



BACHLEDA LUXURY HOTEL

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## CHILD PROTECTION PROCEDURES AT BACHLEDA LUXURY HOTEL MGALLERY COLLECTION.

Bearing in mind the content of the United Nations Guiding Principles on Business and Human Rights, recognising the important role of business in ensuring respect for children's rights, in particular the right to protection of their dignity and freedom from all forms of harm, Bachleda Luxury Hotel MGallery Collection adopts this document as a model for policies and procedures in the event of suspicion and prevention of harm to a child who is staying at Bachleda Luxury Hotel MGallery Collection.

We will implement the child protection policy at our Hotel through this rules.

1. Bachleda Luxury Hotel MGallery Collection conducts its operational activities with the utmost respect for human rights, in particular the rights of children as vulnerable persons.
2. The Bachleda Luxury Hotel MGallery Collection recognises its role in running a socially responsible business and promoting desirable social attitudes.
3. The Bachleda Luxury Hotel MGallery Collection in particular stresses the importance of the legal and social obligation to notify law enforcement authorities of any suspected offence against children and is committed to training its staff in this regard.
4. Bachleda Luxury Hotel MGallery Collection is committed to educating staff on circumstances indicating that a child staying at the property may be abused and how to respond quickly and appropriately to such situations.
5. One form of effective child abuse prevention is the identification of the child in the facility and his/her relationship to the adult with whom he/she is in the facility. Staff take all possible steps to carry out the identification of the child and his/her relationship to the adult with whom he/she is in the facility.

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### Procedure in case of suspected child abuse

1. Whenever possible, identification of the child and his/her relationship with the adult with whom he/she is in the facility should be made<sup>1</sup>.
2. In unusual and/or suspicious situations, indicating a possible risk of child abuse, identification is compulsorily carried out by a member of the reception staff. Examples of situations that may raise suspicion are included in Appendix no. 1.
3. In order to identify the child and his/her relationship to the person with whom he/she is in the facility, it is necessary to:
  - a. Ask for the child's identity and the child's relationship to the person with whom they have come to or are staying at the facility<sup>2</sup>. To do this, you may ask for the child's identity card or other document that proves that an adult has the right to care for the child in the facility. A list of sample documents is indicated in the footnote below. If no ID is available, you can ask for the child's details (name, address, PESEL number)<sup>3</sup>.
  - b. In the absence of documents indicating the relationship between the child and the adult, the adult and **the child** should be asked about this relationship. An example of an adult and child interview scheme can be found in Appendix no. 2.
  - c. If the adult is not the child's parent or legal guardian, ask if they have a document showing parental consent for the adult to travel with the child (e.g. a written statement)<sup>4</sup>.

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<sup>1</sup> As part of known good practice, some venues place boards in prominent locations for guests to see, stating that the venue cares about the safety of children and has appropriate child protection procedures in place. With such practices, it is easier for venue staff to refer to these records and thus verify the details of the guest and the child/children when the situation appears suspicious.

<sup>2</sup> The establishment may develop a model message which it will publish on its website and/or send to guests along with their booking confirmation that, in relation to its Child Protection Procedures, it requires the guest staying at the establishment with a child to have a document which demonstrates that the guest is an adult with the right to care for the child (e.g. child identification document indicating kinship, civil status certificate, court order, notarized consent of a parent to travel with the child or consent signed by the child's parent with the child's details, address, telephone contact to the parent and ID/PESEL number of the person to whom the parent has entrusted custody of the child).

<sup>3</sup> In the event of a refusal to provide the child's details, it can be pointed out in addition to the Employer that the child/their parents are jointly responsible for any damage to the property.

<sup>4</sup> In various venues, parents are required to produce a document that certifies that they are giving their permission for their child to travel with someone who is not their legal guardian. Asking for such a document is intended to make the visitor to the venue aware of the fact that it is not correct/obvious that he/she is not related to the

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- d. If the adult does not have a parental consent document, ask for the telephone number of the above to call and confirm that the child is on the premises with a strange adult with the knowledge and consent of the parents/legal guardians.
4. In the event of any problems on the part of an adult to show the child's document and/or to indicate the relationship, it should be explained that the procedure serves to ensure the safety of children using the Bachleda Luxury Hotel MGallery Collection and has been developed in consultation with non-governmental organisations working on this subject.
5. Once the matter has been clarified in a positive way, you should express your thanks for the guest time in making sure the child is well looked after and emphasise once again that the procedure is designed to keep children safe.
6. If the conversation does not allay any doubts about the suspicion towards the adult and their intention to harm the child, the supervisor and security staff (if they are on the premises at the time) should be discreetly informed. In order not to arouse suspicion, you could, for example, invoke the need to use the equipment at the back of reception by asking the adult to wait with the child in the lobby, restaurant or elsewhere.
7. From the moment the first concerns arise, both the child and the adult should be under constant observation by staff and not left alone.
8. The supervisor who has been alerted to the situation will decide whether to notify the police or, if in doubt, take over the conversation with the suspect adult for further clarification.
9. If the interview confirms the belief that a child has been attempted or committed, the supervisor shall notify the police. Further procedure is followed in case of circumstances indicating harm to the child.
10. In the event that unusual and/or suspicious situations are witnessed by employees of other departments of the Bachleda Luxury Hotel MGallery Collection e.g. cleaning service, room service, bar and restaurant staff, relaxation area, security,

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child with whom he/she is checking in at the venue. It also provides an argument for the staff member to ask further questions to determine whether child abuse is taking place in this situation. It is also possible for the facility to create a model statement for its own purposes and inform clients that such a document is required when guests check in with children of whom they are not the parents/legal guardians. Such a document should be consulted in terms of GDPR and other regulations applicable to the facility.

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etc., they should immediately report this to their supervisor, who will decide on appropriate action to be taken.

11. Depending on the situation and the location, the supervisor verifies to what extent the suspicion of child abuse is justified. To this end, he or she selects appropriate measures leading to clarification of the situation or decides to intervene and notifies the police.

### **Procedure in case of circumstances indicating that a child may be a victim of abuse**

1. If you have a reasonable suspicion that a child in the facility may be a victim of abuse, you should immediately notify the police by calling 112 and describing the circumstances of the incident. Depending on the dynamics of the situation and circumstances, the call is made by the person who directly witnesses the incident (employee/supervisor). If the notifier is an employee, he/she shall simultaneously inform his/her supervisor of the incident.
2. Reasonable suspicion of child abuse occurs when:
  - a. the child has disclosed the fact of abuse to a member of staff at the facility,
  - b. employee observed any harm incidents,
  - c. the child shows signs of abuse (e.g. scratches, bruises) and, when asked, responds incoherently and/or chaotically and/or becomes confused or there are other circumstances that may indicate abuse, e.g. finding child pornography in an adult's room.
3. In this situation, the child and the person suspected of harming the child should be prevented from leaving the premises.
4. In justified cases, a citizen's arrest<sup>5</sup> of a suspected person may be made. In such a situation, the person should be kept under the supervision of two staff members in a separate room away from the view of other guests until the police arrive.

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<sup>5</sup> Article 243. of the Act of 6 June 1997 Code of Criminal Procedure (i.e. Journal of Laws 2022, item 1375).

§ 1 Anyone has the right to arrest a person in the act of committing an offence or in a pursuit undertaken immediately after the commission of an offence, if there is a fear that the person is hiding or his identity cannot be established.

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5. In all cases, the child's safety must be ensured. The child should be in the care of a member of staff until the police arrive.
6. If there is a reasonable suspicion that a crime has been committed involving contact between the child and the perpetrator's biological material (sperm, saliva, epidermis), the child should be prevented from washing and eating/drinking as far as possible until the police arrive.
7. Once the police have collected the child, the CCTV footage and other relevant evidence (e.g. documents) relating to the incident should be secured and, if requested by the service, a copy should be forwarded by registered letter or in person to the public prosecutor or the police.
8. After the intervention, the event should be described in an event log or other document intended for this purpose.

### Appendix no. 1: Examples of situations that may raise suspicion or indicate child abuse

**NOTE: The occurrence of certain indicators does not automatically mean that abuse of a minor is taking place. It is important to be vigilant and to notice situations that may cause concern. A worrying situation will also be one in which the relationship between the adult and the child does not seem relaxed and caring.**

#### RECEPTION

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The term "in the act of committing an offence", as used in § 1, means apprehending the offender in the course of the realization of any of the constituent forms of the offence (but not of the offence), i.e. in the stage of criminal preparation, attempt or execution. In practice, it will most often be an attempt, as apprehension generally thwarts the commission of a criminal act. It is sufficient to perceive the mere factual aspect of the offence in order to undertake the act of detention. K. Dudka [in:] M. Janicz, C. Kulesza, J. Matras, H. Paluszkiwicz, B. Skowron, K. Dudka, Kodeks postępowania karnego. Commentary, 2nd ed., Warsaw 2020, art. 243.

§ 2. The person arrested shall be handed over to the police immediately.

**Explanation:** The facility does not have the possibility to verify his suspicion on the basis of facts or evidence, that is what the procedural authority is for. In paragraph 2 we have described situations where there is reasonable suspicion. For a citizen's arrest it is not necessary that the criminal act has been committed (thus the "seeing" of an adult in the course of intercourse with a child), the stage forms of the act are sufficient for detention, thus preparation, attempt or execution. Arresting at the time of the attempt (i.e. with the direct aim of committing the act) is its prevention. Renting a room with a child would already be an attempt.

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The guest does not want to give his personal data or that of his child.	The guest takes the child directly to the room, giving the impression that he or she does not want the child to make contact with the person working at reception.
The guest states that he does not have his and/or his child's documents; he does not want to give an explanation.	A guest who checks in with a child invites other people who are not guests of the facility (such people may appear for a short time).
The guest pays in cash or with a prepaid card. He pays daily (he doesn't know how much he will stay for) or asks someone else to pay for the night.	A guest rents a room by the hour or not for the whole day; or rents a room for a very long period.
The guest brings with them goodies or subjects that can be given to the children as gifts.	A guest who arrives with a child either has no luggage or arrives with very little luggage (carry-on bag/activity bag).
A guest shows up at the facility with a child with whom they have not previously checked in at reception.	The guest behaves towards the child in a sexually charged manner and the relationship between the adult and the child does not appear natural and caring.
A guest with a child rents a room in which there are fewer beds than there are registered persons - e.g. a double bed.	The child is dressed in a manner inappropriate for the weather or inappropriate in relation to the adult with whom they have come to the facility.
During registration, the child appears anxious, stressed or forced to be in the facility with an adult.	Children selling small items or begging outside the facility.
The child comes to the facility late at night or at a time when she/he should be at school.	The child does not know where he or she is or, when asked about the destination, gives inconsistent answers.

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### RESTAURANT and BAR

A guest comes to the bar or restaurant with a child with whom he or she was not registered in the facility.	Outsiders, not registered at the facility, seem to be looking for clients and offering them something (possibly wanting to act as intermediaries to pass on contacts to the children).
A guest inquiries about adult sexual services, including with young people (e.g. overheard conversation in a bar or restaurant).	Teenagers wait at a table or in a bar for an adult to pick them up who does not appear to be their parent or guardian (possibly a customer, a pimp or a trafficker).
Children who appear to be unaccompanied are asking for food, drinks or money.	Cash exchange between an adult and a child (exchange may raise suspicion of transferring remuneration for services).
Children appear anxious, nervous and avoid eye contact.	During the stay, the adult and child do not come to the room for breakfast.
The adult behaves in a sexually charged manner towards the child - this is not a natural and caring relationship.	An adult gives a child alcohol.

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### THE FIELD SERVICE

'Do not disturb' sign constantly visible on the door of the room where the children are staying.	No agreement to clean the room throughout the guest's stay <sup>6</sup> .
Lots of notes/cash spotted in the room (may indicate illegal payments).	Children left unattended for long periods of time in the room or not leaving the room at all (e.g. food is brought to them).
Spotted in the room in large numbers are computers, mobile phones and credit card readers.	The adult and children do not often leave the room, hardly at all, or only go out at times when few guests are moving around the property.
There are children's clothes or toys in the room, even though the child has not been checked into the accommodation.	Adults who are not guests of the facility stay in the lobby, seem to observe the area and interact with a guest of the facility who has arrived with a child.
Noticed large amounts of alcohol or drugs in a room where an adult has checked in with a child.	In a room where an adult has checked in with a child/children only, there are condoms etc. left in a prominent place.

### Appendix no. 2: Example of an adult-child interview scheme during identification

Be calm, polite and patient when talking to an adult.

At the beginning of the interview, it is useful to inform the adult that the [property/hotel/hotels network] has child protection procedures in place and therefore the staff member may ask additional questions to verify the child's details or the relationship between the child and the adult.

There may be situations where an adult feels uncomfortable, expresses opposition or displeasure. This does NOT necessarily mean that she is a potential offender.

### **Example of a conversation with a customer:**

"Our facility/hotel has child protection procedures in place; therefore we ask all guests to present identification documents at the time of booking. Does your child have an

<sup>6</sup> The facility may include in the guest terms and conditions that, for the safety of all users of the facility, staff may request access to the room in any situation that requires it.

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identity document?" (ID card, passport, other).

If the child does not have the document or, after checking it, is not sure that the adult is the child's legal guardian, we can ask the following questions to help determine the situation:

- What is the child's name, how old is he or she?
- Are you the child's legal guardian? Or is the child related to you? Do you have custody of the child?
- Do you have a certificate from the child's guardians that the child is in your care?
- Do you have a telephone number for the child's carers so that we can confirm this?
- For what purpose do you travel with your child?

Example of a conversation with a child:

- What is your name, how old are you? Where do you live?
- Who is the person you came/are staying/traveling with?
- Do you know this gentleman/ lady well?
- Where are your parents? We would like to contact them - do you have a phone number for them?

If the adult is responsible for the child, we inform them that we want to talk to the child. If the adult makes it difficult to contact the child, we can emphasise that in a situation where it is impossible to identify the child, we will have to notify the police.

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