

MJF Safeguard Policy (DRAFT_consult is reviewing to finalize)

1. Purpose of the Policy

The purpose of this policy is to protect people, particularly children, at risk adults and beneficiaries of assistance, from any harm that may be caused due to their coming into contact with Manusher Jonno Foundation (MJF). This includes harm arising from:

- The conduct of staff or personnel associated with MJF
- The design and implementation of MJF's programmes and activities

MJF acknowledges the duty of care to safeguard and promote the welfare of children, women and persons with disabilities. The organization is committed to ensuring safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice.

All employees of MJF and partner organizations share a common responsibility and commitment to the prevention and reporting of abuse to children, women and persons with disabilities observed in connection with any of their activities.

This policy is intended to provide guidance to all employees of MJF and partner organizations on the definitions of bullying, harassment and sexual exploitation and abuse of children, women and persons with disabilities and on the steps to take if encountered in the course of their work.

All concerns and allegations of bullying, harassment and sexual exploitation and abuse of children, women and persons with disabilities or possession or access to any material that is abusive towards these people will be taken seriously by the management at MJF and partner organizations and responded to immediately and appropriately - this could also involve referrals to the appropriate children's services, authorities or law enforcement agencies.

2. Scope of the Policy

This policy applies to all employees working under any form of contract with MJF and partner organizations including interns. Those working with MJF and partner organizations as volunteers, Senior Advisors or as paid consultants are also expected to observe its spirit.

The policy recognises that the welfare and interests of children, women and persons with disabilities are paramount in all circumstances. It aims to ensure that regardless of age, ability or disability, gender reassignment, race, religion or belief, sex or sexual orientation, socio-economic background, all children, women and persons with disabilities are protected from abuse whilst participating in MJF supported programmes by MJF and partner organizations.

MJF acknowledges that some children, women, persons with disabilities or those from ethnic minority communities, can be particularly vulnerable to abuse and the organization accepts the responsibility to take reasonable and appropriate steps to ensure their welfare.

3. Definitions

Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur.

This definition draws from MJF values and principles. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.

Safeguarding applies consistently and without exception across MJF programmes, partners and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialize. Those systems must be survivor-centered and also protect those accused until proven guilty.

Safeguarding puts beneficiaries and affected persons at the center of all MJF does.

Further definitions relating to safeguarding are provided in the glossary below.

3.1.Child

For the purpose of this policy, the definition of a child is “every human being below the age of 18” as recognized by the United Nations Convention on the Rights of a Child (UNCRC).

3.2.Woman

A woman of any age as defined in the Nari O Shishu Nirjaton Domon Ain, 2010.

3.3.Persons with Disabilities

People who are physically, psychologically, and/or mentally not functioning properly due to social/environmental barriers. Any person who cannot take part actively in the society is considered to be disabled. People with disabilities have rights equal to all citizens, including fundamental basic human rights that are mentioned in Persons with Disabilities’ Rights and the Protection Act 2013 and other laws of Bangladesh.

3.4.Bullying

Bullying is when an individual or a group of people with more power, repeatedly and intentionally cause hurt or harm to another person or group of people who feel helpless to respond. Bullying can continue over time, is often hidden from others, and will probably continue if no action is taken.¹ Bullying can occur in a variety of environments.

3.5.Sexual Harassment

Sexual harassment includes

¹ National Centre against Bullying, 2018. *Definition of bullying*. [online] Available at: <<https://www.ncab.org.au/bullying-advice/bullying-for-parents/definition-of-bullying/>> [Accessed 21 November 2018]

- Unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances;
- Attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers;
- Sexually coloured verbal representation;
- Demand or request for sexual favours;
- Showing pornography;
- Sexually coloured remark or gesture;
- Indecent gesture, teasing through abusive language, stalking, joking having sexual implication.
- Insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table, notice boards, walls of office, factory, classroom, washroom having sexual implication.
- Taking still or video photographs for the purpose of blackmailing and character assassination;
- Preventing participation in sports, cultural, organizational and academic activities on the ground of sex and/or for the purpose of sexual harassment;
- Making love proposal and exerting pressure or posing threats in case of refusal to love proposal;
- Attempt to establish sexual relation by intimidation, deception or false assurance.

Such conduct mentioned in clauses (a) to (l) can be humiliating and may constitute a health and safety problem; it is discriminatory when the survivor has reasonable grounds to believe that her/his objection would disadvantage her/him in connection with her/his education or employment or mobility in various ways or when it creates a hostile environment.

3.6. Sexual Exploitation

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It defines the term “sexual abuse” as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

3.7.Survivor

The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is the individual's choice how they wish to identify themselves.

3.8.At risk adult

Sometimes also referred to as vulnerable adult. A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

4. Prevention

4.1.MJF responsibilities

MJF will:

- Ensure all staff have access to, are familiar with, and know their responsibilities within this policy
- Design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from their coming into contact with MJF. This includes the way in which information about individuals in our programmes is gathered and communicated
- Implement stringent safeguarding procedures when recruiting, managing and deploying staff and associated personnel
- Ensure staff receive training on safeguarding at a level commensurate with their role in the organization
- Follow up on reports of safeguarding concerns promptly and according to due process

4.2.Staff responsibilities

4.2.1. Child safeguarding

MJF staff and associated personnel must not:

- Engage in sexual activity with anyone under the age of 18
- Sexually abuse or exploit children
- Subject a child to physical, emotional or psychological abuse, or neglect
- Engage in any commercially exploitative activities with children including child labour or trafficking

4.2.2. Adult safeguarding

MJF staff and associated personnel must not:

- Sexually abuse or exploit at risk adults
- Subject an at risk adult to physical, emotional or psychological abuse, or neglect

4.2.3. Protection from sexual exploitation and abuse

MJF staff and associated personnel must not:

- Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics

Additionally, MJF staff and associated personnel are obliged to:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy
- Report any concerns or suspicions regarding safeguarding violations by an MJF staff member or associated personnel to the appropriate staff member

5. Commitment

As part of the safeguarding policy MJF and partner organizations will

- designate a Safeguarding Officer from senior staff members
- promote and prioritise the safety and wellbeing of children, women and persons with disabilities
- ensure that all of the staff members are properly oriented on MJF Safeguard Policy. Orientation on this policy will also be a part of Capacity Building of partner organizations so that they can endorse the policy and compel. This policy will be part of the policy framework within the HR Manual which is explained to every new staff member as part of their induction and they must confirm receipt and compliance with the policy with their signature (Please refer to Annex A for the acknowledgement form)
- ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children, women and persons with disabilities
- ensure appropriate action is taken in the event of incidents/concerns of abuse and support provided to the individual/s who raise or disclose the concern
- ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored
- prevent the employment/deployment of unsuitable individuals
- ensure robust safeguarding arrangements and procedures are in operation
- keep a detailed register of safeguarding issues raised and process of dealing with them
- not tolerate possession or access to any material that is abusive towards children, women and persons with disabilities
- not engage children, women or persons with disabilities, in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child, the child is below the age of consent or the act(s) are an offence under relevant laws

- wherever possible, ensure that another adult is present with concerned staff member when working in the proximity of children
- not allow any of the staff members to invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger
- refrain its staff members from physical punishment or discipline of children and 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

The policy and procedures will be widely promoted and are mandatory for everyone involved in MJF and partner organizations. Failure to comply with the policy and procedures will be addressed without delay and may ultimately result in dismissal/exclusion from the organisation. In appropriate case, funding may be suspended and/or partnership may be cancelled with concerned organization.

6. Reporting/Responding Procedures

6.1. Report is received

Reports can reach MJF through various routes. This may be in a structured format such as a letter, e-mail, text or message on social media. It may also be in the form of informal discussion or rumor. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern, they should report this to MJF's Safeguarding Officer.

6.2. Concerns

If a safeguarding concern is disclosed directly to a member of staff, the person receiving the report should bear the following in mind:

- Listen
- Empathize with the person
- Ask who, when, where, what but not why
- Repeat/ check the understanding of the situation
- Report to the appropriate staff member

6.3. Documentation

The person receiving the report should then document the following information, using an Incident Report Form if there is one:

- Name of person making report
- Name(s) of alleged survivor(s) of safeguarding incident(s) if different from above
- Name(s) of alleged perpetrator(s)
- Description of incident(s)
- Dates(s), times(s) and location(s) of incident

6.4. Forwarding

The person receiving the report should then forward this information to Safeguarding Officer within 24 hours.

6.5. Confidentiality

Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information shared on a limited 'need to know' basis only. This includes senior management who might otherwise be appraised of a serious incident.

6.6. Escalate report

If the reporting staff member is not satisfied that MJF is appropriately addressing the report, they have a right to escalate the report, either up the management line, to the Board. The staff member will be protected against any negative repercussions as a result of this report.

7. Assess how to proceed with the report

7.1 Appoint a Decision Maker for handling this report

7.2 Determine whether it is possible to take this report forward

- Does the reported incident(s) represent a breach of safeguarding policy?
- Is there sufficient information to follow up this report?

7.3 If the reported incident does not represent a breach of MJF's Safeguarding Policy, but represents a safeguarding risk to others (such as a child safeguarding incident), the report should be referred through the appropriate channels.

7.4 If there is insufficient information to follow up the report, and no way to ascertain this information (for example if the person making the report did not leave contact details), the report should be filed in case it can be of use in the future, and look at any wider lesson learning MJF can take forward.

7.5 If the decision is made to take the report forward, ensure that staff have the relevant expertise and capacity to manage a safeguarding case. If in-house expertise is unavailable, MJF should seek immediate assistance, through external capacity if necessary.

7.6 Clarify what, how and with whom information will be shared relating to this case. Confidentiality should be maintained at all times, and information shared on a need-to-know basis only. Decide which information needs to be shared with which stakeholder – information needs may be different.

7.7 MJF will check obligations on informing relevant bodies when a safeguarding report is received. These include (but are not limited to):

- Funding organisations
- Umbrella bodies/networks

8. Defining roles and responsibilities for case management

8.1 Safeguarding Officer will be the key person in managing the case.

8.2 If the report alleges a serious safeguarding violation, Safeguarding Officer may wish to hold a case conference. This should include:

- Senior Management Team
- HR Coordinator

The case conference should decide the next steps to take, including any protection concerns and support needs for the survivor and other stakeholders.

9. Provide support to survivor where needed/requested

Safeguarding Officer will provide appropriate support to survivor(s) of safeguarding incidents, if requested.

10. Assess any protection or security risks to stakeholders

10.1 For reports relating to serious incidents: Safeguarding Officer will undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required.

10.2 Safeguarding Officer will continue to update the risk assessment and plan on a regular basis throughout and after the case as required.

11. Decide on next steps

11.1 Safeguarding Officer decides the next steps. These could be (but are not limited to)

- No further action (for example if there is insufficient information to follow up, or the report refers to incidents outside the organisation's remit)
- Investigation is required to gather further information
- Immediate disciplinary action if no further information needed
- Referral to SMT

11.2 If the report concerns associated personnel (for example contractors, consultants or suppliers), the decision making process will be different. Although associated personnel are not staff members, MJF has a duty of care to protect anyone who comes into contact with any aspect of our programme from harm. MJF cannot follow disciplinary processes with individuals outside the organisation, however, decisions may be made for example to terminate a contract with a supplier based on the actions of their staff.

11.3 If an investigation is required and the organisation does not have internal capacity, MJF will identify resources to conduct the investigation.

12. Decision on outcome of investigation report

12.1 SMT makes a decision based on the information provided in the investigation report. Decisions relating to the Subject of Concern should be made in accordance with existing policies and procedures for staff misconduct.

12.2 If at this or any stage in the process criminal activity is suspected, the case should be referred to the relevant authorities *unless this may pose a risk to anyone involved in the case*. In this case, the SMT together with other senior staff will need to decide to decide how to proceed. This decision should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the survivor and the Subject of Concern.

13. Conclude the case

Safeguarding Officer will document all decisions made resulting from the case clearly and confidentially.

14. Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only, and should be kept secure at all times.

15. Monitoring

The policy will be reviewed a year after development and then every three years, or in the following circumstances:

- changes in legislation and/or government guidance
- as a result of any other significant change or event

Annex A

MJF Human Resources Manual – Acknowledgement Form

Name of employee or intern: _____

Position: _____

Department/Unit: _____

I have received, read and I fully understand all policies, guidelines and procedures included in the MJF Human Resources Manual.

In particular:

I have read the MJF Safeguard Policy and I fully understand its content. I confirm that I am in complete compliance with all provisions of the policy and that I will continue to observe the spirit of the commitment in all my activities on behalf of MJF. I will comply with the guidelines set out in these policies and understand that failure to do so might result in disciplinary or legal action.

Date: _____ Signature: _____

Please sign and return to HR Team. This document will be filed in the employee's or intern's personal file.