



Registered Charity No. 1137688

## PEPAL SAFEGUARDING POLICY

Reviewed November 2018 (due for review November 2020)

### 1. Who this applies to

This policy applies to all permanent and temporary employees, directors, volunteers, trustees, and consultants associated with Pepal, within all regions, areas and functions – hereafter referred to as 'personnel'. Personnel will be given access to this policy upon appointment and receive training on this policy within three months of their start date.

PEPAL will require our partners to comply with the principles in this policy (see section 6) and we will share this policy with our partners. Where partners have their own safeguarding policy in place this will be attached to our MOU, where there is no policy in place we will ask partners to adopt this one.

This policy will be made available to all visitors to Pepal projects and programme participants.

### 2. Related Policies

- Whistle blowing (in staff handbook)
- Data Protection

### 3. Policy purpose

The purpose of this policy is to ensure that:

- all personnel are skilled, confident, understand, and are well supported in meeting their safeguarding responsibilities
- we have in place procedures to prevent and deal with any actions or behaviour which contravenes this policy

### 4. Key Definitions

**Safeguarding:** Safeguarding is the actions we take to protect of all those we work with (including vulnerable adults and children).

**Protection:** The actions we take when we have specific concerns that someone we work with is at risk of significant harm.

**Beneficiary:** A beneficiary is any community member who is participating in, or receiving help or benefit through, a Pepal funded project or programme.

**Participant:** Are those who take part in Pepal programmes from both corporate partners and the local government / NGOs.

**Child:** anyone under the age of 18 years, in line with the UN Convention on the Rights of the Child.

**Vulnerable Adult:** A vulnerable adult is a person aged 18 years or over who may be unable to take care of themselves or protect themselves from harm or from being exploited. This may include people who:

- Are elderly and frail
- Have mental illness including dementia
- Have a physical or sensory disability
- Have a learning disability
- Are illiterate
- Have a severe physical illness
- Are substance misusers
- Are destitute or homeless

An adult may be vulnerable at a particular time or in particular circumstances rather than because they have an underlying or continuing vulnerability.

**Abuse:** Abuse is an act of oppression and injustice, exploitation and manipulation of power by those in a position of authority. This can be caused by those inflicting harm or those who fail to act to prevent harm. Abuse is not restricted to any socio-economic group, gender or culture. Abuse can be physical, sexual, emotional/ psychological, bullying, neglect and financial (or material). For full details on how Pepal defines abuse see appendix 3.

## 5. Policy Statement

Pepal believes that everyone is entitled to a safe and secure life free from exploitation and abuse and is committed to safeguarding and promoting the welfare of everyone we work or interact with. Pepal takes seriously our responsibility to promote safe practices and protect those we work or interact with from harm, abuse, neglect and exploitation in any form. We will take stringent measures against any personnel or participants who abuse or behave inappropriately towards our beneficiaries. We will challenge and do not tolerate inequality, discrimination or exclusion. We have a zero tolerance on bullying, harassment, sexual exploitation and abuse.

It should never be an individual's responsibility to decide whether someone has been abused, however all Pepal personnel have a responsibility for safeguarding by adhering to this policy and reporting any concerns as outlined below.

It is Pepal's policy to comply with host country safeguarding standards or legislation and UK law, where applicable.

Pepal has a duty to manage sensitive information in a manner that is respectful, professional and compliant with applicable local laws. Personnel must keep all information about any suspected or reported incidents strictly confidential and must only divulge information to the designated focal point and any other Senior Management directly involved in the investigation, except where required by law to share information.

There may be occasions when someone will disclose historical abuse. This information needs to be treated in the same way as disclosed current abuse as the abuser may still represent a risk.

## 6. Policy Principles

This policy is underpinned by the following principles:

- 1) All those aged under 18 years have equal rights to protection from all forms of violence as declared in Article 19 of the United Nations Convention on the Rights of the Child. In addition, the Universal Declaration of Human Rights recognises fundamental human rights, the dignity, worth and equal rights of people of any age.
- 2) Article 3 of the UN Convention on the Rights of the Child ([www.unicef.org.uk/what-we-do/un-convention-child-rights/](http://www.unicef.org.uk/what-we-do/un-convention-child-rights/)) establishes the best interests of a child as a primary consideration in all actions affecting children. Decisions that affect children should be made based on consideration of their physical, emotional and psychological wellbeing, and the need to prevent harm to them or other children. In assessing what is a child's best interests, the child's views must be given due consideration in accordance with their age and understanding.
- 3) The human rights of children and young people will be respected and applied irrespective of age, sex, gender, gender identity, sexual orientation, nationality, ethnic origin, colour, race, language, religious or political beliefs, marital status, disability, physical or mental health, family, socio-economic or cultural background, class, any history of conflict with the law or any other aspect of their background or identity. Inequality, exclusion, and discrimination will not be tolerated and should be challenged.
- 4) All children and young people should be empowered and encouraged to fulfil their potential.
- 5) We take a do no harm approach - no one should suffer harm, intentionally or unintentionally, as a result of their engagement, association or contact with us.
- 6) We are open and transparent, and will hold ourselves to account for our commitment to safeguard those we work with. Safeguarding concerns can be raised and discussed, poor practice and inappropriate behaviour challenged and addressed, and our safeguarding measures continuously reviewed and strengthened.
- 7) We will work in partnership with other agencies to promote safeguarding.

## **7. Sanctions**

Pepal's management is committed to taking all appropriate action, including disciplinary and legal action, in response to any violation of the safeguarding policy (towards both those who committed a safeguarding violation and/or anyone who knew of such violations but failed to act).

Breaches of this policy will be investigated in accordance with disciplinary procedures and contractual agreements, or a referral may be made to statutory authorities for criminal investigation under the law of the relevant country. Breaches may incur sanctions including disciplinary action leading to possible dismissal, termination of all relations including contractual and partnership agreements, and where relevant, appropriate legal or other such actions. If a legitimate concern about the suspected abuse is raised but proves to be unfounded on investigation, no action will be taken against the reporter. However, appropriate sanctions will be applied in cases of malicious accusations.

Pepal will take steps following any findings of a violation this policy to review the policy and procedures to identify gaps or weaknesses.

## **8. Designated contact person on safeguarding issues**

The Programmes Director (Sarah Galvin) will be designated as the focal person for safeguarding. The designated persons will keep professionally updated on issues pertaining to safeguarding and pass relevant information on to staff. Pepal's designated contact person on safeguarding is available to support staff who are facing concerns, this may include someone to talk things over or to offer support during an investigation. It is the responsibility of the Pepal Programme Director to ensure that:

- external contractors, including partner NGOs, delivering services to or for Pepal are aware of, and abide by, Pepal's safeguarding policy.
- any evidence or complaint of abuse or lack of care is reported to the appropriate body.
- proper records are kept of incidents.
- all employees and volunteers are adequately trained
- this policy is put into practice and kept up to date.

In the absence of the Programme Director, the Executive Director will take responsibility for Safeguarding.

There will be a designated board members responsible for Safeguarding this is currently Ed Marsh. This board member will regularly monitor safeguarding risks, communicate these to the Board through a standing agenda item at board meetings, and to hold the Senior Leadership Team accountable for implementing the Safeguarding Policy and accompanying procedures. The Designated Safeguarding Trustee must champion safeguarding as a priority for organisational resources.

## **9. Safeguarding Procedures**

### **7.1 - Prevention of Safeguarding Incidents**

The following procedures must be followed to mitigate safeguarding risks:

- Where possible and practical two or more adults should be present for all activities where beneficiaries are involved.
- Pepal personnel must declare existing or potential interests concerning personal relationships with beneficiaries selected to participate in projects to the designated focal person.
- If Pepal personnel are visiting project areas, they must not stay alone overnight with beneficiaries who are not part of their immediate or extended family, whether in their own or partner's staff houses, project premises or elsewhere.
- Pepal personnel should not place themselves in compromising or vulnerable positions and should take care not to discriminate against, show differential treatment towards or favour particular beneficiaries to the exclusion of others.
- Pepal does not allow its' representatives to give gifts to, or receive gifts from beneficiaries. Gifts may only be provided as part of a planned activity.
- In no circumstances should Pepal personnel act in loco parentis for any child.

### **7.2 - Recruitment:**

The following practices will be included in recruitment processes:

- Job descriptions and person specifications for any roles requiring contact with beneficiaries, will contain reference to safeguarding responsibilities and this policy.

- Criminal background checks will be conducted for roles (paid or voluntary) that work with beneficiaries as deemed appropriate or required by law in the country of operation.
- Where appropriate an International Child Protection check may be undertaken.
- No formal job offers should be made until reference checks are completed. At a minimum this requires 2 references, one of which must be from the current or most recent employer.
- Following this safeguarding policy is a contractual obligation. All personnel will be required to sign Pepal's Safeguarding Code of Conduct (see Appendix 1) which acknowledges that they have read and understood this policy and agree to abide by it

### **7.3 - Disclosure and Barring Service (DBS) checks in UK**

In accordance with the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012, where we are engaging in activities which require staff/ volunteers to have a Disclosure and Barring Service (DBS)<sup>1</sup> check we will ensure that these are carried out.

Not all roles are eligible for all types of DBS check, the designated person's advice should be sought on all DBS related issues in the first instance. Persons who are on the DBS Barred Lists cannot work in regulated activity in relation to children or vulnerable adults and accordingly we will not employ such persons. Where we become aware that any current staff member may pose a risk to these groups we will comply with the legislation in respect of referring that staff member to the DBS.

### **7.4 - Induction and training**

The Programme Director is responsible for ensuring all staff are made aware of and understand the safeguarding policy. The following practice will be included in induction processes:

- Discussion of the Safeguarding Policy and procedures and relevance to role (and confirmation of understanding).
- Discussion of other relevant policies particularly whistleblowing policy and standards of behavior (Employee handbook).
- Ensure familiarity with reporting processes, the roles of line manager and designated focal person.
- New staff will receive safeguarding training within three months of their start date and this will be refreshed annually

### **7.5 - Agreements with Partners**

The following practice will be included in partner agreements and monitoring:

- PEPAL will require our partners to comply with the principles in this policy (see section 6) and we will share this policy with our partners. Where partners have their own safeguarding policy in place this will be attached to our MOU, where there is no policy in place we will ask partners to adopt this one.
- Pepal will regularly check the safeguarding arrangements of sub-grantees/partners as part of monitoring visits.

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<sup>1</sup> The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

- Safeguarding will be a fixed agenda item on any partnership reporting meetings.

### **7.6 - Communication Materials (interviews, photography and filming)**

In all our communications, where practical and reasonable, will:

- Only use images, messages and case studies with the understanding, participation and permission of the adult (or a child's parents/guardian). We will ensure those represented have the opportunity to communicate their stories themselves.
- When interviewing, always ensure a child (and their guardian) or adult know the purpose of the interview and its intended use and obtain permission for all interviews and images.
- Avoid questions, attitudes or comments that are judgmental or insensitive to cultural values that could potentially place the subject, in danger or expose them to humiliation.
- Pay attention to where and how interviews are conducted and limit the number of people listening to the interview.
- Do not put words in people's mouths.
- No payments or any other form of compensation should be provided in exchange for interviews, images or consent.
- When taking images of beneficiaries always ensure the person is treated with dignity and respect, never take pictures of shirtless and partially clothed children or adults.
- If a beneficiary makes an allegation during an interview which refers to violation of the safeguarding policy, the person carrying out the interview should be familiar with Pepal's safeguarding policy and procedures for reporting this.

For more guidance on communications see Pepal's photo policy.

## **10. Reporting of Safeguarding Incidents**

See the flowchart in appendix 2 for further detail.

All personnel should know the procedure and whom to contact if they have concerns regarding safeguarding. Failure to report a reasonable suspicion in accordance with this policy may result in disciplinary action. Reporting safeguarding concerns will be considered in the context of our whistleblowing policy (employee handbook).

The need to report arises in the following instances:

- You are a victim of abuse
- Abuse is observed or suspected
- An allegation of abuse is made
- Someone discloses abuse.

**If you believe someone is in immediate danger, notify the nearest police or appropriate local authorities immediately.**

Incident reports or disclosures must be submitted in writing to the designated focal person within 24 hours of the incident, this includes records of suspicions or concerns. The report should include:

- Date time and location of the incident.

- Type of incident (Physical abuse, Sexual abuse, Emotional abuse, Bullying, Neglect, Financial (or material) abuse), it should be noted if this is disclosed abuse or suspected abuse.
- A description of the incident (should be detailed and precise, focusing on what was said or observed, who was present and what happened)
- actions that are happening as a result

See Appendix 4 for our standards reporting form.

All personnel, if they have a concern about the safety or well-being of a beneficiary, participant or fellow staff member or feel something is not quite right, should report it. Suspicions and concerns must be discussed with Pepal's designated focal person. The focal person and the staff member reporting will discuss how best to report disclosed abuse to the relevant authorities taking into account local laws, culture and the protection of those involved.

If for any reason the trustee, staff or volunteer feels unable to report allegations of the safeguarding to the designated focal person, they should notify the Executive Director.

#### **Reporting to the CEO / Chair of the Board**

The designated focal person is required to report on safeguarding incidents to the Executive Director within one week. If for any reason the designated focal person feels unable to report allegations to the Executive Director, they should notify the Chair of the Board of Trustees.

Safeguarding is a standard agenda point at board meetings.

### **11. Responding to Safeguarding Incidents**

Pepal takes every allegation of safeguarding seriously. The designated focal person is responsible for following up with personnel to ensure that all concerns raised are properly investigated and appropriate action is taken.

Personnel must cooperate fully with any investigation and maintain records of any investigation of safeguarding incidents. Confidentiality will be maintained to the extent possible although this cannot always be guaranteed depending on the actions required.

#### **Steps to be followed are:**

**Initial assessment:** Once a written report has been received an initial assessment will be conducted by the designated focal person. A full account of the matter and any further action should be recorded. The designated focal person and Executive Director will consider the report, seek professional advice where appropriate, and determine next steps.

**Reporting to the authorities:** Pepal will share information about concerns over actual harm with the relevant authorities where appropriate. Pepal will ensure that the relevant local authorities are given full co-operation and assistance in pursuing any investigation. An investigation may lead to legal action.

**Disciplinary action:** Pepal may suspend and/or implement a disciplinary procedure during an investigation. A sub-grantee/partner may also be suspended from a project pending the outcome of an investigation.

**Overseas incident:** If an allegation of a safeguarding incident happens while a member of staff is working outside their normal working country and a case is reported to the authorities then it will be the responsibility of the relevant authorities there to organise an investigation. Regardless the incident must be reported in writing to the designated focal person. In cases where allegations of safeguarding incidents relate to a member of the Board of Trustees or Senior Management Team and is likely to result in serious reputational damage, the most senior manager not implicated in the incident will consult with the Board of Trustee members not implicated on how the investigation should proceed and determine if Pepal should contract an external agency to investigate the allegations.

A detailed register of safeguarding issues and how they were dealt with will be maintained by the focal person.

## **12. Policy Review**

The Board of Trustees are responsible for reviewing and approving the policy.

This policy will be reviewed either once every two years, when there is a change in legislation or when an incident occurs which highlights a need for change.



## Appendix 1

### Safeguarding: Code of Conduct

I, \_\_\_\_\_, agree that while working with Pepal, inside and outside the workplace, I will:

Treat everyone we work with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

Not use language or behaviour towards those we work with that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;

Not engage children in any form of sexual activity or acts, including paying for sexual services or acts. I understand that mistaken belief of the age of the child is not a defence;

Wherever possible, ensure that another adult is present when working with beneficiaries;

Not invite unaccompanied children and beneficiaries into my home, unless they are at immediate risk of injury or in physical danger;

Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my manager's permission, and ensure that another adult is present;

Use any computers, mobile phones, or video and digital cameras inappropriately, and never to exploit or harass children or to access child pornography through any medium;

Refrain from physical punishment or physical force of any kind against children;

Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;

Comply with all relevant United Kingdom and local legislation, including labour laws in relation to child labour

Immediately report concerns or allegations of abuse in accordance with appropriate procedures.

When recording, photographing or filming beneficiaries for work-related purposes, I must:

- *Before recording, photographing or filming beneficiaries, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;*
- *Before recording, photographing or filming beneficiaries, obtain consent from the child or a parent or guardian of the child. As part of this I must explain how the recording, photograph or film will be used;*
- *Ensure recordings, photographs, films, videos and DVDs present beneficiaries in a dignified and respectful manner and not in a vulnerable or submissive manner. beneficiaries should be adequately clothed and not in poses that could be seen as sexually suggestive;*
- *Ensure recordings and images are honest representations of the context and the facts; and*
- *Ensure file labels do not reveal identifying information about beneficiaries when sending images electronically.*

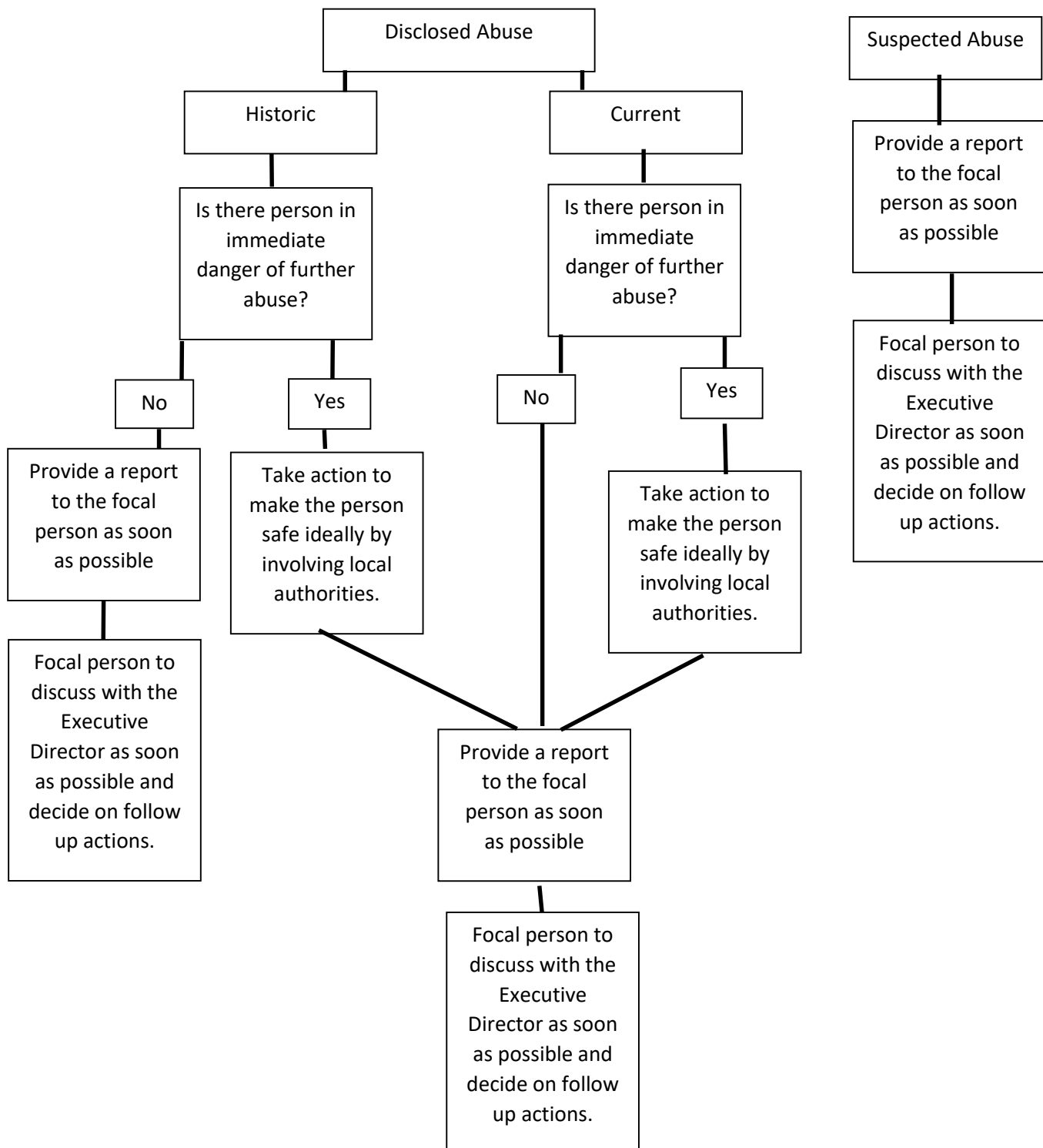
I understand that the responsibility is on me, as a person engaged by Pepal, to use common sense, ask when unsure and abide by this policy.

Signed .....

Dated .....

## Appendix 2 – Reporting Chain

Stay calm. Listen to what the person is telling you and reassure them they have done the right thing in telling you. Do not promise confidentiality, instead let them know you need to share the information. The safety of the person involved should always be the primary concern.



## Appendix 3 - Definitions of abuse

- **Child abuse:** is anything done or not done by individuals, organisations, institutions, or processes that cause harm to a child, either directly or indirectly, or compromise their health or safety for the future.
- **Physical abuse:** this may involve hitting, shaking, throwing, poisoning, restraining, inappropriate physical sanctions, burning, drowning or suffocating. Domestic violence can include physical abuse. Physical harm may also be caused when a parent or carer deliberately causes ill health to a child or vulnerable adult they are looking after. Physical abuse is not accidental.
- **Neglect and acts of omission:** the persistent failure to meet a child or vulnerable adult's basic physical and psychological needs which is likely to result in serious impairment to health and development. It may involve a carer failing to protect a child or vulnerable adult from exposure to any kind of danger, including ignoring medical, emotional or physical care needs, failing to provide access to appropriate health care and support or educational services, or the withholding of medication, adequate nutrition and heating. Neglect may be unintentional harm, where a carer does not have the capacity to protect a child or vulnerable adult, but it can cause serious, long-term damage, including death.
- **Sexual exploitation and abuse of a child:** is child sexual abuse and a criminal offence. Pepal takes a zero tolerance approach to sexual activity with a child by a staff member or associate, irrespective of whether the child is above the legal age of consent/majority or of local cultural practice, including child marriage. Sexual exploitation and abuse of a child doesn't always involve physical contact and can happen online e.g. online virtual sex or the sexualised manipulation of original images.
- **Sexual exploitation and abuse (SEA):** is forcing or enticing a vulnerable adult to take part in sexual activities, including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, and sexual assault or sexual acts. Pepal considers the purchasing of sex or transactions for sex (such as sex in exchange for aid or services) to be sexual exploitation and abuse and we take a zero tolerance approach.
- **Protection from Sexual Exploitation and Abuse (PSEA)** is a common term used by the UN and NGO community to refer to the measures taken to protect vulnerable people from exploitation and abuse by international humanitarian staff and associates. This includes the sexual exploitation and/or abuse of children or adults in communities in which an NGO works, or the exchange of money, employment, goods or services for sex.
- **Psychological and emotional abuse:** is persistent emotional ill treatment which is likely to cause harm to a child or vulnerable adult's emotional development and wellbeing. This may involve conveying to a child or vulnerable adult that they are worthless, unloved and inadequate, and/or the unjustified withdrawal of services, deprivation of contact or supportive networks leading to isolation. This includes verbal abuse which can take the form of humiliation, blaming, controlling, intimidation, coercion, harassment and bullying; causing a child or vulnerable adult to feel frightened or in danger.

- **Spiritual abuse:** is linked with psychological abuse, which is an abuse of power often done in the name of religion, involving the manipulation or coercion of someone into thinking, saying or doing things without respecting their right to choose for themselves.
- **Witchcraft and/or Ritualistic Abuse:** includes practices designed to rid people of evil spirits which are believed to possess the individual and bring bad luck on the family and community around them. This can be particularly targeted at children and can result in violent and cruel treatment towards individuals, including sadistic treatment of children. The beliefs of 'possession' by spirits and of 'witchcraft' are widespread across cultures, countries and religions. It can be more likely to occur when an adult or child is viewed as 'different', e.g. ill, behaving differently, unresponsive to discipline, or living with disabilities. This abuse can be linked to other abuse such as emotional, physical and sexual abuse.
- **Financial or material abuse:** including theft, fraud, coercion in relation to the financial affairs or arrangements of children, vulnerable adults or the organisation, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Modern slavery:** encompasses slavery, human trafficking, forced labour, and domestic servitude. People consider forced labour to include the worst forms of child labour as defined by the ILO (1999) Worst Forms of Child Labour Convention No. 182. Perpetrators of modern slavery, including traffickers, use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane, exploitative treatment. People recognise child marriage as a form of modern slavery.
- **Discriminatory abuse:** including forms of harassment, slurs or similar treatment, the denial of opportunities, advancement, or fair treatment, and the intentional or unintentional exclusion of individuals including through passive aggressive means, because of gender and gender identity, ethnicity, age, disability, sexual orientation or religion or faith expression. This includes discrimination of staff to staff.
- **Disability and abuse:** Living with disability can make children and adults more vulnerable to abuse. What might be considered harmful or abusive treatment of an individual who is not living with a disability is sometimes seen as OK for a child or adult who is living with a disability e.g. forceful restraining, being detained indoors for long periods of time, etc. Awareness of how society treats people living with disabilities is critical to avoiding reinforcing abusive attitudes and behaviours, and to promoting the rights of all inclusively.
- **Domestic abuse:** is any incident or pattern of abuse, including controlling, coercive or threatening behaviour, physical or non-physical violence or abuse, affecting those aged 16 or over who are, or have been, intimate partners or family members, irrespective of gender or sexuality.
- **Abuse of trust:** is the distortion by fear or favour of a relationship of trust, in which one party is in a position of power or influence over the other by virtue of their work, their status or the nature of their activity e.g. an abuse of trust could be committed by a teacher, an NGO worker, sports coach, scout leader, faith leader, etc.

## Appendix 4 – Standard Reporting form.

Pepal

CONFIDENTIAL

### Cause for Concern Form

The information in this form is confidential. It should be used to report concerns in accordance with Nepal's Safeguarding policy.

It should be sent to the Designated Safeguarding focal person unless the concern relates to them.

It will be held in a safe and secure place in accordance with data protection regulations.

You should attempt to fill in as much as possible. Leave blank those areas which you have no knowledge. If you are raising a general concern about behaviour that you have observed then please make this clear.

Part 1: About You	
Your name:	Your relationship to person of concern:
Date:	
Part 2: About the person of concern	
Their name(s): Male/Female:	
Address, including country:	
Who do they live with:	
Their age(s)/date(s) of birth:	
Part 3: About your concerns	
How did you come to have a concern: <ul style="list-style-type: none"><li>• What was observed or suspected?</li><li>• Was an allegation of abuse made?</li><li>• Did the person disclose abuse?</li></ul>	
Date(s) times (s) location(s) of any incidents(s):	

Observations made by you (e.g. description of visible bruising, other injuries, persons emotional state.) ***Make clear distinction between what is fact, opinion or hearsay:***

Using the person of concerns exact words as much as possible, what did they say?

Any other information:

Is any one else involved:

External agencies contacted:

Action taken:

Signed:

Dated:

Organisation:

Position: