SAFEGUARDING POLICY

MARCH 2014

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INTRODUCTION

The projects and programmes that GAIN funds through grants address the needs of vulnerable communities and groups. There is potential for abuse to take place in the context of these projects and programmes.

Through its mission, GAIN is well positioned to promote and ensure good practice by its staff and by with those of its partners who directly or indirectly work with Vulnerable Persons.

The aim of this policy is:

- To promote and ensure the safeguarding of Vulnerable Persons directly served by GAIN and its partners.

- To ensure that any abuse of Vulnerable Persons that occurs in the context of GAIN's projects and programmes is reported and addressed.

1.   Vulnerable Persons covered by the Policy

a.   All children and young people below the age of eighteen years should be protected from all forms of abuse, neglect, exploitation and violence and adheres to the fundamental rights of the child as spelled out in the *UN Convention on the Rights of the Child of 1989*.

b.   Vulnerable adults, persons over the age of eighteen years who are unable to take care of or protect themselves against harm or exploitation for whatever reason, require particular protection.

c.   Both children and vulnerable adults (hereinafter referred to as the "**Vulnerable Persons**") have rights as individuals and shall be treated with dignity and respect.

2.   Responsibilities

Members of the Board are responsible for:

- Ensuring adequate measures are in place to assess and address safeguarding risks.
- Putting in place adequate safeguarding policies and procedures, including relevant HR matters.
- Making sure policies and procedures are effectively applied in practice and that mechanisms are in place to provide assurance on compliance.
- Ensuring those safeguarding policies, practice, and performance are robustly and regularly reviewed to ensure they are up to date and fit for purpose.
- Actively promoting a safe culture and strong awareness of everyone's safeguarding responsibilities.
- Taking steps to help deter and prevent safeguarding issues from occurring.

- Ensuring there are mechanisms in place to promptly identify and act upon emerging safeguarding trends or issues.
- Ensuring that serious incidents are reported to the appropriate authorities.

The Strategic Management Team is responsible for:

- Ensuring the policy is implemented.
- Discussing safeguarding matters at Strategic Management Team meetings at periodic intervals to help ensure progress and address any challenges with implementing the policy and any cases arising.
- Presenting an annual safeguarding report on any instances and action taken/lessons learned to the Board.

The Safeguarding Officer is also responsible for:
- Ensuring awareness raising/training is undertaken for staff and stakeholders.

All Managers are responsible for:
- Ensuring all new employees receive policy training as part of their induction.
- Ensuring measures are implemented within their area of responsibility.
- Following up and addressing issues appropriately.

HR staff are responsible for:
- Implementing the necessary protective procedures when recruiting new staff.
- Documenting who has signed the policy.
- Ensuring that briefing on this policy is built into Induction processes.

All staff are responsible for
- Adhering to this policy and the Code of Conduct.
- Reporting concerns using the Whistleblowing policy and procedures set out in the Code of Conduct.

3. Context

GAIN expects a commitment and action by its staff and all stakeholders at national and international levels, to stop and prevent abuse of vulnerable persons.

a. **Abuse** is any behaviour towards a person that causes harm, endangers life or violates rights. Examples of abuse include:

(i)   Physical abuse.

(ii)   Sexual abuse.

(iii)   Sexual exploitation including:

- Sexual relations with a person below the age of 18 regardless of the age of consent.
- Use of prostitutes even if locally legal.

(iv)   Commercial exploitation, including child labour and modern slavery.

(v)   Financial or material – stealing or denying access to money or possessions, expecting favours of any kind in exchange GAIN assets or involvement in a project.

(vi)   Emotional abuse.

(vii) Neglect and negligent treatment;

(viii) Discrimination – abuse motivated by discriminatory attitudes towards age, race, religion, gender, disability, sexual orientation or cultural background.

Promoting and ensuring the protection of Vulnerable Persons from abuse and exploitation is an important element of GAIN's mission.

4.   Protecting Vulnerable People

a. GAIN staff, Board members, volunteers and contractors (refer to as "staff" hereafter) shall adhere to the following principles:

(i)   All Vulnerable Persons have rights as individuals, without discrimination of any kind and irrespective of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, sexual orientation, birth or other status.

(ii)   All Vulnerable Persons have equal rights to protection from abuse and exploitation.

(iii) All Vulnerable Persons shall be encouraged to fulfill their potential and inequalities shall be challenged.

(iv)   The welfare of Vulnerable Persons should be safeguarded and promoted.

(v)   Everybody has a responsibility to support the care and protection of Vulnerable Persons.

(vi)   Non-profit or development organisations have a particular duty of care to Vulnerable Persons with whom they work and come into contact with and with whom their representatives work.

(vii) If a non-profit or development organisation works through partners they have a responsibility to meet minimum standards of protection for the Vulnerable Persons involved in their partners' programmes.

(viii) Recognition of the importance of working in partnership with GAIN's Partners in the protection of Vulnerable Persons.

(ix) Staff will be viewed as representatives of GAIN even when not in working hours and their responsibility to act in accordance with this policy therefore applies at all time.

b. GAIN staff shall strive to make GAIN's activities safe and caring environment(s) for all people, and in particular Vulnerable Persons.

A **<u>Caring Environment</u>** is one:

(i) in which the health, safety and welfare of Vulnerable Persons have been assessed and catered for;

(ii) in which staff are aware of the possibility of abuse and take reasonable measures to prevent that possibility; and

(iii) where there is a sound and known reporting system for any incident.

c. Activities undertaken by GAIN shall be planned, organised and delivered in accordance with the principles of GAIN's Policy for Safeguarding of Vulnerable Persons.

5.   Partners

GAIN will advance the protection of Vulnerable Persons, where possible, through its relationships with its partners, taking into account the particularities of the development context in which GAIN operates.

GAIN expects its partners to pursue their work in the same spirit and create a Caring Environment for Vulnerable Persons.

GAIN expects partners who work directly with Vulnerable Persons to develop an appropriate code of conduct that identifies the types of prohibited conduct that would cause abuse to Vulnerable Persons and which provides guidance for their staff to avoid any acts of abuse against Vulnerable Persons. In pursuing this goal, GAIN recommends as a reference the resource material provided by the Core Humanitarian Standard (CHS) Alliance, and in particular the "NGO Checklist for Developing or Revising Codes of Conduct".

GAIN therefore will:

(i) Implement in its template for agreements with partners, consultants and service providers or grantees (together "**GAIN partners**") a clause, which aims to ensure the adherence of GAIN's partners to this Policy for Safeguarding of Vulnerable Persons. The clause shall read as follows:

"GAIN believes that all vulnerable persons, meaning children below the age of eighteen years and vulnerable adults, require protection from all forms of abuse

and exploitation.

Wishing to promote and ensure the highest standards in this regard, GAIN expects the Recipient [alternatively: the consultant/ the service provider/ the partner] to adhere to its Policy for Safeguarding of Vulnerable Persons and to promote the values and standards laid down in this Policy in its work."

(ii) Actively promote its Policy for Safeguarding of Vulnerable Persons by making the Policy publicly available through the GAIN website (www.gainhealth.org); and

(iii) Provide relevant guidance to GAIN's partners, aimed at the safeguarding of Vulnerable Persons.

6.   Procedure

a. GAIN expects GAIN staff to be alert to signs that may suggest a Vulnerable Person is at risk of abuse or exploitation. GAIN also expects the employees of GAIN's partners to adopt the same approach.

b. GAIN shall treat any allegation or concern regarding the abuse of a Vulnerable Person seriously. The reporting procedure outlined below shall be followed strictly by GAIN staff. In following the reporting procedure, particular care shall be taken with regard to an individual's right to privacy and confidentiality when information is shared with appropriate people in the course of following up an allegation.

c. To facilitate reporting, GAIN has designated a **Safeguarding Officer**, who shall be responsible for ensuring that the Policy for the Safeguarding of Vulnerable Persons is implemented and followed. The Safeguarding Officer is the Director of Strategic Operations.

The role of the **Safeguarding Officer** is to:

(i) Receive and register reports of abuse of Vulnerable Persons from GAIN staff or staff of GAIN's partners.

(ii) Collect additional information as appropriate.

(iii) Assess risk.

(iv) Consult with GAIN's leadership, legal staff, programme staff and Country Managers as appropriate.

(v) When appropriate, consult with external organisations including partners, local agencies, and community leaders.

(vi) Make a formal referral if appropriate to the GAIN Senior Management (Operations) Committee, GAIN's partners or local authorities.

d. If any of the following incidents occur, a GAIN staff member must make a report to the Safeguarding Officer:

(i) Abuse is observed or suspected.

(ii) An allegation of abuse is made.

(iii) A Vulnerable Person discloses abuse.

(iv) A complaint is made about the possible abuse or exploitation of a Vulnerable Person by a GAIN staff member or partner.

Upon receipt of the report, the Safeguarding Officer shall act as appropriate, following the reporting procedure as outlined above.

e. GAIN staff working on project development or monitoring have to be alert to possibilities of the abuse and exploitation of Vulnerable Persons. If such abuse or exploitation is observed, it is the duty of GAIN staff to inform the Safeguarding Officer. The staff member should not attempt to investigate the allegation or to discuss it further other than with the Safeguarding Officer who is responsible for further investigation and, if necessary, referral to the police and/or appropriate local authority in the jurisdiction where the reported incident has or may have taken place.

f. GAIN expects GAIN's partners to develop and implement a relevant protection and reporting procedure, in line with the size and complexity of their organisation, based on relevant risk assessment and in observation of the international standards, as promoted, inter alia, by the Keeping Children Safe Coalition and the Core Humanitarian Standard (CHS) Alliance.

g. Where a GAIN project includes working directly with vulnerable persons (e.g. young people taking part in a workshop), a risk assessment must be carried out in advance and approved by a member of staff. This will include factors such as travel to/from the event; the need for chaperones; safe spaces; access to washrooms and parental consent.

7. Reporting abuse

The Safeguarding Officer, after being informed of an allegation, will make a preliminary assessment and determine the course of action appropriate to the seriousness of the alleged offence. As a matter of principle, once it is decided that an alleged abuse needs to be investigated, then the Safeguarding Officer will disclose all relevant information to the Senior Management (Operations) Committee.

The following are key steps in any process to substantiate any reported allegations:

A. Investigate

The Safeguarding Officer will consult with the GAIN managers as appropriate; if the abuse occurred within the context of a project, both the relevant Country Director and the relevant programme lead will be consulted.

The allegation will be investigated and the individual(s) concerned informed of the allegations against him or her, and the course of action to be taken. At the same time, the Safeguarding Officer will ensure that all information in the possession of the individual suspected is secured for investigation. If appropriate to safeguard GAIN during the investigation period, the individual alleged to have committed the abuse may be taken out of his/her position. This may mean the individual is put into another position, put on leave with pay or suspended without pay.

B. Collect evidence

Depending on the magnitude and the complexity of the offense, investigations will be carried out by the Country Office or where deemed appropriate, by local authorities. The involvement of external parties must be approved by the Safeguarding Officer.

C. Report

Ensuring a report is issued on a timely basis detailing the findings and conclusions of the investigation including recommendations for action to be taken. The report will only be disclosed to the Executive Director and Board, and others with a need to know. This is important to avoid damaging the reputation of those suspected of wrongdoing and subsequently found innocent.

8. Action

In all cases the course of action will be determined in consultation with the relevant Director and GAIN's legal staff.

9. Prevention

a. GAIN will follow preventative measures to make the workplace and GAIN's projects and programmes safe for vulnerable people. Such measures will also protect staff and the reputation of the organisation. , GAIN will also encourage its Partners adopt the highest possible standards in accordance with the scope of their operations and structure.

b. GAIN will ensure that all GAIN staff and partners working directly with Vulnerable Persons and, in particular, with children, introduce a system of checks when recruiting new staff that considers the following if appropriate:

(i) The same standards should be applied for paid, non-paid, short-term or permanent staff.

(ii) When a new job is being designed, the role and the issues of child and vulnerable adult protection and risk in that job shall be carefully considered:

- ➢ What contact with children or vulnerable adults will the job involve?
- ➢ Will the employee have unsupervised access to children or vulnerable adults, or hold a position of trust?
- ➢ What other sort of contact may the person have with children or vulnerable adults (e.g. via email, telephone, letter, Internet)?

iii) Making clear in job descriptions, terms of reference/role briefs for all posts (including where short-term contracts or consultants are being recruited) – whether the role includes any specific responsibility for working with Vulnerable Persons and for safeguarding.

iv) For all positions, the selection criteria will include the need to understand and abide by GAIN's organisational policies and values.

v) Where relevant, the selection criteria shall outline the relevant experience needed and:

a. Application forms that ask for consent to gain information on a person's past convictions/pending disciplinary proceedings shall be developed and documentation to confirm identity and proof of relevant qualifications shall be requested, this is applicable for roles that involve safeguarding issues.

b. The interview process shall be well planned and the interviewers have the relevant experience and knowledge about child and vulnerable adult protection and best practice and how to question the candidate appropriately to elicit responses on this subject.

vi) Up to three employment-based references including the most recent employer shall be taken and the identity of referees shall be verified by ensuring that references are received on headed paper or company email addresses. Questions should be asked regarding conduct as well as job performance. Where the postholder will have responsibility for working with children or vulnerable adults, the reference request will include a particular question regarding the suitability of the candidate to work with this group.

vii) As many background checks as possible shall be conducted.

viii)   The use of probationary periods of employment to ensure suitability once in post shall be considered.

c. Staff and partners working directly with Vulnerable Persons and, in particular, with children, should assess the possible ways that children come into communication contact with staff, and to decide what procedures they need to follow to prevent possible abuse through digital communication such as SMS text, email, internet chat rooms, photo phones, digital cameras etc.

d. GAIN and partners working directly or indirectly with Vulnerable Persons, and in particular with children, will foster and implement guidance for staff responsible for events/activities involving children in a development context.

10.   Self-assessment toolkit for child protection

GAIN expects its staff, partners and in particular those working directly with children, to use the Civil Society Challenge Fund (CSCF) Child Protection Self Audit Toolkit to assist in good project design and delivery. This toolkit is annexed to this Policy as Annex 1.

Child protection

The list below provides additional standards to support effective child protection and will assist staff and partners when working with children and young people.

Children and the organisation	
1	The organisation and its local partners are very clear about its responsibility to protect children and make this known to all who come into contact with them.
2	The way staff and local partners behave towards children suggests that they are committed to protecting children from abuse.
3	There is good awareness of the *UN Convention of the Rights of the Child* (UNCRC) or other children's rights instruments and this is seen as a basis for child protection in the organisation.
4	Managers and senior staff ensure that children are listened to and consulted and that their rights are met.
5	The organisation and its local partners make it clear that all children have equal rights to protection.
6	The organisation and its local partners manage children's behaviour in ways which are non-violent and do not degrade or humiliate children.
Policies and procedures that help keep children and young people safe	
1	The organisation and its local partners have a written child protection policy or some clear arrangements to make sure thatmchildren are kept safe from harm.
2	The policy or arrangements are approved and endorsed by the relevant management body (e.g. senior management, board, executive, committee).

3	The policy or arrangements have to be followed by everyone.
4	There are clear child protection procedures in place that provide step-by-step guidance on what action to take if there are concerns about a child's safety or welfare.
5	There is a named child protection person/s with clearly defined role and responsibilities.
6	The child protection procedures also take account of local circumstances.

Preventing harm to children and young people

1	There are policies and procedures or agreed ways of recruiting staff and for assessing their suitability to work with children, including where possible police and reference checks.
2	There are written guidelines for behaviour or some way of describing to staff and local partners what behaviour is acceptable and unacceptable especially when it comes to contact with children.
3	The consequences of breaking the guidelines on behaviour are clear and linked to organisational disciplinary procedures.
4	Guidance exists on appropriate use of information technology such as the Internet, websites, digital cameras etc. to ensure that children are not put at risk.
5	Where there is direct responsibility for running/providing activities, including residential care, children are adequately supervised and protected at all times.
6	There are well-publicised ways in which staff can raise concerns, confidentially if necessary, about unacceptable behaviour by other staff or representatives.

	Implementation and training
1	There is clear guidance to staff, local partners and other organisations (including funding organisations) on how children will be kept safe.
2	Child protection must be applied in ways that are culturally sensitive but without condoning acts that are harmful to children.
3	There is a written plan showing what steps will be taken to keep children safe.
4	All members of staff and volunteers in the organisation and its local partners have training on child protection which includes an introduction to the organisations' child protection policy and procedures where these exist.
5	All members of staff and local partners are provided with opportunities to learn about how to recognise and respond to concerns about child abuse.
6	Work has been undertaken with all local partners to agree good practice expectations based on these standards.

	Information and communication
1	Children are made aware of their right to be safe from abuse.
2	Everyone in the organisation and the local partners know which named staff member has special responsibilities for keeping children safe and how to contact them.
3	Contact details are readily available for local child protection resources, safe places, national authorities and emergency medical help.
4	Children are provided with information on where to go to for help and advice in relation to abuse, harassment and bullying.

5	Contacts are established at a national and/or local level with the relevant child protection/welfare agencies as appropriate.
6	Staff members with special responsibilities for keeping children safe have access to specialist advice, support and information.

Monitoring and review	
1	Arrangements are in place to monitor compliance with child protection measures put in place by the organisation.
2	Steps are taken to regularly ask children and parents/carers their views on policies and practices aimed at keeping children safe the effectiveness of these.
3	The organisation uses the experience of operating child protection to influence policy and practice development.
4	All incidents, allegations of abuse and complaints are recorded and monitored.
5	Policies and practices are reviewed at regular intervals, ideally at least every three years.
6	Children and parents/carers are consulted as part of these reviews of safeguarding policies and practices.

Adapted from Keeping Children Safe