



Children's Health Fund

Protection Policy

CHF BACKGROUND

Children's Health Fund (CHF) is committed to ensuring access to high-quality health care to America's children and families. For over 30 years, our pediatric mobile medical clinics have drawn patients for check-ups and treatments. Our comprehensive health care model treats the whole child, taking into consideration the social determinants that affect their health and ensuring they have consistent preventive care and referral to specialists when necessary. This approach enables young patients to thrive - even if they come from disadvantaged circumstances - and helps them be healthy and ready to learn so they can fulfill their potential. Children's Health Fund also responds to major public health crises and improves the health and wellbeing of children through advocacy and public education efforts.

PURPOSE

Because Children's Health Fund provides services to children and vulnerable populations, we have an obligation to protect the privacy of the people we serve and safeguard against and report abuse. Children and vulnerable adults, no matter what their circumstances or personal characteristics, have the right to be protected from harm and abuse.

The purpose of this policy is to outline and communicate the procedures we follow to protect the privacy and security of children and families. This policy provides a guideline to help ensure that all individuals working with Children's Health Fund:

1. Meet the obligations detailed in this policy.
2. Act in the best interest of all the beneficiaries they serve, including children, parents and vulnerable adults.
3. Handle any abuse, maltreatment or any and all actual or known potential harm to CHF's beneficiaries and their caregivers with appropriate action, up to and including cooperating with legal and action.
4. Safeguard sensitive information and privacy of CHF's beneficiaries and their caregivers and any and all beneficiaries served.
5. Follow the established procedure as indicated in this policy to voice any concerns or report violations of the policy.

DEFINITIONS

Abuse or Maltreatment: includes all forms of physical, mental, and/or emotional maltreatment, sexual abuse, neglect or negligent treatment, financial, commercial or other exploitation resulting in actual or potential harm to the child or vulnerable adult's health, survival, development or dignity in the context of a relationship of responsibility, trust, or power and financial abuse, as defined by relevant federal, state, and local statutes.

Children: When the term 'children' is used in this document, this includes anyone under the age of 18 years (and in some cases this may be expanded to include persons up to 25 years of age).

Caregivers: When the term 'caregiver' is used, we mean it in the broadest sense to include parents, caregiver(s), and legal guardians.

Safeguarding: the process of protecting children and vulnerable adults from abuse or neglect, preventing impairment of their health and development, and ensuring they are living in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances.

Sensitive Information: Sensitive Information is an overarching term that includes Personally Identifiable Information (PII), Personal Health Information (PHI), educational records, and any other similar information that requires special or protective handling. Children's Health Fund includes all Sensitive Information identifiers as defined by the Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and the National Institute of Standards and Technology. A partial list of key identifiers includes:

- Name
- Social Security number
- Date of birth
- All geographic subdivisions smaller than a state, including street address, city, county, precinct, zip code, and their equivalent geocodes. Number of allowable zip code digits varies according to population size.
- Telephone or fax numbers
- Electronic mail addresses
- Medical record information, numbers, or medical details
- Account numbers
- Certificate/license numbers, other state identification numbers, or a foreign country equivalent, passport number
- Vehicle identifiers and serial numbers, including license plate numbers
- Biometric identifiers, including finger, voice prints, photographs, videos and any comparable images
- Any other unique identifying number, characteristic, or code, except as permitted for re-identification purposes provided certain conditions are met

For a complete list of sensitive information identifiers, refer to CHF's Sensitive Information Policy, the Health Insurance Portability and Accountability Act (HIPAA), and the Family Educational Rights and Privacy Act (FERPA)

Vulnerable Adults: refers to a person aged 18 years or over and who is unable to take care of themselves or protect themselves from harm or from being exploited. This may be because they:

- have a mental health problem or illness, including dementia
- have a disability
- have a sensory impairment
- are old and frail and or experiencing a temporary illness
- have a substance abuse or alcohol problem.
- are detained in lawful custody
- are or have been victims of human trafficking or prostitution
- are or have been victims of domestic violence
- are currently or have a history of interaction with the criminal justice system

Working with Children: those people who are engaged in an activity, on behalf of or funded by Children's Health Fund, which involves direct contact with, or facilitates access to, children.

WHO THE POLICY APPLIES TO

- This policy applies to CHF's beneficiaries and their caregivers (as defined above) and CHF employees (as defined in this paragraph).
- Employees of CHF include, for purposes of this policy, all employees working for the organization on a national level, or for a sub-project of the organization at a local level, volunteers or interns working events on behalf of the organization, or any other person engaged in areas where workers are likely to come into contact with children or vulnerable adults and related sensitive information on behalf of CHF.
 - Volunteers and interns should always be in the presence of a CHF employee and never left alone when working with children.
 - Volunteers and Interns will be instructed to refrain from taking photographs or recording any CHF's beneficiaries or their caregivers or those seeking services from CHF.
- CHF's clinical partners should have their own patient protection policy and are required to adhere to HIPAA regulations.
- CHF's education partners should have their own student protection policy and are required to adhere to FERPA regulations.

RESPONSIBILITY OF COMMUNICATING THE POLICY

For this policy to be successfully implemented, it is essential that it be effectively communicated to all employees and contracted partners.

- The Human Resources Department is responsible for communicating this policy to all employees and interns. HR is also responsible for creating materials and guidelines which can be shared and distributed as requested.
- For departments that work with children, families, and vulnerable adults and who engage contractors, sub-contractors, other organizations, and/or volunteers, the Department Head is accountable for communicating and implementing this policy and will act as point of contact for reporting purposes.
- For departments that work with CHF's beneficiaries and their caregivers the Department Head is accountable for providing information and sharing materials with those who request it.

THE POLICY

Safeguarding Against Abuse

Promoting the safety and wellbeing of children and vulnerable adults is a priority for Children's Health Fund. All employees who are in contact with these individuals must adhere to the guidelines below:

- Always treat the children and families we serve with respect and dignity; regardless of gender, race, ethnicity, social origin, socio-economic status, language, religious or other beliefs, disability, sexual orientation or other status.
- Use appropriate language and behavior that is in no way harassing, abusive, sexually provocative, or demeaning.
- Always be mindful of the basic physical and/or psychological needs of the children and families we serve and ensure that CHF activities occur in a safe and secure environment.
- Physical punishment or discipline or use of physical force of any kind is prohibited.
- Deliberate physical harm to children and vulnerable adults or any other form of harm which causes injury or illness in a person is prohibited.
- Emotional maltreatment of a child or vulnerable adult such as to cause severe and persistent adverse effects on their emotional wellbeing is prohibited.
- Financial abuse, which attempts to intentionally manipulate, control, or take a person's identity, property, or other financial assets is prohibited.
- Sexual activity with children is prohibited; mistaken belief regarding the age of a child is not a defense.
- Use of any device to access, view, create, download or distribute sexual images of children is prohibited.
- Manipulating a child into providing images of a sexual nature is prohibited.
- Wherever possible, ensure that more than one adult is present when working in the proximity of children.
- Children's Health Fund conducts background checks on all new employees, which includes a criminal and sexual abuse background check.
- Children's Health Fund conducts background checks on volunteers who are likely to come in contact with children or vulnerable adults on behalf of CHF.
- Inform your supervisor immediately if you know of or suspect a violation of this policy.

Protecting Sensitive Information

All employees of CHF must protect the confidentiality, integrity, and availability of sensitive information (as defined above) relating to the children, families, and vulnerable adults that Children's Health Fund serves.

This policy pertains to the collection, access, use, storage, disclosure, and disposal of sensitive information to ensure that it is not made available, disclosed, or shared with unauthorized persons and to prevent accidental or unintentional disclosure or access to said information.

- All CHF employees must pass an annual Sensitive Information Training.
- Any CHF employee who comes in contact with sensitive information, must comply with this policy, CHF's Sensitive Information Policy, as well as HIPAA and FERPA guidelines.
- Discussing sensitive information with an unauthorized individual is a violation of this policy.
- Sensitive information should never be discussed in public areas or where others can overhear the conversation.

- All CHF employees should practice the “minimum necessary” rule, which limits access to sensitive information to only the necessary users and only to the minimum amount of information necessary to carry out a specific task.
- Only access sensitive information when needed to complete your task.
- Do not allow sensitive information to be left unattended in common areas of the office; retrieve printed, faxed, and copied documents quickly.
- Store documents containing sensitive information in secure locations that are locked or protected by a password.
- Use best practices when selecting passwords or access codes.
- Properly destroy outdated documents that contain sensitive information.
- If you are uncertain of whether information is sensitive or not, or how best to handle the information, ask your supervisor.
- Inform your supervisor immediately if you know of or suspect a violation of this policy.
- Decisions concerning children under the age of 18 should be made with the agreement of the child's parent or legal guardian whenever possible.

Authorization to Disclose or Make Public Information

Children’s Health Fund must obtain signed and dated written consent from the beneficiary, parent, or legal guardian before disclosing any records or information. If photographs, video images, or recordings of children or vulnerable adults are taken, written consent specifically detailing the use of the image or recording must be obtained (from parents/guardians in the case of children) before these images are taken or recordings are made. Personal details, photos, or recordings which clearly identify an individual may only be published or made public by CHF for the purpose expressly detailed in the authorization.

Appropriately-consented personal information collected by the Children’s Health Fund or any party with which the Children’s Health Fund has a data sharing agreement in place may be used for research and evaluation purposes, provided such data is only used in aggregated or summarized form, where no individual could reasonably be identified, may be disclosed.

Sensitive information may be shared without consulting the individual (child(ren) or vulnerable adult), when required by applicable law or legal process.

Federal, state, and local statutes may require certain personnel to immediately report any concerns of child maltreatment, or when presented with reasonable cause to suspect abuse or neglect. In such cases, it may be necessary to disclose personal information of a child or victim as a part of the reporting process.

REPORTING ABUSE

This policy requires that any suspicions and allegations involving harm to children and vulnerable adults are immediately reported to a supervisor and/or Human Resources. Based on New York State regulations, certain CHF employees, volunteers, interns or contracted service providers are designated as “Mandated Reporters” and are obligated by law to report suspected abuse to the New York State Central Register of Child Abuse and Maltreatment (SCR).

Employees should consult applicable federal, state, and local statutes on child maltreatment to determine which roles or positions are bound by the Mandated Reporting requirements and the legal obligations that employees may have, and to communicate this information to all applicable CHF employees.

It is the responsibility of Children’s Health Fund to thoroughly investigate each report and determine what action, if any, must be taken. All parties involved must be treated fairly and with sensitivity. CHF will also ensure that suitable steps are taken as a result of any investigations, which may include contacting the police and/or fulfilling other legal obligations.

It is not the responsibility of CHF employees, volunteers, interns or contracted service providers to determine if maltreatment is taking place. It is however their responsibility to follow the appropriate procedure within this policy, in the event that an alert is received; a concern is raised; or signs are detected that maltreatment may have or may be taking place.

CHF employees, volunteers, and interns should report any of the following:

- Awareness of indications of any abuse, maltreatment or actual or potential harm to any of CHF’s beneficiaries and their caregivers, or
- Awareness of fraud, policy violations, illegal or unethical conduct, unsafe conduct or other misconduct related to this policy by any individual working for or representing the Children’s Health Fund,
- Awareness of a data breach or disclosure of sensitive information,

Right to Make a Complaint

Complaints are often a valuable resource in improving the quality of service provided and for maintaining and monitoring policy compliance. As such, the Children’s Health Fund encourages individuals with issues or concerns to document and submit their concerns by:

- Completing and submitting a letter to:

Children’s Health Fund
Attn: Quality Assurance and Control
215 West 125th Street, Suite 301
New York, NY 10027

- Emailing: PolicyNotification@chfund.org
- Calling Human Resources at Children’s Health Fund at 212-535-9400

Required Information

Issues, concerns or complaints should include all of the following if relevant and/ or available:

- Date and time of the incident or observation, if relevant
- Where the incident occurred, if relevant
- Who is involved
- A method of contact should additional inquiries need to be made, including any and all of the following: phone number, mobile telephone number, email address or physical address, if available.
- A summary of the issue or concern with all available information

Investigating Complaints or Violations

Children's Health Fund has an obligation and responsibility to investigate all complaints.

Children's Health Fund's Chief Executive Officer will review all complaints and approve responses and final resolutions. To the extent possible, the outcome of the investigation should be communicated to the complainant, along with any steps or preventative measures to minimize future recurrences.

When applicable, complainants may not be provided with disciplinary actions or other specifics which may violate the confidentiality or privacy of those involved.

Received complaints will be confidentially documented and retained, with the following information:

- The complainant.
- A summary of the incident or issue.
- Investigative process, along with steps, facts gathered and from whom the facts were obtained.
- The findings and resolutions to the incident.
- A recommendation to reduce or limit future recurrences of the issue.
- Whether the documentation was provided to an outside state or other government agency.

VIOLATION OF THIS POLICY

The Children's Health Fund advocates open and safe communication. Issues, concerns, or any and all conflicts or violations of this policy will be handled in a private and confidential manner, unless otherwise required by law.

The procedure for managing suspicions and allegations aims to strike a balance between the need to protect children and vulnerable adults from abuse and the need to protect staff and volunteers from false or unfounded accusations. The Children and Vulnerable Adult Protection Policy should be used as the basis of CHF's approach to preventing and reducing harm to children and vulnerable adults.

If an employee, volunteer, or individual acting on behalf of or for the Children's Health Fund knows or suspects that there has been a violation of this policy, they should raise the concern to their immediate supervisor or Human Resources.

Retaliation against an employee, volunteer or individual acting on behalf of or for the Children's Health Fund is strictly prohibited and will not be tolerated. CHF will take the necessary steps and actions regarding any individual(s) engaging in any retaliatory efforts against an employee, volunteer or individual acting on behalf of or for the Children's Health Fund, who has truthfully, and in good faith reported a potential violation.

If you suspect that you or someone you know has been retaliated against, it is your obligation to raise those concerns. Inform Human Resources or the Chief Executive Officer of Children's Health Fund.

Consequences of Violating this Policy

The Children's Health Fund has an obligation and responsibility to proactively and timely report any and all violations, mistreatment or maltreatment of children, vulnerable adults, or any and all individuals to the proper authorities.

The authorities may include state or local agencies, police or policing agencies or other appropriate state organizations acting towards the welfare and betterment of the community.

Employees may incur disciplinary action, up to and including significant fines, termination of employment, and may be subject to litigation or criminal legal action where appropriate.

Volunteers may incur corrective measures, up to and including volunteer cessation or termination of role within the organization and may be subject to litigation or criminal legal action where appropriate.

All parties are prohibited from defaming the Children's Health Fund, the complainant or any witnesses, victims or any other individual involved, in any way on social media, through personal or public media outlets or other avenues, and will maintain confidentiality and non-disclosure, unless prohibited by law.