



**POSITIVE LIFE KENYA**

# **SAFEGUARDING POLICY**

**REVISED 2022**

## **SAFEGUARDING POLICY & PROCEDURE**

The central principle to safeguarding in Positive Life Kenya is everyone is equal in the sight of God; PLK is committed to providing a safe and trusted environment for every person connected with the work we do.

The purpose of this policy is to protect people, particularly our beneficiaries, staff, volunteers, partners, consultants, contractors and trustees (our community), from any harm that may be caused due to their coming into contact with PLK.

PLK has a zero-tolerance approach to serious misconduct and will not tolerate its staff, trustees, volunteers, consultants, partners or any representatives associated with the work of PLK or its partners carrying out any form of violence, abuse, harassment or exploitation.

### **Personal Responsibility**

It is the responsibility of each one of us to prevent and report the physical, sexual, emotional abuse or neglect of any member of our community. The welfare of these individuals is paramount.

All our community without exception have the right to protection from abuse regardless of gender, ethnicity, disability, sexuality or belief.

As a member of the PLK community, you have the responsibility to raise any concerns you may have or those which are reported to you according to this policy. It is not your responsibility to decide if an incident of violence, abuse, harassment or exploitation has taken place or whether an incident constitutes a safeguarding breach. This is the responsibility of the Executive Director.

### **Policy Application**

The policy also applies to all those engaged, commissioned or contracted to work with or on behalf of PLK in any capacity. PLK requires all partners and members to have a Code of Conduct or equivalent standards that set out, at a minimum, the obligation of staff not to exploit, abuse or otherwise discriminate. PLK will work with all partner to adopt policies, practices and associated measures to ensure the Code of Conduct is established and communicated to relevant stakeholders, especially people and communities we work with.

All those who work or volunteer with PLK will have a clear understanding of what is required by this policy and of what to do if they have any concerns.

## **Scope**

While this is an internal policy, we expect partners and others working on behalf of PLK to act in accordance with the key principles contained within it, and specific compliance requirements in respect of safeguarding as set out in relevant contractual agreements and included in our due diligence process.

## **Policy Principles**

The principles in this policy have been drawn from key international and regional instruments such as: International Standards for Keeping Children Safe, the UN Convention on the Rights of a Child, IASC Minimum Operating Standards for PSEA and the Core Humanitarian Standard.

### **PLK is committed to:**

- ❖ Safeguarding the wholeness and wellbeing of beneficiaries, staff, volunteers, and all those connected with the activities of PLK, and ensuring they have equal rights to protection from harm.
- ❖ Ensuring concerns or allegations are taken seriously, investigated and acted on as appropriate.
- ❖ Ensuring all its staff, trustees, volunteers, consultants, contractors and partners or any representatives of PLK are familiar with this policy and know their responsibilities within it.
- ❖ Ensuring our partners are aware of their responsibility as to the minimum requirements on safeguarding standards and support them in achieving this.
- ❖ All staff, volunteers and trustees receiving safeguarding training.
- ❖ Ensuring all actions on protecting people are taken in the best interests of the person at risk.
- ❖ Ensuring that survivors of abuse are supported and alleged perpetrators are held to account.
- ❖ Ensuring our recruitment practices are robust enough to ensure we never recruit anyone who poses a known risk.

- ❖ Ensuring that alleged perpetrators of abuse are treated fairly and in accordance with local law.
- ❖ Reporting criminal acts to the relevant statutory agency
- ❖ Reporting all incidents of sexual harassment and abuse to the Executive Director.
- ❖ Designing and delivering programmes which are safe for all and are based on the ‘do no harm’ principles.
- ❖ Ensuring our beneficiaries and supporters are fully aware of the expected behaviour of our staff, volunteers, trustees, consultants and partners.

### **Definitions:**

#### **Vulnerability**

As defined by the Core Humanitarian Standard people may be vulnerable because of individual factors such as age (particularly the very young and the very old), disability or illness or because they are caring for others who are vulnerable.

Social and contextual factors also contribute to people's vulnerability. These include discrimination and marginalization (e.g. in some contexts, the low status and power of women and girls), social isolation (including the lack of access to information), environmental

degradation (e.g. soil erosion or deforestation), climate variability, poverty, lack of land tenure, poor governance, ethnicity, class, caste, and religious or political affiliations.

#### **Child**

A child is defined as anyone under 18 years old, irrespective of local definition.

#### **Adult at risk**

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.

## **Abuse**

A person may abuse by inflicting harm or failing to prevent harm. In order to safeguard all those in our community we adhere to the principles of the UN Convention on the Rights of the Child across the board, and have as our starting point as a definition of abuse, Article 19 which states:

- ❖ Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- ❖ Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Also for adults the UN Universal Declaration of Human Rights with particular reference to Article 5 which states:

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

### **Abuse may include, but is not exclusive to:**

- ❖ Physical abuse or physical injury, such as evidence of hitting, kicking or shaking, where there is definite knowledge or reasonable suspicion, that the injury was inflicted or knowingly not prevented.
- ❖ Emotional abuse where harm is done by persistent or severe emotional ill treatment or rejection, such as degrading punishments, threats and not giving care and affection, resulting in adverse effects on behaviour and emotional developments of a person.
- ❖ Sexual abuse where exploitation of a person occurs. This includes rape, incest and all forms of sexual activities including pornography. Exchanging of benefits, for example goods, food and money in exchange for sexual favours.

- ❖ Neglect, where basic needs such as food, warmth and medical care are not met, or when there is a failure to protect a person from exposure to any kind of danger, resulting in serious impairment of a person's health or development.
- ❖ Sexual Harassment is unwanted behaviour of a sexual nature which: violates your dignity, makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment. You don't need to have previously objected to someone's behaviour for it to be considered unwanted.

### **Sexual harassment can include:**

- ❖ Sexual comments or jokes
- ❖ Physical behaviour, including unwelcome sexual advances, touching and various forms of sexual assault.
- ❖ Displaying pictures, photos or drawings of a sexual nature.
- ❖ Sending texts or emails with a sexual content.

### **Reporting**

#### **What to do when you suspect alleged abuse:**

Actual, potential or suspected incidents of abuse must be reported immediately. Where appropriate you should make a report to your supervisor or HR representative who will inform the Executive Director immediately. The Executive Director will ensure that the matter is appropriately investigated. Alternative reporting mechanisms are also noted below.

The need to report arises in the following instances:

- ❖ Abuse is observed or suspected
- ❖ An allegation of abuse is made
- ❖ Someone discloses abuse

No representative of PLK will prejudice their own position or standing with PLK by responsibly reporting potential or suspected abuse.

It is important to note that where representatives report concerns, it is not their responsibility to decide if abuse is taking place but it is their responsibility to pass these concerns on. Care must be taken regarding confidentiality and the sharing of information with appropriate people.

Information given should be written in a report as soon as possible after the concern was raised (within 24 hours if possible). Any written records taken must be kept securely in a locked place or in a confidential electronic folder.

Under no circumstances should any individual attempt to deal with the problem of abuse directly.

An investigation team will be established supported by the Executive Director.

You can submit a confidential safeguarding concern using the following workflow:

### **Raise a Safeguarding Concern**

Alternatively, if you would prefer to raise a concern by email, you can do so by contacting:  
**[livingpositivelifeprog@live.com](mailto:livingpositivelifeprog@live.com)**

### **Safeguarding Trustee**

If an individual raising a safeguarding concern believes there are outstanding/unresolved issues or that there has been unreasonable delay in handling or addressing the concern, or wishes to raise a concern about their supervisor or other senior members of staff, they can contact Executive Director.

Your information will be treated in confidence. You do not have to provide personal details; however, such information will assist us in taking forward your concerns and enable us to provide you with a response on the outcome. If you ask us not to disclose your identity we will not do so without your consent, unless required by law.

### **Our Response**

PLK can and will take any disciplinary action necessary against staff or others if they are found to have breached our Code of Conduct and Safeguarding Policy. If such an incident occurs, PLK's disciplinary policy will be invoked.

There will be times when the behaviour of employees may constitute a breach of the Code of Conduct, but not be considered criminal conduct under Kenyan local legislation. In this instance PLK may consider providing other support to these staff, for example, training, counselling, increased supervision or transfer to other duties. This will be cognizant of any ongoing risk to

beneficiary communities, staff and volunteers and we will always err on the side of caution. There may be cases where PLK feels it is appropriate to dismiss an employee even if the behaviour is not criminal, for example a gross violation of the Safeguarding Code of Conduct.

Identifying information about safeguarding should be shared on a ‘need to know’ basis only.

Any staff members who raise concerns of serious malpractice should be protected as far as possible from victimization or any other detrimental treatment if they come forward with concerns, provided that concerns are raised in good faith. Deliberate false allegations will be made a serious disciplinary offence and investigated by PLK.

The Executive Director will ensure that reports are made to the relevant donors and where applicable to relevant statutory authorities.

### **Supporting those affected by abuse**

PLK is committed to offering moral care, and to support to all those who have been affected by abuse who have contact with or are part of PLK. A range of resources are provided by the People Function.

### **Recruitment**

#### **It is our policy that no-one shall work within PLK who:**

- ❖ Has been convicted of or has received a formal police caution concerning an offence against children; or
- ❖ Has been convicted of or has received a formal police caution concerning sexual offences against adults; or
- ❖ Is notified to us as having a red flag in relation to safeguarding by a former employer.
- ❖ PLK will ensure all workers will be appointed, trained, supported and supervised in accordance with government guidance on safe recruitment.

#### **This includes ensuring that:**

- ❖ There is a written job description / person specification for the post
- ❖ Those applying have completed an application form including a self-declaration disclosure in relation to safeguarding

- ❖ Those short listed have been interviewed
- ❖ Safeguarding has been discussed at interview where the applicant will be working with children, adults and risk or beneficiary communities
- ❖ Two references have been obtained including one from the most recent employer.
- ❖ Qualifications where relevant have been verified
- ❖ A suitable training programme is provided for the successful applicant
- ❖ The applicant has completed a probationary period
- ❖ The applicant has been given a copy of the organization's safeguarding policy and knows how to report concerns.
- ❖ The successful application signs Christian Aid's Code of Conduct and performs the on-line training on appointment.

### **Code of Conduct & Responsibilities**

All staff, trustees, consultants and volunteers and representatives of PLK must follow the Code of Conduct. The following are relevant to safeguarding.

#### **As a representative of PLK, I will:**

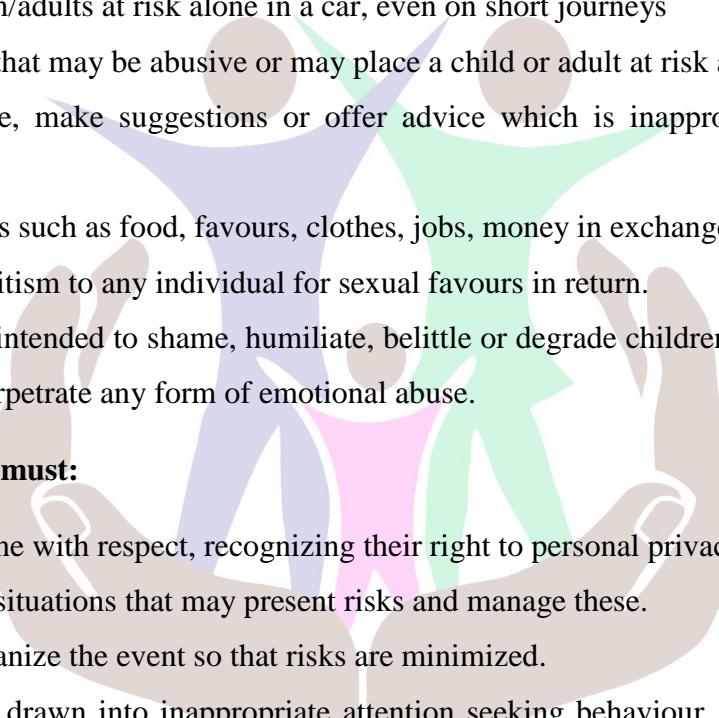
- ❖ Ensure that my personal and professional conduct is, and is seen to be, of the highest standards and in keeping with PLK's beliefs, values and aims.
- ❖ I will treat all people fairly and with respect and dignity and recognize the professional opinion of others.
- ❖ I will seek to ensure that my personal conduct does not compromise PLK's values and does not impact on or undermine my ability to undertake the role for which I am undertaking.
- ❖ I will not say or do anything that would damage the reputation of PLK or which may bring the charity into disrepute.
- ❖ I will not abuse my position as a PLK representative by requesting any personal service or favour from others in return for any assistance by PLK
- ❖ I will not enter into commercial sex transactions. For the purpose of this Code of Conduct, a transaction is classed as any exchange of money, goods, services or favours with any other person.

- ❖ I will not have sexual relations with beneficiaries, recognizing in both cases the inherent unequal power dynamics and that such behaviours can undermine the integrity and credibility of PLK's work.
- ❖ I will not exchange money, offers of employment, employment, goods or services for sex or sexual favours, nor any forms of humiliating, degrading or exploitative behaviour.
- ❖ I will not have sexual relations with children (defined as under 18 years old);
- ❖ I will ensure that my relationships and behaviour are not exploitative, abusive or corrupt in any way.
- ❖ I will respect all peoples' rights, including children's rights, and will not engage in any form of sexual abuse or exploitation of any persons of any age. I will behave in an appropriate manner against all guests and representatives working in PLK.
- ❖ If I become aware of any form of illegal activity, relating to PLK, its representatives or beneficiaries or where there is a safeguarding risk, I will make it known to the Executive Director.
- ❖ I will abide by PLK's Safeguarding Policy and will not engage in inappropriate or sexual behaviour with children under the age of 18.
- ❖ I will not abuse or exploit children under the age of 18 in any way and will report any such behaviour of others to my immediate supervisor.
- ❖ Refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or exploitation, both in and out of work.
- ❖ I will not enter into a sexual relationship with any beneficiary of assistance since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of the work of PLK.
- ❖ I will not sexually harass any of my colleagues.

Responsibilities in relation to Children & Adult's at risk.

#### **Representatives of PLK must not:**

- ❖ Hit or otherwise physically assault or physically abuse children or adults at risk
- ❖ Develop physical/sexual relationships with children or adults at risk
- ❖ Develop relationships with children or adults at risk, which could in any way be deemed exploitative or abusive

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- ❖ Place themselves in a position where they could be accused of sexually abusing a child, young person or adult at risk, i.e. holding or hugging a child, young person or adult at risk, or physically touching children, young persons or adults at risk in a way that could be considered abusive in ways described in this document.
  - ❖ Spend time alone with children or adults at risk. Plan activities so that more than one person is present or, at least, other people are within sight and hearing. Wherever possible ensure that another adult is present to supervise the activity.
  - ❖ Take children/adults at risk alone in a car, even on short journeys
  - ❖ Act in ways that may be abusive or may place a child or adult at risk at risk of abuse
  - ❖ Use language, make suggestions or offer advice which is inappropriate, offensive or abusive
  - ❖ Offer benefits such as food, favours, clothes, jobs, money in exchange for sexual favours
  - ❖ Show favouritism to any individual for sexual favours in return.
  - ❖ Act in ways intended to shame, humiliate, belittle or degrade children or adults at risk, or otherwise perpetrate any form of emotional abuse.

**All representatives must:**

- ❖ Treat everyone with respect, recognizing their right to personal privacy.
- ❖ Be aware of situations that may present risks and manage these.
- ❖ Plan and organize the event so that risks are minimized.
- ❖ Avoid being drawn into inappropriate attention seeking behaviour, such as tantrums or crushes
- ❖ If a residential event is being planned, ensure that adults and children have separate sleeping accommodation. Never sleep in the same room or bed as a child or adult at risk with whom they are working.
- ❖ Remember that someone else may misinterpret your actions, no matter how well intentioned.
- ❖ Adults should avoid being placed in a compromising or vulnerable position. The adult is always considered responsible even if a child behaves seductively.

PLK Board of Governance ensures that PLK meets its regulatory requirements and oversees the implementation of actions to further embed the policy in all areas of PLK's work.