



THE HALO TRUST

SAFEGUARDING POLICY (Incorporating Sexual Exploitation, Abuse and Harassment, Bullying and Harassment and Radicalisation and Extremism)

Latest Revision: 22 October 2019

To be read in conjunction with the Risk Management Framework (F1) and the Serious Incident Reporting Process (F3)

Incorporates HALO's Safeguarding Directive

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1 Introduction

- 1.1 As an ethical and humanitarian charity, The HALO Trust ('HALO', the 'Charity,' or 'we') is committed to ensuring that it provides a safe and trusted environment which safeguards and promotes the welfare and wellbeing of anyone who comes into contact with, or is part of, the Charity; that is beneficiaries, staff (including partner organisations) and volunteers.
- 1.2 The Trustees recognise that they are ultimately responsible for ensuring that those benefiting from, or working with, the Charity are not harmed in any way through contact with it and that they are treated in a safe, respectful and appropriate manner. This responsibility particularly relates to young people (those under 18 years of age, as defined by the UN Secretary General) and vulnerable persons (the elderly, or adults who require support/ care, or who might be vulnerable to any form of harassment, or intimidation).
- 1.3 This policy provides a framework for HALO's *Safeguarding Directive*, which explains how safeguarding is being/ will be *delivered* across the Charity.

2 Scope

- 2.1 This Policy applies to any HALO 'employee', or 'partner'. This includes the Trustees, Directors, senior managers, officers, other employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, homeworkers, casual workers, agency staff, volunteers, interns, agents, sponsors, or any other person associated with HALO, wherever they are located.

3 References

- 3.1 This Policy should be read in conjunction with the following related HALO policies/ directives:
 - 3.1.1 Code of Conduct.
 - 3.1.2 Whistleblowing Policy.
 - 3.1.3 Anti-Fraud and Bribery Policy.
 - 3.1.4 HALO Safeguarding Directive.
 - 3.1.5 External Complaints Policy.
 - 3.1.6 Serious Incident Reporting.
 - 3.1.7 Equality and Diversity Policy.

4 Summary of Key Safeguarding Responsibilities

- 4.1 HALO acknowledges the importance of the following safeguarding requirements (as set out in the Charity Commission's regulatory alert dated December 2017):
- 4.1.1 the need to provide a safe and trusted environment which safeguards anyone who comes into contact with the organisation (beneficiaries, staff and/ or volunteers);
 - 4.1.2 an organisational culture which prioritises safeguarding, so that it is safe for those affected by, or witness to an event to come forward and report incidents, or concerns, with the assurance they and their report will be handled sensitively and properly;
 - 4.1.3 safeguarding policies, procedures and measures which adequately protect; and;
 - 4.1.4 clarity on how incidents and allegations will be handled should they arise, including how they should be reported to donors and regulatory authorities¹ **(HALO's Serious Incident Reporting Policy refers).**

5 Policy Statement

- 5.1 Safeguarding means:
- 5.1.1 protecting individuals so that they can live and work in safety, free from abuse, harassment, neglect, or any behaviour, which might harm them and;
 - 5.1.2 *specifically the protection of children and vulnerable adults*, which includes a responsibility to ensure that staff, operations, and programmes (more generally) do not harm, or expose children, or the vulnerable, to abuse of any kind.
 - 5.1.3 Safeguarding not only encompasses the prevention of physical abuse but also the protection of people from neglect, emotional abuse, exploitation, radicalisation, and the consequences of the misuse of personal data.
- 5.2 For the purposes of this policy, Safeguarding is sub-divided as follows:
- 5.2.1 **Prevention of Sexual Exploitation, Abuse and harassment.** That is physical and emotional sexual harassment and abuse (non-consensual attention/ familiarity' up to and including rape) – **Paragraph 7.**
 - 5.2.2 **Prevention of Harm to Children and Vulnerable Adults².** 'Harm' could be sexual, physical, or verbal abuse, or any form of bullying, harassment, or exploitation – **Paragraph 8.**
 - 5.2.3 **Prevention of Bullying and Harassment.** Bullying and Harassment is any non-sexual physical or verbal abuse, or any act which diminishes, excludes,

¹ The Charity Commission and the Office of the Scottish Charity Regulator (OSCR).

² A child is defined as **anyone under the age of 18**; a vulnerable adult is defined as someone who is physically or mentally impaired to the extent where they require care and/ or have specific vulnerabilities which must be protected, or considered in how they are treated.

undermines, threatens, or deliberately disadvantages any member of staff, or any of our beneficiaries, or partners – **Paragraph 9.**

5.2.4 **Prevention of Bribery and Corruption.** Bribery and corruption are often symptoms of, or vehicles for SEA and bullying and harassment; they also have the potential to impact security and undermine HALO’s work. Bribery and Corruption is not covered any further in this policy; **HALO’s Anti-Fraud and Bribery Policy refers.**

5.2.5 **Prevention of Radicalisation and Extremism.** This is an increasingly important safeguarding matter. Some post-conflict/ developing countries could be subject to ideologies and/ or cultures which have the *potential* to breed extremism, but radicalisation is just as much of a concern in developed countries such as the UK – **Paragraph 10.**

6 HALO’s Values and Standards.

6.1 HALO’s Values and Standards set the conditions for ensuring that all our staff and partners behave correctly, by explaining what is acceptable and why. Strict adherence to our Values and Standards is at the core of effective safeguarding and every member of staff and all beneficiaries should expect to be treated in accordance with them. Effective leadership (with Values and Standards at its heart) remains essential to ensuring all staff and partners live by our values and meet HALO’s standards³.

7 Sexual Exploitation and Abuse (SEA) and Harassment.

7.1 HALO has a ‘zero-tolerance’ approach to SEA. This includes the denial of opportunity, adherence to Values and Standards, mitigation of risk and the effective handling of incidents when they occur.

7.2 Sexual activity with children (persons under the age of 18) is strictly prohibited regardless of the age of majority, or age of consent locally.

7.3 Exchange of money, employment, goods, or services for sex, or other forms of humiliating, degrading, threatening or exploitative behaviour, is prohibited. This includes prostitution and the exchange of any assistance due to beneficiaries for sexual favours.

7.4 Sexual relationships between HALO staff, which are based on unequal power dynamics are prohibited. Where relationships develop outside this constraint, staff should speak to a member of HALO’s Human Resources department to ensure there is no perceived conflict, or abuse of authority.

7.5 Sexual relationships between HALO international staff and beneficiaries and local populations are inherently unequal and therefore prohibited.

7.6 Unwanted sexual interactions, or communications of any form – in person or via phone or social media platforms – are deemed to be harassment and are therefore strictly forbidden.

³ HALO ensures that all partners are contractually subject to our Values and Standards and that ‘due diligence’ reflects this.

- 7.7 Communications between HALO staff and beneficiaries, or other HALO employees, must not contain any direct or indirect reference of a sexual nature.
- 7.8 The following instructions should guide behaviours and communications to ensure that they are *acceptable*. This is the *minimum standard* of staff conduct:
- 7.8.1 Interactions and communications between HALO staff should always be conducted in a respectful and professional manner.
- 7.8.2 Interactions, communications and relationships between HALO staff and beneficiaries and local populations should always be conducted in a manner which is culturally acceptable, sensitive, respectful and neutral in approach.
- 7.9 HALO has a culture in which whistleblowing is not only welcomed, but expected; **our Whistleblowing Policy refers**. It is essential that any incidence (or possibility) of SEA is immediately reported and sensitively investigated. HALO will treat all reported incidents with the utmost confidentiality; the identities of the alleged harasser, affected person(s), as well as the informant, will remain confidential *unless and only if HALO assesses that disclosure is necessary for the safety of those involved*.
- 7.10 The alleged Victim will be at the centre of our approach, which means absolute protection and respect of/ for their wishes (and those of their community) post-incident and in the investigation which follows it. SEA incidents will be handled impartially and independently by neutral parties for whom there is no conflict of interest. The informant (or Whistleblower, if they are not anonymous) will be protected throughout.
- 7.11 SEA invariably tends to be a criminal matter, but HALO will always conduct an internal investigation in the aftermath of a police inquiry to confirm - where an individual is not charged - that Values and Standards were not breached and that lessons-learned have been captured.
- 7.12 Risk-management is key to all safeguarding and therefore the prevention of SEA. This means analysing the workplace to understand the SEA risks, considering them against this Policy and national and international safeguarding expectations and capabilities. Identifying potential interactions with children, or vulnerable adults is foremost in considering SEA risk.

8 Safeguarding Children and Vulnerable Adults.

- 8.1 HALO is committed to preserving and protecting the rights of the child in line with the United Nations Convention on the Rights of the Child 1989 (UNCRC) and with UK and host nation child protection laws. HALO ensures compliance by embedding children's rights and safeguarding within the Charity's policies, Values and Standards and procedures to protect children from both intentional and unintentional harm.
- 8.2 Every child matters. We recognise that the care, protection and welfare of the child is paramount and that all children must be protected from any harm. HALO understands its duty of care towards children wherever our operations come into contact with them, or where there is any risk that our activities could impact child safety. This involves preventing:
- Misconduct of any kind (by our staff and partners).

- Unsafe practices, whether in safeguarding, or the conduct of operations.
- 8.3 HALO recognises the four main types of child abuse as **physical abuse, sexual abuse and emotional abuse or neglect**. All children and vulnerable adults must be protected from abuse of any kind regardless of their gender, ethnicity, religion, disability, sexuality or beliefs. Any interaction with children, or vulnerable adults, must take place certain that staff and partners are clear on their responsibilities (to uphold our Values and Standards and report where they are not upheld) and that any risk in our interaction with children and vulnerable adults has been assessed and mitigated.
- 8.4 Reacting quickly and appropriately if an incident occurs, or is believed to have occurred, is essential to ensure that a victim, or endangered child is afforded immediate support and to ensure that cases are reported and investigated swiftly to deal with the situation, prevent a recurrence and enable the prosecution of perpetrators.
- 8.5 Child safeguarding concerns should be dealt with through the HALO 'chain of command' (Line Management), or by using HALO's Whistleblowing Policy, or HALO's External Complaints' Policy; beneficiary communities need to be clear on how to raise a concern, or complaint and must also understand that HALO has 'zero-tolerance' of any abuse or mistreatment of children, or vulnerable adults.
- 8.6 The following specific rules apply:
- 8.6.1 There will be no sexual contact of any kind with anyone under the age of 18, including paying for sex; this is a HALO-wide rule.
 - 8.6.2 Another adult should always be present when working in close proximity to children, or vulnerable adults and two members of staff must always be involved during any formal interaction; where two staff are for whatever reason not available, the engagement should be postponed until they are.
 - 8.6.3 There should be no unaccompanied *social interaction* with children outside a/ the family unit.
 - 8.6.4 Computers, mobile phones, video cameras, other cameras or social media should not be used to record/ transmit images of children without the permission of a parent/ guardian. The use of cameras must be consistent with local laws and cultural expectations and must not in any way demean or sexualize children. Furthermore, there should be no identifying information accompanying an image when/ if it is transmitted.
 - 8.6.5 Physical punishment of a child or vulnerable adult is absolutely forbidden.
 - 8.6.6 HALO programmes must comply with local and international law on children and vulnerable adults, as well as respecting the cultural specifics in the country concerned.

9 Bullying and Harassment.

- 9.1 Every employee of HALO has the right to be (and will be) treated with dignity and respect. Every employee also has the responsibility to ensure that anyone who comes into contact with HALO (or is part of the Charity), including beneficiaries, staff and volunteers, is treated appropriately. Bullying and Harassment is therefore completely unacceptable.
- 9.2 Harassment is any improper, or unwelcome conduct that might cause offence, or the humiliation of another person. Harassment could be in the form of words, gestures or actions which annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another, or which create an intimidating, hostile, unstable/ inconsistent, or offensive work environment.
- 9.3 Harassment may involve conduct of a sexual nature (sexual harassment), or it might relate to age, disability, general appearance, gender, marital or civil partner status, pregnancy/ maternity, race, colour, nationality, ethnicity or national origin, beliefs, or sexual orientation. All of these are 'protected characteristics' under this policy. *Disagreement on work performance or on other work related issues would not normally be considered harassment and is therefore not dealt with under the provisions of this policy.*
- 9.4 It is not the intention of the harasser, but the conduct itself and the impact on the recipient, which determine whether behaviour is classified as harassment. The impact can be discomfort, or humiliation, or an effect on the recipient's job performance; it might undermine job security (or prospects), or create a threatening or intimidating work environment. Harassment can also provoke aggressive, retaliatory attitudes and actions; such behaviour is therefore unacceptable in HALO.
- 9.5 Bullying is the intentional and persistent victimisation of a person and can be offensive, abusive, intimidating or humiliating behaviour; or an abuse or misuse of power meant to undermine the recipient personally and/ or professionally with the effect of making the recipient feel isolated, marginalised, powerless or worthless. Such behaviour can be physical, such as violent acts, or non-consensual touching, but also verbal, non-verbal, anti-social or technological (cyber bullying). **The procedure to be followed in the event of a bullying and harassment incident is covered at Annex A.**

10 Radicalisation and Extremism.

- 10.1 HALO subscribes to the UK Government PREVENT strategy and supports all other national counter-radicalisation measures in use in Programme Host-Nations. Evidence of radicalisation, or extremism must be reported as expeditiously as any other safeguarding matter. It should be noted that this policy covers all forms of extremism – for example white supremacy/ extreme nationalism as well as Muslim fundamentalism.
- 10.2 HALO's Values and Standards remain a key component of prevention, since our Values run counter to behaviour associated with all forms of extremism. Furthermore 'loyalty to HALO' and our colleagues should be seen as a unifying primary bond.
- 10.3 Effective risk analysis and risk management is key. This includes identifying the threat in the context of the prevailing ideological and cultural dynamics and how they might be manifest in a particular Country/ Programme.

- 10.4 HALO supports cultural diversity (**our Equality and Diversity Policy refers**) - this may be impractical depending on the Country concerned, but it is otherwise an important way of avoiding the cliques where there is the potential for radicalisation to be bred.
- 10.5 Background checks and referencing remain key to identifying any association with extremists and any behaviour which might indicate a negative influence. This includes investigating any mental health risks (where it is possible/ practicable to do so) - poor mental health has been identified as a catalyst/ vulnerability for radicalisation.
- 10.6 All staff need to be vigilant for behaviour, which might indicate the emergence of radicalisation/ extremism and should report it immediately. This will be particularly evident where individuals, or groups isolate themselves. There is also a need for HALO's leadership to consider activity/ behaviour in beneficiary communities and whether that poses a risk to the HALO staff who are recruited from them.

11 Safe Recruitment.

- 11.1 HALO is a 'safe recruiter' and all HALO staff are subject to careful selection procedures. Under the HALO recruitment procedure all International staff are required to complete the necessary criminal checks with Disclosure Scotland (**DS**) or the Disclosure and Barring Service (**DBS**), or whatever equivalent procedure is in place in their country of origin.
- 11.2 HALO seeks to undertake appropriate due diligence background checks on *all* individuals (whether national, or international staff) prior to their employment. This process varies from country to country in its thoroughness and reliability. All Programmes must use the mechanism is in place, but seek to ensure that they have done everything they can within national constraints to understand an individual's suitability for employment in HALO; the Charity will always seek to work with the best information it can obtain.

12 Partner Organisations

- 12.1 Partner organisations will always be subject to contractual arrangements and due diligence checks, which insist upon their compliance with this policy and the Charity's Values and Standards.

13 Dealing with Safeguarding Incidents

- 13.1 We will respond to all reports of any breaches of this Policy and our Values and Standards swiftly and appropriately, taking professional advice and informing stakeholders as necessary. This could involve national Governmental and welfare structures, law-enforcement organisations and the judiciary as well as our donors and regulatory bodies.
- 13.2 The Trustees acknowledge their duty to make a serious incident report (SIR) to the Charity Commission **in line with our Serious Incident Reporting Procedure** where:
 - 13.2.1 someone has been, or is alleged to have been in any way harmed in the course of HALO's activities, or by a member of the Charity's staff;

13.2.2 a beneficiary has been, or is alleged to have been, abused or mistreated while under HALO's care, or by someone connected with the Charity, for example a Trustee, staff member, volunteer or partner; and/ or

13.2.3 HALO's Safeguarding Policy has been breached, thereby placing staff and/ or beneficiaries at risk.

14 Implementation.

14.1 This Policy will be provided to all Trustees, staff, volunteers and partners as part of their induction. Safeguarding training in line with this Policy and the Charity's Safeguarding Directive will be provided annually.

14.2 This Policy must be followed across HALO in addition to and in the context of the relevant national and local laws on safeguarding. Any conflict between this Policy and national law, culture, or expectations should be identified as a risk and elevated/ managed accordingly. HALO's policy has primacy, except where a country has laws/ procedures which exceed this Policy and the procedures detailed in HALO's Safeguarding Directive.

14.3 Failure to comply with this Policy will be considered gross misconduct and could result in dismissal.

15 Monitoring and Review

15.1 This Policy will be reviewed annually by the Trustees or more frequently if an update is necessary. This policy should be continuously improved and staff should comment to Head of Governance and Safeguarding with suggestions as necessary.

Annexes:

- A. Procedures in the event of a Bullying and Harassment Incident.
- B. HALO Trust Safeguarding Directive (not included).

Last reviewed by Trustees on: 1 November 2019

Annex A to HALO Safeguarding Policy dated 22 October 2019

PROCEDURE IN THE EVENT OF A BULLYING AND HARASSMENT INCIDENT

1. An incident could be reported to line management, or through HALO's Whistleblowing Service (**HALO's Whistleblowing Policy refers**).
2. It is a line management responsibility, in consultation with Director HR, after being advised of an alleged incident, to investigate the details of any complaint fairly, in confidence and without prejudice. If the complaint is against a line manager, the person who will conduct the investigation will be the next more senior person in the line management structure.
3. HALO will respect the particular sensitivity of harassment complaints and their consequences and the need for confidentiality. As a general principle, confidentiality will be agreed and maintained wherever possible. There may be situations where confidentiality has to be broken and this will be made clear to the complainant e.g. if the complainant confides something that constitutes an unacceptable risk to the complainant, another person or the Charity. However, any disclosure of information will be on a 'need to know' basis.
4. Once the alleged harasser has been made aware of the complaint he/she must be given the right to respond.
5. An individual who brings a complaint in good faith, or assists in an investigation will be protected. Vexatious complaints are unacceptable and could result in dismissal.
6. Any complaints of harassment will be addressed speedily and, if possible informally. This is more likely to produce solutions which are effective, long-lasting and which minimise embarrassment and the risk of confidentiality breaches.
7. The complainant may wish to speak to, or write to, the alleged harasser and explain that his/ her conduct is unwelcome, or offensive. He/ she should be polite, but firm and should advise the alleged bully/ harasser that his/ her conduct is unacceptable, unwanted, and a breach of this policy. A record of the discussion/ correspondence should be kept by the complainant in the event that follow-up action becomes necessary. The complainant may seek advice from Human Resources or from their line manager.
8. If the complainant finds this too difficult or embarrassing they may ask either their line manager, or a colleague, to accompany them to speak to the alleged harasser or to speak to the alleged harasser on their behalf.
9. Those cases where resolution by means of an informal process is impossible will be referred to the appropriate level of line management for further investigation.

10. Where the harasser or bully is an employee (and the case is proven) the matter will be dealt with as a case of misconduct or gross misconduct under HALO's Disciplinary Procedure and may result in dismissal.
11. If the harasser or bully is a third party, appropriate action to deal with the problem will be considered through the partner organisation, conscious that the individual is required to contractually comply with this policy.
12. It is normal practice to move the harasser rather than the complainant; if it is necessary to move the complainant for business reasons, this should only be done with the complainant's agreement. It will be considered how best to manage any ongoing working relationship between the complainant and the person concerned, whether or not the complaint is upheld.
13. Director Human Resources will oversee the management of complaints made under this procedure and their outcome.
14. HALO offers access to confidential counselling for anyone affected by, or accused of, bullying or harassment. The details are available from Human Resources.