent supporter;
 - c. The child's carer under the care plan (i.e. the child's custodian, trustee, guardian, foster carer or professional family carer);
 - d. The child's parent or legal representative, unless this would not be in the child's best interests;
 - e. Representative of the Guardianship or Tutelage Authority; and
 - f. Any other professional or local Government representative involved in the child's care plan, such as a representative from the Commission on Issues of Minors, juvenile inspector, police investigator, teacher, doctor, psychologist or school pedagogue.

- 8.11.5.** The Social Worker shall request all professionals who have been invited to the review but who are unable to attend to submit a written report at least three working days before the review explaining their views on whether the care plan is addressing the child's needs, is in line with the principles outlined in 8.10.4, and whether any changes are required.
- 8.11.6.** The Social Worker shall provide the persons invited to the review information about:
- The purpose of the review;
 - The other attendees;
 - Their role in the review;
 - How the review will operate; and
 - The date, time and venue of the review.
- 8.11.7.** If the child is of sufficient age and maturity, the Social Worker shall ensure that the child and his/her independent supporter are provided with this information in clear, age-appropriate language. The Social Worker shall also check whether any of the attendees have any communication needs, and that any necessary communication aids are provided at the child protection meeting (for example, a signer or interpreter).
- 8.11.8.** If a parent, relative, legal representative or caregiver is excluded, unable or unwilling to attend the meeting, the Social Worker shall permit him/her to:
- Submit a statement in writing, which shall be read out during the review; or
 - Provide oral contributions via a friend or other attendee at the meeting.
- 8.11.9.** If the Manager or Social Worker concludes that it would not be in the child's best interests to attend any part of the review, the attendance and involvement of the child's independent supporter becomes especially important. It is the role of the independent supporter to convey the child's views, wishes and feelings at the review in the child's absence, and to update the child on the events at the meeting after its conclusion.
- 8.11.10.** At least 7 days before the review, the Social Worker shall provide a written report to the child's carer, parent and professional members of the review on:
- The progress of the child and, where relevant, parents;
 - The extent to which the care plan is being implemented and any changes to the care plan that the Manager or Social Worker considers to be necessary;
 - Any changes required to the legal status of the child, including any intention to make an application to deprive the child's parents of parental responsibility.
- 8.11.11.** The Social Worker shall also make available to the professional members of the review any written reports from the child's carer and from other professionals involved within two working days of the review.
- 8.11.12.** When providing the documentation to the meeting's participants, the Social Worker shall inform them that all documentation relating to the review is confidential and cannot be released to any person other than the professional members of the meeting.
- 8.11.13.** The Manager shall chair the review. The Social Worker shall be the secretary for the meeting and is responsible for taking the minutes of the meeting.
- 8.11.14.** At the start of the review, the chairperson shall remind the attendees at the meeting that time will be allocated to:
- Listening to the views, wishes and feelings of the child (either directly or through his/her independent supporter);
 - Listening to the views of the parents and carers (as relevant); and
 - A professional discussion on the evidence presented, during which time the chairperson may require the child, the parents, legal representatives, caregiver or any person assisting them (including the independent supporter), to withdraw.
- 8.11.15.** During the review, the chairperson may ask the child to withdraw if the chairperson deems that it is not in the child's best interests to hear the information being presented or discussed, and shall explain

to the child the reasons why he/she is being asked to withdraw. In such cases, the child's independent supporter may remain in the review and provide child-friendly feedback to the child after the sensitive discussions have taken place.

8.11.16.At the review, the professional members shall make one of the following decisions:

- a. The care plan continues to be necessary for the best interests of the child and should continue as drafted;
- b. The care plan needs to be altered to meet the child's needs or comply with the principles in paragraph 8.10.4;
- c. The care plan is no longer necessary to protect and safeguard the child and promote his/her health and development.

8.11.17.A care plan is no longer necessary to protect and safeguard the child and promote a child's health and development under paragraph 8.11.16.c if:

- a. The child is approaching the age of 18 (after which the child may no longer be subject to a care plan); or
- b. It is in the best interests of the child to be returned to or placed in parental care. This includes cases where it is in the best interests of the child to be returned to the care of his/her birth parents, as well as placement of the child with adoptive parents in accordance with the terms of the Family Code.

8.11.18.In cases falling under paragraph 8.11.16.c, the CAM/CSC shall remain responsible for ensuring that the child safely transitions from care. This shall involve the Manager taking the following steps with the support of a Social Worker:

- a. Ensuring that, no later than 3 months before the end of the care plan, the care plan sets out the steps that must be taken before, during and after the child's discharge from care in order to prepare the child for the transition; the persons responsible for these steps; and the deadlines for their implementation;
- b. Ensuring that the child's case is transferred to the relevant authority respon-

sible for managing the provision of aftercare to the child;

- c. If the child is to be subject to a child protection plan after his/her discharge from care, ensuring that the child protection plan is developed, implemented and reviewed according to the steps set out in this Manual; and
- d. If the child is not subject to a child protection plan following the termination of the care plan:
 - i. Monitoring the situation of the child one month, 3 months, 6 months and 1 year following his/her discharge from care or;
 - ii. If the child has turned 18, ensuring that the child's case is transferred to the relevant authority responsible for monitoring the child's transition from care.

8.11.19.The Manager shall accept the recommendations of the review meeting except where the Manager considers that the recommendations are not in the child's best interests. If the Manager rejects any recommendations, the Manager shall provide his/her reasons to the professional members of the review meeting in writing within 2 working days of the meeting.

8.11.20.If amendments are to be made to the care plan, the Manager shall, in consultation with the Social Worker assigned to the child's case, amend the care plan within 7 working days of the review meeting and set a date for the next review, which shall take place no later than three months from the date of the last review. The Manager and Social Worker shall take the steps in paragraphs 8.8.4 and 8.10.10 to 8.10.11 as it relates to the amended care plan, and follow the post-meeting administration steps in paragraphs 8.7.22 to 8.7.23 as it relates to the review meeting.

8.11.21.The Manager shall close the child's case file using the **CASE CLOSURE FORM** if:

- a. The child turns 18 years of age and his/her case is transferred to the relevant authority responsible for monitoring the young person's transition from care; or

b. After the one-year review mentioned in paragraph 8.11.18d, the Manager concludes that there is no reasonable cause to believe that the child is suffering or at risk of suffering harm, and that

the child's parents / legal representatives are able to safeguard the child, promote his/her health and development and respond appropriately to the child's needs.

Children returned to their country of origin

8.11.22.The Manager shall oversee the implementation of the care plan in so far as it relates to activities taking place in Kazakhstan. This will include managing and coordinating the implementation of the provisions for the safe return of the child to his/her country of origin, and transferring of case management to the relevant authority in that country.

8.11.23.The Manager shall close the child's case file using the CASE CLOSURE FORM in Annex E upon confirmation by the child's case manager in the country of origin of the child's arrival in that country.



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9.

INDEPENDENT SUPPORTER

9.1. ROLE OF THE INDEPENDENT SUPPORTER

The selected NGO in your City / Oblast shall provide **'independent supporter'** services to all CABM who are subject to child protection case

management by your CAM/CSC and who meet the admission criteria.



Remember - the selected NGOs are:

- The International Bureau for Human Rights for Nur-Sultan;
- Rodnik for Almaty; and
- Sana Sezim for Shymkent and Turkestan Oblast.

The role of the independent supporter is:



To mentor and provide emotional support to the child, while helping them to navigate the child protection, migration and other systems and processes in which the child is involved;



To ascertain the child's views, wishes and feelings (to the extent that the child is capable of forming his/her own views) about his/her current and future situation, and help the child to express these to the decision-making authorities. This includes speaking for the child at meetings with the authorities where the child is unable to do so him/herself;



To keep the child informed about and to explain decisions made by the authorities and the progress of his/her case; and



To Issue recommendations to the Manager to involve other relevant public bodies or actors, where relevant, in order to meet the child's needs.

If the child's views, wishes and feelings on a course of action differs to the independent supporter's views on what is in the child's best interests, the independent supporter should consider the child's level of maturity and understanding, in light of the seriousness of the issue at stake and

potential consequences for the child. If the independent supporter considers that the child does not have sufficient maturity and understanding, the independent supporter shall explain this difference of views to the child. In such cases, the independent supporter should still help the child to convey his/her views, wishes and feelings to the relevant authority, but indicate to the authority that this differs to his/her personal view on what is in the child's best interests. If the child has sufficient maturity and understanding, the independent supporter should advocate for the child's views, and indicate to the relevant authority that he/she is acting in this capacity.



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9.2. APPOINTING AN INDEPENDENT SUPPORTER

Under paragraph 8.1.4 of this Manual, the Manager or delegated Social Worker must appoint an independent supporter for the child within 24 hours of the referral of the child to the CAM/CSC, unless an independent supporter has already been appointed for the child by the Guardianship or Tutelage Authority or Commission on Issues of Minors.

To appoint an independent supporter, the Manager or delegated Social Worker shall contact the Programme Coordinator of the test NGO responsible for their City / Oblast.

When receiving a request, the Programme Coordinator of the NGO will ask the Manager or delegated Social Worker to provide as much of the following information as possible in order to be able to consider whether the NGO is able to provide independent supporter services:

- Name and contact details of the Manager or Social Worker;
- Name, address and date of birth of the child;
- Name and address of any persons who were accompanying the child when the child was identi-

fied (e.g. an adult sibling; an adult family friend etc.);

- Details about the factual circumstances of the child, including how the referrer came into contact with the child, the whereabouts of the child's parent / legal representative (if known) and the child's migration situation;
- An indication of the child's level of maturity and understanding; and
- Whether the child requires any additional services, such as an interpreter, signer, or disabled access.

The Programme Coordinator from the NGO will contact the Manager or delegated Social Worker within **1 working day** of the request for the services to confirm whether or not:

- The case meets the NGO's admission criteria; and
- The NGO has the capacity to provide the child with independent supporter services.



The NGO's admission criteria for independent supporter services are:

- (i) The child is the subject of child protection case management by the CAM/CSC;
- (ii) There is no conflict or potential conflict of interest between the NGO or any NGO staff member and the child;
- (iii) If the child is capable of forming his/her own views, the child provides his/her informed consent to the NGO to provide this service.

Given criteria (ii), the NGO may need to consult its case files or conduct inquiries with NGO staff to ensure that there is no conflict of interest or potential conflict of interest before taking on the case. A conflict or potential conflict of interest includes, but is not limited to, situations where the NGO has provided, is providing or will provide other services (for example, social support or legal advice) to the child or a member of the child's family.

Criteria (iii) takes place at the first meeting between the child and independent supporter.

If the NGO is unable to provide the independent supporter services in a particular case, the Programme Coordinator of the NGO shall provide the Manager or delegated Social Worker the reasons for the refusal within **1 working day** of the request.

If the NGO is able to provide independent supporter services, the Programme Coordinator of the NGO will inform the Manager or delegated Social Worker of the decision within **1 working day** of the

request. The independent supporter from the NGO will then contact the Manager or delegated Social Worker within **2 working days** of the request in order to arrange an initial meeting with the child. The Manager and delegated Social Worker shall ensure that the initial meeting between the child and his/her independent supporter takes place within **3 working days** of the request

Initial Meeting Between the Child and Independent Supporter

All meetings between the child and independent supporter are private. Staff from the CAM/CSC shall not be permitted to attend the meeting between the child and independent supporter, unless the child freely consents to their attendance.

The purpose of the initial meeting is for the independent supporter from the NGO to:

- a. Explain to the child the nature of the role of the independent supporter and the limits of his/her authority;
- b. Explain that the independent supporter will keep what the child tells him/her private in line with the NGO's privacy policy;
- c. Speak with the child to assess the child's level of maturity and understanding of his/her situation and the decisions that need to be made;
- d. To answer any questions from the child about the nature of the services;
- e. Talk to the child about his/her needs, and whether the child feels that these are being

met;

- f. Where the child is of sufficient maturity and understanding, and consents to the service, complete the relevant sections of the NGO's Case File Opening Form with the child, which includes a space for the child to sign and provide his/her written informed consent to the service;

If the child does not have sufficient maturity and understanding, the independent supporter may still provide independent supporter services to the child by completing the NGO's Case File Opening Form, and obtaining the child's legal representative's written consent to provide these services.

If the child has sufficient maturity and understanding, and does not consent to receiving the independent supporter services, the NGO's Programme Coordinator shall notify the Manager or delegated Social Worker that the child has not consented to receiving independent supporter services.

Delivery of Independent Supporter Services

Following the initial meeting, the independent supporter is required to keep in regular contact with the child and keep up to date with the child's case in order to provide independent supporter services. To do this, the independent supporter shall:

- a. Meet with the child at least twice a week in order to discuss and explain the progress of his/her matter, and explore the child's views, wishes and feelings on his/her current and future situation, in collaboration with any intermediaries such as the child's interpreter or signer;
- b. Maintain close and regular contact with the Manager and other authorities involved in the child's case in order to keep up to date with the progress of the child's situation;
- c. During hearings and meetings with decision-making authorities (e.g. with the CAM/CSC, Commission on Issues of Minors, the courts, Department of Migration Services), assist the child in expressing his/her views, wishes and feelings on the matter, whether in written or oral form and with any relevant

intermediaries (e.g. interpreter); and

- d. Issuing recommendations to the Manager to involve other relevant public bodies or actors, where relevant, in order to meet the child's needs.

The independent supporter is required to provide updates on the progress of the child's case to the NGO Programme Coordinator for supervisions and monitoring purposes at least once every month, or more frequently if needed, according to the procedures set out in the NGO Operational Manual.

The independent supporter's role ceases with the closure of the child's case at the CAM/CSC.



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10.

PRIVACY POLICY

10.1. OVERVIEW

Confidentiality is important for protecting and building a relationship of trust with the child. Personal details about all CABM who are referred to the CAM/CSC under the model protective services are therefore confidential and cannot be disclosed to anyone outside of the CAM/CSC except to the following persons in the following circumstances:



- A public authority or other person where the disclosure is required by law or this Manual (see Part 10.2);
- To UNICEF and their consultants for the purposes of being provided with coaching to staff on the implementation of the model protective services or for monitoring and evaluating the implementation of the model (see Part 10.3);
- To a specified person or authority with the prior written consent of the individual (see Part 10.4);
- The Office of the Prosecutor and UNICEF if there is a suspicion that a staff member has harmed, or is a risk of harm to, a child (see Part 11);



Remember: 'personal details' refer to any information, or combination of information, which may reveal the identity of an individual. This includes images, photographs and videos of the child or members of his/her family.



Where a disclosure is permitted, only the information necessary for the purposes of the disclosure shall be disclosed.

10.2. DISCLOSURE REQUIRED BY LAW OR THIS MANUAL

The CAM/CSC may disclose personal information about a child or adult participating in the Programme to a public authority or other person where the disclosure is required by law or the provisions of this Manual. However, the Manager or Social Worker delegated to the child's case should explain to the individual the following before making the disclosure:

- What personal information will be shared;
- The reasons for the disclosure and the

provision(s) in the law or this Manual that require the disclosure;

- To whom the information will be disclosed; and
- How the disclosure will be made.

If the disclosure relates to the child, the Manager or delegated Social Worker should explain the above to the child (where the child has sufficient maturity and understanding) and the child's parent/ legal representative.

10.3. DISCLOSURE TO UNICEF AND THEIR CONSULTANTS

During the testing of the model, UNICEF and its consultants shall provide virtual and, where possible, in-country coaching to staff on the implementation of the model. Coaching is a highly interactive method of capacity-building, whereby the consultant provides 'on-the-job' guidance and mentoring to staff members on delivering services to children, using real cases as examples. Coaching therefore may require the consultant to refer to individual case files in order to understand how cases are being handled in practice, how case files are maintained, and to discuss challenges encountered by staff in practice. Using real life cases as examples, staff members are therefore able to work through any challenges with the

consultant.

Further, UNICEF, as the commissioning body, shall monitor and evaluate the model protective services. To do this, UNICEF and its consultants may require access to case files in order to assess whether case files are being maintained in line with the guidance in this Manual and international good practice.

Where it is necessary for UNICEF and its consultants to access case files or case file documents for the purposes of coaching or monitoring and evaluating the model, UNICEF and the consultants shall comply with this privacy policy.

10.4. DISCLOSURE WITH PRIOR WRITTEN INFORMED CONSENT

Personal details concerning a child or adult involved in the Programme may be disclosed with the individual's prior written consent. In order for the consent to be meaningful, staff should inform the individual to whom the personal details relate in clear, age-appropriate language of the following, before making the disclosure:

- To whom the information will be disclosed;
- What personal details will be disclosed;
- The reasons for the disclosure; and
- How the disclosure will be made.

Where the personal details relate to a child, staff must obtain the written consent of the child (where the child has sufficient maturity and understanding) and, where the child is under 16, the parent or legal representative, before making the disclosure.

Written marks, thumbprints or oral recordings are permissible if the individual has sensory impairments or a physical disability and is unable to provide consent in writing. The record of the consent must be kept in the child's case file.

10.5. ACCESS TO CASE FILES

Individual case files are confidential and must be stored securely by staff. Case files may only be made available on a need to know basis to:

- Staff members of the CAM/CSC; and
- UNICEF or their consultants for the purposes of monitoring or evaluating the implementation of the model protective services or for the purposes of delivering coaching and training to staff on the model.

As a general rule, children have the right to access their case file. However, staff should not disclose any documentation or information to the child if the disclosure:

- Is prohibited by law; or
- Would not be in the child's best interests.

In such cases, the Manager may remove or redact the protected or potentially damaging information

from the case file before giving the child access, if this would ensure compliance with the law or remove the risk to the child (as relevant).

The Manager or delegated Social Worker may grant the parents or legal representatives access to their child's case file if this is in the child's best interests. It is possible that, during the course of the case management process, the child has divulged personal information about his or her parents or other relatives, which would place the child in a difficult situation, or place the child at risk of harm, if the information was disclosed. Therefore, staff should exercise particular care when deciding whether or not the disclosure is in the best interests of the child. The Manager or delegated Social Worker may redact the potentially damaging information from the case file before granting access, if this would remove the risk to the child.

10.6. INFORMING BENEFICIARIES ABOUT THE PRIVACY POLICY

Staff must inform all CABM referred to the CAM/CSC who have sufficient maturity and understanding, and their parents and legal representatives, about this privacy policy. The explanation should be provided at the child's and parent/legal representative's initial meeting

with the CAM/CSC. Where a child has sufficient maturity and understanding, an explanation to the parent/legal representative is not sufficient; the staff member must explain the privacy policy to the child in clear, age-appropriate language and check that the child understands.



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11.

CHILD PROTECTION POLICY

11.1. OVERVIEW

This Part 11 sets out the procedures, which all staff must follow to prevent and protect children from harm.

11.2. SAFEGUARDING LEAD AND DEPUTY SAFEGUARDING LEAD

The Director of the CAM/CSC shall appoint a member of staff to be the 'Safeguarding Lead' with overall responsibility for safeguarding CABM referred to the CAM/CSC under the model protective services. The Director shall also appoint a Deputy Safeguarding Lead from among its staff members to undertake the role of the Safeguarding Lead whenever the designated Safeguarding Lead is on leave or if an allegation of abuse is made against the designated Safeguarding Lead. The Safeguarding Lead and Deputy Safeguarding Lead must have strong knowledge of this Child Protection Policy and robust experience of safeguarding

children and working with children in need of care and protection.

The Director is responsible for ensuring that all staff members, CABM referred to the CAM/CSC and their parents / legal representatives are aware of the identities of the Safeguarding Lead and the Deputy Safeguarding Lead. Children and their parents / legal representatives shall be kept informed of who the Safeguarding Lead and Deputy Safeguarding Lead are and how they can contact them.

11.3. ALLEGATIONS AGAINST PROGRAMME STAFF

11.3.1. If a staff member suspects that another staff member has harmed, or is a risk of harm to, a child, and the harm is not imminent and the child does not require emergency medical attention, the staff member shall **immediately**:

- a. Report the matter to the Safeguarding Lead; or
- b. If the concern relates to the Safeguarding Lead, report the matter to the Deputy Safeguarding Lead; or
- c. If the matter relates to the Safeguarding Lead and Deputy Safeguarding Lead:
 - i. Report the matter to the Office of the Prosecutor; and
 - ii. Notify the Programme focal point within UNICEF.

11.3.2. If a staff member suspects that another staff member has harmed, or is a risk of harm to, a child, and the harm is imminent or the child requires emergency medical

attention, the staff member shall immediately report the matter to the relevant emergency services (police and/or emergency medical services), before following the protocol in paragraph 11.3.1.

11.3.3. Allegations against staff shall be investigated by the Prosecutor and not by the CAM/CSC, Guardianship and Tutelage Authority or Department of Education / Education Units, as they are not sufficiently independent to take on this role. Therefore, when a report is made to the Safeguarding Lead or Deputy Safeguarding Lead under paragraph 11.3.1.a or 11.3.1.b, the Safeguarding Lead or Deputy Safeguarding Lead shall:

- a. Report the matter to the Office of the Prosecutor of the City / Oblast for investigation; and
- b. Notify the Programme focal point within UNICEF.

- 11.3.4.** The Prosecutor shall be responsible for involving the police if the allegation concerns a crime and the courts if the matter requires judicial proceedings.
- 11.3.5.** The referrals and notifications in paragraphs 11.3.1 and 11.3.3 shall include:
- a. Information about the nature of the concern and harm to the child;
 - b. The name, date of birth, address and telephone number of the child;
 - c. The names, addresses and telephone numbers of the child's parents or legal representatives;
 - d. The name and role of the staff member or members to whom the concerns relate;
 - e. Information about how the matter came to the attention of the staff member who initially became aware of the concerns;
 - f. The date and time at which the staff member initially became aware of the concerns;
 - g. Details of any notifications, reports or referrals made by staff members to handle the matter, including the dates and times these communications were made;
 - h. Any evidence on which the concerns are based;
 - i. Details of the steps taken to protect the child and suspend the staff member according to this policy.
- 11.3.6.** The staff member or members to whom the child protection concerns relate shall be suspended from work on full pay while the allegation is referred to the Office of the Prosecutor for investigation and must be removed immediately from contact with children. The staff member shall not be allowed to enter the CAM/CSC's premises pending the investigation of the matter. The fact that a member of staff resigns or leaves the CAM/CSC does not prevent a case being followed through. 'Compromise agreements' in which the member of staff agrees to resign if the CAM/CSC or other body agrees not to pursue the allegation cannot ever be made.
- 11.3.7.** Following the investigation by the Prosecutor, if the allegation is unsubstantiated:
- a. The child must never be punished;
 - b. If appropriate, the CAM/CSC shall provide the child with psychological counselling, for example, if the investigation concludes that the allegation was false or made maliciously;
 - c. The staff member against whom the allegation shall be permitted to return to work; and
 - d. The CAM/CSC or Department of Education/ Education Units shall ensure that support is provided to the staff member against whom the allegation was made to facilitate their return to work.
- 11.3.8.** Following the investigation by the Office of the Prosecutor, if the allegation is substantiated, the Department of Education / Education Unit and CAM/CSC shall follow the directions of the Prosecutor and any other relevant authorities involved in the investigation (for example, the police) in taking disciplinary action against the staff member, including terminating the staff members employment contract or volunteer agreement with the CAM/CSC.
- 11.3.9.** The Safeguarding Lead, Deputy Safeguarding Lead, or other appropriate staff member shall keep the parents / legal representatives and UNICEF informed about the progress and outcomes of the investigation. The staff member shall also keep the child updated about the progress and outcome of the matter where the child has sufficient maturity and understanding, except where informing the child would not be in the child's best interests.
- 11.3.10.** All staff members shall keep detailed written records of the steps taken to handle the matter, including:
- a. The dates and times when the staff member became aware of the child protection concern and made any reports, referrals or notifications to other members of staff or external bodies;
 - b. The evidence relating to the allegations, including any reports made by the child in his/her own words; and
 - c. Reasons for any decisions made.
- 11.3.11.** All documentation relating to the allegation and handling of the matter are confidential.

The Director (or person covering for him/her) shall maintain the documentation securely on the premises of the CAM/CSC. The Director (or person covering for him/her) shall only make the documentation available to the following persons in the following circumstances:

- a. To the Prosecutor and, where involved, the police, for the purposes of conducting the investigation into the matter;
- b. To a Government authority where the disclosure is required by law; and
- c. To UNICEF for the purposes of monitoring the model and keeping informed of the progress of the matter.

Where a disclosure is permitted, the CAM/CSC shall only disclose the information necessary for the purposes of the disclosure.

11.3.12. The staff member who conducts the first meeting with the child and parent / legal representative shall explain this child protection policy to the child (where the child has sufficient maturity and understanding) and parent / legal representative in clear, age-appropriate language.



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12.

MONITORING

12.1. OVERVIEW

It is important to monitor the model protective services to ensure that it is achieving its objectives and contributing to the intended impact of the

model, which is for CABM to be protected effectively and for their rights to be progressively realised (see Part 6.1).



Monitoring refers to the collection, verification, analysis and use of data relating to the model protective services with a view to protecting and improving the realisation of the rights of CABM.

Monitoring of the model shall take place at three levels: (i) by the CAM/CSC and selected NGOs; (ii) by the Steering Committee established at the City/Oblast level; and (iii) at the national level by the project advisory committee which was established

by the Commissioner for Human Rights, UNICEF and the EU to monitor the overall Joint Project. This Part 12 focuses on monitoring by the CAM/CSC and the reporting of its results to the Steering Committee.

12.2. INDICATORS

Indicators are realistic and measurable signs for assessing the progress of a programme. To monitor the implementation of the model protective services, the CAM/CSC shall collect data to measure the indicators listed in Table 1: Monitoring Indicators.

It is important that the data collected is 'disaggregated' – i.e. that the data for different sub-groups of children are shown, for example, according to children's gender, age, nationality, disability status etc. Disaggregated data is important because it can show if there are inequalities between different groups of children. Adjustments to the model protective services can then be made to address these inequalities and protect the rights of all CABM. For this reason, in addition to collecting data to measure the overall indicator (e.g. the total number of CABM admitted to the CAM/CSC), the NGO shall also collect data on the characteristics of these children, in order to be able to provide disaggregated figures for that indicator (e.g. the total number of girls and total number of boys).

Note, however, that the data collected against these indicators will not give a complete picture of how the Programme is functioning. When evaluating the Programme, it will be necessary to analyse these statistics in light of data collected

from other sources (e.g. reviews of individual case files; interviews with children; interviews with parents; interviews with CAM/CSC staff members; interviews with referrers etc.). However, these statistics will give some indication of how the Programme is functioning and the areas that may require further exploration during the research interviews).

Table 1: Monitoring Indicators

Indicator	Disaggregated Data Required	Notes
<p>Objective: to provide child protection case management services to CABM from the age of 3 who are in need of care and protection in the test location (i.e. Nur-Sultan, Almaty, or Shymkent / Turkestan Oblast).</p>		
<p>General</p>		
<p>Indicator 1: Number of cases handled by the CAM/CSC under the Programme</p>	<ul style="list-style-type: none"> • Type of referrer • Whether the referral (i.e. case) is a readmission • Child’s gender • Child’s age • Child’s disability status ⁵⁶ • Child’s nationality or statelessness status • Child’s ethnicity 	<p>This indicator measures the number of referrals (i.e. cases) handled the Programme, not the total number of children. If a child is referred to the Programme more than once, count each referral separately. For example, if a child is referred to the Programme twice, count that as two separate referrals (i.e. cases). This will give an indication of the demand for the Programme.</p> <p>However, it is also important to collect disaggregated data on the numbers of referrals that are readmissions of children who have previously been through the Programme. This will enable the calculation of the total number of children referred to the Programme. A readmission takes place when a CABM is referred to the CAM/CSC and the CAM/CSC has to reopen an existing case file for that child (i.e. the child’s previous case file was closed and therefore needs to be reopened).</p> <p>In cases where two or more children from a single family are referred to the Programme, count the referrals for each child separately. For example, if two siblings are referred to the Programme on the basis that both are in need of care and protection, count that as two separate referrals.</p>
<p>Indicator 2: Number of cases of separated or unaccompanied CABM handled by the CAM/CSC under the Programme</p>	<ul style="list-style-type: none"> • Type of referrer • Whether the referral is a readmission • Child’s gender • Child’s age • Child’s disability status • Child’s nationality or statelessness status • Child’s ethnicity 	<p>See the guidance above on what constitutes a case / referral, and the importance of collecting data on the numbers of cases that are readmissions of a child..</p>

⁵⁶ Disabilities include physical disabilities and mental disabilities.

Indicator	Disaggregated Data Required	Notes
<p>Indicator 3: Number of cases under the Programme in which an independent supporter is appointed for the child</p>	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity 	<p>This indicator measures the number of cases / referrals handled by the CAM/CSC under the Programme where an independent supporter is appointed for the child under Part 9 of this Manual. Under this Manual, an independent supporter must be appointed in all cases, except where the CABM is of sufficient age and maturity and, after being informed about the role of the independent supporter in clear, age appropriate language, the CABM voluntarily declines this service.</p> <p>If a child is readmitted to the Programme (i.e. referred to the Programme twice), but only appointed an independent supporter when the child is readmitted to the Programme, for the purposes of this indicator, count that as one referral / case for which an independent supporter is appointed for the child.</p>
<p>Indicator 4: Number of cases in which a CABM is subject to family tracing by the CAM/CSC</p>	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Total number of children subject to family tracing 	<p>This indicator measures the number of referrals / cases handled by the CAM/CSC under the Programme where a separated or unaccompanied CABM is subject to family tracing.</p> <p>A child who is readmitted to the Programme may undergo family tracing several times. Therefore, if there are any readmissions, it is useful to collect disaggregated data on the total number of children who undergo family tracing. E.g. the CAM/CSC may conduct family tracing in 10 cases, but three of those cases may be readmissions of children who have undergone family tracing before, in which case the CAM/CSC provided family tracing for only 7 children under the Programme.</p>
<p>Indicator 5: Number of cases in which the CABM is placed in temporary care</p>	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Type of care arrangement • Total number of children placed in temporary care 	<p>This indicator measures the number of referrals (i.e. cases) handled by the CAM/CSC under the Programme where the child is placed in temporary care (as set out in this Manual). See the guidance above on what constitutes a referral and the importance of collecting disaggregated data on the total number of children if any of the cases are readmissions and involve the same children.</p>

Indicator	Disaggregated Data Required	Notes
Indicator 6: Number of cases under the Programme in which the CABM is placed in the CAM/CSC	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Whether the child is subject to an open regime • Duration of placement • Total number of children placed in the CAM/CSC 	See above.
Indicator 7: Number of cases in which a full social assessment is carried out	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Total number of children subject to a full social assessment 	See above.
Separated or unaccompanied children whose country of origin is not Kazakhstan ⁵⁷		
Indicator 8A: Number of referrals of separated or unaccompanied children whose country of origin is not Kazakhstan	<ul style="list-style-type: none"> • Type of referrer • Child's gender • Whether the referral is a readmission • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity 	<p>Under the Joint Project, UNICEF and the Commissioner for Human Rights are required to report figures on separated and unaccompanied children whose country of origin is not Kazakhstan. Indicators 8A to 8E therefore relate specifically to these groups of children.</p> <p>Please see the guidance above on what constitutes a referral and the importance of collecting disaggregated data on whether the referral is a readmission of a child who has previously been through the Programme.</p>

⁵⁷ I.e. the child is not a Kazakh national or, if the child is stateless, the child is not habitually resident in Kazakhstan.

Indicator	Disaggregated Data Required	Notes
Indicator 8B: Number of cases in which a separated or unaccompanied child whose country of origin is not Kazakhstan is appointed an independent supporter	<ul style="list-style-type: none"> • Child's gender • Whether the referral is a readmission • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity 	As above. Please also see the notes for Indicator 3, which also apply here.
Indicator 8C: Number of cases in which a separated or unaccompanied child whose country of origin is not Kazakhstan is subject to family tracing by the CAM/CSC	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Total number children to which these cases relate. 	See the notes to indicator 4.
Indicator 8D: Number of cases where a separated or unaccompanied child whose country of origin is not Kazakhstan is placed in the CAM/CSC	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Whether the child is subject to an open regime • Duration of placement • Total number of children to which these cases relate 	As above.
Indicator 8E: Number of cases of separated or unaccompanied children whose country of origin is not Kazakhstan that are subject to a best interests assessment and determination to identify a durable solution	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Total number of children to which these cases relate 	See above.
Outcome: CABM are protected from all forms of harm and provided with a long-term, sustainable care arrangement, which meets the child's best interests		

Indicator	Disaggregated Data Required	Notes
General		
Indicator 9: Number of cases involving the development of a child protection plan (and not a care plan)	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Total number of children to which these cases relate 	See above.
Indicator 10: Number of cases involving the development of a care plan (and not a child protection plan)	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Type of care arrangement • Total number of children to which these cases relate 	See above.
Indicator 11: Number of cases involving the development of a care plan and child protection plan (in any order)	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Type of care arrangement • Total number of children to which these cases relate 	<p>In some cases, the child may be subject to a child protection plan, and then a care plan or vice versa. This indicator relates to such cases.</p> <p>Please see previous notes on what constitutes a referral and the importance of collecting data on the total number of children involved if different to the total number of cases.</p>
Separated or unaccompanied children whose country of origin is not Kazakhstan ⁵⁷		
Indicator 12A: Number of cases where the child is reunited with their parents or legal representatives in their country of origin pursuant to a best interests assessment and determination	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Country in which reunification takes place • Total number of children to which these cases relate 	See previous notes for guidance on what constitutes a referral etc. Please also see the notes for Indicator 8A.

58 I.e. the child is not a Kazakh national or, if the child is stateless, the child is not habitually resident in Kazakhstan

Indicator	Disaggregated Data Required	Notes
Indicator 11B: Number of cases where the child is reunited with their parents or legal representatives in a third country pursuant to a best interests assessment and determination	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Country in which reunification takes place • Total number of children to which these cases relate 	As above.
Indicator 12C: Number of cases where the child is placed with extended family or other alternative care arrangement in their country of origin pursuant to a best interest assessment and determination	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Type of care arrangement • Total number of children to which these cases relate 	As above.
Indicator 11D: Number of cases where the child is settled in Kazakhstan pursuant to a best interests assessment and determination	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Type of care arrangement • Total number of children to which these cases relate 	See above.
Impact: CABM are protected effectively and their rights are progressively realized		
General		
Indicator 12: Number of cases where the CABM remains with their parents / legal representatives after the successful completion of their child protection plan ⁵⁹	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Total number of children to which these cases relate 	See previous guidance on what constitutes a case / referral and the importance of collecting data on the total number of children to which these cases relate (as two cases may involve the same child who has been readmitted).

Indicator	Disaggregated Data Required	Notes
Indicator 13: Number of cases where the CABM is placed with their parents/ legal representatives after the completion of their care plan ⁶⁰	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's ethnicity • Child's nationality or statelessness status • Total number of children to which these cases relate 	See previous guidance on what constitutes a case / referral and the importance of collecting data on the total number of children to which these cases relate (as two cases may involve the same child who has been readmitted).
Indicator 14: Number of cases where the CABM is re-referred to the CAM/CSC within 1 year of the completion of their care plan ⁶¹	<ul style="list-style-type: none"> • Child's gender • Child's age • Child's disability status • Child's nationality or statelessness status • Child's ethnicity • Care arrangement • Total number of children to which these cases relate 	See previous guidance on what constitutes a case / referral and the importance of collecting data on the total number of children to which these cases relate (as two cases may involve the same child who has been readmitted).

12.3 REPORTING

Within the CAM/CSC, the Manager shall be responsible for collecting the data and sharing the data with the Director of the CAM/CSC for analysis. The Director shall report the key findings of the data to the Steering Committee at its monthly meetings (see Annex B), in order to discuss and address any issues regarding the implementation of the model protective services and the outcomes for its beneficiaries.

The Director shall also participate in the Mid-Term and Annual Review of the model protective

services by the Steering Committee. For the review, the Director shall present a written report on the progress of the model in so far as it concerns the CAM/CSC, including statistics and anonymised information on cases that have been referred, problems encountered, recommendations for improvements and its general evaluation of the model up to that date. See Annex B for more details on the procedures of the Steering Committee.

59 This indicator applies only to cases where the child remains in Kazakhstan – i.e. case management remains with the CAM/CSC and is not transferred to a child protection authority in another country.

60 This indicator applies only to cases where the child remains in Kazakhstan – i.e. case management remains with the CAM/CSC and is not transferred to a child protection authority in another country.

61 This indicator applies only to cases where the child remains in Kazakhstan – i.e. case management remains with the CAM/CSC and is not transferred to a child protection authority in another country.

13.

MAINTAINING CASE FILES

All cases admitted to the Programme should have a case file and be assigned with a unique ID number to help CAM/CSC staff identify, manage and organise its case files, and refer to cases anonymously. Other institutions may have their own coding system for the cases. CAM/CSC staff may wish to note the other institutions' ID numbers elsewhere on the case file, if that is helpful, but is not obliged to do so and should ensure that the CAM/CSC's ID number for the case is clearly distinguished.

If two or more children from the same family are referred to the Programme, the children should have separate case files, as they may require different services and have their own individualized plans, though they may overlap.

If a child is readmitted to the Programme, the CAM/CSC should treat this as a new referral and admission, though the CAM/CSC should be able to identify from a case file whether and how many times an individual child has been readmitted. This may be done, for example, by assigning a unique ID number to the child (e.g. 'Case 1'), but creating 'subfolders' in the case file for each

readmission (e.g. for the first admission: 'Case 1'; for the first readmission: 'Case 1.1'; for the second readmission: 'Case 1.2' etc.). A child is readmitted or a new referral is made if the child's case file from the previous case was closed, and therefore needs to be reopened under paragraph 8.1.4 of this Manual

The Manager is responsible for keeping individual case files up-to-date for all their cases. This includes keeping a written record of all communications relating to the matter in the case file. The written records should be sufficiently detailed, and include the date, time, duration, attendance, content and means of each communication.

The Manager is responsible for documenting the process and the reasons for all decisions made in relation to their individual cases during the Programme.

The Manager, who is responsible for the day-to-day supervision of individual cases, shall review case files during the progress updates from staff on their individual cases which must take place at least on a monthly basis, to ensure that the case files are maintained properly and are up-to-date.



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ANNEX A. SAFE RECRUITMENT POLICY

The CAM/CSC is committed to the safety and wellbeing of all children with whom it comes into contact. All staff members (i.e. employees, consultants, interns and volunteers of the CAM/CSC) must share, and act according to this commitment. This Safe Recruitment Policy sets out the standards and checks that the CAM/CSC must apply to the recruitment of all staff to deliver the Programme and ensure that they are appropriately skilled and qualified to work with children and uphold this commitment.

1. Any advertisement for a paid or unpaid role to deliver the Programme must include a statement that, the '[CAM/CSC] is committed to the safety and wellbeing of all children with whom it comes into contact. All staff (i.e. employees, consultants, interns and volunteers of the CAM/CSC) are subject to appropriate checks and references.'
2. All interested candidates must be provided with an information package containing: this Safe Recruitment Policy; the Guiding Principles (Part 5); the objectives of the Programme (6.1); the job description and person specification (Part 7); the Privacy Policy (Part 10); the child protection policy (Part 11); an application form; and instructions on how to apply. All application forms must be signed. Where a candidate has applied online, he/she must sign a hard copy at the interview.
3. To shortlist a candidate, the candidate must demonstrate a good understanding of the job description and meet the specifications, particularly the commitment to the Guiding Principles (see Part 5), objectives of the Programme (see Part 6.1) and the safety and wellbeing of all children participating in the Programme;
4. Shortlisted candidates must provide details for two references, one of which should be from the candidate's most recent employer (where possible). Employment references must come from the Head / Director rather than a former colleague. The CAM/CSC will contact these references directly to:

- Confirm and cross-check details of the candidate's previous employment,
- Ask about the candidate's suitability to work with children and vulnerable families,
- Ask about any substantiated allegations against the candidate,
- Ask about any disciplinary warnings or actions,
- Ask about the candidate's attendance record,
- Ask about the candidate's disciplinary record,
- Ask for any other relevant information regarding the candidate's suitability to the post,

Written records of all references must be kept and attached to the candidate's application details.

5. At the interview, candidates must provide a copy of official identification, which must include a photo of the candidate at the interview stage. During the interview, candidates must explain any gaps in their employment and any anomalies or discrepancies in their record and must demonstrate their commitment to the Guiding Principles and objectives of the Programme, and their ability to protect the safety and wellbeing of children;
6. Any offer of appointment of a staff member is conditional upon the following:
 - Proof of identity,
 - Proof of professional status,
 - Proof of education / certificates,
 - A confidential health questionnaire,
 - Proof of eligibility to work in Kazakhstan,
 - Criminal background check,

All checks will be recorded in writing and stored securely and confidentially.

7. All new staff must receive training on the implementation of this Manual, including the privacy policy and child protection policy

ANNEX B. PROCEDURAL GUIDELINES FOR THE STEERING COMMITTEE

The role of the Steering Committee is to ensure effective intersectoral coordination of cases of CABM and to eliminate overlaps and gaps in the provision of child protection and social support services for these children during the implementation of the model protective services.

Members of the Steering Committee shall appoint a chairperson from their members. The selected NGO's Programme Director or Programme Coordinator shall act as the Secretary of the Steering Committee unless the chairperson designates another person to take on this roll.

The Secretary is responsible for:

- Convening and facilitating the monthly (and after the first year, bi-monthly) and ad hoc meetings of the Steering Committee;
- Taking and circulating minutes of the Steering Committee meetings to all its members;
- Circulating relevant reports and documents to Steering Committee members and other relevant stakeholders in a timely fashion.

The Steering Committee is responsible for:

- Overseeing the implementation of the model protective services in the City, including via a mid-term and annual review of the model;
- Acting as a forum for raising and discussing any high level operational challenges that arise during the implementation of the model protective services, particularly with regard to referrals and intersectoral coordination in the handling of cases involving CABM; and
- Agreeing on the steps that must be taken in order to address any barriers to the effective implementation of the model protective services.

Members of the Steering Committee have the following responsibilities:

- Take all reasonable steps to ensure the successful implementation of the model protective services;
- Attend the monthly / bi-monthly and ad hoc meetings of the Steering Committee and the six month and annual review (discussed in more detail below);
- Liaise between the CAM/CSC or NGO and the body that the member represents, to ensure

the successful implementation of the model protective services;

- Take all reasonable steps to address any problems that arise with the model protective services as they relate to the representative's body.

The Steering Committee may:

- Nominate any other relevant body or individual to become a member of the Steering Committee. Membership shall be approved by a simple majority vote of the Steering Committee at their monthly / bi-monthly meetings;
- Invite any other relevant person or body to attend and speak at a meeting of the Steering Committee; and
- Make recommendations to amend the functions of the model protective services in order to improve the implementation of its activities.

At the meetings of the Steering Committee, oral reports shall be given by:

- The NGO's Programme Director, who shall report on the progress of the Programme, the type and the number of cases that the NGO is working on, any difficulties that have arisen and on any other relevant issues relevant to the implementation of the model protective services. The NGO's Programme Director shall respond to any related questions of the Steering Committee;
- The Director of the CAM/CSC shall report on the progress of delivering child protection services under the model, the type and the number of cases that the CAM/CSC is working on, any difficulties that have arisen and on any other relevant issues relating to the implementation of the model protective services. The CAM/CSC's Director shall respond to any related questions of the Steering Committee;
- Other members of the Steering Committee shall report on the experiences of their body in working with the model protective services.

Ad hoc meetings of the Steering Committee may be convened by the Secretary at any other time if it is deemed necessary.

The Steering Committee shall conduct a mid-term and annual review of the model protective services. Each review shall consist of a formal meeting of the Steering Committee during which each member of the Steering Committee shall present a written report on the progress of the model protective services with regard to the body that it represents. In these reports, the Steering Committee members shall include statistics and information on cases that have been referred,

problems encountered, recommendations for improvements and their general evaluation of the Centre up to that date.

In addition to the annual reviews, the Steering Committee shall hold a six-month review of the model protective services in the first year. The format of the six-month review should be the same as the annual review.

ANNEX C. REFERRAL FORM

The Manager or delegated Social Worker who receives the referral should ensure that this form is completed by the referrer for all child protection

referrals made to the CAM/CSC under the Programme.

SECTION A: DETAILS ABOUT THE REFERRER		
A1	Name:	
A2	Referring body: (Please put member of the public if the referral is made by someone other than a Government body, public institution or NGO):	
A3	Professional title (if the referrer is not a member of the public):	
A4	Address:	
A5	Telephone number:	
A6	Date of referral (DD/MM/YY)	

SECTION B: DETAILS ABOUT THE CHILD		
B1	Name:	
B2	Address:	
B3	Date of birth (DD/MM/YY)	
B4	Languages spoken by the child:	
B5	Description of the child protection concern:	
B6	Description of the evidence (if any) on which the concern is based:	
B7	Description of the child's current care situation:	
B8	Does the child have any siblings? If so, please provide names, dates of birth and addresses	

B9	Are there any other children living on the same premises as the child? If so, provide their names, addresses and dates of birth and names and contact details of their parents / legal representatives if different	
B10	Is the child enrolled in school or education programme? If so, please specify	
B11	Does the child have a physical or mental disability? If so, please specify.	
B12	Does the child need an interpreter or other communication aid? If so, please provide details.	

SECTION C: DETAILS ABOUT THE CHILD'S PARENTS / LEGAL REPRESENTATIVES

C1	Name(s):	
C2	Address(es):	
C3	Marital status:	
C4	Language(s) spoken:	
C5	Do the parents / legal representatives require an interpreter or any communication aids? If so, please provide details.	

SECTION D: CHILD'S MIGRATION STATUS

D1. Please describe the child's migration status or how the child is affected by migration.

SECTION E: SUPPORT SERVICES

E3	Is the child or family currently receiving any support services from the Government, an NGO or other body? If so, specify the services and the service provider.	
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Signed: [Signature of the person completing the form]

Date:

ANNEX D. INITIAL ASSESSMENT FORM

If needed, the Social Worker may append the initial assessment to this form, and use this form only to highlight the key points.

Name of child:	Case ID Number: ⁶²
Name of the Social Worker who conducted the initial assessment:	

1. Notes of observations:
2. Home life (assessment of the situation of the child within the home and the family):
3. Assessment of the child's relationship with his/her extended family and friends
4. Assessment of the child's social, legal, health, psychological and educational needs: Social: Legal: Medical health: Psychological: Educational:
5. Social Worker's Overall Assessment and Conclusions:
7. Immediate action required:

Signed by the Social Worker: _____ Date: _____ Approved by the Manager: _____ Date: _____
--

⁶² All cases admitted to the Programme should be assigned with a unique ID number to help CAM/CSC staff identify, manage and organize its case files and to refer to cases without the need to refer to personal names of the individuals involved. See Part 13 on Maintaining Case Files for more details.

ANNEX E. CASE CLOSURE FORM

To be completed by the Manager:

Child's Name	
Case ID Number ⁶³	
Date of closure of case file (DD/MM/YY):	
Reasons for closure of case file:	
Details of any follow-up services:	

Signed by Manager:

Date:

⁶³ All cases admitted to the Programme should be assigned with a unique ID number to help CAM/CSC staff identify, manage and organize its case files and to refer to cases without the need to refer to personal names of the individuals involved. See Part 13 on Maintaining Case Files for more details.

ANNEX F. NGO'S REFERRAL REQUEST FORM

SECTION A: DETAILS ABOUT THE PERSON REFERRING THE CHILD (IF RELEVANT)		
A1	Name:	
A2	Referring body:	
A3	Address:	
A4	Telephone number:	

SECTION B: DETAILS ABOUT THE CHILD		
B1	Name:	
B2	Address:	
B3	Date of birth:	
B4	Description of the child's care arrangement:	
B5	Does the child have a physical or mental disability? If so, please specify.	
B6	Language(s) spoken by the child.	
B7	Does the child need an interpreter or other communication aid? If so, please provide details	

SECTION C: DETAILS ABOUT THE CHILD'S PARENTS/ LEGAL REPRESENTATIVES		
C1	Name(s):	
C2	Address(es):	
C3	Marital status:	
C4	Language(s) spoken:	
C5	Do the parents / legal representatives require an interpreter or any communication aids? If so, please provide details.	

SECTION D: CHILD'S MIGRATION STATUS

D1. Please describe the child's migration status or how the child is affected by migration.

SECTION E: SUPPORT SERVICES REQUESTED

D1	What support services are being requested for the child? (select all that apply)	Social support services <input type="checkbox"/> Legal services <input type="checkbox"/> Psychological counselling services <input type="checkbox"/> Independent supporter services <input type="checkbox"/>
D2	Why do you consider that the child needs these support services?	
D3	Is the child or family currently receiving any other support services? If so, specify the services and the service provider.	

Signed: [Signature of the person completing the form]

Date:

FOR THE NGO TO COMPLETE:

Eligibility decision and reasons:	Does the case meet or is it likely to meet the referral criteria? If the answer is 'no,' explain why. Does the NGO have space in the Programme to provide the services to the child?
--	---

Date on which the referrer was notified of the eligibility decision and reasons: _____

Person responsible for notifying the beneficiaries: _____

If the NGO is responsible for notifying the beneficiaries, the date on which beneficiaries were informed of the decision: _____

Signed: _____ [Programme Coordinator]

Date _____

ANNEX G. SOCIAL ASSESSMENT FORM

If needed, the Social Worker may append their social assessment report to this form, and use this form only to highlight the key points.

Name of child:	Case ID Number: ⁶⁴
Name of the Social Worker who conducted the assessment:	

1. Notes of observations:
2. Home life (assessment of the situation of the child within the home and the family):
3. Assessment of the child's relationship with his/her extended family and friends
4. Assessment of the child's social, legal, health, psychological and educational needs: Social: Legal: Medical health: Psychological: Educational:
5. Social Worker's Overall Assessment:
6. Conclusions:
Signed by the Social Worker: _____ Date: _____ Approved by the Manager: _____ Date: _____

⁶⁴ All cases admitted to the Programme should be assigned with a unique ID number to help CAM/CSC staff identify, manage and organize its case files and to refer to cases without the need to refer to personal names of the individuals involved. See Part 13 on Maintaining Case Files for more details.

ANNEX H. CHILD PROTECTION PLAN

[This form shall be completed for CABM where:

- The child is at risk of suffering significant harm but the child's health and development can be safeguarded by putting in place a child protection plan while the child lives with his/her parent(s) or legal representative(s); or
- Following a best interests assessment and determination, it is in the best interests of the child to be reunited with his/her parents or legal representatives in the child's country of origin, Kazakhstan or a third country.]

1. BASIC DETAILS

Name of child:	
CAM/CSC case ID Number:⁶⁵	
Child's date of birth:	
Address (where the child will stay during the child protection plan):	
Names, address and telephone number(s) of the parent(s)/legal representatives with whom the child will live during the child protection plan:	
Child's siblings and their address(es):	
Child's school and teacher:	
Does the child have any additional needs (e.g. a physical or mental disability; communication needs; interpreter)? Please specify:	
Name, work address and telephone number of the case manager in Kazakhstan:	
[If relevant] Name, work address and telephone number of the case manager in country of origin / third country:	

2. VIEWS, WISHES AND FEELINGS OF THE PARTIES

What are the views, wishes and feelings of the child about this plan?	What are the views of the parents / legal representatives about this plan?
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⁶⁵ All cases admitted to the Programme should be assigned with a unique ID number to help CAM/CSC staff identify, manage and organize its case files and to refer to cases without the need to refer to personal names of the individuals involved. See Part 13 on Maintaining Case Files for more details.

3. RISKS AND NEEDS

Summarise the risks of significant harm faced by the child, and the child's needs that shall be addressed by this plan. This includes risks and needs relating to:

- Shelter
- Physical and mental health
- Education and training
- Emotional and behavioural development
- Identity (including religious persuasion, ethnicity and cultural and linguistic background)
- Family and social relationships
- Social and self-care skills
- Documentation (including passport, ID cards, residency cards, birth registration)
- Other (depending on the outcome of the child's assessment)

4. ARRANGEMENTS TO MEET THE CHILD'S NEEDS

This section sets out the objectives of the plan and the services that will be provided to the child and his/her parents in order to meet these

SHELTER (specify the objective and how this will help to reduce or eliminate the risk of harm, protect the child's safety and promote the child's health and development):			
Who is responsible: ⁶⁶	What is the task:	Time frame for completion:	Achievement indicators:
PHYSICAL AND MENTAL HEALTH (specify objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
EDUCATION AND TRAINING (specify objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
EMOTIONAL AND BEHAVIOURAL DEVELOPMENT (specify objective):			

⁶⁶ Please be specific, including names of individuals responsible, their contact number as well as the body that they represent.

Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
IDENTITY, WITH PARTICULAR REGARD TO THE CHILD'S RELIGIOUS PERSUASION, ETHNICITY AND CULTURAL AND LINGUISTIC BACKGROUND (specify objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
FAMILY AND SOCIAL RELATIONSHIPS (specify objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
SOCIAL AND SELF CARE SKILLS (specify objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
DOCUMENTATION, INCLUDING PASSPORT, ID CARD, RESIDENCY CARD, BIRTH REGISTRATION AND OTHER SIMILAR DOCUMENTS (specify objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
OTHER (specify objective):			

5. ACCESS ARRANGEMENTS

Describe any arrangements for access between the child and any parents living separately to him/her and other important people in the child's life.

6. RETURN AND CASE HANDOVER (IF RELEVANT)

Detail the arrangements for the safe return of the child to his/her country of origin or third country, the persons responsible for each stage, and the point at which the case file is handed over to the case manager in the child's country of origin / third country

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7. REVIEWS

This page should be appended to any new child protection plan if adjustments are made.

Scheduled Date of Review	Date Review Held	Summary of Recommendations of the Review	Summary of Adjustments Made to the Plan (if any)

Agreement of the parent/ legal representative to the child protection plan:

Name: Signature: Date:

Name: Signature: Date:

Agreement of the child to the child protection plan (where the child has sufficient maturity and understanding)

Name: Signature: Date:

Agreement of the CAM/CSC Manager:

Name: Signature: Date:

[If relevant]: Agreement of the case manager in the country of origin/ third country

Name: Signature: Date:

ANNEX I. CARE PLAN

[This form shall be completed for CABM where:

- Following a social assessment, it is concluded that the child is at risk of suffering significant harm and the risk is so serious that it is necessary to remove the child from his/her parents or legal representatives in order to protect and safeguard the child; or
- Following a social assessment, it is not in the best interests of the child to reunite with his/her parents in any location and it is necessary to place the child in alternative care; or
- A child protection meeting concludes that the child is at continuing risk of suffering significant harm and the child's health and development cannot be safeguarded by putting in place a child protection plan while the child lives with his/her parent(s) or legal representative(s); or
- A child protection meeting concludes that it is not in the best interests of the separated or unaccompanied child to be reunited with his/her parents or legal representatives in the child's country of origin, Kazakhstan or a third country.]

1. PERSONAL DETAILS

Name of child:	
CAM/CSC case ID Number: ⁶⁷	
Child's date of birth:	
Child's address:	
Parent(s)/ legal representatives' names, addresses and telephone numbers:	
Child's siblings and their addresses:	
Child's school and teacher:	
Does the child have any additional needs (e.g. a physical or mental disability; communication needs such as a signer or interpreter)? Please specify:	
Name, work address and telephone number of the case manager in Kazakhstan:	
[If relevant] Name, work address and telephone number of the case manager in country of origin / third country:	

⁶⁷ All cases admitted to the Programme should be assigned with a unique ID number to help CAM/CSC staff identify, manage and organize its case files and to refer to cases without the need to refer to personal names of the individuals involved. See Part 13 on Maintaining Case Files for more details.

2. VIEWS, WISHES AND FEELINGS OF THE PARTIES

What are the views, wishes and feelings of the child about his/her situation?	What are the views of the parents / legal representatives about the child's situation?
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3. CARE ARRANGEMENT

TYPE OF CARE ARRANGEMENT			
DETAILS OF THE CARER(S)			
Name of Carer 1:			
Carer 1's date of birth:			
Carer 1's address and telephone number:			
Carer 1's relationship to the child:			
Carer 1's occupation:			
Name of Carer 2:			
Carer 2's date of birth:			
Carer 2's address and telephone number:			
Carer 2's relationship to the child:			
3Carer 2's occupation:			
HOUSEHOLD COMPOSITION			
Names	Relationship to the Child	Date of birth	School/ occupation

What long-term plans for the upbringing of the child are in the best interests of the child? Include:

- **Details about any plans for the child’s reunification with his/her parents**
- **A statement about whether adoption is in the child’s best interests**

Describe any arrangements for access between the child and his/her parents and other important people in the child’s life.

4. ARRANGEMENTS TO MEET THE CHILD’S NEEDS

This section sets out the objectives of the plan and the services that will be provided to the child and, where relevant, his/her parents / legal representatives, in order to meet these

PHYSICAL AND MENTAL HEALTH (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
EDUCATION AND TRAINING (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
EMOTIONAL AND BEHAVIOURAL DEVELOPMENT (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
IDENTITY, WITH PARTICULAR REGARD TO THE CHILD’S RELIGIOUS PERSUASION, ETHNICITY AND CULTURAL AND LINGUISTIC BACKGROUND (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:

FAMILY AND SOCIAL RELATIONSHIPS (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
SOCIAL AND SELF CARE SKILLS (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
DOCUMENTATION, INCLUDING PASSPORT, ID CARD, RESIDENCY CARD, BIRTH REGISTRATION AND OTHER SIMILAR DOCUMENTS (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:
OTHER (specify the objective):			
Who is responsible:	What is the task:	Time frame for completion:	Achievement indicators:

5. RETURN AND HANDOVER (IF RELEVANT)

Detail the arrangements for the safe return of the child to his/her country of origin or third country, the persons responsible for each stage, and the point at which the case file is handed over to the case manager in the child's country of origin / third country

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6. REVIEWS

This page should be appended to any new care plan if adjustments are made.

Scheduled Date of Review	Date Review Held	Summary of Recommendations of the Review	Summary of Adjustments Made to the Plan (if any)

Agreement of the parent / legal representative to the care plan. If it is not possible to obtain their agreement, explain why

Name: Signature: Date:

Name: Signature: Date:

Agreement of the child to the child protection plan (where the child has sufficient maturity and understanding). If it is not possible to obtain the child's agreement, explain why

Name: Signature: Date:

Agreement of Carer 1:

Name: Signature: Date:

Agreement of Carer 2:

Name: Signature: Date:

Agreement of the CAM/CSC Manager:

Name: Signature: Date:

[If relevant]: Agreement of the case manager in the country of origin / third country:

Name: Signature: Date:

