



**THE HALO TRUST**

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

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**Latest Review: March 2024**

**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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**THE HALO TRUST**  
**SAFEGUARDING POLICY**

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## **(Incorporating Sexual Exploitation, Abuse and Harassment, Bullying and Harassment and Child Abuse)**

### **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 communities impacted by our work, in particular children and adults whose circumstances have made them more vulnerable to abuses of power, staff (including partner organisations) and volunteers.
- 1.2 The Trustees recognise that they are ultimately accountable 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 adults whose circumstances have made them more vulnerable to abuses of power (the elderly, or adults who require support/ care, or who might be vulnerable to any form of harassment, or intimidation due to their circumstances).
- 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 globally to any HALO 'employee', or 'partner' both inside and outside of working hours. 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.

## 4 Summary of Key Safeguarding Responsibilities

4.1 HALO acknowledges the importance of the Charity Commission's guidance on safeguarding and the safeguarding requirements:

4.1.1 provide a safe and trusted environment which safeguards anyone who comes into contact with the organisation (communities impacted by our work, staff and/ or volunteers);

4.1.2 provide 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, confidentially and with due process.

4.1.3 maintain safeguarding policies, procedures and measures which adequately protect.

4.1.4 ensure clarity on how incidents and allegations will be handled should they arise, including how they should be reported to donors and regulatory authorities<sup>1</sup> (HALO's **Serious Incident Reporting Policy** refers).

## 5 Definitions<sup>2</sup>

- Sexual Harassment: Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Such conduct will also be considered sexual harassment when it interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.
- 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.
- Sexual Abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This would include forced marriage and sexual slavery and includes sexual activity with a child.
- Child - any person under the age of 18.
- Child Abuse: Child abuse involves the abuse of children's rights and includes all forms of violence against children: physical, emotional, and sexual abuse, neglect, family violence, sexual exploitation, abduction and trafficking, including for sexual

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<sup>1</sup> The Charity Commission and the Office of the Scottish Charity Regulator (OSCR).

<sup>2</sup> The definitions of Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) refer to the UN definitions.

purposes, involvement of a child in online child sexual exploitation and child labour as defined below:

- **Physical Abuse:** When a person purposefully injures, or threatens to injure, a child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling, and poisoning. It also includes cultural practices which can alter physicality in ways that cause distress, harm and/or cause lasting health ramifications such as Female Genital Mutilation.
- **Neglect:** The persistent failure, where there are means, or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development is placed at risk.
- **Emotional Abuse:** A persistent attack on a child's self-esteem. Examples include, but are not limited to - name-calling, threatening, ridiculing, shaming, intimidating or isolating the child.
- **Sexual Abuse:** When a child is used by another child, adolescent or adult for his or her own sexual stimulation or gratification. Sexual abuse involves contact and non-contact activities which encompasses all forms of sexual activity involving children, including exposing a child to online child sexual exploitation material, or taking sexually exploitative images of children.
- **Family violence:** Includes verbal, physical, sexual, or emotional violence within the household or family, which the child witnesses, usually on a regular basis.
- **Commercial Sexual Exploitation of Children:** Comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is targeted as a sexual object and as a commercial object. The Commercial Sexual Exploitation of Children constitutes a form of coercion and violence against children and amounts to forced labour and a contemporary form of slavery.
- **Online Child Sexual Exploitation:** Includes all acts of a sexually exploitative nature carried out against a child that have at some stage, connection to the online environment. It includes any use of Information and Communication Technologies (ICT) that results in sexual exploitation or causes a child to be sexually exploited or results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted.
- **Child Marriage:** A formal marriage or informal union before age 18, is a reality for both boys and girls, although girls are disproportionately the most affected. Child marriage is widespread and can lead to a lifetime of disadvantage and deprivation.

- Bullying is rude, abusive, or threatening behaviour or misuse of power that intends to make a person feel humiliated or ashamed.
- 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. Harassment is when bullying is because of a person's identity, or who they are such as their age, gender, race, ethnicity, disability, religion, sexual identity etc. Often harassment is covered by law.
- Survivor/Victim is a person who is or has been sexually exploited or abused.
- Perpetrator is a person (or group of persons) who commits an act of sexual exploitation or abuse. For the purposes of this guideline, a perpetrator means HALO staff or related personnel.
- Survivor/Victim centred approach - places the rights, wishes, needs, safety, dignity and wellbeing of the victim/survivor at the centre of all prevention and response measures concerning sexual exploitation and abuse (SEA) and sexual harassment (SH).

## 6 Policy Statement

### 6.1 Safeguarding means:

- 6.1.1 protecting individuals so that they can live and work in safety, free from abuse, harassment, neglect, or any behaviour, which might harm them.
- 6.1.2 specifically, the protection of children and adults whose circumstances have made them more vulnerable to abuses of power, which includes a responsibility to ensure that all staff, operations, and programmes (more generally) do not harm, or expose children or adults whose circumstances have made them more vulnerable to abuses of power to abuse of any kind.
- 6.1.3 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.

### 6.2 For the purposes of this policy, Safeguarding is sub-divided as follows:

- 6.2.1 **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 8.
- 6.2.2 **Prevention of Harm to Children and Adults whose circumstances have made them more vulnerable to abuses of power.** 'Harm' could be sexual, physical,

emotional, neglect, or any form of bullying, harassment, or exploitation – Paragraph 9.

6.2.3 **Prevention of Bullying and Harassment.** Bullying and Harassment is any non-sexual physical or verbal abuse, or any act which diminishes, excludes, undermines, threatens, or deliberately disadvantages any member of staff, or any of communities impacted by our work, or partners – Paragraph 10.

6.2.4 **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.

6.2.5 **Prevention of Radicalisation and Extremism.** This is an increasingly important safeguarding matter. Some post-conflict 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 countries such as the UK – Paragraph 11.

## 7 HALO's Values and Standards

7.1 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 communities impacted by our work 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 standards<sup>2</sup>.

## 8 Sexual Exploitation and Abuse (SEA) and Harassment (or SEAH)

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

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

8.3 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 communities impacted by our work for sexual favours.

8.4 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 of interest, or abuse of authority.

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<sup>2</sup> HALO ensures that all partners are contractually subject to our Values and Standards and that 'due diligence' reflects this

- 8.5 Dynamics between international and local populations are inherently unequal and therefore any sexual relationships between HALO international staff and members of communities in receipt of our assistance are strictly prohibited.
- 8.6 Any relationships between local staff and members of communities impacted by our work must be reported and the member of staff may be required to change their work location.
- 8.7 Sexual relationships between local staff and local populations must not exploit unequal power dynamics.
- 8.8 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.
- 8.9 Communications between HALO staff and communities impacted by our work, or other HALO employees, must not contain any direct or indirect reference of a sexual nature.
- 8.10 The following instructions should guide behaviours and communications to ensure that they are *acceptable*. This is the *minimum standard* of staff conduct:
- 8.10.1 Interactions and communications between HALO staff should always be conducted in a respectful and professional manner.
- 8.10.2 Interactions, communications and relationships between HALO staff and communities impacted by our work should always be conducted in a manner which is culturally acceptable, sensitive, respectful and neutral in approach.
- 8.11 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 SEAH is immediately reported and sensitively investigated by an experienced investigation team, 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.
- 8.12 HALO is committed to pursuing a survivor- centred approach for responding to sexual exploitation, abuse and harassment. This means providing the victim/survivor with absolute protection and respecting their wishes, expressed needs and rights (and those of their community) after the incident and throughout the investigation. Key standards for applying this approach includes:
- Safety – The safety of the survivor is the primary consideration.
  - Confidentiality – Survivors have the right to choose whom they will or will not tell their story, and information should be shared with the informed consent of the survivor.
  - Respect - Respect for their choices, wishes, rights and dignity of the survivor should guide the decisions by the organisation. The role of the case manager is to provide the survivor with information s/he needs to make informed decisions and facilitate recovery.
  - No discrimination – Survivors/victims should receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation or any other characteristics..

SEAH 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.

- 8.13 When a police investigation in response to a SEAH incident takes place, 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.
- 8.14 Risk-management is key to all safeguarding and therefore the prevention of SEAH. This means analysing the workplace to understand the SEAH risks, considering them against this Policy and national and international safeguarding expectations and capabilities. Identifying potential interactions with children, or adults whose circumstances have made them more vulnerable to abuses of power is foremost in considering SEAH risk. Risk management is essential in any investigation into concerns raised, ensuring the safety of all parties involved.

## **9 Safeguarding Children and Adults whose circumstances have made them more vulnerable to abuses of power**

- 9.1 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 1992 (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.
- 9.2 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, with the best interests of the child guiding all decision making. 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.
- 9.3 HALO recognises the five main types of child abuse as physical abuse, sexual abuse, commercial abuse, emotional abuse or neglect. All children and adults whose circumstances have made them more vulnerable to abuses of power must be protected from abuse of any kind, regardless of their gender, ethnicity, religion, disability, sexuality or beliefs. Any interaction with children, or adults whose circumstances have made them more vulnerable to abuses of power, 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 adults whose circumstances have made them more vulnerable to abuses of power has been assessed and mitigated.
- 9.4 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. This response will be led by an appointed investigation team.

- 9.5 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 in conjunction with immediate engagement with the Global safeguarding team; communities impacted by our work 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 adults whose circumstances have made them more vulnerable to abuses of power.
- 9.6 The following specific rules apply:
- 9.6.1 Treat all children and adults, especially adults whose circumstances have made them more vulnerable to abuses of power, with dignity and respect regardless of their race, colour, gender, language, religion, opinions, nationality, ethnicity, social origin, property, disability, sexual orientation or other status.
  - 9.6.2 Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, and vulnerable adult abuse including those under traditional law, which occurred before or occurs during association with HALO.
  - 9.6.3 There will be no sexual contact of any kind with anyone under the age of 18, including paying for sex or engaging in in other transactional forms of sexual services; this is a HALO-wide rule.
  - 9.6.4 Another adult should always be present when working in close proximity to children, or adults whose circumstances have made them more vulnerable to abuses of power 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.
  - 9.6.5 There should be no unaccompanied social interaction with children outside of the family unit.
  - 9.6.6 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 and the consent of the child where appropriate. 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.
  - 9.6.7 Physical punishment of a child or adults whose circumstances have made them more vulnerable to abuses of power is forbidden.
  - 9.6.8 Child labour, including the hiring of children for domestic or other labour is forbidden where this impacts on their health, well-being, ability to attend education or engage in age-appropriate social activities or is inappropriate given their age or developmental stage, or which places them at risk of injury.

- 9.6.9 Staff must not use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access indecent or exploitative images of children through any medium.
- 9.6.10 Staff must not engage with children or adults whose circumstances have made them more vulnerable to abuses of power through personal social media sites, or private communications.
- 9.6.11 All HALO staff and related personnel have a duty to report any concerns about the safety and welfare of a child or adults whose circumstances have made them more vulnerable to abuses of power.
- 9.6.12 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.

## **10 Bullying and Harassment**

- 10.1 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 communities impacted by our work, staff and volunteers, is treated appropriately. Bullying and Harassment is therefore completely unacceptable.
- 10.2 Care should be taken with the language that is used between HALO staff, visitors, contractors or potential employees.
- 10.3 Harassment may involve conduct of a sexual nature (sexual harassment), or it might relate to age, disability, general appearance, gender, gender reassignment, 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.*
- 10.4 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, hostile, degrading, offensive or intimidating work environment. Harassment can also provoke aggressive, retaliatory attitudes and actions; such behaviour is therefore unacceptable in HALO.
- 10.5 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). Examples of bullying include:

- 10.5.1 constantly criticising someone's work;
- 10.5.2 spreading malicious rumours about someone;
- 10.5.3 constantly putting someone down in meetings;
- 10.5.4 deliberately giving someone a heavier workload than everyone else;
- 10.5.5 excluding someone from team social events; or
- 10.5.6 putting humiliating, offensive or threatening comments or photos on social media

**The procedure to be followed in the event of a bullying and harassment incident is covered at Annex A.**

## **11 Radicalisation and Extremism**

- 11.1 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, Muslim fundamentalism.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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 communities impacted by our work and whether that poses a risk to the HALO staff who are recruited from them.
- 11.6

### **Safe Recruitment**

- 12 HALO is committed to preventing any forms of harm to staff, related personnel, communities impacted by our work and wider communities and is committed to preventing perpetrators from being hired or re-deployed. HALO is a 'safe recruiter' and all HALO staff are subject to careful selection procedures. Under the HALO recruitment procedure all 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.
- 12.1

- 12.2 HALO seeks to undertake appropriate due diligence background checks on all individuals (whether fixed or deployed staff) prior to their employment. This process varies from country to country in its thoroughness and reliability. All Programmes must use the mechanism 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; HALO will always seek to work with the best information it can obtain.

### **13 Partner Organisations**

- 13.1 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.

### **14 Responding to Safeguarding Incidents**

- 14.1 HALO will ensure that staff, related personnel and communities have knowledge of, and access to multiple, confidential, culturally appropriate reporting mechanisms to enable the safe reporting of safeguarding misconduct.
- 14.2 HALO will ensure that all staff and related personnel are provided with training and awareness raising to ensure that they understand their obligations and how to report a concern should they become aware of it.
- 14.3 HALO has a zero-tolerance approach to inaction to any safeguarding concerns that are raised. 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.
- 14.4 HALO will ensure that all investigations follow due process, are overseen by those with expertise in investigations, including the implementation of a survivor-centred approach.
- 14.5 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:
- 14.5.1 someone has been, or is alleged to have been in any way significantly harmed in the course of HALO's activities, or by a member of the Charity's staff;
  - 14.5.2 A member of a community impacted by our work 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
  - 14.5.3 HALO's Safeguarding Policy has been breached, thereby placing staff and/ or communities impacted by our work at risk.

## **15 Implementation**

- 15.1 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.
- 15.2 Awareness raising with communities impacted by our work must take place to ensure that they are familiar with the safeguarding policy.
- 15.3 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.
- 15.4 Failure to comply with this Policy will be considered gross misconduct and could result in dismissal.

## **16 Monitoring and Review**

- 16.1 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 the Director of HR with suggestions as necessary.

Annexes:

- A. Procedures in the event of a Bullying and Harassment Incident.
- B. HALO Trust Safeguarding Directive.

**Last reviewed by Trustees on [date]**

## **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 ensure that this incident is investigated 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, unless a conflict of interest is identified. In this case the investigation will be managed by the next most senior person.
- 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 in a timely manner 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 under HALO's Grievance Procedure.
- 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 of 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.

## Annex B to HALO Trust Safeguarding Policy – Last Reviewed 21 February 2021

### HALO TRUST SAFEGUARDING DIRECTIVE – VERSION 7.2

- 1 Introduction. This CEO directive explains HALO's approach to safeguarding<sup>3</sup>. It is underpinned by HALO's policies and Code of Conduct, which are fundamental to everything that HALO does and to our mission; it will help us demonstrate internally and externally how we will minimise the risks of 'harm' to staff and communities impacted by our work. The Directive is for the chain of command to implement, and it must be understood at every level. Fundamentally, every member of HALO's International and HQ staff is a leader and therefore has a responsibility for safeguarding – it must be regarded as core business. All National staff in leadership positions are similarly accountable and are to be taught, guided and appropriately supervised by programme leadership to ensure they meet expectations and execute their roles and safeguarding responsibilities effectively, whatever the cultural, or operating contexts.
- 2 Policy Provenance. This Safeguarding Directive is derived from/ supports HALO's policies – Code of Conduct, Safeguarding, Whistleblowing, Anti-Fraud and Corruption and other policies as appropriate; it also (therefore) conforms to UN, Regulator and donor expectations.
- 3 Definitions. Safeguarding encompasses:
  - (a) **The Prevention of Harm to Children and adults whose circumstances have made them more vulnerable to abuses of power**<sup>4</sup>. 'Harm' could be sexual, physical, or verbal abuse, or any form of harassment<sup>5</sup>. Its prevention includes ensuring that children are foremost in our assessment of safeguarding risk; it is fundamentally about the right approach and behaviours as well as the denial of opportunity. This means:
    - Strict adherence to our Code of Conduct – particularly the Values and Standards, *which are at the core of it*.
    - The reduction of risk through recruiting and employing the right people.
    - Analysis of the operating conditions, Country laws and services, attendant risks and their mitigation.
    - Procedures which ensure that children and adults whose circumstances have made them more vulnerable to abuses of power are never alone with a member of staff (to protect them and the staff

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<sup>3</sup> Effective risk management is implicit – the identification, analysis, mitigation and handling of risk, whether domestic, or international.

<sup>4</sup> 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 have vulnerabilities which must be protected, or considered in how they are treated, or handled.

<sup>5</sup> Examples include: **physical abuse** – cuts, scratches, or broken bones; **emotional abuse** – emotional, or psychological trauma, shame and humiliation, isolation, terror, or corruption; **child sexual abuse** – any sexual act involving a person under the age of 18 and any form of inappropriate physical, or emotional contact; child neglect – abandonment, isolation, deliberate denial of attention, affection and emotional support, or medical attention.

involved) and limiting contact with children to that which is absolutely necessary.

- Ensuring that children and adults whose circumstances have made them more vulnerable to abuses of power know what to do if they have a concern.
- Rapid reporting of concerns, or incidents, such that there is a victim/survivor-centred approach in the event of a need to address a problem.

(b) **The Prevention and Handling of Sexual Exploitation and Abuse (SEA).** The denial of opportunity and effective handling of incidents when they occur, which means:

- Implementation of HALO's Code of Conduct (incorporating Values and Standards)<sup>6</sup>, to ensure *the right behaviours and the courageous leadership, which will enforce them.*
- Instilling an ethos/culture in which there is zero-tolerance of SEAH and in which whistleblowing is welcomed and encouraged.
- Recruiting the right people - reducing personnel risks to a state where they are as low as is reasonably practicable (ALARP) through intelligent selection of International and National staff, particularly for leadership positions. This includes background checks consistent with national expectation/ capacity and risk management where there are any concerns over the effectiveness of the process.
- Analysing the operating environment to understand national safeguarding expectations, capabilities and risks (with particular emphasis on identifying potential interactions with children, or adults whose circumstances have made them more vulnerable to abuses of power).
- Rapid reporting, robust investigation and a victim/survivor-centred approach - absolute protection of the subject, victim, or survivor and respect for their wishes (and those of their community) post-incident.

(c) **The Prevention and Handling of Bullying and Harassment.** The SEA description at 3(b) applies, but in particular:

- Bullying and harassment stems from poor leadership, either in leader behaviours, or in the inability to create a culture in which it is not tolerated.

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<sup>6</sup> HALO's Values are: **moral courage** – to do the right thing, whatever the circumstances; **discipline** – to put the cause before self-interest and get the job done to the highest of standards; **integrity** – to uphold the right moral and ethical standards, despite the conditions and pressures; **respect for others** – to treat others as one would expect to be treated; **loyalty** – loyalty to each other, the team and to HALO; loyalty transforms groups of diverse and disparate individuals into a cohesive and effective whole; **selfless commitment** – putting the needs, safety and security of others before one's own.

- Staff recruitment must consider any pre-disposition to bullying and harassment through intelligent and consistent interview techniques.
- All staff have a responsibility to ‘call out’ bullying and harassment; individuals will be protected and not in any way disadvantaged for so doing. Whistleblowing is an expectation, not just a right.

(d) **The prevention of Bribery and Corruption**

Bribery and corruption are very often symptoms or vehicles for SEA, bullying and harassment; they also have the potential to impact security and damage HALO’s reputation. Strong leadership (at every level) and effective management/ accounting procedures remain key to their prevention; cultural pre-disposition to corruption is not in any way an excuse. HALO’s policy standpoint remains zero-tolerance and programmes need to ensure that any opportunities for bribery and corruption are identified and denied.

(e) **The Prevention of Radicalisation and Extremism.**

This is an important safeguarding matter. The post-conflict countries in which HALO works are often subject to ideologies and/ or cultures which have the potential to breed extremism. Diversity and integration are key mitigations, although the degree to which this is practical in a demining section depends on the conditions in the country; cliques and isolation should obviously be detected, avoided and broken up if possible.

#### 4 **Execution and Responsibilities**

- (a) **HALO Risk Management.** Effective risk management (and the preceding assessment) is central to safeguarding HALO’s staff and communities impacted by our work . It will enable a clear view of country- specific concerns and issues; it will help donors grasp programme safeguarding challenges and it will help the Board assess/ assure mitigating actions. A common system is therefore fundamental and HALO Risk Management policy reflects this; the approach is explained below.

(1) **Risk Management Framework.**

Risk management is a leadership function. Safeguarding is a significant and broad area, but one of several which need to be overseen. Risks must be visible from bottom to top (programme, regional and HQ level): programme managers will identify, mitigate and elevate Country-specific risks; Regional Heads will oversee, aggregate and where necessary elevate specific programme-level risks and Directors Programmes and Capability will oversee aggregated and specific Regional-level risks. The Directors will manage HALO’s top-level concerns (as they relate to their functional areas) – through the Directors’ Risk Committee - to enable CEO and Board oversight and direction. HALO Risk Management Policy is being developed, but there will

be separate (albeit common format) risk matrices for programme, regional and HALO-wide oversight.

**(2) Programme Risk Management.**

HALO will apply UK government nomenclature to aid consistency and enable donor audit<sup>7</sup>. Each programme manager will be responsible for Programme-level risks and for developing/ recommending local measures to: terminate them (by doing things differently), treat them (with mitigating measures, which reduce them to ALARP), or tolerate them, where other actions are inappropriate or impractical; in certain circumstances it will be appropriate to transfer risks to another level, or to a Third Party. Heads of Region will oversee this process and determine whether a risk needs to be retained/ aggregated at Regional level, or elevated to Director Programmes, or Capability, or to the CEO. It must be possible to trace, or audit any risk, which has been elevated above the Programme level. It must also be possible to track the progress of a risk since it was last reviewed (up, down, or staying the same).

**(3) Safeguarding Risk Assessment.**

Programme, Regional and HQ-level risk-analysis must consider the following areas (by no means exhaustive):

- Country/community-specific safeguarding expectations and procedures.
- Legal frameworks and local recruitment law and contract processes.
- Background checks and referencing.
- Age of consent – accepting that it is uniformly 18 across HALO Programmes.
- Legality of prostitution.
- Cultural norms and pre-disposition to behaviour which is against HALO's Values and Standards.
- Cultural pre-disposition to corruption.
- The necessity for contact with children/ minors.
- Proximity of HALO operations and living accommodation to communities impacted by our work.
- Gender/ racial minorities and associated risks.

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<sup>7</sup> DfID/CSSF have the most detailed and defined safeguarding risk management requirements and use of UK nomenclature will help HALO explain its risks and mitigating measures consistently, while enhancing our ability to express them logically to other Donors.

- Selection of national staff leaders.
- Safeguarding training and ensuring that national staff (and communities) understand our values, standards and expectations.

(4) **Risk Management Oversight.**

(a) **Normalisation of Risk and the HQ's Overview**

This will take place by with and through the Directors' Risk Committee. The CEO, Directors, COS, Head Governance, Global Safeguarding Lead and the Heads of Regions will take part and others will be invited to participate as necessary. The Committee will meet ahead of Boards to ensure that the Corporate Risk Register is accurate, up to date and auditable with programme/ Regional risks appropriately represented alongside HALO's cross-functional strategic concerns.

(b) **Risk Assessment Process.**

Risk assessment will be taught on all International Staff Courses. UK risk assessments for any activity (such as fundraising, or selection) are mandatory and will be subject to random audit.

(c) **Assurance.**

All senior visitors to programmes should check programme-level risk registers to ensure that risks are known, managed and consistent with the Regional and HQ-level view.

(d) **Government Legislation**

Where a programme is required to conform to particular Host Nation legislation this should be identified and recorded. Where it is unable to conform, the programme will need to identify the risks of failing so to do and explain how they will be mitigated, or addressed.

(b) **The Prevention of Harm to Children, adults whose circumstances have made them more vulnerable to abuses of power.**

The UNCRC has informed this section of the directive and HALO is/ will be fully compliant in both the letter and spirit of that policy.

(1) **Risk Assessment.**

Effective risk assessment (in accordance with para 4.a.(3)) is absolutely key. The degree to which it is necessary to interact with children is the fundamental question; there should be no requirement to routinely/ formally do so in HALO beyond Mine Risk Education, which should always be conducted in a controlled/ planned environment. The baseline approach that should be followed when in communities with children present (for instance during Non-Technical Survey) is as follows:

- (a) Children and adults whose circumstances have made them more vulnerable to abuses of power should be treated with respect (in accordance with our Code of Conduct) regardless of race, colour, gender, language, religion, political (or other) opinion, national, ethnic or social origin, property, disability, birth or other status. *It is a leadership responsibility to ensure that any staff engaging with children are clear on this expectation and briefed on each occasion that interaction occurs.*
- (b) Language or behaviour towards children and adults whose circumstances have made them more vulnerable to abuses of power, should always be appropriate and never in any way actually, or construed as, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- (c) 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.
- (d) Another adult should always be present when working in close proximity to children, or adults whose circumstances have made them more vulnerable to abuses of power and two members of staff must always be involved during any formal interaction; where two staff are for whatever reason not available, training should be postponed until they are.
- (e) There should be no unaccompanied social interaction with children outside a/ the family unit.
- (f) Computers, mobile phones, video cameras, other cameras or social media should not be used to record images of children without the permission of a parent/ guardian and the child and the use of cameras must be consistent with local laws and cultural expectations and not in any way demean or sexualize children. Furthermore there should be no identifying information accompanying an image when it is transmitted.
- (g) Physical punishment of a child or adults whose circumstances have made them more vulnerable to abuses of power is forbidden.
- (h) HALO programmes must comply with local and international law on children and adults whose circumstances have made them more vulnerable to abuses of power, as well as respecting the cultural specifics in the country concerned.
- (i) Fundamentally, this process must be briefed to the beneficiary community, when HALO is introduced and the points of contact should concerns, or complaints be made, must be clear.

(2) **Recruitment**

HALO is a safe recruiter. Although there is relatively little interaction with children, anyone whose post does so, will be expected to demonstrate their understanding of child safeguarding; their job description will also reflect this.

(3) **Background Checks.**

Background checks for all staff are conducted across HALO programmes and in the UK (DBS and Disclosure Scotland), which reflects the requirement for confidence in staff suitability. Background checks in programmes are the Programme Managers responsibility to oversee and confirm (through HQ audit).

(4) HALO will always as an absolute priority put the needs and wishes of victims and survivors at the heart of incident response.

(c) Prevention of SEAH and Bullying and Harassment (BH).

(1) **Code of Conduct.**

This is to understood by all National, International and HQ staff. Our values identify the characteristics that define our nature and way of working and if they are inculcated/ followed will make a significant contribution to the mitigation of SEAH and BH risks. The three standards against which staff and potential candidates will also be judged (and which support our values) are: lawfulness, appropriate behaviour and professionalism<sup>8</sup>. The HALO Code of Conduct (and in particular our Values and Standards) should be displayed in all working environments and they will be used to assist with the recruitment and selection of International and HQ staff (internally and externally) to grow HALO's culture.

(2) **Leadership.**

Recent incidents in the Sector cite the absence of leadership as the core contributor. We must select leaders who have the character and moral courage to do the right thing, but then train those selected to do the thing right. To that end:

(a) **Recruitment and Selection.**

HALO is a 'safe recruiter' – and will consider safeguarding when selecting candidates for any international appointment and must do so when selecting national staff. Recruitment and selection for any

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<sup>8</sup> Abiding by Host Nation, Charity Commission and Donor expectations; **lawfulness** – operating within the letter and spirit of the law and following legislation; **appropriate behaviour** – behaving professionally, respectfully and sensitively; **professionalism** – the right thing done in the right way and the continual pursuit of excellence. Leading the Sector in its core business, but also in supporting policy and capability development across International Department.

leadership appointment will now include specific questioning/ investigation of suitability using our Values and Standards as the framework for the question set. A master question list will be developed by Head Governance and Safeguarding to improve consistency across the interview stages; role specifications also need to be carefully crafted to reflect leadership as well as professional competencies.

(b) **Senior Leadership Training.**

Staff in leadership positions receive investigation management and handling as part of their induction into the role.

(3) **On-Line Training**

All HQ and International staff will complete an annual on-line safeguarding refresher training course.

(4) **Whistleblowing.**

Whistleblowing is an expectation, not just a right. All staff are to be reminded that they are paid to speak up and report anything which breaches our values and standards. HALO has a chain of command and we must ensure that staff have confidence in it through strong, positive and inclusive leadership, but it is clear that sensitivities will sometimes prevent international and national staff from approaching their line manager with a concern. To that end HALO employs an independent 'whistleblowing service' ('Safecall'), with the policy that supports it. Director HR is HALO's whistleblowing officer (and therefore responsible for steering related investigations). HALO's Whistleblowing Policy refers.

(5) **Screening**

(a) All staff, the Trustees and members of the Medical Board (those not already covered) are to have been screened through DBS, Disclosure Scotland, or the (HQ-approved) host-nation equivalent/ alternative. Where an individual is already employed by HALO and has not been previously screened, retrospective screening is taking place.

(b) National staff screening (or confidence in it) should be a standing risk at programme level. Some programmes/ countries have more mature screening processes than others. Each programme must work with what is in place in the host-Nation, but identify any shortfalls, or areas of concern with the national process and mitigate any inadequacy through training, supervision and other mechanisms. An inadequate screening process should be flagged to Director HR and the Regional Head and it must appear on the programme risk matrix with a clear articulation of how the shortfall will be addressed.

(6) **Other Programme-Level Safeguarding Risk Management Actions.**

In addition to the measures detailed above, programmes are to consider the following:

(a) **Understanding the Environment**

All programmes understand the operational context in which their work is conducted, but it is essential to fully grasp the cultural and community nuances for SEA risk management to be effective. Understanding the nature and needs of the people a programme supports is on the critical path to success (since it is the local community who will benefit from HALO's work). It is also fundamental to 'safe' working conditions and to effective incident handling for us to understand national (and local) government expectations, the law and support networks. This is not least to lever them in the event of a crisis, but also for donors and the CC to be advised on the practical aspects of handling an incident. Programmes must establish Host Nation relationships which support HALO and donor/ CC safeguarding expectations. *When beneficiary communities are briefed on HALO's work as part of the employment process for de-miners it is essential that Programme Managers advise and oversee briefing content before delivery and receive confirmation that it has been done.*

(b) **SEA Risk Assessment**

- (i) Programmes must start with how they handle their interaction with children and adults whose circumstances have made them more vulnerable to abuses of power and develop their handling of SEA risk from that point. They must also consider cultural risk (for instance where prostitution is legal) and the degree to which 'off duty' SEA risks are apparent. **Paying for sex is a dismissible offence for all staff, whatever the in-Country legal freedoms.**
- (ii) There must be a clear view on supervision. Where a de-mining team/ work party is supervised exclusively by National staff there must be confidence that the leadership is adequate to meet safeguarding needs. All leaders must be carefully screened and considered for their suitability.

Where there are any retrospective concerns over the recruitment, or screening of a particular individual that risk needs to be considered and in extremis the individual should be replaced.

(d) **Serious Incidents**

(1) **Reporting.**

The CEO's direction on SIRs is Policy F3. The Director of HR along with the senior programme team director is the desk lead for reporting all safeguarding incidents which warrant an SIR and is responsible for receiving and developing an incident report from/ with the Programme concerned. The company secretary is responsible for the legal clearance, clearance by the CEO and the Board and for its onwards passage to the CC (through lawyers) and onward to the Director Strategy, HALO USA and the donor management lead). The recording and exploitation of lessons learned is a critical part of the incident handling and reporting process.

(2) **Investigation**

Investigations will always be necessary where a Safeguarding Incident is either known to have occurred, or is suspected. The Investigation Checklist guides response and action, which must always seek to be Survivor-centred, timely and decisive.

(3) **Rehearsal**

All programmes under their Regional Heads are to rehearse their actions in the event of a safeguarding incident. This applies to all categories of safeguarding. An HQ table-top exercise will rehearse procedures and 'wargame' responses (including interaction with the press/ negative coverage).

(d) **Lessons Learned.**

Lessons from safeguarding incidents will be harvested by the safeguarding leads and where possible a redacted/sanitised version of an SIR and the actions will be promulgated for Programme use (pan-HALO)<sup>9</sup>

(e) **Audit/ Assurance.**

(1) **Audit.**

Director Programmes is ultimately responsible for assurance and oversight of all programmes, except where a programme is nascent, or where there is a capability output (for instance training), which Director Capability

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<sup>9</sup> Conscious of prejudice to ongoing inquiries

oversees. Programmes will receive an annual safeguarding audit, which Director Programmes will lead on the CEO's behalf. The results will be reported to the Boards (and if appropriate to Donors) through Head Governance and Safeguarding.

(2) **Ongoing Assurance.**

All Senior Management and Board members will be asked to conduct assurance checks when they visit a programme and should be prepared to cover any aspect explained in this directive (seeking advice before they go), but they should particularly focus on safeguarding risk mitigation and leadership. Any issues should be passed to Head Governance and Safeguarding so that advice (or direction) can be forthcoming.

(3) **Due Diligence.** Major donors will conduct compliance checks and these should be expected annually. Due Diligence checks (with Head Governance and Safeguarding in the lead) will be handled by the HQ, but with Programmes support where necessary. It is essential that (through the Strategy Group) due diligence checks are conducted on all our partners (using the Partner Due Diligence form). These should take place annually, or on the renewal of a contract, or material change to contracted services.

Appendices:

- Investigation Checklist.
- Safeguarding and Security Checklist.
- HALO Partner Due-Diligence Check.