

SAFEGUARDING OF VULNERABLE PERSONS POLICY

1. POLICY STATEMENT

ACUMEN4D is committed to the protection and safeguarding of children and vulnerable adults (hereinafter together referred to as Vulnerable Persons) and acknowledges that it has a duty to ensure that its programs and operations are conducted in a manner that is safe for vulnerable persons.

ACUMEN4D recognizes that there is potential for abuse to take place within the context of its projects which are intended to address the needs of vulnerable communities and groups. This policy sets out ACUMEN4D's commitment to protect the vulnerable persons we work with either directly or indirectly, from any form of abuse. It provides mandatory guidelines on preventing any form of abuse and exploitation of vulnerable persons and sets out codes of conduct that are applicable to ACUMEN4D's Staff and Partners in this respect. It also sets out the mechanisms ACUMEN4D shall follow in the event any abuse is reported.

2. PURPOSE OF THE POLICY

The purpose of this policy is to provide clarity to all of ACUMEN4D's Staff and Partners on how they should engage with children and vulnerable adults when working for, on behalf of, or in partnership with ACUMEN4D.

This Policy aims to:

- (i) Promote the safeguarding of vulnerable persons directly served by ACUMEN4D's Staff.
- (ii) Promote the safeguarding of vulnerable persons directly served by ACUMEN4D's Partners.
- (iii) Ensure that any allegations of abuse of vulnerable persons that occurs in the context of ACUMEN4D's projects and programs are reported and addressed appropriately.
- (iv) Ensure any vulnerable person facing abuse caused by ACUMEN4D's staff or Partners is supported.

We recognize that local legislation may vary from country to country. This policy however sets out ACUMEN4D's minimum standards and may exceed the requirements of local legislation. In addition, the policy constitutes ACUMEN4D's global policy and is applicable to all ACUMEN4D staff and Partners wherever they live and work.

Sexual harassment in the workplace is dealt with under ACUMEN4D's sexual harassment policy. The Sexual Harassment policy is binding to all staff and Partners.

3. SCOPE OF THE POLICY

This Policy applies to:

- (i) All categories of Staff;
- (ii) All Partners dealing with ACUMEN4D. All Partners are responsible for providing their representative, personnel, agents or officials with a copy of this Policy.

4. DEFINITIONS

(i) **Abuse:** is a violation of an individual's human and civil rights by any other person or persons. It lowers the dignity of the abused person. It can take the form of physical, psychological, financial or sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the health, survival, development or dignity of a child or vulnerable adult. Abuse can be a single act or repeated acts and can be unintentional or deliberate. Abuse often involves criminal acts.

(ii) **Child:** a child is a person who is under 18 years of age, as recognized in the UN Convention on the Rights of the Child. ACUMEN4D shall not consider the age of majority in the country in which the child lives or their home country unless the age of majority provided by local law is above 18 years of age.

(iii) **Donor(s):** any party that has made a grant to ACUMEN4D.

(iv) **Staff:** individuals who work for ACUMEN4D either full time or part time for wages and salary.

(v) **Safeguarding:** Safeguarding means promoting and protecting people's health, wellbeing and human rights, and enabling them to live free from exploitation abuse and bullying.

(vi) **Survivor:** The person who has been abused or exploited. The term "survivor" can also be interchanged with the word "victim." It is the individual's choice how they wish to identify themselves.

(vii) **Partners:** Includes all grantees, collaborators, suppliers, consultants, sub-contractors or any parties with a contractual relationship with ACUMEN4D.

(viii) **Vulnerable adult:** a person, 18 years and above, who by reason of disability, age, gender, social and economic status, or illness, the context they are in, may be unable to take care of or to protect him or herself against abuse, harm or exploitation.

(ix) **Vulnerable Persons:** is an umbrella term which covers children and vulnerable adults.

5. SAFEGUARDING PRINCIPLES

We believe that encouraging the protection of Vulnerable Persons from abuse and exploitation is an important element in ACUMEN4D's mission.

The following principles underpin all of ACUMEN4D's safeguarding functions, actions and decisions. All Staff and Partners are expected to adhere to these principles.

5.1 Prevention

ACUMEN4D shall ensure that all reasonable measures are taken to minimize the risk of abuse to Vulnerable Persons.

(i) ACUMEN4D recognizes that all Vulnerable Persons have rights as individuals, without discrimination of any kind and irrespective of race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

(ii) All Vulnerable Persons have the right to equal protection from abuse.

(iii) The welfare of Vulnerable Persons should be safeguarded and promoted.

(iv) ACUMEN4D shall ensure that its programs and projects shall be designed and delivered in a way that protects and safeguards vulnerable people from any risk of abuse.

(v) ACUMEN4D shall ensure that all Staff and Partners are inducted on this Safeguarding of Vulnerable Persons Policy and procedures.

(vi) The recruitment processes used within ACUMEN4D including background and criminal checks of prospective staff will reflect the organizations commitment to protect vulnerable persons from abuse.

(vii) ACUMEN4D shall include in its agreements with Partners a clause which aims to encourage adherence of ACUMEN4D's Partners to this Policy.

5.2 Protection

ACUMEN4D has a zero-tolerance policy on any form of abuse and is committed to providing a safe environment for the Vulnerable Persons that it works with either directly and/or through its Partners.

ACUMEN4D shall not condone or tolerate any abuse of Vulnerable Persons by its Staff or its Partners and shall take swift and decisive action against any allegations, reports or suspicions of abuse.

5.2.1 Categories of Abuse

ACUMEN4D prohibits its Staff and Partners from any conduct that can or could be construed as Abuse as further explained below.

5.2.1.1 Physical Abuse

Physical Abuse refers to any action by a person that intentionally causes or could cause physical pain, injury or death to a Vulnerable Person. It includes but is not limited to, hitting, shaking, slapping, throwing, kicking or otherwise causing physical harm, misuse of medication, unlawful or inappropriate restraint and inappropriate physical sanctions.

5.2.1.2 Sexual Abuse

For purposes of this Policy, the following acts constitute sexual abuse:

(i) Forcing, enticing or coercing a Vulnerable Person to take part in sexual activities, whether or not the vulnerable person is aware of what is happening. The activities may involve physical contact, non-contact activities (such as involving a vulnerable person in looking at, or in the production of, sexual images, watching sexual activities encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including *via* the internet). Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

(ii) Viewing or possessing child sexual abuse images.

(iii) *Sexual Exploitation*: This is any actual or attempted abuse of 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. *ACUMEN4D Staff and Partners are specifically prohibited from buying sex. This is aimed to protect Vulnerable Persons from sexual exploitation.*

5.2.1.3 Psychological/ Emotional Abuse

Emotional abuse refers to action(s) or omission(s) by a person that causes or could cause emotional trauma, stress or anguish for the Vulnerable Person and detracts from the vulnerable person's quality of

life. Emotional abuse includes actions or omissions that are humiliating, degrading, rejecting, ignoring, intimidating or terrorizing for the Vulnerable Person.

5.2.1.4 Financial and Material Abuse

Financial or material abuse is any theft or misuse of a Vulnerable Persons money, property or resources. Common forms of financial abuse are misuse by others of a Vulnerable Persons property or other financial benefits or undue pressure to change wills (e.g. the elderly). It is also financial abuse to incite a Vulnerable Person to carry out any of these things on another individual's behalf.

5.2.1.5 Discrimination

All Vulnerable Persons are entitled to equal treatment and shall not be discriminated (treated less favorably) upon by Staff and Partners on the basis of their race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

5.3 Roles and Responsibilities

i) All:

- All ACUMEN4D's Staff and Partners should read, understand and comply with this Policy and are required to commit to respecting, promoting, upholding and protecting Vulnerable Persons at all times.
- All Partners are required to ensure that their staff, consultants, service providers and sub-contractors that they engage with on ACUMEN4D projects are aware of this Policy and comply with its terms.

(ii) **Managers:** All managers are responsible for ensuring that Staff and Partners within their unit have access to and are aware of this Policy and get support to implement and work in accordance with it.

(iii) **ACUMEN4D Executive Management Committee:** This Committee is responsible for ensuring the effective implementation of this Policy and ensuring that all Staff and Partners are supported to meet their responsibilities under the Policy.

6. RAISING AND RESPONDING TO CONCERNS

ACUMEN4D shall treat any allegations or concerns regarding the abuse of a Vulnerable Person seriously

6.1 Reporting concerns and allegations of Abuse

6.1.1 ACUMEN4D places a mandatory obligation on all Staff and Partners to report concerns, suspicions, allegations and incidents which indicate actual or potential abuse or exploitation of Vulnerable Persons which may constitute a breach of this policy. A report should be made when:

- (i) Abuse is observed or suspected;
- (ii) An allegation of abuse is made;
- (iii) A Vulnerable Person discloses Abuse

(iv) There is a concern or complaint made about the possible abuse or exploitation of a Vulnerable Person by an ACUMEN4D Staff or Partner. 6.1.3 All concerns or allegations of Abuse can be made through any of the following channels:

6.1.2 Concerns and allegations of Abuse should be made within twenty-four hours of the Staff and/or Partner being made aware of the allegation or concern of abuse. This requirement however does not restrict Staff and Partners from making reports after 24 hours. The organization however encourages that alleged violations of this policy be made promptly due to the continued harm that may be suffered by the Vulnerable Person due to delayed reporting.

(i) If e-mail address through: info@Acumen4D.org

(ii) If by mail through

Director, Human Resources, ACUMEN4D, P. O. Box 30709-00100 Nairobi, Kenya

(iii) Through your ACUMEN4D contact and for Staff through your manager, any other or HR Unit.

6.1.4 ACUMEN4D recognizes that Abuse of Vulnerable Persons is a sensitive and urgent matter and disclosures and suspicion will be acted upon swiftly. In the event of an urgent Vulnerable Person's protection situation, Staff and Partners may take immediate protective action which may include making a report to the relevant authorities.

6.2 Safeguarding Officer

6.2.1 The Safeguarding Officer is responsible for handling reports or concerns about the protection of Vulnerable Persons in accordance with the procedures contained in this policy. The Director, People and Culture is the designated Safeguarding Officer and allegations and concerns of Abuse are to eventually be forwarded to the Safeguarding Officer.

6.2.2 It shall be the duty of the Safeguarding Officer to receive and register all reports of abuse of Vulnerable Persons. The register shall also set out how the complaints were dealt with. Any reports which relate to the Safeguarding officer shall be sent to and received by ACUMEN4D's General Counsel & Board Secretary in which case the General Counsel would be the Safeguarding Officer for purposes of that complaint.

6.2.3 The Safeguarding Officer shall within two days of receiving notice of the allegation or concern of Abuse, make a preliminary assessment and determine whether it discloses any alleged Abuse and whether it contains sufficient information to commence and investigation.

6.2.4 The Safeguarding officer is required to seek immediate expert advice in the event the reports raise concerns relating to a child. Some of the experts that can be consulted include child psychologists, doctors and child protection officers.

6.2.5 The Safeguarding officer shall be responsible for providing ACUMEN4D's Executive Management Committee and the Finance and Human Resources Committee of the ACUMEN4D Board with an annual report on the implementation of this Policy, reports of any safeguarding allegations that may have been reported, the outcome of investigations carried out by the Safeguarding Committee and any actions taken by ACUMEN4D's Executive Management Committee.

6.3 The Safeguarding Committee

6.3.1 Once the Safeguarding Officer decides that an alleged abuse needs to be investigated, he shall constitute a Safeguarding Committee whose constitution shall be determined by the nature of the complaint received and the location of the survivors. The committee may include the following:

- (i) The Safeguarding Officer;
- (ii) The Head of Internal Audit or a member of the internal audit unit;
- (iii) The Program VP or Senior Manager in-charge of the project and/or Country in which the abuse is alleged to have occurred.
- (iv) Legal Unit (to play an advisory role);
- (v) Head of Gender

6.3.2 Investigations may also be carried out by local authorities where deemed appropriate. The Safeguarding Officer shall however follow-up closely with the authorities to ensure that he/she has all the necessary information.

6.4 Investigation Process

6.4.1 All investigations into allegations and concerns of Abuse shall be carried out within 14 days. If this is not feasible or not achieved, reasons for this must be clearly recorded, including the impact that any delays will have on the Vulnerable Person at risk or on the outcome/effectiveness of the investigation

6.4.2 The following principles will underpin all investigations:

- (i) ACUMEN4D will maintain confidentiality and will not disclose personal details of those involved in the investigations, unless such disclosure is deemed necessary to ensure that a Vulnerable Person and particularly a child is protected (for example where a child may need specialist services or where a criminal offence may have been committed).
- (ii) The organization and/or individual(s) against whom the concern or allegation of Abuse relates shall be informed of the allegations made against them.
- (iii) The organization and/or individual under investigation will provide the Investigation Committee with all relevant information that is sought by it.
- (iv) The committee shall not disclose the name of the person who made the report.
- (v) As many witnesses as possible shall be interviewed by the Safeguarding Committee or their representatives within the investigation period.
- (vi) All responses shall be documented and signed by the persons providing the information.
- (vii) In addition, all participants shall be expected to adhere to strict confidentiality and their cooperation shall be required.
- (viii) In case the complaint relates to child abuse, the child's parent, guardian or a welfare officer, will as far as possible be present when the child is being interviewed.
- (ix) If the allegation or concern of abuse has not been reported to the authorities, the Investigation Committee shall advise ACUMEN4D whether based on local law, the allegation or concern of Abuse should be referred to the police or other statutory authorities for criminal investigation.
- (x) No retaliation or intimidation shall be entertained. Any individual that makes any report of allegation or concern of abuse and/or gives any information during the investigative process is entitled to protection from retaliation.

6.5 Investigation Outcome

6.5.1 Once the investigation process has been completed, the Investigation Committee will set evaluate the evidence and prepare an investigation report.

6.5.2 The Report shall:

- (i) Set out how the committee carried out the investigations and the outcome of the same.
- (ii) Contain a clear outcome of the investigation (i.e. 'substantiated', 'not substantiated' or 'inconclusive') with evidenced reasons for this;
- (iii) Contain recommendations of action to be taken.

6.5.3 The Safeguarding Officer, unless otherwise agreed by the Investigating Committee shall have overall responsibility in the compilation and submission of the report. The report should be prepared within two days after the completion of the Investigations.

6.5.4 The Safeguarding Officer shall submit the report to the ACUMEN4D Executive Management Committee who shall determine the course of action to be taken.

7. ACCOUNTABILITY

Any behavior by ACUMEN4D Staff and Partners towards Vulnerable Persons, which results in Abuse will trigger action on the part of ACUMEN4D as follows;

7.1 Staff

(i) Any staff who has been under investigation by ACUMEN4D or by official law enforcement authorities for any area of abuse or exploitation as defined under this policy may be subject to staff disciplinary procedures. They may be suspended during the period of the investigation. The disciplinary process set out in ACUMEN4D's Human Resources Policy manual shall apply.

(ii) If a staff is dismissed for proven harm, exploitation or abuse, ACUMEN4D will inform the relevant authorities, disclose this to prospective future employers and/or refuse a reference, depending on details.

7.2 Partners

(i) Appropriate action will be taken up to and including immediate termination of a grant, or partnership agreement. In this case, the impact of the termination on the beneficiaries of the partnership will be considered.

(ii) ACUMEN4D will also notify the relevant authorities.

7.3 Donors

ACUMEN4D will report violations of this policy to its donors in accordance with donor requirements.

8. SUPPORT FOR SURVIVORS AND VICTIMS

Support will be offered to survivors and victims, regardless of whether formal internal investigations have been carried out. Support may include specialist psycho-social counselling, and/or access to other specialist and appropriate support as needed. The nature and level of support which we will provide to the Survivor will be determined on a case by case basis by the Safeguarding Committee after consultation with ACUMEN4D's Executive Management