

(DRAFT) TERMS OF REFERENCE (TOR) FOR THE BEST INTEREST DETERMINATION PANEL

REFUGEE OPERATIONS, ERBIL (CAMP AND URBAN)

August, 2014

1. Background, composition and quorum

- 1.1. The Best Interest Determination (BID) panel is part of the multi-sectoral child protection mechanism established as a response to the multi-faceted child protection concerns surrounding refugee/asylum seeker children.
- 1.2. A BID panel is composed of individuals from different professional background who are also familiar with the caseload. This is to ensure that the decisions taken regarding necessary course of actions take the different aspects of child protection into consideration. To the extent possible, a BID Panel includes appropriate government representatives, social work professionals, mental health professionals, legal professionals and child protection specialists as well as resettlement specialists when deemed necessary. All decisions concerning the child should also consider the socio-cultural contexts of child protection in a given community.
- 1.3. Normally the panel has between 5-7 members with the quorum for a session being 3 in addition to a Chairperson and a Secretary. It should be balanced in terms of gender and professional background of the members. Currently, the BID panel for Erbil area (camp and urban) is consisted of 6 members from DoLSA/CPC, ACTED, Qandil, Save the Children, UNICEF and UNHCR. To ensure the capacity building and sustainability, at least two persons from each organization will be trained in BID procedure.
- 1.4. The BID panel is chaired by the Community Services Officer (UNHCR) and Child Protection Programme Manager (Save the Children) as an alternate and is composed of a Chairperson, a Secretary (Child Protection Officer, ACTED) and five members.
- 1.5. The BID panel will meet on a monthly basis (usually last Thursday of the month) to process BID cases of Normal priority. For cases with Urgent or Emergency priority, the Chairperson will convene extraordinary session within a minimal time-frame.

2. Terms of Reference:

- 2.1. Panel Members review the completed BID reports and discusses recommendations.
- 2.2 Panel Members review all options for implementation of recommendation in the BID reports.

2.3 When necessary, the BID Panel visits establishments and service providers/alternative caregivers to assess the suitability of their services for the child in question and liaison with the BID panel if needed.

2.4 Depending on the discussions, the BID Panel endorses and/or recommends alternate course of action that is in the best interests of the child in question.

2.5 The BID Panel agrees on timeline for the implementation of recommended course of actions.

2.6 The BID Panel designates agency/ies for follow up of implementation of recommended course of action.

2.7. The Chairperson of the Panel signs the document and the report will be referred for the appropriate agency/ies for actions.

2.8. Based on feedback from follow-up and monitoring of implementation of recommended interventions, the BID Panel instructs the closure of a case. When needed, the Panel also initiates the re-opening of a BID process and reviews the case based on the progress

3 Checklist for BID panel:

What points to take into consideration during a panel meeting?

- Are the recommendations in the BID report logical/applicable?
- Are there any alternative recommendations?
- What are the child's opinions?
- What are the positive and negative consequences of the recommendations?
- Does the BID report take resources within the family/community into consideration?
- What are the vulnerabilities and/or capacities of the child?
- What is the current state of the child (physical, emotional, developmental)?
- What is the most feasible period of implementation of the recommendations?
- How long should the case be monitored and followed up?
- Who is the focal person for follow up?
- What is the attitude of the current family/caregiver towards the process and the protection the child in general?