

Protection from Sexual Exploitation and Abuse (PSEA) Policy

Policy for all staff and representatives

Date: June 2019

Author: Global SHEA and Safeguarding Team

Sponsor: Adriano Campolina, Secretary General. The policy has been approved by ActionAid International’s Board of Trustees and Senior Management

Date for renewal: June 2021

Contents

1. Introduction	3
1.1 Purpose	4
1.2 Difference between ActionAid’s Protection from Sexual Exploitation and Abuse; Sexual Harassment, Exploitation, and Abuse at Work; and Child Safeguarding policies	4
1.3 Scope	5
1.4 Feminist Leadership Principles	5
2. Definitions and Policy Positions	6
3. Confidentiality	11
3.1 Data Protection	12
4. Roles and Responsibilities	12
4.1 Country/Executive Directors.....	12
4.2 Line Managers	13
4.3 SHEA and Safeguarding Focal Points.....	13
4.4 Human Resources	14
5. Working with partners	14
6. Safer Recruitment and Employee Lifecycle	15
6.1 Induction	16
6.2 Training.....	16
7. Safer programming	17
7.1 Risk assessments.....	18
7.2 Complaints mechanisms	18
7.3 Monitoring and Evaluation.....	19
7.4 Emergency Response.....	19
8. Interaction with Rights Holders and Community Members, including Adults at-risk	19
8.1 Content gathering	19
8.2 Visits	20

9. Reporting procedures.....	21
10. Responding to Concerns and Complaints.....	24
10.1 Incident Management Process.....	24
10.2 Security in SHEA and Safeguarding incident management.....	26
10.3 Retaliation Against Complainants, Victims and Witnesses	26
10.4 False or malicious complaints	26
11. Support Options	26
<i>Appendix 1 – Incident Management Flowchart.....</i>	<i>28</i>
<i>Appendix 2 – Incident Management Roles and Responsibilities.....</i>	<i>29</i>
<i>Appendix 3 – PSEA Risk Assessment template</i>	<i>31</i>

1. Introduction

ActionAid is committed to working with others to end injustice and eradicate poverty, and to build a world which upholds the rights and dignity of all. We recognise that to work with integrity we must 'walk the talk' and ensure that anyone who comes into contact with ActionAid is protected from any form of injustice, discrimination, or abuse.

ActionAid will not tolerate any form of abuse, exploitation, or harm carried out towards rights holders, community members, or adults at-risk (defined as someone over the age of 18 who, for physical, social, economic or environmental factors are more vulnerable to abuse, exploitation and other harms).

The purpose of this policy is to ensure that procedures are in place to protect rights holders and communities we work with, including adults at-risk, from sexual abuse or exploitation, or other harmful and inappropriate behaviour, carried out by any member of the ActionAid Federation or ActionAid representative.

Every aspect of our work must be carried out in a way that ensures the rights and dignity of rights holders, community members, and adults at-risk. We are committed to working with them to ensure that they are not simply safe *from* harm but safe *to* realise their rights and be active agents of change.

Building on our Code of Conduct and feminist approach, ActionAid is committed to preventing any form of sexual harassment, exploitation and abuse and responding robustly when these harms take place. This means that we take all concerns seriously and carry out timely and robust responses to allegations of abuse. No one will be victimised for making a complaint and ActionAid is committed to working with complainants and survivors to ensure they are central to any response, are not further harmed or disempowered by any processes, and receive support throughout.

ActionAid views any form of sexual violence as a gross violation of human rights. We will not tolerate any form of abuse, exploitation, or harm carried out towards our own employees, rights holders, communities, or anyone we come into contact with through our work. We recognise that all forms of Sexual Harassment, Exploitation, and Abuse and other Safeguarding concerns, including abuse of adults at-risk, are rooted in an imbalance of power, particularly gendered and sexualised abuses of power. Because of the power imbalances inherent in the international aid sector, and within the wider social norms and structures in which we work, we have a duty to prevent and respond robustly to allegations of sexual exploitation and abuse. We recognise that when individuals in our sector carry out sexual exploitation and abuse towards those we have a duty to protect this inflicts harm and breaches human rights, breaks the trust placed in our sector, and jeopardises the credibility of all international aid organisations.

We recognise that gendered forms of sexual violence disproportionately affect women and girls, and our work recognises the impact on boys, men, transgender communities and gender non-binary people. We are committed to working with marginalised and oppressed groups, recognising the impact of sexual violence on people living in poverty and people of different ethnicities, religions, race, class and abilities. We will listen to and learn from them and work to ensure that our SHEA and Safeguarding approach supports the work they do to promote their rights and live lives with dignity.

1.1 Purpose

We recognise that as a large international federation, those working with ActionAid have increased power and privilege. We are committed to safeguarding all people who come into contact with ActionAid through our work in humanitarian and development contexts from abuse of that power and privilege.

This applies to everyone irrespective of race, age, gender, gender identity, sexual orientation, culture, dress, language, political affiliation, health status, class, caste, ethnicity, marital status, disability, location, pregnancy, and religion.

This policy provides guidance and direction to anyone associated with ActionAid so that:

- All ActionAid staff and other representatives understand the importance of preventing sexual exploitation and abuse, and their responsibility to ensure that they and their work do not deliberately or inadvertently cause harm to **rights holders and community members, including adults at-risk**.
- All ActionAid staff and other representatives understand their role in preventing sexual exploitation and abuse, and the consequences of breaching this policy
- All ActionAid staff and other representatives understand their responsibility to report any concerns relating to sexual exploitation and abuse and have access to clear guidelines on how to report suspected abuse.
- All organisational processes and structures reflect our duty of care towards **rights holders and the communities we work with, including adults at-risk** and put in place procedures to safeguard them in every aspect of our work so that we build a culture free from abuse, discrimination, and harm.
- ActionAid commits to uphold the highest level of personal and professional conduct amongst its staff, contractors, volunteers, board members and partners working in or visiting all programming contexts, particularly humanitarian settings, ensuring zero tolerance of all forms of sexual exploitation and abuse against affected populations and in times of conflict, disaster and occupation.

1.2 Difference between ActionAid's Protection from Sexual Exploitation and Abuse; Sexual Harassment, Exploitation, and Abuse at Work; and Child Safeguarding policies

ActionAid's SHEA and Safeguarding approach seeks to prevent and robustly respond to all forms of sexual harassment, exploitation, abuse and other Safeguarding harms carried out by ActionAid staff and other representatives towards anyone we come into contact with through our work. ActionAid's SHEA and Safeguarding approach and policy positions are outlined in the overarching *ActionAid SHEA and Safeguarding Policy*.

We recognise the ways in which these forms of sexual violence and abuse of power intersect and inform each other. However, in order to identify and address the different ways in which these abuses of power manifest our policies distinguish between abusive behaviours carried out between staff and other representatives (addressed through our *Sexual Harassment, Exploitation, and Abuse at Work policy*), abusive behaviour carried out towards children (addressed through our *Child Safeguarding policy*), and abusive behaviour carried out towards **rights holders and communities, including adults at-risk** (addressed through this policy).

For concerns regarding children please refer to the *Child Safeguarding policy*. For concerns regarding sexually harassing, abusive, or exploitative behaviour towards staff and other ActionAid representatives please refer to the *Sexual Harassment, Exploitation, and Abuse at Work policy*. For concerns regarding Bullying and Harassment, please refer to the *AAI Bullying and Harassment policy*. For any concerns regarding allegations of illegal and improper conduct and wrongful acts including, but not limited to, suspected fraud, criminal activity, or miscarriages of justice, please refer to the *AAI Whistleblowing Policy*.

1.3 Scope

This policy is binding for all offices and working locations of ActionAid, and at both the organisational and project level. Policies created at national office levels will include all elements of this policy and may only differ to ensure alignment with national legislation. Should this policy demand a higher standard than the local laws then this policy will prevail.

This policy is binding for all ActionAid staff members, whether full time, part time or engaged on fixed term contracts. In line with ActionAid's Code of Conduct, this policy is binding both in and outside of working hours and in all aspects of a staff member's life. **It is also binding for other representatives working with ActionAid, including (but not limited to) partners, volunteers (including board and assembly members), consultants, contractors/suppliers/vendors, interns, visitors (e.g. donors), dependents accompanying staff while working for ActionAid, and other individuals acting as representatives of ActionAid. All staff and representatives named above can raise a complaint via the procedures outlined in this policy.**

ActionAid Directors/International Leadership Team and International Board hold overall accountability for this Policy and its implementation. They are responsible for ensuring the policy is reviewed and updated **every two years**.

Adherence to this policy will be reviewed through auditing mechanisms. Updates to the policy will be recommended through the Global SHEA and Safeguarding Lead to the International Leadership Team (ILT) who will seek approval from the International Board. In the case of substantive changes to this policy, the International Board will seek approval from the General Assembly.

1.4 Feminist Leadership Principles

ActionAid's SHEA and Safeguarding approach is built on our Code of Conduct and feminist leadership approach.

ActionAid's transformative vision of a just world free from poverty, oppression and patriarchy requires transformative feminist leaders: leaders who enable others to lead, building power with them instead of over them.

ActionAid has developed the following 10 commitments on feminist leadership. Staff are expected to embed these into every area of their work and their behaviour:

1. Self-awareness
2. Self-care and caring for others
3. Dismantling bias
4. Inclusion
5. Sharing power
6. Responsible and transparent use of power
7. Accountable Collaboration
8. Respectful Feedback

- 9. Courage
- 10. Zero Tolerance

For further information on these principles, please refer to ActionAid's Top Ten Basics of Feminist Leadership

2. Definitions and Policy Positions

The UN Secretary General's Bulletin on Protection from Sexual Exploitation and Abuse (2003) defines sexual exploitation and abuse as:

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'¹

Sexual abuse: 'The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions'²

ActionAid's definition of sexual exploitation and abuse aligns with this but goes further to include Gender Based Violence (GBV) and other forms of abuse.

Alongside this ActionAid upholds the federation wide *Commitments to Women's Leadership, Rights and Protection in Emergencies (2016)* and affirms the primacy of Accountability to Affected Populations as an integral part of its humanitarian signature and upholds the Core Humanitarian Standard (CHS) specifically standard 3 "*Communities and people affected by crisis are not negatively affected and are more prepared, resilient and less at-risk as a result of humanitarian action*" and standard 5 "*Communities and people affected by crisis have access to safe and responsive mechanisms to handle complaints*".

In line with this and ActionAid's Code of Conduct, and in recognition of the power dynamics and potential for exploitation, ActionAid:

1. Strictly prohibits staff and other representatives from engaging in any form of sexual activity with **rights holders (people directly receiving assistance from ActionAid or involved directly in any programming activities)**

Relationships or any kind of sexual activity with community members who are not rights holders (i.e. not receiving direct assistance from ActionAid or involved directly in any programming activities) are not prohibited however, staff and other representatives must ensure the relationship is not and could not be perceived to be exploitative or abusive. Such relationships must be raised with a Line Manager/Country Director/Executive Director as soon as possible so that they can work with the staff member to manage the potential risks. Part of this risk assessment should include consideration of how the relationship could be perceived by the community, and whether this could cause a reputational risk and this will be managed on a case by case basis.

¹ <https://www.unhcr.org/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>

² <https://www.unhcr.org/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>

2. Strictly prohibits staff and other representatives from buying sex. ActionAid does not make judgements on people who sell sex. However, in recognition of the potential for sexual exploitation and abuse and in line with the IASC Core Principles on PSEA, ActionAid has banned this activity.

3. Strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18 years, or older if the local law indicates this). Mistaken belief of age is no defence

Definitions

<p>Adult at-risk</p>	<ul style="list-style-type: none"> ○ Someone over the age of 18 who, for physical, social, economic, environmental or other factors can be more vulnerable to abuse, exploitation or other harms ○ Given the definition above, many people we work with in communities around the world would come under this definition. Recognising this we will work to ensure that this is an empowering rather than a dis-empowering term, and that we use it to work with communities to uphold the rights and dignity of those who may be at greater risk of abuse or exploitation. ○ The term ‘Vulnerable Adults’ is often used interchangeably with ‘Adults at-risk’. We are choosing to use the phrase <i>at-risk</i> instead of describing individuals as <i>vulnerable</i>, as this can be a disempowering term if it suggests inherent vulnerability rather than reflecting on where this relates to systems of power. ○ Safeguarding duties apply to an adult who: <ul style="list-style-type: none"> ○ has needs for additional care and support ○ is experiencing, or at risk of, abuse or neglect ○ as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect
<p>Abuse</p>	<ul style="list-style-type: none"> ○ Domestic – “Including psychological, physical, sexual, financial, emotional, or so-called 'honour' based violence.” <ul style="list-style-type: none"> ○ ‘Honour’ based violence refers to an honour code set at the discretion of male relatives and the punishing of women for bringing shame on the family when they do not abide by the ‘code’. Infringements may include rejecting a forced marriage, pregnancy outside of marriage, seeking divorce, inappropriate dress, and even kissing in a public place. ○ Men can also be victims, sometimes as a consequence of a relationship which is deemed to be inappropriate, if they are gay, have a disability, or if they have assisted a survivor. ○ Financial/material – “Including theft, fraud, and coercion in relation to financial affairs such as, property or financial transactions” ○ Modern Slavery- “Including slavery, human trafficking, forced labour and domestic servitude.” <ul style="list-style-type: none"> ○ Traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. Please also see section for Modern Slavery

	<ul style="list-style-type: none"> ○ Neglect – “Including ignoring emotional or physical care needs, failure to provide access to appropriate healthcare or educational services, the withholding of life necessities such as food.” ○ Organisational- This can happen through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation. ○ Physical – “Including assault, hitting, slapping, pushing, restraint, or inappropriate physical punishments.” ○ Psychological – “Including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or unreasonable and unjustified withdrawal of supportive networks” ○ Sexual – “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions e.g. sexual assault, rape, indecent exposure, sexual photography, sexual teasing or innuendo. <p>The above examples are not exhaustive, and an individual can raise concerns via the procedures laid out in this policy if they believe they have experienced sexual harassment, exploitation, or abuse.</p>
Sexual abuse	<ul style="list-style-type: none"> ○ “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions e.g. sexual assault, rape. <ul style="list-style-type: none"> ○ ActionAid strictly prohibits staff and other representatives from engaging in any kind of sexual activity with adults at risk.
Sexual exploitation	<ul style="list-style-type: none"> ○ “any actual or attempted abuse of power or trust for sexual purposes, including, but not limited to, profiting commercially, monetarily, socially, or politically from the sexual exploitation of another”¹ <ul style="list-style-type: none"> ○ This can represent a wide spectrum of examples including but not limited to invasion of someone’s sexual privacy, forced transactional sex, non-consensual filming of a sexual act or exposure of genitals, online grooming, or knowingly spreading a sexually transmitted disease or infection. ○ It is important to understand that sexual exploitation is not limited to sexual intercourse, as detailed in some examples above, and includes acts of intimidation of a sexual nature that are intended to cause discomfort and embarrassment.
<u>OTHER RELEVANT TERMS</u>	
Child abuse	<ul style="list-style-type: none"> ○ All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s

¹ <http://pseataforce.org/en/overview>

	<p>health, survival, development or dignity in the context of a relationship of responsibility, trust or power.</p> <ul style="list-style-type: none"> ○ The main categories of abuse are defined by WHO as physical abuse; sexual abuse; psychological abuse; and neglect. <ul style="list-style-type: none"> ○ <u>Physical</u> abuse can include inappropriate physical punishments towards a child, and/or assaulting, pushing, hitting, and slapping them. ○ <u>Sexual</u> abuse is defined as any sexual activity, or actual or threatened physical intrusion of a sexual nature, with someone under the age of consent or under 18, whichever is greater, is considered sexual abuse. ○ <u>Psychological</u> abuse can include, especially in relation to children, threats of harm or abandonment, deprivation of contact, humiliation, blaming, intimidation, coercion, harassment, verbal abuse, and isolation. ○ <u>Neglect</u> can involve preventing access to education, food or other life necessities, and any emotional or physical care needs. Whatever form it takes, neglect can be just as damaging to a child as physical abuse. Children are more susceptible to neglect given their inherent vulnerability and dependence on adults for support. <p>It is common for a child that is abused to experience more than one type of abuse, and it often happens over a period of time rather than being a one-off event.</p>
Community member	<ul style="list-style-type: none"> ○ A person living in a community within which ActionAid operates, however, they are not necessarily engaged with any programmes.
Complainant	<ul style="list-style-type: none"> ○ This is the person making a complaint; it may be the person who experienced what is being reported (the survivor), or it may be another person (a third-party complainant) who becomes aware of an issue and makes the complaint.
Female genital mutilation	<ul style="list-style-type: none"> ○ “Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.” <ul style="list-style-type: none"> ○ FGM is recognized internationally as a violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. ○ The practice also violates a person's rights to health, security and physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death.
Forced marriage	<ul style="list-style-type: none"> ○ Marriages in which one and/or both parties, whether adults or children, have not personally expressed their full and free consent to the union. <ul style="list-style-type: none"> ○ As is the case with child marriage more specifically, this is something ActionAid campaigns against given our human rights-based approach.

Gender-based violence (GBV)	<ul style="list-style-type: none"> ○ “Gender-based violence is an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences between males and females” <ul style="list-style-type: none"> ○ Acts of gender-based violence are a form of sexual abuse and can affect any stakeholder, whether staff or community members. ○ They are often carried out by men towards women and can result, in part, from power imbalances. Therefore, this is regarded as a significant SHEA and Safeguarding issue within the operating context of AAI.
Investigation	<p>A process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons responsible. At AAI this will take the form of an internal fact-finding process.</p>
Modern slavery	<ul style="list-style-type: none"> ○ Slavery is a situation where a person exercises perceived or real power of ownership over another person. ○ Modern slavery covers different types of labour exploitation, ranging from the mistreatment of vulnerable workers to human trafficking to child labour and forced sexual exploitation. <ul style="list-style-type: none"> ○ Related terms include human trafficking, covering coercion and recruitment under false pretences, and bonded and forced labour, which is labour undertaken as a repayment or under threat of punishment respectively.
Rights holder	<ul style="list-style-type: none"> ○ A rights holder is someone receiving assistance through ActionAid’s work. This is alternatively referred to in other organisations as a member of the affected population, person we seek to assist, person affected by crisis, or beneficiary. A <i>rights holder</i> is different to a <i>community member</i> in that a <i>community member</i> may not be engaging in our programmes and ActionAid must therefore be more aware of the risks that they face.
Staff/ Representatives	<ul style="list-style-type: none"> ○ This refers to “staff, volunteers (including board and assembly members), consultants, interns, visitors, dependents accompanying staff while working for ActionAid, and other individuals acting as representatives of ActionAid, such as partners working in communities.” When we refer to staff and other representatives in the document, we are referencing this entire group. <ul style="list-style-type: none"> ○ This is not an exhaustive list and covers anyone who is a representative of ActionAid
Survivor	<ul style="list-style-type: none"> ○ “...a person who has experienced sexual abuse, exploitation, or harassment. <ul style="list-style-type: none"> ○ The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors. ‘Survivor’ is the term generally preferred in the psychological and social support sectors because it implies resiliency.” ○ AAI uses the term <i>survivor</i> as part of our survivor-centred approach as it emphasises the power of the individual, which the term ‘victim’ can remove, and their agency.

	However, it is important that those affected by sexual abuse and exploitation can choose the term they prefer.
Trafficking	<ul style="list-style-type: none"> ○ Trafficking is a process of enslaving people, coercing them into a situation with no way out, and exploiting them. ○ People can be trafficked for many different forms of exploitation such as forced transactional sex, forced labour, forced begging, forced criminality, domestic servitude, and forced marriage, and forced organ removal.
Transactional sex	<ul style="list-style-type: none"> ○ This is the exchange of money, employment, goods, or services for sex, including sexual favours. <ul style="list-style-type: none"> ○ Transactional sex is strictly prohibited by ActionAid along with any other forms of humiliating, degrading or exploitative behaviour, including exchange of assistance that is due to rights holders. ○ ActionAid does not make judgement against rights holders or others who choose to take part in such transactions but recognises the inherent unequal power dynamic and so prohibits staff from exchanging money or anything else for sex.
Young people	<ul style="list-style-type: none"> ○ Persons between the ages of 15 and 24 years...Within the category of “youth” and “young people”, it is also important to distinguish between teenagers (13-19) and young adults (20-24), since the psychological and health problems they face may differ.

For more information on SHEA and Safeguarding definitions please see the Global SHEA and Safeguarding Team *SHEA and Safeguarding Glossary*.

3. Confidentiality

Confidentiality is vitally important to SHEA and Safeguarding. We are committed to working with survivors/complainants and all others involved in an incident management process in a confidential and respectful manner. Breaches of confidentiality undermine confidence and trust in ActionAid’s Safeguarding and complaints management processes and in the organisation itself. Maintaining confidentiality around people’s personal data and information is particularly important when managing issues relating to sexual harassment, exploitation and abuse.

From the point of disclosure to the final outcome of any investigation, every effort will be made to maintain and promote confidentiality in order to protect the safety and privacy of everyone involved.

Information must 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 is shared confidentially which relates to a child or suggests that someone’s life is in danger, then action will need to be taken outside of standard confidentiality procedures in order to ensure that everyone is safe. This will be managed on a case by case basis, and the safety and wellbeing of the child or adult in question is always paramount. As noted above, only those who need to know will be informed so they can take effective action.

3.1 Data Protection

ActionAid will ensure that it complies with local and international data protection laws when gathering, storing, or sharing any data relating to individuals and SHEA and Safeguarding (e.g. in our fundraising, communications, and incident management approach), and will follow the guidance on retaining data on incident management that is issued by the Global SHEA and Safeguarding Team.

4. Roles and Responsibilities

The Code of Conduct states that it is the duty and the responsibility of all staff and other representatives to report any suspicions or incidences of sexual harassment, exploitation and abuse. Failure to report to an appropriate person is a breach of ActionAid's Code of Conduct and this policy, and could lead to disciplinary action being taken. *More details on reporting can be found in Section 9.*

In line with ActionAid's survivor-centred approach, individuals do not have to report about something that they have experienced.

Staff must always:

- Ensure their behaviour is based on ActionAid's values, adheres to this policy and ActionAid's Code of Conduct, and always upholds and promotes the rights and welfare of **rights holders and the communities we work with, including adults at-risk**.
- Promote and raise awareness of this policy to everyone they come into contact with in their work.
- Ensure they are aware of their SHEA and Safeguarding Focal Point who is responsible for advising on and mitigating risk in line with this policy.
- Report any suspicions, concerns, or behaviours that breach this policy to the appropriate person(s). *More details on reporting can be found in Section 9.* This includes (but is not limited to) any suspicions or incidents of sexual abuse and exploitation carried out by staff, other ActionAid representatives, partners, community members and others.
- Ensure that the rights of rights holders and communities are central to any activities carried out in their area of work.

Staff must never:

- Sexually exploit or abuse anyone we come into contact with through our work, this policy addresses harms carried out towards **rights holders and community members, including adults at-risk** in particular.
- Engage in any sexual activity with rights holders or adults at-risk
- Engage in any sexual activity with children.
- Engage in any kind of exploitative or harmful behaviour towards members of a community that ActionAid works with or near to.
- Raise malicious complaints or use the policy for purposes other than what it is intended for.

4.1 Country/Executive Directors

Country/Executive Directors **must always:**

- Create a safe environment where staff and others feel able to raise concerns without fear of retribution.

- Be aware of the local and international laws and best practice applying to **rights holders and community members, including adults at-risk**, ensuring that all activities reflect these and that staff members are made aware of them.
- Ensure a SHEA and Safeguarding Focal Point is in place, having undergone a selection process, who will raise awareness of SHEA and Safeguarding and act as a reporting point for suspicions, concerns, and complaints.
- Ensure adequate funding is in place to support SHEA and Safeguarding activities in their country (e.g. funding to ensure that all staff receive annual training).
- Ensure that the SHEA and Safeguarding Focal Point raises all concerns and complaints to the Global SHEA and Safeguarding Team, within 24 hours where possible.
- Work with SHEA and Safeguarding Stakeholder Panel to respond robustly when any concerns relating to sexual exploitation and abuse of rights holders or community members are raised. Ensure that procedures for reporting and investigating suspected cases of abuse and exploitation are followed and ensuring they are in line with this policy and local laws. Including reporting to appropriate authorities for investigation and follow up.
- Ensure that the relevant disciplinary procedures are implemented for staff members who have violated this policy.
- Ensure all staff members are trained on the human rights of rights holders and community members, how to recognise different forms of abuse and exploitation, and how to raise concerns through the appropriate channels.
- Set a positive example both on and off duty.

4.2 Line Managers

Line Managers **must always**:

- Create a safe environment in their area of responsibility and directly with the staff they manage, to ensure that staff and others feel able to raise concerns without fear of retribution.
- Ensure staff members in their line of authority receive an induction on this policy and that any concerns raised about staff in the line of management are addressed through appropriate means (e.g. investigation, performance management).
- Ensure that staff members are aware of their responsibilities and accountability for the welfare of **rights holders and community members, including adults at-risk** during ActionAid activities.
- Ensure that staff members are aware of their responsibilities for reporting and the procedures for doing so.
- Ensure that all processes, procedures, and activities are carried out in a way which seeks to minimize the risk to rights holders and communities (e.g. through carrying out routine risk assessments).
- When managing a recruitment, work with HR to ensure that appropriate measures are put in place to prevent individuals who may harm others from entering ActionAid (e.g. through safer recruitment processes).
- Ensure that poor practice or potentially abusive behaviour towards rights holders and community members by ActionAid or partner staff members does not go unchallenged.
- Ensure this policy is included as part of any partnership agreement or memorandum of understanding (MoU) with ActionAid partners.
- Set a positive example both on and off duty.

4.3 SHEA and Safeguarding Focal Points

SHEA and Safeguarding Focal Points **must always**:

- Work with others to create a safe environment where staff and others feel able to raise concerns without fear of retribution.
- Ensure that this policy is displayed at prominent places within the office, as well as online, and to make it accessible to all members of staff.
- Ensure that all inductions include a discussion of this policy.
- Deliver training to all staff on this policy and other policies that fall within the SHEA and other Safeguarding concerns remit.
- Work with others to ensure that the values, commitments, and procedures set forth in this policy are embedded throughout all ActionAid's programmes and activities, and those of our partners.
- Ensure that they raise all concerns and complaints relating to SHEA and Safeguarding to the Global SHEA and Safeguarding Team.
- Work with the SHEA and Safeguarding Stakeholder Panel to address concerns relating to sexual exploitation and abuse, and ensure incident management is carried out in line with ActionAid's SHEA and Safeguarding approach.
- Set a positive example both on and off duty.

4.4 Human Resources

Human Resources **must always:**

- Work with others to create a safe environment where staff and others feel able to raise concerns without fear of retribution.
- Work with the SHEA and Safeguarding Focal Point to ensure that this policy is displayed at prominent places within the office, as well as online, and to make it accessible to all members of staff.
- Work with the SHEA and Safeguarding Focal Point to ensure that all inductions include a discussion of this policy.
- Ensure that the values, commitments, and procedures set forth in this policy are embedded throughout the employee life cycle (including safer recruitment, performance management, and exit).
- Work with the SHEA and Safeguarding Stakeholder Panel to address any concerns relating to abuse or exploitation of **rights holders and communities, including adults at-risk** by providing strong employment law and employee relations advice, and ensuring that all relevant ActionAid policies and processes are followed correctly throughout the incident management process.
- Set a positive example both on and off duty.

5. Working with partners

- ActionAid partners must abide by ActionAid's Code of Conduct and all SHEA and safeguarding related policies. All memorandum of understandings (MoU) with partner organisations and consultancy agreements with consultants and suppliers should include this policy as an appendix when starting any project. Breaches can lead to termination of contractual and/or partnership agreements.
- ActionAid will work with all partners to ensure they receive training on ActionAid's SHEA and Safeguarding policies and approach, and to ensure that spaces are created to share knowledge on best practice to address sexual exploitation and abuse and recognise the expertise of our partners in this area as well as our own approach.
- Staff working with partners must ensure that partner organizations and their staff sign up and abide by the ActionAid Code of Conduct. ActionAid must work with partners to carry out SHEA and Safeguarding risk assessments and/or ensure that partners carry out their own SHEA and Safeguarding risk assessments.

- ActionAid partners, by the nature of their work, interact with at-risk communities and will therefore be aware of sensitive information concerning **rights holders and community members, including adults at-risk**. ActionAid will work with partners to ensure that partners have a robust reporting mechanism for partner staff and community members to access. ActionAid and partners must have agreements in place to ensure that concerns relating to SHEA and Safeguarding (for partner staff, rights holders, and community members) is shared through designated roles to maintain confidentiality.
- Concerns regarding partner staff members must be reported immediately via the reporting mechanisms detailed below. If ActionAid receives a complaint about a member of staff at a partner organisation, ActionAid will work with the partner to ensure this is responded to quickly and appropriately. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, ActionAid must consider whether they will withdraw funding or end the relationship.

6. Safer Recruitment and Employee Lifecycle

In line with best practice, stringent recruitment processes will be put in place in order to reduce the likelihood of engaging someone who may pose a SHEA or Safeguarding risk to the communities we work with, and to staff and other representatives within the organisation. The following steps must be included in all Recruitment and Selection procedures:

- Job adverts and job descriptions clearly detail any role responsibilities relating to **rights holders and communities, including adults at-risk**, and the organisational values and commitment to SHEA and Safeguarding. The job description is to be used as the primary basis of assessing an applicant's abilities.
- All interviews will include questions that assess an applicant's understanding of SHEA and Safeguarding (including child safeguarding) and assess their ability to reflect on ActionAid's values and feminist approach.
- Interviews for positions that involve working with adults at-risk or children must include behavioural based questions that assess the candidate's suitability to work with adults at-risk or children.
- Gaps in employment and/or education history will be discussed at interview.
- ActionAid will not knowingly appoint any person with a history of perpetrating any form of or sexual harassment, exploitation, and abuse, e.g. adult at-risk abuse, child abuse, or Gender Based Violence. ActionAid will ensure that recruitment of staff and other representatives will include reference checks (written and verbal where necessary).
 - Consent will be sought from the successful applicant to request two references, including one from their most recent employer (or place of education), which provides, where permitted, the reason for leaving, and where appropriate, whether the candidate is suitable to work with adults at-risk.
- Relevant police/criminal records checks will be carried out in line with country requirements. Staff and other representatives in roles that involve having direct access to rights holders and community members, particularly adults at-risk, will require a self-disclosure of any convictions (relating to adult at-risk abuse and child abuse in any form) prior to interview stage and a criminal record check, wherever this is obtainable.
 - This also applies to staff changing role internally, and those who are likely to be deployed, in which case a check should be completed in advance. In countries that have a database of sexual offenders or people not suitable to work with adults at-risk or children then this too will be checked.
- Proof of identity should be confirmed at the interview stage, and a hard copy added to the staff file

- The Code of Conduct and the SHEA and Safeguarding overarching policy are included alongside the offer letter to all new staff and representatives. The Code of Conduct must be signed by all staff and other representatives before commencing duties.
- HR staff drafting employment contracts should, where possible under national law, include a clause that specifies the staff member can be dismissed if they are found to have breached this policy or AAI's Code of Conduct.
- All performance management processes and appraisals must include an assessment of how the individual upholds ActionAid's values and how SHEA and Safeguarding intersects with their work
- Ensure exit processes are carried out in person or remotely, learning is recorded and acted upon as appropriate, and any SHEA and Safeguarding concerns raised at this stage are addressed appropriately
- Ensure references are provided in line with our HR policies, and that information on staff misconduct/disciplinary proceedings is shared with the prospective employer in line with best practice and our HR procedures

It is recognised that it may be difficult or impossible to obtain police checks, statutory declarations of previous convictions, and references in some operating contexts, or that time constraints in humanitarian contexts may justify the need to start work before obtaining the outcome of the police checks. In such instances, other checks must be put in place. Recruiting managers must ensure they put in place all reasonable steps to manage risk including extensive questions on Safeguarding and ActionAid's values at interview, and a more intensive form of reference check (e.g. mandatory written submissions and telephone conversations with referees). Line managers and HR should also use the probationary period to observe the employee for any signs of policy violations that should be dealt with expeditiously and in accordance with this policy.

Where police checks/references raise concerns about the suitability of the candidate and ActionAid takes the decision whether to proceed with the recruitment; justification for the decision to proceed must be recorded in the HR files and signed off by the Country/Executive Director and by Cluster Directors in the General Secretariat.

6.1 Induction

The SHEA and Safeguarding Focal Point and HR will ensure all joining staff and other representatives have an induction on ActionAid's SHEA and Safeguarding approach and this policy **no later than one month** after they have been appointed. It is the responsibility of the individual's Line Manager to ensure that this briefing is carried out. Depending on the nature of the role, more extensive inductions on ActionAid's SHEA and Safeguarding approach and country-specific risks and challenges should be carried out.

6.2 Training

Regular training and refresher courses on SHEA and Safeguarding must be planned and delivered for all staff and partners on a regular basis. This can include but is not limited to:

- AAI's SHEA and Safeguarding policies
- AAI's Code of Conduct and Feminist Leadership Approach as part of our commitment to working with staff and other representatives to transform our working culture
- International and local laws relating to sexual exploitation and abuse, and other forms of abuse
- Information on how to recognise sexual exploitation and abuse, and other forms of abuse
- Information on how to report sexual exploitation and abuse, and other forms of abuse

All programmes must establish a training programme, including stand-alone and refresher training on ActionAid's SHEA and Safeguarding approach so that all staff receive at least one SHEA and Safeguarding training per year, with further training for specific teams as required. Evidence of training must be captured and retained (e.g. training attendance records, training materials). Informal discussions in team meetings are also encouraged. Further communications on ActionAid's SHEA and Safeguarding approach could include information campaigns, regular updates on new developments in the sector, or policy revisions.

Further specialist SHEA and Safeguarding training will be provided depending on the nature of the work being undertaken, the context, donor requirements, and where staff and other representatives are in contact with adults at-risk or other vulnerable populations, such as displaced communities. The SHEA and Safeguarding Focal Point, in line with the Global SHEA and Safeguarding Team, will work together to identify and address these needs.

7. Safer programming

ActionAid recognises that PSEA must be integral to its humanitarian, resilience and wider development work. We must recognise that **rights holders and communities, including adults at-risk** can be harmed as a result of poorly designed programmes and projects, and related activities. Staff members responsible for programme or project design and implementation must ensure that SHEA and Safeguarding is accounted for at all stages of the programme/project cycle.

- Ensure the active participation of **rights holders and communities, including adults at-risk** in assessing, planning, implementing, monitoring and evaluating programs through the systematic use of participatory methods;
- Recognise that sexual exploitation and abuse is often grounded in gender and other inequalities, ActionAid will ensure that development and humanitarian activities are conducted in a gender-sensitive manner, drawing on intersectional feminist analysis. This will include:
 - Creating separate spaces for women, men, transgender and gender non-binary people to raise concerns and share ideas;
 - Creating safe spaces for consultation and monitoring of programme activities based on strong contextual intersectional feminist and power analyses;
 - Having a clear risk assessment in place for all programmes outlining sexual exploitation and abuse and safeguarding risks within the programme and putting in place measures to address these in programme plans (e.g. looking at where and when activities take place, assessing staff (including drivers, partners etc) awareness of risks, ensuring services are safe and accessible etc.)
- All development and humanitarian programmes will include community-based complaints mechanisms and reporting processes that are designed in collaboration with communities. A complaints mechanism should be set up to receive both safeguarding and non-safeguarding related concerns. We must enable concerns to be raised internally and externally, be transparent and accessible to the communities being supported, and ensure that concerns are responded to in a timely and robust manner.
- Work with teams in countries responsible for monitoring and evaluation, and the Global Secretariat, to identify areas for improvement and learning.
- Ensure that this policy is in place, translated into a local language and communicated to and understood by ActionAid staff and other representatives, and the communities we work with
- Ensure that all responses are developed in a manner that balances respect for due process with prioritising the safety, dignity and rights of survivors;

- Integrate and mainstream PSEA into all development and humanitarian work, as well as promote standalone protection programming in humanitarian settings with clear complaints mechanisms;
- Ensure that assistance for those affected is carried out in line with ActionAid's survivor-centred approach
- Ensure that all staff and other representatives recognise their responsibility to maintain an environment that is free of sexual exploitation and abuse and to report any abuse they suspect or witness, whether within ActionAid or outside, in line with the reporting protocols outlined in this policy;
- Ensure that a copy of this policy will accompany all partner MOUs and discussions held with partners to further embed understanding and compliance.
- ActionAid recognizes that there may be programmes where risks may be heightened e.g. short-term humanitarian projects; in these instances, rigorous safeguarding measures will be put in place, appropriate to the context, e.g. training, regular reviews

7.1 Risk assessments

Risk assessments help identify areas in programme or project design where there is risk of exploitation and abuse taking place, or not being responded to adequately. Safeguarding risk assessments must be carried out at the organisational and project level and integrated into the organisational risk matrix. ActionAid must work with partners to carry out SHEA and Safeguarding risk assessments and/or ensure that partners carry out their own SHEA and Safeguarding risk assessments. Risk assessment should be carried out at the project inception stage and regularly reviewed as part of standardised monitoring activities and monitored by the Senior Management/Leadership Team and the Board.

Efforts should be made by all parties concerned to reduce the identified risks. Mitigation strategies must be developed and be incorporated into the design, delivery, and evaluation of all programmes, operations, and activities which in any way involve or impact on rights holders and community members, including adults at-risk. If this is not possible then the programme/activity should not proceed. Country Programmes and Global Secretariat Hubs are encouraged to develop risk assessment checklists that are relevant to their contexts and put in place risk mitigation plans at the programme design stage. *Please refer to Appendix 3 for further information.*

7.2 Complaints mechanisms

As part of embedding SHEA and Safeguarding into all programme design and activities, complaints mechanisms must be established in order to ensure that **rights holders and community members, including adults at-risk** are able to raise concerns. Staff should work in a participatory way with rights holders and communities (e.g. local committees) to create, strengthen, and evaluate existing complaints mechanisms in line with best practice, and ensure that the mechanisms used are relevant to the local context, translated into local languages, and made publicly available (e.g. published on the website). As part of our commitment to accountability, staff must ensure that policies and procedures are shared with rights holders and community members, including adults at-risk so they can provide feedback and be instrumental in developing our approach.

The SHEA and Safeguarding Focal Point can work with relevant teams to ensure that any complaints mechanisms are accessible, inclusive, survivor-centred, and relevant to the local context (e.g. to ensure that people with disabilities are able to access complaints mechanisms and report concerns). It is critical that any complaints mechanisms provide a variety of ways of reporting, recognising that many people prefer to disclose allegations of abuse or exploitation to someone they trust, and that people are assured of confidentiality.

Staff should work with relevant internal teams and children to build complaints mechanisms to ensure that children are able to raise concerns and have a voice in how safe spaces are created.

Alongside developing complaints mechanisms, staff and partners must continually engage with **rights holders and community members, including adults at-risk** about ActionAid's values, what behaviour is and is not appropriate, their rights, and how to report concerns.

7.3 Monitoring and Evaluation

As part of embedding Safeguarding into all programme design and activities, staff must ensure that all Monitoring and Evaluation activities address Safeguarding considerations and that data is analysed and shared so that lessons can be learnt, and good practice disseminated. It is necessary to make sure that Monitoring and Evaluation activities such as complaints mechanisms, focus groups, and surveys are accessible to all **rights holders and community members, including adults at-risk**, for example older people or people with disabilities. From initial needs assessments to final project reports, Monitoring and Evaluation is a vital part of safer programming and ensuring safe outcomes for rights holders and communities.

7.4 Emergency Response

Emergencies cover a wide range of events, from environmental disasters to politically driven, religious or ethnic conflict. During emergencies there can be an increased risk of sexual exploitation and abuse by staff, partners, and other representatives (e.g. from a sudden increase in staff, who have not been recruited in line with our standard procedures, or agreements being established with new partners more quickly than usual). The following provisions must be carried out during emergencies to mitigate risk:

- Ensure that this policy is in place, translated into a local language and communicated to and understood by all people connected with ActionAid during an emergency. This includes carrying out training, as appropriate, to ensure all ActionAid staff and other representatives are aware of our approach. This should be done as soon as is reasonably possible, and within 2 weeks at the latest. Referral and support mechanisms must be mapped as soon as possible. The Emergency Programme Manager and SHEA and Safeguarding Focal Point are responsible for identifying the relevant statutory authorities (such as the police and/or social services) and other referral mechanisms in the country. An emergency mapping exercise should be carried out with support from the Protection Cluster
- HR will follow safer recruitment and selection procedures as far as possible during an emergency. For example, asking questions around protection of **rights holders and communities, including adults at-risk** for those working directly with them.
- Carefully check offers of assistance (e.g. from new staff, partners, and volunteers). Where it is not possible to check backgrounds put measures in place to prevent abuse and exploitation, including carrying out risk assessments, carrying out regular 'spot' checks, and ensuring that rights holders and community members have access to complaints mechanisms.
- All EFAST (Emergency Fast Action Support Team) members will be expected to undertake SHEA and Safeguarding training in their country of residence.

8. Interaction with Rights Holders and Community Members, including Adults at-risk

8.1 Content gathering

ActionAid's duty of care towards **rights holders and communities, including adults at-risk** also exists in the process of gathering, aggregating and publishing any communications that could expose them to risk. Please see the *Child Safeguarding Policy* for guidelines on gathering content of children.

A risk assessment must first be conducted to assess whether and how to tell the stories and anonymise the identity of any community member, particularly adults at-risk, who is identified as:

- A victim of sexual abuse, exploitation or abduction
- A perpetrator of physical or sexual abuse
- Living with any illness, condition or identity that is known to attract social stigma – unless in carefully considered contexts the adult at-risk and/or their guardian wants to provide this

The following are practices that staff members must follow in the collection, storage and dissemination of communications material concerning rights holders and community members, with a specific focus on adults at-risk recognising that some adults at-risk for a range of factors may not be able to give informed consent:

- The adult at risk's best interests must always be the primary consideration. Content gathering must always be a positive experience for the adult at-risk and they must be in a safe and conducive environment protected from any kind of abuse.
- Data will be gathered, stored, and shared in line with local and international data protection laws.
- Seek the adult at risk's free, prior, and informed consent where possible. The adult at-risk needs to fully understand why they are being interviewed/photographed. For example, you could show examples of how their photos could be used.
- If the adult at-risk cannot give informed consent ensure that full parental or guardian informed consent is received before gathering or using any content relating to adults at-risk (e.g. interviews, images or footage of adults at-risk) and that they understand the purpose of this activity and how the images or footage will be used without posing any risk to the adult at-risk. Never photograph, video or interview a reluctant adult at-risk, even with parental or guardian consent.
- Never gather content that could shame, humiliate or degrade an adult at-risk, put them at risk immediately or at a later date, or perpetrate any form of abuse, discrimination and exploitation.
- Payment and/or gifts must not be given following content gathering as it can be confused with payment for information.
- If a contractor is used to gather content, they need to have a contract with ActionAid and have been briefed on this policy and signed ActionAid's Code of Conduct.

8.2 Visits

- Supporters, donors and other visitors should receive a briefing on our values and ActionAid's Code of Conduct (with a copy to be signed), the *SHEA and Safeguarding Overarching Policy*, and our SHEA and Safeguarding approach (including instructions on content gathering, appropriate behaviours and how to raise concerns) before any visit.
- All content gathering should be carried out by authorised staff or representatives. Because of the risks that can result from content being gathered and shared outside of ActionAid's procedures it is strongly advised that no photos/videos are taken by staff, partners, volunteers or visitors to a programme for personal use. All visitors must receive a pre-travel briefing on ActionAid's approach to content gathering and our rights and risk based approach to increase understanding of why we take this stance. If an individual wants to take or share any photos for personal use this must be authorised by an appropriate ActionAid staff member or

representative (e.g Communications Lead, SHEA and Safeguarding Focal Point) prior to any action being taken. They must ensure that any content is taken in line with ActionAid’s approach and will be guided at all times by the advice and permission given by the relevant ActionAid staff member or representative. To avoid the risk of children or others being identifiable and/or put at risk, where possible only ActionAid devices should be used to take photos and videos; devices should be encrypted and meta-data such as GPS should be removed, and content should be gathered, in a way that does not identify the location.

- A visitor should always be accompanied by an ActionAid staff member or representative while visiting an adult at-risk, a child, or any other vulnerable individual or group.

9. Reporting procedures

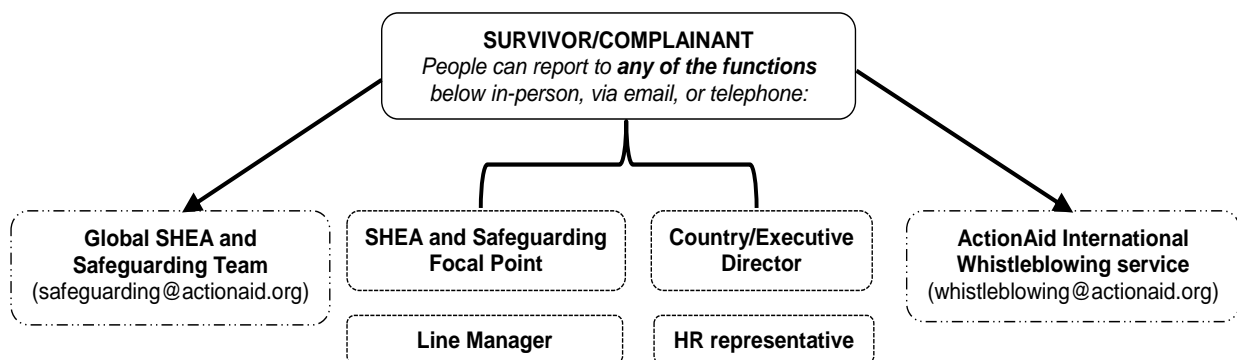
- **If any ActionAid staff or other representatives have concerns that a rights holder or community member, including adults at-risk, has been or it at risk of being abused, exploited, or harmed in any way they must report this immediately.**
- **Individuals do not have to report their own experience of sexual harassment, exploitation, or abuse, in line with ActionAid’s survivor-centred approach.**

ActionAid staff members and other representatives can report SHEA and Safeguarding concerns in their ActionAid country to any of the following channels in person, via email, or telephone:

- SHEA and Safeguarding Focal Point
- Country Director
- Line Manager
- HR Representative

If ActionAid staff or representatives have concerns about first reporting in country or if they want to raise concerns (i.e. appeal against) how a process has been managed in country, they can report directly to:

- AAI Global SHEA and Safeguarding Team (safeguarding@actionaid.org)
- AAI Whistleblowing Service (whistleblowing@actionaid.org)



SHEA and Safeguarding Focal Points are responsible for reporting all concerns and complaints to the Global SHEA and Safeguarding Team to ensure that the Global Team has oversight of all SHEA and Safeguarding concerns in the Federation. The SHEA and Safeguarding Focal Point must complete a SHEA and Safeguarding Incident Reporting Form and send this to safeguarding@actionaid.org within 24 hours of a concern being raised, where possible. The Global SHEA and Safeguarding Team will update the global case register and support the Focal Point and

ActionAid country on a case by case basis to respond to all concerns and complaints raised, and monitor action taken.

The Country Director, through designated positions/teams, will work with the Global SHEA and Safeguarding Team to ensure that donors and others (e.g. other ActionAid countries so that they can fulfil their own donor reporting requirements; statutory/regulatory bodies) are informed of SHEA and Safeguarding concerns, in line with agreed requirements.

Any concerns raised relating to sexual exploitation or abuse of **rights holders or community members, including adults at-risk** by ActionAid staff or other representatives will be addressed as a priority, in line with our SHEA and Safeguarding approach. ActionAid will ensure that the safety, dignity and rights of the survivor are respected at all times. There is no time limit on when someone can raise a concern about something they have experienced. There may be limitations to how a historical concern can be addressed but ActionAid will take every reasonable measure to address the concern. We are committed to carrying out robust and fair investigations that protect the rights of all involved, with a particular focus on the survivor/complainant and the subject of the complaint, ensuring that confidentiality is maintained and that the wellbeing of all is protected.

As part of our survivor-centred approach, survivors/complainants can choose if, when, and how to make a report and decide whether they want ActionAid to take formal action. However, there may be occasions where ActionAid has a duty of care to respond even if the survivor/complainant does not want to take forward action. This will be managed on a case by case basis, following clear risk assessments and the safety and wellbeing of the survivor/complainant will be paramount.

All staff and other representatives are required to report if:

- A **rights holder or community member, including an adult at-risk** alleges that they or another person is experiencing or at risk of experiencing sexual exploitation or abuse - whether carried out by ActionAid staff and representatives, or others.
- A staff member or other representative suspects that someone connected to ActionAid is or may be about to carry out sexual exploitation and abuse towards **rights holders, community members, adults at-risk or others**.
- A staff member or other representative suspects that someone external to ActionAid (e.g. a Teacher or Community Leader) is or may be about to carry out sexual exploitation or abuse towards **rights holders, community members, adults at-risk or others**.

If a staff member or other ActionAid representative **does not** report an incident or suspicion, they will be in breach of the Code of Conduct and may face disciplinary proceedings.

Management of complex SHEA and Safeguarding reports:

Nature of Concern	Response
Allegation about staff at a Partner Organisation	Concerns about staff at a Partner Organisation must be reported to the SHEA and Safeguarding Focal Point. They will report to the designated person in the partner and work with the partner to ensure the matter is addressed swiftly and appropriately. This may be through the partner's internal process or through a joint process agreed by ActionAid and the partner. If ActionAid has concerns that a complaint has been dealt with inappropriately or inadequately by a partner, ActionAid should raise concerns to the appropriate channels in the partner organisation and if these concerns are not

	addressed they must consider whether they will withdraw funding or end the relationship.
Allegation about staff at another international aid agency	Concerns raised about the behaviour of staff of another international aid agency must be reported to the SHEA and Safeguarding Focal Point. They will report to the designated person in the other organisation to ensure the matter is addressed. This may be through the other organisation's internal process or through a joint process agreed by ActionAid and the organisation. If ActionAid has concerns about the robustness or timeliness of the other organisation's response they should raise concerns to the appropriate channels in the organisation and consider termination of engagement if no action is taken.
Allegation relating to criminal activity and/or relating to a child where others have a remit to investigate	<p>Allegations that staff or other representatives have carried out a criminal activity will be assessed by the SHEA and Safeguarding Focal Point and the Global SHEA and Safeguarding Team. They will assess on a case by case basis if there are any risks involved in sharing to the police or other external bodies (e.g. if there are concerns that informing the police or others would put the survivor/complainant at risk).</p> <p>ActionAid is not a child protection agency and does not have the expertise required to carry out investigations of child abuse itself. This will be carried out by external experts brought in specifically for this purpose.</p> <p>For allegations in which external bodies (e.g. police) rather than ActionAid have a remit to investigate ActionAid will support the external process. ActionAid will monitor the external response to ensure that as far as possible it is carried out in line with ActionAid's values, and using ActionAid's advocacy role to promote change where needed.</p>
ActionAid staff member or other representative raises concerns about how a complaint was managed in an ActionAid country and wants to appeal the decision	ActionAid staff members and representatives who disagree with actions taken must first appeal in country. If they are dissatisfied with the response they receive to their appeal, they can make a second and final appeal to the Global SHEA and Safeguarding Team, who will work with the AAI Board to review the case. They can repeal the decision made by the ActionAid country if they find in favour of the staff member or other representative making the appeal.
Allegation raised by staff member or representative from one ActionAid country against a staff member or representative from another ActionAid country	Concerns raised that involve staff from more than one ActionAid country must be raised to the Global SHEA and Safeguarding Team to take action. Recognising the shared reputational risk, when possible (e.g when a complainant wants to raise a complaint and or there is sufficient information to take forward an investigation) a joint incident management process will be established, involving staff from both countries as appropriate, and led by the Global SHEA and Safeguarding Team and AAI Board. The risk will be monitored at the AAI Board level.
Allegation raised against a Country/Executive Director	Concerns raised about a Country/Executive Director must be raised to their National Board, the AAI Board, and the Global SHEA and Safeguarding Team. Recognising the shared

	reputational risk, when possible a joint incident management process will be established between the National Board and AAI, and led by the Global SHEA and Safeguarding Team and AAI Board. The risk will be monitored at the AAI Board level.
Allegation raised against anyone in the International Leadership Team (ILT) or the Secretary General	Concerns raised about anyone in the International Leadership Team (ILT) or the Secretary General must be raised to the AAI Board and the Global SHEA and Safeguarding Team who will ensure, when possible, that an incident management process takes place. The risk will be monitored at the AAI Board level.
Allegation raised against an ActionAid Board Member	Concerns raised about a Board Member must be raised to the Global SHEA and Safeguarding Team. If the allegation relates to a National Board Member then the AAI Board and the Global SHEA and Safeguarding Team will ensure, when possible, that an incident management process takes place, working with other members of the National Board as appropriate. The risk will be monitored at the AAI Board level. If the allegation relates to an International Board Member then the Global SHEA and Safeguarding Team will ensure, when possible, that an incident management process takes place, working with other members of the International Board and the Secretary General as appropriate. In both cases if a complaint is upheld, an assessment will be made on whether it is appropriate for the Board member to continue to serve on the Board.
Allegation about a SHEA and Safeguarding Focal Point	Concerns raised about SHEA and Safeguarding Focal Points must be reported to the Country/Executive Director and to the Global SHEA and Safeguarding Team who will take a joint decision on how to respond to the allegation and what incident management response is appropriate. The risk will be monitored at the AAI Board level.
Allegation about anyone in the Global SHEA and Safeguarding Team	Concerns raised about anyone in the Global SHEA and Safeguarding Team must be reported to the Secretary General and the SHEA and Safeguarding Lead on the AAI Board. They will ensure that appropriate action is taken and the risk will be monitored at the AAI Board level.

10. Responding to Concerns and Complaints

10.1 Incident Management Process

Anyone can raise a concern or complaint. An individual can raise a complaint even if they have no evidence other than their own experience, recognizing that sexual harassment, exploitation and abuse usually occur away from the public eye and therefore it can be difficult to produce evidence (e.g a witness). ActionAid will work with survivors and complainants to understand how they would like the issue they raised to be addressed; this policy does not prejudice the right of survivors and complainants to use external procedures (e.g criminal justice procedures) where that is their preference to do so. Support options will be offered to survivors and complainants regardless of whether or not they decide to make a formal complaint. *Please see Section 11 for further details on support options.*

If a survivor or complainant makes a formal complaint and wants an investigation to be carried out, or if ActionAid takes the view that they have a duty of care to carry out an investigation, then an investigation process will be initiated, and must follow the Global SHEA and Safeguarding Team's Investigation Guidelines. *Please see Appendix 1 for AAI's SHEA and Safeguarding Incident Management Flowchart and Appendix 2 for details of roles and responsibilities in SHEA and Safeguarding incident management.*

The Global Secretariat and all ActionAid countries must have put measures in place to ensure that any investigations carried out are objective, timely, fair, and transparent and built on ActionAid's SHEA and Safeguarding approach. All parties should be able to participate in the investigation without fear of retaliation.

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

- a) Within 24 hours the complaint is acknowledged and the SHEA and Safeguarding Focal Point (or other staff member as appropriate) will engage with complainant/survivor to ensure they are safe and their concerns are understood. The Global SHEA and Safeguarding Team is informed so they can support as appropriate.
- b) The SHEA and Safeguarding Stakeholder 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.
- c) Within 48 hours the SHEA and Safeguarding Stakeholder Panel meet.
- d) Risk assessment carried out to address any immediate security or welfare concerns, and legal guidance sought.
- e) Investigation Team and separate Decision Making Panel appointed. This must be done in line with national laws.

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

- f) Following the investigation guidelines set out by the Global SHEA and Safeguarding team, an investigation can include carrying out any interviews, gathering any available evidence, and producing an investigation report.
- g) The complainant/survivor 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. 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.
- h) The Investigation Report is submitted to the Decision Making Panel.

Step 3: Decision (timeframe: actions taken within 72 hours)

- i) Decision making panel review report and take a decision on the report and its findings.
- j) The Decision Making Panel or others as appropriate to 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)

- k) Decision Making Panel document the decision and inform the complainant and subject of complaint.
- l) The Global SHEA and Safeguarding Team is informed of the outcome.
- m) The subject of complaint and the complainant have the right to appeal against the decision, in line with ActionAid's HR policies and procedures. The complainant and subject of complaint can appeal in country. If they have concerns about the country's response (e.g if a conflict of interest has impacted on the investigation) they can raise this to the Global SHEA and Safeguarding Team who can carry out an independent review.
- n) A case conference convened so that the SHEA and Safeguarding Stakeholder Panel, Investigation Team, and Decision Making 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

ActionAid is not a protection agency and does not have the expertise required to carry out investigations into adult at-risk abuse. This will be carried out by external experts brought in specifically for this purpose. However, ActionAid will refer cases to appropriate professionals and organisations and will ensure that referrals are made to professionals and organisations that act in line with ActionAid's values and puts the welfare of the adult at-risk as the highest priority

ActionAid will make a decision on a case by case basis on how allegations of abuse or exploitation towards adults at-risk will be carried out, recognising that specific expertise may be required (for example, interviewing an adult who has intellectual disabilities. Any internal response will follow the process outlined in the Flowchart *outlined in Appendix 1*.

10.2 Security in SHEA and Safeguarding incident management

Recognising the inherent risk in addressing allegations of sexual exploitation and abuse, any internal responses to allegations of sexual exploitation and abuse must be carried out in line with ActionAid's security approach and *Global Staff Safety and Security Policy*.

10.3 Retaliation Against Complainants, Victims and Witnesses

ActionAid will take action against any staff or other representatives who seek to or carry out retaliatory action (e.g. intimidation, threatening behaviour) against complainants, survivors, witnesses or any others involved or believed to be involved in an incident management process. Staff who are found to have done this will be subject to disciplinary action, up to and including termination of employment.

10.4 False or malicious complaints

False or malicious allegations of sexual harassment, exploitation and abuse are extremely rare. However, if a member of ActionAid staff is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment. It must be noted that if a case is not upheld that does not mean that the complaint was false, rather that there was insufficient evidence or that, even if the complaint is found not to reach the threshold for sexual harassment, it may represent harassment or sexist behaviour that is contrary to AA policies and Code of Conduct.

11. Support Options

Support will be offered to survivors/complainants regardless of whether a formal response is carried out (e.g. an investigation). Support will also be offered as appropriate to others involved in an incident management process, recognising the impact this can have, for example on witnesses and those accused of carrying out inappropriate or harmful behaviours. This can include specialist psycho-social counselling, medical support, legal support and/or access to other specialist and appropriate support as needed.

Survivors and complainants can choose if and when they would like to take up the support options available to them. ActionAid is committed to learning from survivors and being guided by them, where safe and appropriate to do so.

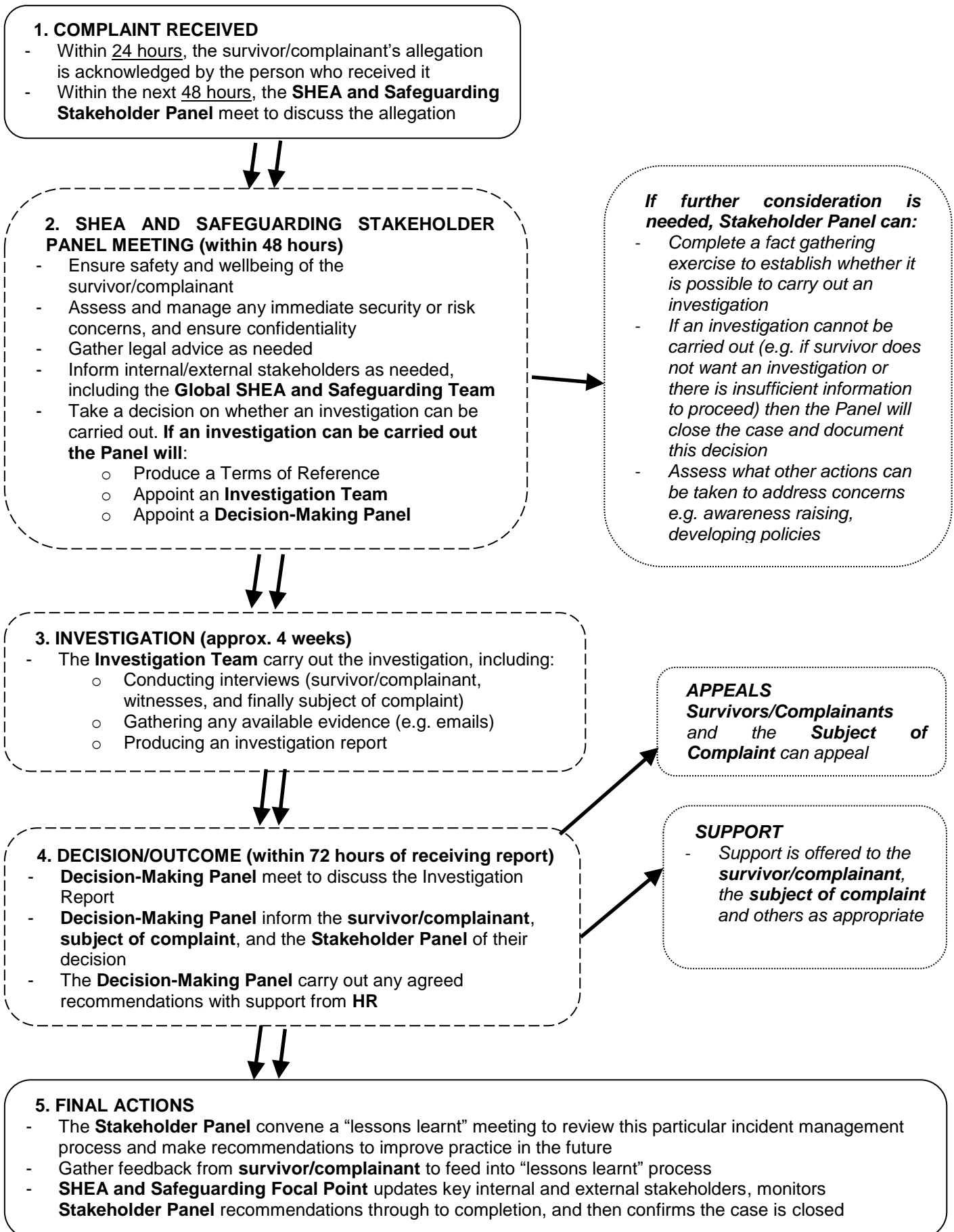
ActionAid is committed to working with local NGOs and women's rights groups to develop learning on safe, intersectional, and feminist support options and ensuring that the support options offered meet the needs of diverse survivors.

ActionAid will ensure support for adults at-risk is provided by appropriate professionals and organisations. ActionAid will ensure that cases are referred to them, and that due diligence is taken to ensure that they act in line with ActionAid's values and puts the welfare of the adult at-risk as the highest priority.

In line with our *Child Safeguarding Policy*, ActionAid will ensure support for children is provided by appropriate professionals and organisations. ActionAid will ensure that cases are referred to them, and that due diligence is taken to ensure that they act in line with ActionAid's values and puts the welfare of the child as the highest priority.

If you have any questions about support options, please contact your SHEA and Safeguarding Focal Point and/or the Global SHEA and Safeguarding Team (safeguarding@actionaid.org).

Appendix 1 – Incident Management Flowchart



Appendix 2 – Incident Management Roles and Responsibilities

SHEA and Safeguarding Stakeholder Panel

The Global Secretariat and all countries will put in place a standing SHEA and Safeguarding Stakeholder Panel who is tasked with receiving all concerns and complaints; working with the survivor/complainant on how they want to proceed; and establishing and monitoring an investigation and entire incident management process if this is agreed on.

The panel will triage all cases to assess what action can be taken and in what order. As part of this they will complete a fact gathering exercise to establish whether it is possible to carry out an investigation. 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 document this decision. They will assess what other actions can be taken to address concerns e.g. awareness raising, developing policies

At a country level the SHEA and Safeguarding Stakeholder Panel must include at a minimum the SHEA and Safeguarding Focal Point, an HR representative, and the Country/Executive Director. Each country is encouraged to consider what other roles may be brought into this process, always keeping in mind the overriding importance of maintaining confidentiality and sharing information on a need to know basis only. The SHEA and Safeguarding Stakeholder Panel will:

- Create the Terms of Reference (TOR) for the investigation,
- Appoint an Investigation Team who will carry out an investigation and produce a report,
- Appoint a Decision Making panel who will have responsibility for receiving the report, taking a decision on the case, and taking forward any actions. The SHEA and Safeguarding Stakeholder Panel must ensure that there is no conflict of interest, and that these individuals have the training and awareness to carry out the task (e.g. training on Safeguarding, gender justice etc)
- The importance of confidentiality will be discussed so that everyone is aware of expectations and any possible consequences should confidentiality not be maintained.
- Take responsibility for overseeing the process and ensuring that all investigations are carried out in line with ActionAid's values and that a fair process is carried out for all.
- The Safeguarding Focal Point is responsible for ensuring that each case is documented in its entirety, that all activities are undertaken in line with ActionAid's SHEA and Safeguarding approach, and for updating the Global Safeguarding Team on the case and outcomes.

Investigation Team

The Investigation Team will be made up of 2x Safeguarding trained Investigators. An external Investigator can be used where necessary, on a case by case basis, and that decision would be made by the SHEA and Safeguarding Stakeholder Panel. Members of the SHEA and Safeguarding Stakeholder Panel and the Decision Making Panel cannot be part of the Investigation Team. The Investigation Team is responsible for:

- Carrying out interviews
- Gathering and assessing any available evidence
- Producing an investigation report which they share with the survivor/complainant, subject of complaint, the SHEA and Safeguarding Stakeholder Panel, and the Decision Making Panel.

Decision Making Panel

The Decision Making Panel will be made up of three people, alongside dedicated HR support. At least two members of staff on the panel must be women. If this is not possible in any given situation then the reason for this must be documented by the SHEA and Safeguarding Stakeholder Panel. All members of the Panel must belong to a different department to that of the complainant and the accused, in order to maintain neutrality. The line manager of the complainant or the accused cannot sit on this panel. The Line Manager is responsible for supporting both individuals throughout the process, and their involvement could indicate bias to one party and prevent the process from being fair and transparent. If a complaint is raised that relates to a senior staff member (for example a Country Director or Board Member) then a different panel may need to be constituted, and the Global SHEA and Safeguarding Team will advise on this on a case by case basis. One panel member will also be appointed as Chairperson and will be a senior employee. Board members can also be invited to be part of the panel. The panel is responsible for:

- Reviewing the report completed by the investigation panel and determining if the alleged behaviour breaches ActionAid policy
- Referring the accused to a disciplinary panel if deemed necessary, using the national ActionAid Disciplinary Policy and Procedure
- Informing the SHEA and Safeguarding Stakeholder Panel of the outcome and participating in lessons learnt discussions following the closure of the case.

HR support

- Provide support and advice to the SHEA and Safeguarding Stakeholder Panel, the Investigation Team, and the Decision Making panel to ensure the process is in line with the relevant employment legislation
- Retain knowledge of the country's national policies regarding sexual exploitation and abuse and obtains legal opinion and procures the services of a lawyer when necessary
- Provide support and carry out adjustments as needed during the investigation. This can include: temporarily changing line management or seating/office location and advising on suspension of the subject of complaint during an investigation where deemed appropriate. Suspension does not infer guilt, it is purely a measure to ensure a robust investigation can take place.

Upheld/Not Upheld

- An investigation or other process is upheld (substantiated) when it finds in favour of the complainant. We recommend using the term 'upheld' rather than 'substantiated' as the latter term relates more to criminal justice processes.
 - When an investigation or other process is not upheld (unsubstantiated) it finds that there is insufficient evidence to confirm that the alleged inappropriate behaviour did take place or that, on the balance of probability, it is most likely that the behaviour did not take place.
 - In some cases, a complaint may be partially upheld (substantiated), this is when it may not be possible to uphold all parts of a complaint, but some aspects of the complaint may be upheld.

