

# SAFEGUARDING POLICY

<b>POLICY TITLE:</b>	PRG-001-Safeguarding Policy
<b>POLICY VERSION:</b>	Version 1.0
<b>POLICY OWNER:</b>	Doris Macharia
<b>APPROVED BY:</b>	ELT
<b>EFFECTIVE DATE:</b>	October 6, 2021

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## APPLICABILITY

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Employee Exempt    | <input checked="" type="checkbox"/> Employee Non-Exempt       | <input checked="" type="checkbox"/> Executive |
| <input checked="" type="checkbox"/> Board of Directors | <input checked="" type="checkbox"/> Volunteer                 | <input checked="" type="checkbox"/> Visitor   |
| <input checked="" type="checkbox"/> Partner            | <input checked="" type="checkbox"/> Contractor/Representative |   |

## FUNCTIONAL APPLICABILITY

- |  |   |                                      |
|--|---|--------------------------------------|
| <input checked="" type="checkbox"/> All  | <input type="checkbox"/> Communications         | <input type="checkbox"/> Development |
| <input type="checkbox"/> Executive       | <input type="checkbox"/> FEH                    | <input type="checkbox"/> Finance     |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Information Technology | <input type="checkbox"/> Legal       |
| <input type="checkbox"/> Program         | <input type="checkbox"/> Operations             |                                      |

## APPLICABLE COUNTRIES

- |  |  |                                    |
|--|--|------------------------------------|
| <input checked="" type="checkbox"/> Global | <input type="checkbox"/> Bangladesh    | <input type="checkbox"/> China     |
| <input type="checkbox"/> Ethiopia          | <input type="checkbox"/> India         | <input type="checkbox"/> Hong Kong |
| <input type="checkbox"/> Mongolia          | <input type="checkbox"/> United States | <input type="checkbox"/> Vietnam   |
| <input type="checkbox"/> Zambia            |  |                                    |

## APPLICABLE AFFILIATES

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Global           | <input checked="" type="checkbox"/> Canada    | <input checked="" type="checkbox"/> Ireland      |
| <input checked="" type="checkbox"/> Macau | <input checked="" type="checkbox"/> Singapore | <input checked="" type="checkbox"/> South Africa |
| <input type="checkbox"/> UK               |   |  |

## POLICY DELIVERY PROCESS

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Training | <input checked="" type="checkbox"/> Acknowledgment | <input checked="" type="checkbox"/> Publish |
|--|--|---|

## EMPLOYEE ACTION

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Complete Training | <input checked="" type="checkbox"/> Signature | <input checked="" type="checkbox"/> None |
|---|---|--|

## POLICY REQUIREMENTS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Statutory | <input checked="" type="checkbox"/> Operational |
|---|---|

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## 1. Purpose and Overview

Orbis believes that everyone we come into contact with, regardless of age, gender identity, disability, sexual orientation, ethnic origin or religious belief, has the right to be protected from all forms of harm, abuse, neglect and exploitation. Orbis has a zero-tolerance policy for harm, abuse, neglect and exploitation of beneficiaries by Staff and Representatives. Orbis recognizes its duty of care and ensures that concerns the organization has about a child or vulnerable adult's safety within the communities in which we work are reported to the appropriate authorities.

Orbis recognizes the unequal power dynamic and the resulting potential for exploitation inherent in the work we do. We further recognize that exploitation undermines the credibility of our work and severely damages victims of these exploitative acts and their families and communities. Orbis Staff and Representatives commit to upholding the highest ethical standard of integrity, accountability and transparency in the delivery of goods and services while executing the responsibilities of their position.

Orbis has instituted this Safeguarding Policy to ensure that its Staff and Representatives safeguards its beneficiaries, in particular children and vulnerable adults. The policy adheres to general principles of Protection from Sexual Exploitation, Abuse, and Harassment (PSEAH), and lays out the commitments made by Orbis and informs Staff and Representatives of their responsibilities in relation to safeguarding. This policy updates and replaces Orbis's previous Child Protection Policy and Policy Against Abuse and Exploitation of Beneficiaries.

## 2. Definitions

**Beneficiary:** Someone who directly receives goods or services from Orbis's programs. Note that misuse of power can also apply to the wider community that Orbis serves, such as community volunteers and partner contacts.

**Child:** A person below the age of 18, as defined by the United Nations Convention on the Rights of the Child.

**Child Abuse:** All forms of physical or emotional ill-treatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation, resulting in actual or potential harm to a child's health, survival, development, or dignity in the context of a relationship of responsibility, trust or power.

**Emotional Abuse:** Also referred to as psychological harm. Mental or emotional injury that results in an observable and material impairment in growth, development, or psychological functioning. May include humiliating and degrading treatment such as bad name-calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

**Exploitation:** Illegally or improperly using the property or other resources of a child or an elderly or dependent person for monetary or personal benefit.

**Harm:** Psychological, physical and any other infringement of an individual's rights.

**Neglect:** Placing in, or failing to remove, a person from a situation that a reasonable individual would realize required judgment or actions beyond the person's level of maturity, physical condition, or mental abilities and that might result in bodily injury or substantial risk of immediate harm to that person. The failure to seek or obtain necessary medical care for the person. The failure to provide the person with food, clothing, or shelter necessary to sustain their life or health. Excludes failure caused primarily by financial inability, unless relief services had been offered and refused.

**Physical Abuse:** Physical injury that results in substantial harm or the genuine threat of substantial harm.

**Representatives:** donors, consultants and others brought into contact with beneficiaries.

**Safeguarding:** Protecting people's health, wellbeing and human rights; enabling them to live free from harm, abuse, exploitation and neglect. Preventing and responding to harm to people, including children and vulnerable adults, that arises from coming into contact with our Staff and Representatives or programs and our duty of care to respond to/report known harm.

**Sexual Abuse:** The involvement of a person in sexual activities which they do not want or truly understand, or to which they are unable to give valid consent. Failure to make a reasonable effort to prevent such sexual activities, or compelling or encouraging a dependent adult to engage in such activities. Any kind of sexual activity involving a child.

**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. This definition includes human trafficking and modern slavery.

**Staff:** Full and part time employees, regular and temporary employees, interns, contractors, consultants, volunteers and program visitors, as well as any other associated personnel at Orbis.

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

**Vulnerable Adult:** A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

## **3. Prevention: Orbis Responsibilities**

### **3.1) Risk Management**

Orbis will design and undertake all its programs and activities in a way that protects people from risk of harm that may arise from their coming into contact with Orbis. This includes the way in which information about individuals in our programs is gathered and communicated. Orbis will monitor risk from program planning and incorporate safeguarding risk measurement into the organization-wide risk process.

### **3.2) Recruitment, Education and Training**

Orbis will implement stringent safeguarding procedures when recruiting, managing and deploying program Staff and Representatives, including, but not limited to, references from HR of previous employers and criminal record checks. Orbis will ensure all Staff and Representatives have access to, are familiar with, and know their responsibilities within this policy. Orbis will ensure Staff and Representatives have access to regular training updates to ensure that the policy continues to be implemented and that Staff and Representatives are made aware of changes and developments to the policy. Where necessary, this policy will be translated into the local language(s) where it is applied and adapted to be clearly understood.

### **3.3) Partner Organizations**

Orbis will ensure partner organizations have minimum standards for safeguarding in place which comply with Orbis's safeguarding standards or ensure any areas of non-compliance are rectified before, or within an agreed period after, the start of the project.

During grant application and contracting processes, Orbis will assess the need for partners to comply with this Safeguarding Policy, and where activities involve working with or having an impact on children or vulnerable adults (i.e., where grantees/contractors are engaged in an activity on behalf of or funded by Orbis that involves

direct contact with, or facilitates access to such beneficiaries), they will be required to indicate their current level of compliance with Orbis's minimum safeguarding standards and/or describe plans to ensure any areas of non-compliance will be met before, or within an agreed period after, the commencement of the grant/contract. Existing grantees and contractors will also be required to develop protection measures in line with the minimum standards, either within the current grant period or on renewal, or at an agreed point. Where appropriate, Orbis will support partners to develop relevant safeguarding policies and processes.

### **3.4) Representatives**

Orbis representatives include donors, consultants and others brought into contact with beneficiaries by Orbis. Representatives who come into contact with children or vulnerable adults through Orbis's activities must have clearance (permission from relevant managers) and undergo pre-visit background check. Representatives are obliged to be supervised and accompanied by Staff when coming into contact with children or vulnerable adults. Representatives will be provided with and briefed on this Safeguarding Policy.

## **4. Prevention: Staff Responsibilities**

As an Orbis Staff member, you commit that you will always strive to treat all children, vulnerable adults, beneficiaries, community partners, volunteers and colleagues, with respect and courtesy in accordance with applicable international and national conventions and standards of behavior, and never intentionally commit any act or omission that could result in physical, sexual or psychological harm to anyone Orbis with whom comes into contact.

### **4.1) Adult Safeguarding**

Staff and Representatives must not sexually abuse or exploit vulnerable adults. Staff and Representatives must not subject a vulnerable adult to physical, emotional or psychological abuse, neglect, or harm. Staff and Representatives must never abuse their power or position by withholding assistance or giving preferential treatment. Any form of intimidating, coercive, humiliating, degrading or aggressive behavior towards beneficiaries is unacceptable.

### **4.2) Child Safeguarding**

Orbis, including its branch offices, has a commitment to the safety and protection of all children, and has specific responsibilities towards the children it is in contact with through its activities. Orbis (i) recognizes the risks faced by children, the difficulties they face in reporting harm they experience, and the right of all children to be free from violence, abuse and exploitation and (ii) undertakes to promote their safety, protection and well-being.

No person who is prohibited by law or regulation from working with children may take up any role with Orbis. Consequences of breaching this Safeguarding Policy are explicit and include disciplinary action up to and including dismissal, or termination of contract, along with possible further action as required, e.g., referral to criminal or national authorities.

Regardless of local law, Orbis follows the United Nations Convention on the Rights of a Child and defines a child to be any person under the age of 18.

### **A) Child Protection Do's and Don'ts**

Accordingly, **Staff and Representatives and others in contact with children must always:**

- Avoid working alone with a child, and plan your work so that at least two adults are present at any time if possible. If working alone is unavoidable, the Staff and Representatives member should move to an area/workstation where another adult can see both the Staff and Representatives member and the child.
- Avoid inappropriate physical contact with a child.
- Ensure that language is moderated in a child's presence, and refrain from adult jokes or comments that may cause discomfort or offence.

- Be sensitive to local norms and standards of behavior towards children.
- When planning an activity, make certain that the age range, ability, gender, and any special needs of all participants are considered.

**Staff and Representatives and others in contact with children must never:**

- Condone, or participate in, any behavior with a child that is illegal or unsafe.
- Take children to your home
- Develop a physical/sexual relationship with a child.
- Sexually abuse or exploit children.
- Subject a child to physical abuse or neglect, or act in ways that may place a child at risk of abuse.
- Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional or psychological abuse.
- Engage in any commercially exploitative activities with children including child labor or trafficking.
- Behave verbally or physically in a manner that is inappropriate or sexually provocative.
- Do things for a child of a personal nature that they can do for themselves.
- Discriminate against or favor particular children to the exclusion of others.
- Use any computer or other electronic device to view, download, distribute, or create indecent or inappropriate images of children, or in any other way possess or access child pornography.

### **4.3) Protection from Sexual Exploitation and Abuse**

Staff and Representatives are obliged to create and maintain an environment that prevents sexual exploitation and abuse. Staff and Representatives are prohibited from engaging in sexual relationships with Orbis beneficiaries. Staff and Representatives must not exchange money, employment, goods or services for sex, including sexual favors or other forms of coercive, humiliating, degrading, or exploitative behavior. This includes any exchange of assistance that is due to beneficiaries. Sexual exploitation and abuse by Staff and Representatives, partners, or associates constitute acts of gross misconduct, and are therefore grounds for termination of employment or relationship. Sexual activity with a child (anyone under the age of 18) is prohibited regardless of the age of majority or age of consent locally.

#### **A) Consensual Relationships**

In the case of a possible consensual or proper relationship, advise the Orbis International SVP of Program of the need for special considerations for Staff and Representatives or partner Staff and Representatives in a personal relationship with a beneficiary and upon assessment the SVP of Program will determine if special considerations are appropriate.

### **4.4) Communications**

Orbis is committed to portraying beneficiaries, including children and vulnerable adults, in a respectful, appropriate and consensual way. The informed, written consent of all beneficiaries, and/or their parent or guardian if a child, must always be obtained before a photograph or image of, or information about, a beneficiary is used, and its intended and/or possible use(s) explained. Images must not include any personal information that could identify the subject's name or location. The best interests of beneficiaries are to be prioritized over opportunities to enhance the public profile of Orbis.

#### **A) Communications and Child Protection Guidelines**

Furthermore, individuals representing Orbis or its partners must adhere to the following guidelines when capturing, storing, displaying, or publishing, children's images:

- The intended and/or possible use(s) must be explained and the informed, written consent of the parent/guardian must be obtained before a photograph or image of, or information about, a child is

used. The informed, written consent of the child also must be obtained if required by local laws and/or regulations.

- Personal information about a child (such as full name and date of birth or full names of family members) and information that could be used to identify his/her specific location within a country (such as village or community names, school, parish, etc.) will not be used.
- Local cultural traditions must be respected in all images.
- Where a child has experienced violence or exploitation, otherwise been abused or is particularly vulnerable or at risk, personal details or images that may lead to their identification must not be used.
- There will be no capturing or use of images of children in a state of undress, or images which could be interpreted as sexually suggestive and impact negatively on their dignity or privacy.
- All images and stories, along with accompanying details of individuals, will be used and kept at most for the period authorized by the consent form obtained, subject in all events to applicable data privacy laws as well as the right of the subject to revoke consent to the extent Orbis has not already relied upon the authorization (for example, by including the image/recording in other materials or licensing the images/recording to a third party).
- When Orbis's photographs of children are used in a presentation, the presenter will inform the audience that photographs of children may not be used without express permission of Orbis.

All photographers working for Orbis will be screened for their suitability, including police checks where appropriate, and will receive and sign the Safeguarding Policy.

## **5. Reporting**

### **5.1) Orbis Commitment to Reporting**

Orbis will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to Staff and Representatives and the communities we work with.

### **5.2) Mandatory Reporting by Staff and Representatives**

Orbis's mandatory internal reporting requirement means that Staff and Representatives are duty bound to report internally any safeguarding concerns that arise in the course of their work. Staff and Representatives must also report any concerns about a child or vulnerable adult's safety within the communities in which Orbis works to the appropriate authorities.

Any suspicion of actual or potentially abusive or harmful behavior towards a beneficiary, or behavior or situations that might place a beneficiary at risk of harm, must be immediately reported to Orbis supervisors who will then act in accordance with this Policy and any other applicable Orbis's policies and procedures and local laws. Principally this relates to beneficiaries Orbis is in direct contact with through its work, but could encompass actual or potential harm to other children that Orbis is in indirect contact with or is made aware of, e.g., in the wider communities in which we work.

### **5.3) Allegations Against Staff and Representatives**

If an allegation against you is made directly to you, make a written record of the allegation and advise your manager or the Chief Human Resources Officer immediately. You should also report to your manager or Chief Human Resources Officer if you:

- accidentally hurt a child or a child is harmed in any way;



- if he/she seems distressed in any manner;
- if a child appears to be sexually aroused by you; and/or
- if a child misunderstands or misinterprets anything you have done, which could be construed as a breach or potential breach of the Policy.

#### **5.4) Whistleblower Policy & Orbis Ethics and Compliance Hotline**

Employees are expected to report any suspected violation of this Policy a manager or supervisor, HR Representative, General Counsel, or to the Ethics and Compliance Hotline, as set forth below. In addition, anyone who wishes to report a concern may do so using the Orbis Ethics and Compliance Hotline, subject to the limits imposed by local law. The Hotline also allows for anonymous reporting where allowed by law; however, keep in mind that an anonymous report may be more difficult to investigate, or to provide feedback on.

For instructions on filing a report, go to: <http://orbisinternational.ethicspoint.com/>

To be clear, if the Staff member or Representative prefers not to use the Orbis Ethics and Compliance Hotline, they may advise their line manager, their country office director, the Chief Human Resources Officer, the General Counsel, the SVP of Program, or the Chief Executive Officer.

#### **5.5) Reporting by Partner Organizations and Beneficiaries**

Orbis will also accept complaints from external sources such as beneficiaries, members of the public, partners and official bodies. Orbis and partners will agree on local reporting mechanisms that are relevant for the project and the context in which the project is being delivered. Partners receiving reports of concerns arising from an Orbis supported project must report the concerns to Orbis to ensure that appropriate measures are taken.

#### **5.6) Confidentiality**

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

### **6. Response**

#### **6.1) Appropriate Response**

Orbis is committed to responding appropriately to all reports or indications, including rumors, that suggest a beneficiary may be harmed or at risk of harm. Orbis will ensure that lessons are learned from safeguarding issues raised and associated responses/reviews and that these will inform organizational, policy and program development. Orbis is also committed to protecting Staff and Representatives from malicious or frivolous complaints.

#### **6.2) Investigation**

##### **A) Launching Investigation**

Upon receipt of any report of safeguarding concerns, Orbis will activate a prompt, thorough and confidential investigation that treats all parties with respect and fairness, according to due process. All investigations will be timely, unbiased and focused on the needs of the survivor. Complaints against Orbis Staff and Representatives will be investigated according to associated Orbis policies.

##### **B) Investigation Timeline**

- Orbis will acknowledge the concern and launch an initial investigation within 2 working days.
- An initial outcome from the investigation should be released within 20 working days, with ongoing progress reported to stakeholders until completion.



- If the concern is reported from a program area, an investigation should be launched within 48 hours made up of local Staff and Representatives, Orbis representatives and others co-opted as necessary.
- *Note: all timescales are indicative, and subject to alteration according to requirements and limitations.*

### C) Investigation Process

- An Investigation Manager will carry out the investigation and keep the complainant updated with the progress of the investigation. The Investigation Manager will ensure that the complainant agrees on an appropriate timescale for the investigation.
- The Investigation Manager will ensure that the incident is reported to the relevant authorities, and that they are kept updated until the conclusion of the investigation.
- The Investigation Manager will maintain the confidentiality and anonymity of all parties involved.
- The Investigation Manager will ensure the complainant is updated with the outcome of investigation.
- If the complainant is not satisfied with the response to their complaint, they are entitled to contact a proscribed external body to express their concern.

### D) Allegations Involving Partner Organization

In the case of an allegation against a representative of an Orbis partner institution, Orbis will collaborate with the management of the partner institution to investigate the case. Orbis will offer assistance and support to the partner organization's investigation and require suitable updates on progress to completion. If the partner institution is unwilling to collaborate, Orbis will contact local police and may end the relationship with the partner.

### E) Protecting Survivors

During the investigation, Orbis will take preliminary or temporary action to prevent any potential continuation of abuse. Throughout the investigation, every effort will be made to protect the rights and safety of the survivor; there will be no contact between the alleged offender and the survivor. The survivor will be interviewed and assessed by an external investigator with no affiliation to Orbis and who is skilled in the assessment of abuse. Orbis will always offer support to survivors of harm caused by Staff or Representatives, regardless of the outcome of a formal internal response.

## 7. Noncompliance

Staff and Representatives are responsible for reviewing this Safeguarding Policy, familiarizing themselves with its content, and for compliance. Violations of this policy may lead to disciplinary action up to and including termination from employment, or termination of a third-party business relationship. Depending on the country, Orbis may be required or choose to alert law enforcement.

## 8. Monitoring and Review

Orbis will ensure that implementation of the Safeguarding Policy is subject to regular monitoring and will review the policy approximately every two years (although changes may be made prior to formal review should legal, policy or practice changes necessitate). International standards for safeguarding will be used as a guide when monitoring implementation of the Safeguarding Policy and when developing procedures to accompany the policy. The Chief Compliance Officer will be responsible for supporting and maintaining an overview of implementation and compliance issues across the organization. The SVP of Program will be responsible for supporting and maintaining an overview of implementation and compliance within programs and partners supported by Orbis.

## 9. Revision History

REVISION VERSION	APPROVED BY	DATE	REVISION NOTES
1.0	ELT	10/6/2021	• Instituted policy.