



SAFEGUARDING POLICY

Updated July 2023

A. INTRODUCTION

Safeguarding refers to the set of measures and actions taken to protect all individuals especially those who have less power, such as children or at-risk adults. from harm, abuse, or neglect. Safeguarding aims to prevent harm and promote the physical, emotional, and social welfare of individuals, ensuring their rights are respected and that they are able to live free from harm, exploitation, or discrimination.

Gender Links has a zero-tolerance policy towards abuse of any form. **Forms of abuse** include but is not limited to:

- *Physical abuse*: including hitting, slapping, punching, burning, misuse of medication, inappropriate restraint.
- *Sexual abuse*: including rape, indecent assault, inappropriate touching, exposure to pornographic material.
- *Psychological or emotional abuse*: including belittling, name calling, threats of harm, intimidation, isolation, bullying, victimisation
- *Financial or material abuse*: including stealing, selling assets, fraud, misuse or misappropriation of property, possessions or benefits
- *Neglect and acts of omission*: including withholding the necessities of life such as medication, food or warmth, ignoring medical or physical care needs
- *Discriminatory abuse*: including racist, sexist, that based on a person's disability and other forms of harassment, slurs or similar treatment.
- *Institutional or organisational*: including regimented routines and cultures, unsafe practices, lack of person-centred care or treatment.

1. Purpose

The purpose of this Safeguarding policy is to ensure that Gender Links staff, interns, Board members, service users and management can work to prevent abuse and know what to do in the event of abuse. *The Policy Statement and Procedures have been drawn up to enable Gender Links to:*

- Promote good practice and work in a way that can prevent harm, abuse and coercion occurring.
- Ensure that any allegations of abuse or suspicions are dealt with appropriately and the person experiencing abuse is supported.
- Stop the abuse occurring.

2. Scope

This policy applies to employees, managers, directors, board members, interns, volunteers, consultants, downstream partners, grantees, and service providers. The Policy shall be referenced in all GL contracts; its Code of Conduct and Board Charter.

3. Related policies

This policy outlines Gender Links' commitment to keep all people, especially those deemed vulnerable with whom it works safe. Gender Links acknowledges its duty to act expeditiously and appropriately to any reports or suspicions of abuse. *This policy should be read in conjunction with the following Gender Links policies:*

- Human Resources - Disciplinary and Grievance policy
- Human Resources -Recruitment and Selection
- Code of conduct extract of the Gender Links Human Resources policy
- Anti Bullying extract from the Gender Links Human Resources policy
- Staff wellness extract of the Gender Links Human Resources policy

- Gender Links Health and Safety policy
- Gender Links Green Policy
- Gender Links HIV and AIDS policy
- Gender Links Disability policy
- Risk Management policy
- I.T Policy
- Health and Safety Policy

4. Values

- Freedom and dignity of the person who has or is experiencing abuse.
- The rights of all people to live free from abuse and coercion.
- Ensuring the safety and well being of people who do not have the capacity to decide how they want to respond to abuse that they are experiencing.
- Managing services in a way which promotes safety and prevents abuse. (value or commitment)
- Confidentiality
- Transparency
- Responsiveness

5. Commitments

- Ensuring that all management, board members, staff, interns, service providers and partners are familiar with this policy and procedures.
- Act with confidentiality.
- Informing relevant stakeholders that where a person is in danger, a child is at risk or a crime has been committed.
- Making a referral to the social care direct team as appropriate.
- Endeavoring to keep up to date with national developments relating to preventing abuse and welfare of adults and children.
- Ensuring that the designated named person understands his/her responsibility to refer incidents of abuse to the relevant statutory authorities.

6. Safer Programming

Gender Links' mission is to promote equality and justice in the SADC region and beyond. GL' most important responsibility is to those who participate in our programmes physically and virtually. GL must ensure that its programmes and processes are safe; that our staff or other representatives cause no harm, and that we do not put ourselves or those we work with at risk. All programmes and wider activities (e.g. events, meetings, campaigns) must include safeguarding in their planning, implementation, and review; for example, embedding safeguarding into risk assessments, ensuring staff/representatives are aware of safeguarding, that relevant reporting options are available and that people are encouraged to report. While all programmes require vigilance, the following require special attention due to the inherent power dynamics in these undertakings:

- Work with survivors of GBV, and especially with their male relatives, directly or through grantees.
- Infrastructure and construction programmes, especially those that employ women and people living with disability.
- Programmes that involve travel.
- Work with traditional and local authorities.
- Work that involves ICTs and may expose participants to cyber bullying.

Child Safeguarding

- Gender Links strictly prohibits staff and other representatives from
 - Engaging in any kind of sexual activity with children (defined as anyone under the age of 18, or older if the local law indicates this). Mistaken belief of age is no defence.
 - Sexual abuse or exploitation of children.
 - Knowingly engaging in any commercially exploitative activities with children or adults at risk, including child labour or trafficking.
 - Physically assault a child.
 - Emotionally or psychologically abusing a child
 - View/use pornography or other inappropriate content/software on GL work-related IT

- Gender Links strictly prohibits staff and other representatives from engaging in or promoting any form of abusive, exploitative or harmful behaviour towards children.
- All staff and other representatives have a duty to protect the rights of children and ensure that our Safeguarding approach is embedded into all areas of our work.
- Every aspect of our work must be carried out in a way that ensures the rights, dignity and empowerment of children.
- We will engage with children in a way that recognises their agency, individuality, and value and work with them to ensure that they are not simply safe from harm but safe to realise their rights and become active agents of change.

B. PROCEDURES

1. Preventing abuse

Gender Links is committed to putting in place safeguards and measures to reduce the likelihood of abuse taking place within the services it offers and that all those involved within Gender Links will be treated with respect.

Gender Links is committed to safer recruitment policies and practices for paid staff, board members and interns. This may include Criminal Records disclosures for staff and interns, ensuring references are taken up and adequate training on Safeguarding is provided for staff and interns.

Management, staff and board members will be required to provide two references and where appropriate have a Criminal Records Bureau disclosure before taking on employment. The organisation will work within the current legal framework in each country that it works in for reporting staff or interns that are abusers. Board members and service providers completing current terms should furnish a CRB when undergoing their new term acceptance and due diligence.

2. Safer Recruitment and Employee Life Cycle

This will be achieved by ensuring that

- We recruit staff safely
- Staff receive an induction on Safeguarding
- Performance and behaviour concerns are addressed promptly
- We share safe and respectful information via references as part of our commitment to the wider sector.

3. Training

Gender Links is committed to ensuring that all staff, management, the board and interns undertake training to gain a basic awareness of signs and symptoms of abuse. Gender Links will ensure that the Designated Persons and other members of staff, Board and interns have access to training around Safeguarding. Training will take place as follows:

- As part of the induction of all new staff and Board Members.
- Annual refresher courses, including an online quiz.
- In depth training for all Designated Persons.

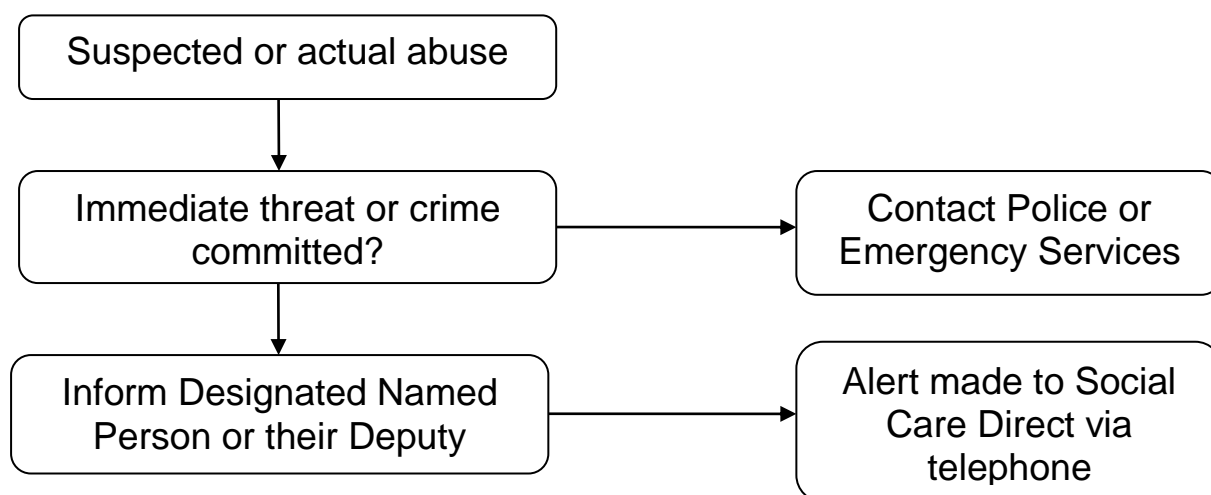
All GL functionaries must, as part of their contracts or other acceptance, undertake to undergo safeguarding training within one month of joining the organisation. Refresher courses shall be held annually, during joint Board/ Staff engagements linked to the May Board meeting.

4. Confidentiality and anonymity

Complaints can be made directly to Designated Persons in the different geographical sites and at the different levels of authority in GL. They can also be made on the website. The complainant is assured of confidentiality. The complaint can also be made anonymously. Anonymous complaints must, however, be thoroughly investigated and verified before they can be brought as evidence to a hearing.

5. Raising a Safeguarding alert

All safeguarding alerts (referrals) should be made by telephone to the relevant authorities (designated persons?) as per contact details provided above. In an emergency situation outside of these times please contact the nearest Police Station. You should ask to make a safeguarding adults and children alert.



A Designated Person in the relevant office will then decide if the safeguarding process should be instigated or if other support/services are appropriate. Feedback will be given to the person who raised the safeguarding adults and children alert.

If the Designated Person decides the safeguarding process needs to be instigated this will then lead to the implementation of the next stages.

The Designated Person will have an overview of this process so they can explain it to the person concerned and offer all relevant support to the person and process. This could be practical support e.g. providing a venue, or information and reports and emotional support.

Information should be provided to the individual. This could be about other sources of help or information that could enable them to decide what to do about their experience, enable them to recover from their experience and enable them to seek justice.

6. Managing any allegations

Gender Links will ensure that any allegations made against members or a member of staff are dealt with swiftly as per the Gender Links Code of Conduct¹ in the Human Resources Policy.

Where a member of staff/intern is thought to have committed a criminal offence the police will be informed. If a crime has been witnessed the police should be contacted immediately.

The safety of the individual(s) concerned is paramount. A risk assessment must be undertaken immediately to assess the level of risk to all service users posed by the alleged perpetrator. This will include whether it is safe for them to continue in their role or any other role within the service whilst the investigation is undertaken.

7. Responding to people who have experienced or are experiencing abuse

Gender Links recognises that it has a duty to act on reports, or suspicions of abuse or neglect. It also acknowledges that taking action in cases of abuse is never easy. How to respond if you receive an allegation:

- Ask if the person is safe now; if not, then take measures to ensure they are safe / away from harm now and foreseeable future whilst you conduct the investigation
- Reassure the person concerned.
- Listen to what they are saying.
- Record what you have been told/witnessed as soon as possible.
- Remain calm and do not show shock or disbelief.
- Tell them that the information will be treated seriously.
- Do not start to investigate or ask detailed or probing questions.
- Do not promise to keep it a secret. Confidentiality is possible, anonymity is often not

If you witness abuse or abuse has just taken place the priorities will be to:

- Call an ambulance if required.
- Call the police if a crime has been committed.
- Preserve evidence.
- Keep yourself, staff, or any affected parties safe.
- Inform the Designated Named Person(s) in the organization.
- Record what happened in the Safeguarding Incidents Register.

All situations of abuse or alleged abuse will be discussed with the Designated Named Person or their deputy. If a member of the management committee, staff member or intern feels unable to raise this concern with the Designated Named Person or their deputy then concerns can be raised directly with Social Care Direct. The alleged victim will be told that this will happen. This stage is called the alert.

If it is appropriate and there is consent from the individual, or there is a good reason to override consent, such as risk to others, a referral (alert) will be made to the authorities.

If the individual experiencing abuse does not have capacity to consent a referral will be made without that person's consent, in their best interests.

¹ Code of conduct page 35 of the GL HR Policy 2018(clause 194)

8. Designated persons

Gender Links has appointed individuals who are responsible for dealing with any Safeguarding concerns. In their absence, a deputy will be available for staff to consult with. The Designated Named Person(s) for Safeguarding Children and Adults within Gender Links are:

- Organisational Development Chair: Emma Kaliya, OD Chair. Contact number +265 999 51 2511
- Zimbabwe office: Priscilla Maposa, Regional Country Manager. Contact number +263 77 273 5722
- Mauritius office: Anushka Virahsawmy, Country Manager. Contact number +230 5934 5787
- South Africa HQ: Mary Banga, Finance Manager. Contact number +27 73 315 1405
- Sustainability Hub and Safeguarding lead: Debrah Mukuku, General Manager. Contact number +27 84 724 7988

The roles and responsibilities of the named person(s) are to:

- Ensure that all staff including interns and board members are aware of what they should do and who they should go to if they have concerns that a vulnerable person may be experiencing, or has experienced abuse or neglect.
- Ensure that concerns are acted on, clearly recorded and referred to a social care direct team or to the allocated social worker/care manager or relevant authorities.
- Follow up any referrals and ensure the issues have been addressed.
- Reinforce the utmost need for confidentiality and to ensure that staff and interns are adhering to good practice with regard to confidentiality and security. This is because it is around the time that a person starts to challenge abuse that the risks of increasing intensity of abuse are greatest.
- Ensure that staff and interns working directly with persons who have experienced abuse, or who are experiencing abuse, are well supported and receive appropriate supervision.
- Give support and protection if necessary. Those affected will be dealt with in a fair and equitable manner and they will be kept informed of any action that has been taken and the outcome.

9. Roles of various team members

Complainant: A person who makes a formal complaint that they have been bullied, sexually harassed or witnessed someone being sexually harassed. The complainant may choose not to talk to their direct line manager but to the head of the Unit, Special Advisor or the Executive Director.

Designated Named Person: The appointed person will be responsible for coordinating investigation processes and hearings, seeking legal advice where necessary. They will ensure that all actions are in compliance with the organisational policies, the Sexual Offences Act and the South African Constitution or the Constitutions in countries of operation.

Investigator: The investigator, who may be an independent external expert, will be responsible for investigating the charges, participate in hearings, and provide the Designated Person with their findings. GL shall appoint an investigator with expertise in gender-based violence, for cases relating to sexual harassment.

Chairperson of the hearing: To hear the case presented and present a finding. This position will be handled by the Executive Director in the case of GL staff and service providers to that division; the country managers in the case of GL country officers; the GL Special Advisor in the case of staff and service providers of the GL Sustainability Hub, and the Organisational Development Committee Chair in the case of the ED or a Board Member.

The Safeguarding Panel shall comprise the Designated Person; the investigator and the Chairperson of the hearing.

10. Incident Management Process

Step 1: Complaint received (timeframe: actions taken within 48 hours)

Within 48 hours the complaint is acknowledged and the Designated Person (or other staff member as appropriate) will engage with complainant/survivor to ensure they are safe and their concerns are understood. The Safeguarding Team is informed so they can support as appropriate and manage donor reporting requirements. Within 48 hours the Safeguarding Panel meet to discuss the case.

The Safeguarding panel will triage all cases to assess what action can be taken. If an investigation cannot be carried out (e.g. if survivor does not want an investigation or there is insufficient information to proceed) then the Panel will close the case and assess what other actions can be taken to address concerns e.g. awareness raising and ways to support the survivor. If the actions on the case are led by another agency, the Panel will assess and carry out any actions that can be taken by Gender Links (e.g. assessing recruitment practices, or developing an action plan to prevent risks happening in future). At all times the wellbeing of the survivor/complainant will be paramount.

Timing will depend on the needs and wishes of the survivor and so no time limit is set for this stage. The Panel will keep the survivor and subject of concern updated throughout, and ensure they are supported.

Step 2: Investigation (timeframe: approx. 4 weeks but this may differ depending on nature and complexity of case)

Following the Investigation Guidelines set out by the Safeguarding team, an investigation can include carrying out any interviews, gathering any available evidence, and producing an investigation report.

The survivor/complainant should be interviewed first (or provide a written response to questions submitted by the Investigation Team where a verbal interview is not possible), followed by any witnesses and the complainant if not the survivor, and then the subject of complaint. The Subject of Concern will be interviewed last, unless this is prohibited by law. If that is the case, then action will be taken to ensure earlier interactions are managed safely and in line with the spirit of this policy. It is important to note that sexual exploitation and abuse in all its forms usually occurs away from the public eye and it therefore may be difficult to produce evidence. An individual can raise a complaint even if they can point to no objective evidence other than their own experience.

The Investigation Report is submitted to the Safeguarding Panel.

If a partner organization is responsible, they may use their own investigation process if it aligns with Gender Links's approach and values or use the Investigation Guidelines set out by the Safeguarding Team. Gender Links should be treated as a key stakeholder in this process, and updated regularly.

Step 3: Decision

The Safeguarding panel review the report and take a decision on the findings. The Safeguarding Panel, or others as appropriate, carry out any recommendations agreed on (e.g. disciplinary hearing, termination, awareness raising, policy development) with support from HR as required.

Step 4: Outcomes shared and lessons learnt (timeframe: up to 1 week following decision made)
Safeguarding Panel document the decision and inform the complainant/survivor and subject of complaint of the outcome. The Safeguarding Team is informed of the outcome.

A case conference convened so that the SHEA and Safeguarding Panel, Investigation Team, and Safeguarding Panel can discuss learning from the case. Feedback must be sought from the survivor/complainant and incorporated into the lessons learnt conversation. Lessons learnt to be shared as appropriate, removing identifiable information, with governance boards and other relevant bodies to ensure key learning is shared and improvements made to practice.

Appeal

The subject of the complaint and the survivor/complainant have the right to appeal against the decision, in line with Gender Links' HR policies and procedures. If they have concerns about the response (e.g if a conflict of interest has impacted on the investigation) they can raise this to the Safeguarding Team who can carry out an independent review. The appeal process is as follows:

- If the complaint concerns a staff member or a partner and they are not satisfied with the outcome, they may appeal to the Executive Committee
- If the complaint concerns a Board Member and they are not satisfied, they may appeal to the GL Members (the Association).

11. Confidentiality

Maintaining confidentiality around people's personal data and information is important when managing issues relating to sexual harassment, exploitation and abuse and is part of living out our survivor-centred approach. Every effort will be made to maintain and promote confidentiality in order to protect the safety and privacy of everyone involved.

Information shall be shared on a 'Need to Know' basis – that is, only those who need to be informed so they can support an investigation or because they hold overall accountability will be given information, and they will receive only as much information as they need in order to be effective.

If information shared confidentially relates to a child or suggests that someone's life is in danger, action will need to be taken outside of standard confidentiality procedures to ensure that everyone is safe. This will be managed on a case by case basis. The safety and well-being of the child or at-risk adult in question is always paramount. Only those who need to know will be informed so they can take effective action.

12. Recording and managing confidential information

Gender Links is committed to maintaining confidentiality² wherever possible and information around Safeguarding issues should be shared only with those who need to know. For further information, please see Gender Links' confidentiality policy contained within the Human Resources Policy.

All allegations/concerns should be recorded in the Safeguarding Incidents register by the Safeguarding Lead. The information should be factual and not based on opinions, record what the person tells you, what you have seen and witnesses if appropriate.

The information that is recorded will be kept secure and will comply with data protection.

This information will be secured in a password protected online file in the Safeguarding Lead office. Access to this information will be restricted to the Designated Named Persons.

² Code of Conduct page 35 of GL HR Policy 2018(clause 194)

13. DISSEMINATING/REVIEWING POLICY AND PROCEDURES

This Safeguarding Policy will be clearly communicated to staff, Board members, interns, service providers and partner organisations. The Designated Named Person will be responsible for ensuring that this is done.

The Safeguarding Policy and Procedures will be reviewed annually by the Organisational Development Committee. The Designated Named Persons for Safeguarding will be involved in this process and can recommend any changes. The Designated Named Person will also ensure that any changes are clearly communicated to staff, board members and interns.

ENDNOTE:

In South Africa this policy should be read together with:

- Children's Act (Act No. 38 of 2005): This act provides comprehensive provisions for the protection and care of children. It addresses issues such as child abuse, neglect, exploitation, and the establishment of child protection services. It sets out the responsibilities of parents, caregivers, and relevant authorities in safeguarding children's well-being.
- Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007): This act focuses on preventing and addressing sexual offenses, including those committed against children. It defines various sexual offenses, establishes procedures for reporting and investigating such offenses, and provides support for survivors.
- Domestic Violence Act (Act No. 116 of 1998): This act aims to protect victims of domestic violence, including both adults and children. It provides for the obtaining of protection orders against perpetrators, the establishment of specialized domestic violence courts, and support services for survivors.
- Prevention and Combating of Trafficking in Persons Act (Act No. 7 of 2013): This act addresses the prevention, investigation, and prosecution of human trafficking. It seeks to protect individuals, particularly women and children, from being trafficked and exploited, and it establishes mechanisms for victim support and assistance.
- Older Persons Act (Act No. 13 of 2006): This act focuses on the rights and well-being of older persons. It includes provisions for protecting older persons from abuse, neglect, and exploitation, as well as establishing support services and mechanisms for reporting and investigating elder abuse.
- Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000): This act prohibits unfair discrimination on various grounds, including race, gender, age, disability, and sexual orientation. It promotes equality and ensures the protection of vulnerable individuals from discrimination and harm.

Updated and adopted at the full Board meeting on the 6 July 2023.