

# All Survivors Project

## *Safeguarding Policy*

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### *Designated Trustees for Safeguarding:*

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These contacts have the responsibility to investigate any suspicions of maltreatment referred to them by any staff or other representatives of ASP, whether the suspected individual is a representative of ASP or not.

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ASP Safeguarding Policy sits within a set of Core Values which inform all of ASP's work and within which it operates. The Policy should also be read in conjunction with all other ASP policies.

ASP Safeguarding Policy includes:

- ASP Code of conduct
- Child Safeguarding Code of Conduct
- ASP Code of Conduct on Sexual Exploitation and Abuse

## 1. ASP's Core Values

All Survivors Project (ASP) is guided by our mission to support global efforts to eradicate conflict-related sexual violence (CRSV) and strengthen national and international responses through research and action on CRSV against men and boys. ASP is always steered by its core values of being human-rights centred, survivor-centred, ethical and accountable, and independent, impartial and neutral.

Through our work with governmental and non-governmental stakeholders and with male victims/survivors of sexual violence, we seek to ensure that conflict-related sexual violence is prevented and that the rights of all victims/survivors, including men and boys, are fulfilled, and the dignity of all victims/survivors is respected and protected.

ASP is committed to the following core values:

- Human-rights centred: ASP's work is guided by international human rights and humanitarian norms and standards, centring the agency, autonomy, dignity and safety of all victims/survivors of conflict-related sexual violence (CRSV), and principles of non-discrimination and self-determination.
- Survivor-centred: ASP recognises victims/survivors as experts and centres their leadership, agency and lived experience. ASP works in partnership with victims/survivors wherever possible to inform its research and action, ensuring that their voices, expertise and self-determined priorities guide all efforts to end and respond to CRSV.
- Ethical and accountable: ASP upholds ethical approaches in its research, advocacy and other activities, and is committed to being accountable to the victims/survivors

and partners with whom it works, and to organizations working to prevent and respond to CRSV against women and girls.

- Independent, impartial and neutral: To protect its independence, ASP ensures that all its funding is consistent with its mission and values. ASP acts with impartiality, conducting its work without discrimination. ASP maintains its neutrality by not taking sides in armed conflicts or hostilities.

## 2. Purpose and scope

This document provides a statement of our commitment to safeguard those involved in and impacted by the work of ASP, especially its research and advocacy activities.

The document locates our safeguarding commitments within our core values, providing detail on how these commitments will be met in practice in all aspects of our work, and is designed to provide a framework of standards and guidelines on which to base individual and organisational good practice.

The purpose of this policy is to protect people, particularly children and at-risk adults with whom we work, from any harm that may be caused due to their coming into contact with ASP.

This includes harm arising from:

- The conduct of ASP members of staff, consultants, contractors, volunteers and other representatives of ASP (hereby “representatives of ASP”)
- The design and implementation of ASP’s programmes and activities

The policy lays out the commitments made by ASP and informs representatives of ASP of their responsibilities in relation to safeguarding.

This policy does not cover:

- Safeguarding representatives of ASP from bullying, harassment (including sexual harassment) discrimination and other workplace misconduct issues – sexual harassment is covered by ASP Code of Conduct on Sexual Exploitation, Abuse and Harassment (SEAH);
- Broad safeguarding concerns in the wider community not perpetrated by ASP or associated personnel<sup>1</sup>;

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<sup>1</sup> ASP cannot take responsibility for these, although may report these to appropriate parties/authorities.

- Research ethics in general – this is covered by the Ethical Research and Advocacy Policy.

### 3. What is safeguarding?

Safeguarding broadly covers protecting children from maltreatment and preventing impairment of their health or development, as well as protecting the rights of adults to live in safety, free from abuse and neglect.

In the context of ASP, it covers the responsibility we have to ensure representatives of ASP, operations, and programmes do no harm to children and adults, and do not expose them to the risk of harm and abuse, including protection from sexual exploitation and abuse.

See **Annex I** for definitions of key terms.

### 4. Policy statement

ASP believes that everyone we come into contact with has the right to be protected from all forms of harm, abuse, neglect and exploitation. ASP will not tolerate abuse and exploitation by representatives of ASP.

This policy will address the following areas of safeguarding: child safeguarding, adult safeguarding, and protection from sexual exploitation, abuse and harassment (PSEAH).

ASP commits to addressing safeguarding through the application of procedures, guidelines and practices:

- **Prevention:** ensuring, through awareness and good practice, that representatives of ASP do all that is reasonably possible to keep children and adults with whom we work safe from harm;
- **Reporting:** ensuring that all representatives of ASP are aware of what steps to take when concerns arise regarding actual or possible harm to children and adults; and
- **Responding:** ensuring that action is taken to support and protect children and adults where concerns arise regarding actual or possible harm.

## 5. Scope

ASP Safeguarding Policy and associated ASP Code of Conduct, ASP Child Safeguarding Code of Conduct and Code of Conduct on Sexual Exploitation, Abuse and Harassment, apply to all representatives of ASP, including but not exclusively, consultants, contractors, volunteers (including senior volunteers involved in governance roles e.g. Board members) and any other representatives of the All Survivors Project.

ASP Safeguarding Framework applies to all areas of ASP's work which include research, advocacy, development and delivery of sensitisation, awareness raising and direct interventions in facilitating access by victims/survivors to responses. The provisions of the Safeguarding Policy and Code of Conduct apply to all work-related activities and extend beyond the professional sphere.

Breaches of ASP Safeguarding Policy beyond the work context, where these come to light, may lead to disciplinary measures being taken against representatives of ASP. Any breach of this Policy is a form of misconduct and if substantiated, may lead to disciplinary measures including possible termination of employment or legal action if required.

## 6. Protection from Sexual Exploitation, Abuse and Harassment (PSEAH)

ASP recognises that due to a range of factors, individuals with whom it works and others in the wider communities may be more at risk of sexual exploitation and abuse and so subscribes to the following principles, which apply to all those engaged in international aid and development work<sup>2</sup>:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;
- Sexual activity with children (persons under the age of 18) 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;

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<sup>2</sup> Six Core Principles Relating to Sexual Exploitation and Abuse, UN IASC 2019. Although ASP staff and associates are not humanitarian workers in the strict sense, these principles apply as we operate in general across the human rights and international aid and development sectors.

- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries;
- Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work;
- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms;
- Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

## 7. ASP Child Safeguarding Code of Conduct

Child safeguarding refers to the measures an organisation takes to ensure children they come into contact with, directly or indirectly, do not come to harm. Child safeguarding encompasses the protection of children from all forms of harm, including the prevention of physical, sexual and emotional abuse, neglect and exploitation by representatives of ASP and as a result of an organisations programmes and operations.

The protection of children from all forms of harm is of prime importance to ASP and is considered both an organisational and individual responsibility. Everyone who works for ASP must take all possible precautions to protect the children with whom they come into contact. The work of ASP upholds the rights- based framework provided by the UN Convention on the Rights of the Child.

Promoting children's welfare and best interests:

- The welfare and best interests of the child are primary considerations, as enshrined in the UN Convention on the Rights of the Child;
- Every person working on behalf of ASP is expected to report any concerns about a child, using the procedures laid down in this policy;

- All children regardless of age, disability, gender, racial heritage, ethnicity, religious belief, sexual orientation or any other aspect of their identity have the right to equal protection from all types of harm or abuse;
- Some children are particularly vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues;
- Working in partnership with children, young people, their parents, guardians and other agencies is essential in promoting children and young people's welfare and best interests.

ASP requires representatives of ASP keep children and young people safe by:

### **Prevention**

- Promoting the UN Convention on the Rights of the Child and as necessary, providing opportunities for children and adults to be conversant with it;
- Adopting safeguarding practices during all activities that involve children including direct contact with children;
- Valuing children and young people, listening to them and respecting them;
- Ensuring that language used about children and when communicating with them is respectful;
- Recruiting representatives of ASP safely and ensuring that all necessary checks are made as outlined in this document and as indicated in the ASP Recruitment policy;
- Ensuring that the portrayal of children during events and activities and in images and publications promotes respect for children and their views and reflects the principles of this policy;
- Ensuring representatives of ASP work in an open and transparent way and monitor and review their own standards and practice;
- Informing representatives of ASP about any changes to guidelines on child safeguarding and providing effective support and training for representatives of ASP.

### **Reporting and response**

- Encouraging a culture within ASP where concerns of representatives of ASP are readily listened to, discussed and raised without fear of criticism or reprisal;
- Ensuring representatives of ASP, relevant stakeholders are informed about the procedures for reporting a concern and making a complaint against ASP;
- Raising any safeguarding concerns with relevant agencies;



- sharing information about child protection and good practice with stakeholders, for example partners, children, parents, and others.

When carrying out the activities of the organisation:

- Representatives of ASP must always place the rights of the child at the centre of the organisation's work and activities, and all activities should be in the best interests of children;
- Language used with children and about children (both written and spoken) must always be inclusive and respectful;
- All children should be treated with equal respect regardless of their age, gender, ethnicity, abilities or other factors;
- Children should not be shown differential treatment such as favouritism or be singled out for particular negative attention;
- Representatives of ASP must not establish personal communications with children via any means, including social media. Contact with children and young people must be approved by the Executive Director or designate, or the DPS, parents or guardians as appropriate and only conducted using the organisation's email accounts;
- Images and stories of children must never be taken or publicised without the consent of children and/or parents/caregivers. Images of children which are obtained commercially or from another NGO must be checked to ensure they meet ASP consent standards;
- When working with children, representatives of ASP must make explicit their commitment to respecting the privacy and confidentiality of contributions. While confidentiality is an essential value, it does not however override the duty to protect the welfare of children. Where representatives of ASP have concerns that a child is at risk of serious harm, they must first of all discuss the situation with the child and/or their legal guardian, and encourage them to share with a trusted adult what they have shared with representatives of ASP. If the child does not wish to tell anyone else, representatives of ASP may still need to take action, for instance talking to ASP Executive Director to agree on appropriate plans such as referral to pre-identify safe and adequate providers or other sources of help. In discussing what to do in this type of situations, ASP needs to be aware that in many contexts where it works it will be impossible to guarantee that existing support and protection systems will work effectively to improve the child's situation. Any course of action should therefore be taken in full respect of the do no harm principle and a child-centred and survivor-centred approach, where the child safety, needs and rights are prioritised and where their control on the situation is maintained as much as possible. This also implies

discussing each available option with the child and/or their legal guardians, and warn them – from the start – about the possible breach of confidentiality ASP might do to mitigate any risk of harm to them or others.

- Children should also be informed about how to raise concerns or make complaints themselves, regarding harm they are experiencing in their families or communities for example, and what they can expect to happen in response. In considering reporting to authorities, the central guiding principle – the best interests of the child/vulnerable adult – will be used to guide decision-making.

When working directly or otherwise in contact with children, and particularly when travelling overseas, all representatives of ASP should comply with the following guidelines:

- Avoid being alone with children. Ideally, two adults should be present for the supervision of all activities involving children;
- Never hold, fondle, kiss, cuddle or touch children or otherwise behave in an inappropriate way towards children;
- If it is necessary to spend time alone with a child/children, permission should be obtained from either the parents or legal guardians and the child themselves, and ensure the activity takes place in a way that is supervised in some way or is at least open or observable;
- Make appropriate use of information technology (such as email, websites, internet) to ensure that they do not participate in the sexual exploitation of children by viewing abusive images of children online;
- Avoid publish a story or an image which might place a child, siblings or peers at risk even when identities are changed, obscured or not used.

Representatives of ASP must never:

- Sexually exploit or sexually abuse any individual;
- Engage in any sexual activity with a child or children regardless of the age of majority or age of consent locally; mistaken belief in the age of the child is not a defence;
- Act in a way that may place a child at risk of abuse, including by not undertaking a proper risk assessment before implementing activities with children;
- Engage in behaviours and actions that are violent towards children. These include, but are not limited to using inappropriate language or behaviour when dealing with a child or children, bullying and harassing a child verbally or physically, persuading a

child to engage in activities which are not age-appropriate, physically punishing a child, exposing a child to indecent images, online grooming and trafficking;

- View, consume, create, purchase, sell, possess or distribute any forms of indecent images of children or, engage in any forms of humiliating, degrading or exploitative behaviour against children.

Representatives of ASP must always:

- Use ASP IT technology solely for appropriate professional or private use;
- Adhere to ASP principles on obtaining and using images of children.

## 8. Prevention

In order to make its policy commitments a practical reality, ASP will instigate or strengthen a range of measures that focus on making sure the policy and associated procedures and measures are in place, that representatives of ASP are supported to understand and work within the provisions of the policy, that it is fully and effectively integrated into all of our activities, and that it is subject to monitoring and review. These measures include:

### 8.1 *Safe programming*

ASP will ensure safety considerations are taken into account in the design, development and delivery of all its activities, and that corresponding safeguarding measures are implemented in order to assess and mitigate risk issues for programme participants (see also section on risk below).

### 8.2 *Children in research*

All Survivors Project does not currently undertake interviews of children but believes that the involvement of children and adolescents in research about sexual violence can improve an understanding of their unique needs and strengths and improve the broader sexual violence response for children and adolescents.

The principles and criteria that will inform any involvement of children in research or advocacy activities in the future can be found in ASP Ethical Research and Advocacy Policy.

### 8.3 *Safeguarding adult victims/survivors of sexual violence*

In addition to safeguarding all participants of research activity, it is important to consider the safety of victims/survivors and survivor groups. In light of its work and survivor-centred approach, ASP is increasingly brought to be in touch and work with victims/survivors and survivor networks for research, sensitisation, and other initiatives. In line with its care and safeguarding duty, ASP will, at a minimum, map local safe, confidential and quality health including mental health and psychosocial support responses and identify or establish a safe referral for those victims/survivors who wish to access support. Such provisions must be put in place before ASP can proceed with the planned work. These issues will be aligned with the Survivor Protocol.

### 8.4 *Safe recruitment and screening processes*

ASP's internal recruitment processes include stringent screening measures to ensure that people who may be unsuitable to work with or pose a risk to those we serve, are not employed or engaged. These measures include background checks and where possible criminal record checks on all successful candidates before they begin work. Protection screening measures, as described below, are applied to all representatives of ASP.

ASP takes a preventative approach to safeguarding through the application of a safe recruitment process, code of conduct and its human resources policies. All those involved in the recruitment and selection of representatives of ASP should be aware of safe recruitment procedures.

#### **Prior to interview**

- Applicants should receive a clear job role description and person specification which sets out the boundaries and expectations of the role including a statement of responsibility and requirements for safeguarding;
- The organisation's commitment to safeguarding should be included in all job advertisements for representatives of ASP;
- Applicants should receive an information pack containing the Safeguarding Policy and all other related ASP policies;
- Use an application form in addition to a CV.

**Interview**

- Ensure face to face interviews are conducted (in person or online). Always have two or more people on the interviewing panel;
- Discuss the Safeguarding Policy during the interview and other related ASP policies;
- Convey clear messages to candidates about the organisation's commitment to safeguarding as well as background checks and disciplinary measures in case of breach of ASP Code of Conduct.

**Pre-employment/engagement screening**

- Request and take up written references from at least two people, preferably three;
- Contact referees directly and verify references in person and record them in staff files;
- Ensure the reference request asks about the prospective employee's suitability to work in a role that may bring them, directly or indirectly, in to contact with children and young people as well as adults who may be vulnerable/at risk. Also ask about the candidate's disciplinary record including action against the individual or investigations relating to corruption, unethical behaviours, or other misconduct issues;
- ASP requires a DBS (Disclosure and Barring Service) or equivalent check for all representatives of ASP before commencement of employment/service;
- Processes for getting criminal records checks abroad vary between countries.
- Overseas applicants and UK applicants who have lived abroad should be asked to obtain a criminal records check, or "Certificate of Good Character", from their country of origin. It may also be possible to get such a check through the relevant embassy in the UK, but the applicant must give their permission. The London Diplomatic list contains the addresses and contact details of all Embassies and High Commissions in London;
- In addition to the DBS check, all successful applicants must sign a declaration form, stating they have never committed an offence against a child or vulnerable adult;
- Individuals must notify ASP of any criminal convictions or charges prior to employment and of any criminal charges that arise during employment/engagement.
- Individuals must also notify ASP of any former complaints concerning suspected or substantiated misconduct including non-recent child abuse.

**8.5 Representatives of ASP awareness and training**

ASP representatives of ASP will receive regular trainings/briefings on their obligations under

this policy as well as to other related ASP policies and will be included in courses delivered at induction and beyond. Contractors such as such as photographers, film makers, data collectors in countries, interpreters, fixers, and so on should also be briefed on ASP Safeguarding Policy, ASP Code of conduct and other relevant documents to ensure they are sufficiently aware of ASP commitments and the responsibilities placed on them.

### *8.6 Media and communications*

ASP will develop and strengthen guidelines on, for example, the use of photographs, documentaries, interviews and articles on vulnerable people that help control confidential information and uphold their dignity, rights, agency and participation. The guidelines will clarify what is appropriate and inappropriate in the use of written, verbal and visual information and support representatives of ASP to understand the importance of protecting and respecting the safety, dignity and privacy of vulnerable people and deconstruct harmful stereotypes about marginalised and often stigmatised populations including victims/survivors of sexual violence. They will also help to safeguard children and vulnerable adults from being identified by those who may wish to harm them or through publicity that could have other negative impacts on them.

### *8.7 Risk management*

ASP already operates risk management processes to ensure that risks across the organisation are effectively identified and addressed, for example in research design and pre-mission assessments. Please refer to ASP Security Policy for a comprehensive overview of risk management and mitigation procedures.

The risk of harm to children and vulnerable adults as a result of any ASP activity (through misconduct or poor research programme design/delivery, for example) will be further strengthened and integrated into key stages of programming as indicated above (see ‘Safe programming’).

### *8.8 Designated Person for Safeguarding*

ASP has a Designated Person for Safeguarding (DPS) who acts as the focal point for safeguarding matters. The role supports and promotes safeguarding and with the Board of Trustees (through the Trustee lead for Safeguarding) ensures the organisation’s safeguarding policy and related policies and procedures are followed and regularly evaluated and updated. The DPS also has a role in promoting a safe environment for child/vulnerable adult, for example, by:

- Ensuring awareness raising/training for representatives of ASP;
- Ensuring representatives of ASP understand the organisation’s shared values which help to prevent safeguarding;
- Ensuring representatives of ASP have the opportunity to discuss and challenge attitudes, behaviours and practice that underpin safeguarding;

- Ensuring senior leadership model the organisation's shared values which help to prevent safeguarding;
- Ensuring the organisation's policies and practices address issues of gender, diversity and empowerment;
- Supporting risk assessments to ensure safeguarding measures are integrated effectively;
- Receiving reports on safeguarding issues/incidents and referring these on in line with ASP's procedures (see section on 'reporting and responding' below).

The DPS is a first point of contact for all representatives of ASP if they are concerned about actual/possible harm to a child or adult. The DPS will have received appropriate training and be conversant with current safeguarding guidelines and good practice.

See **Annex II** for responsibilities of the Designated Person for Safeguarding (DPS).

### 8.9 *Partnership working*

Our safeguarding commitments require the commitment, support and cooperation of all partners in meeting the terms of the safeguarding policy and to be held accountable for keeping safe children and adults with whom they work.

Prospective partners working with vulnerable groups are expected to have in place a safeguarding or protection policy and associated safeguarding measures. As part of ASP's due diligence process in working with partners, a safeguarding assessment will be conducted to ensure alignment between the values, principles and approach of ASP and any prospective partner.

Although there may be some element of compliance in this process, ASP is committed to working with partners in a spirit of collaboration in order to jointly achieve safe and protective arrangements that keep safe everyone involved in its activities as far as is possible.

See **Annex III** for a more detailed partner risk assessment and due diligence tool, and please refer to ASP Security and Safeguarding Partnership Management procedure for a detailed and comprehensive overview on how to conduct a partners assessment and for more details on mitigating measures.

### 8.10 *Implementation monitoring and review*

ASP will ensure effective implementation of the Safeguarding policy to include measurable indicators of progress that will enable ASP and others to monitor its performance. An implementation plan will be drawn up and will form the basis for putting the policy into practice and monitoring progress.

ASP will examine all areas of its activities with a view to integrating safeguarding into all aspects of our work.

Existing systems will be adapted to include indicators and processes by which implementation of the safeguarding policy can be measured. ASP commits to reviewing the Safeguarding policy every 2 years or sooner if warranted.

## 9. **Reporting**

### 9.1 *Duty to report*

Representatives of ASP are duty bound to immediately report any concerns of possible/actual harm, including abuse, exploitation, and neglect and policy non-compliance, or risk of such, resulting from action or inaction by anyone covered by this policy.

ASP will also act on its responsibilities to report safety concerns relating to adults and children at risk as a result of possible/actual harm perpetrated by a person or persons not covered by this policy, for example, a person alleging abuse by someone in their family or wider community.

All representatives of ASP are obliged to report their concerns internally within ASP.

Failure to report could lead to disciplinary action being taken.

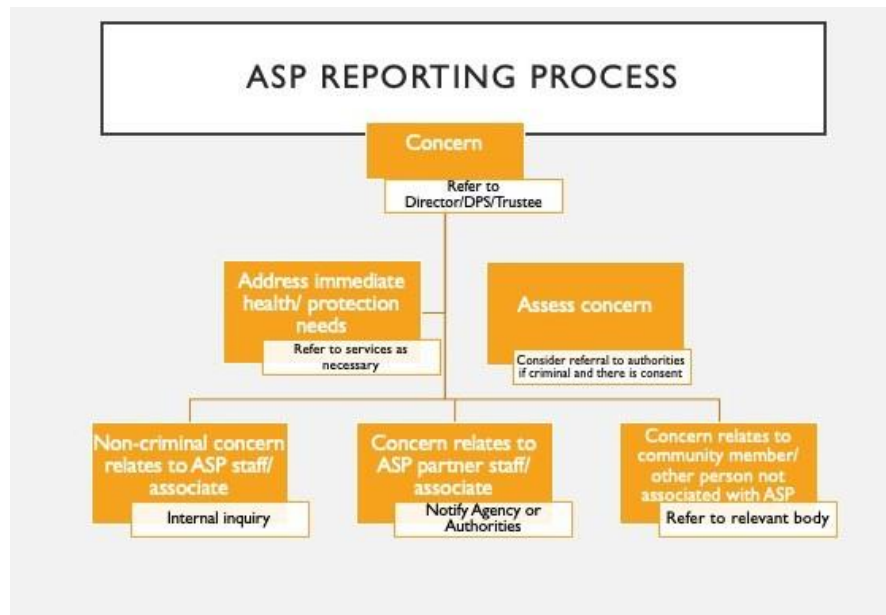
### 9.2 *Reporting procedures*

Any representatives of ASP who discovers or suspects another representative (including in a partner organisation) of any form of harmful or abusive practice or other breach of this policy,



should refer the matter immediately and in confidence to the Designated Person for Safeguarding (DPS).

Alternatively, and in particular where the DSP may be implicated in the concern, contact can be made with Trustees via Joachim Theis [joachimtheis@gmail.com](mailto:joachimtheis@gmail.com) and Charu Hogg [hoggc@allurvivorsproject.org](mailto:hoggc@allurvivorsproject.org)



On receipt of any such concerns, ASP will consider the nature of the case and agree the appropriate response as detailed in the 'Response' section below. For non-criminal cases involving ASP representatives of ASP, ASP will institute an internal inquiry with immediate effect. The Board of Trustees have the responsibility to institute an internal inquiry into the allegation and submit a report to the Chair of the Board of Trustees.

Depending on the outcomes of the inquiry, representatives of ASP found responsible may be subjected to organisational disciplinary procedures, which include suspension and possible dismissal. Depending on the nature of the concerns and with the informed consent of the alleged victim as appropriate, the details of the representatives of ASP alleged to have breached this policy, may be shared with relevant legal authorities in the country of their residence if considered appropriate and safe.

When warranted and legally required, ASP will report cases of abuse that appear to represent criminal matters to appropriate external authorities for investigation and possible prosecution.

However, mandatory or external reporting requirements can raise ethical and safety concerns in humanitarian settings, where governance structures often break down and rule of law either does not exist or exists only in theory but not in practice. In such settings as the ones where ASP research is being carried out, mandatory reporting can set off a chain of events that potentially expose the child or vulnerable adult (as well as other parties such as witnesses and the alleged perpetrator) to (further) risk of harm, and as such it may not be in their best interest to initiate a report. In all reports of concerns made to ASP, the central guiding principle – the best interests of the child/vulnerable adult and survivor-centred approach – will be used to guide decision-making.

### 9.3 *Complaints*

ASP will ensure anyone external to the organisation can raise concerns about the conduct of representatives of ASP or about research, advocacy or other activities, including possible breaches of ASP Safeguarding Policy and Code of conduct. Complaints and feedback mechanisms will be available to and accessible by all - the populations we serve, including victims/survivors, and children via child-friendly complaints procedures. As part of initial engagement with counterparts and communities, ASP will provide information on our commitments to safeguarding and on how to make a complaint or provide feedback.

A complaint may be submitted to ASP via email, letter or telephone or in person or by other means determined in specific locations. Complainants will be able to lodge a concern without fear of reprisals or unfair treatment.

As far as possible, ASP will ensure that complaints are handled with confidentiality and in a survivor-centred manner. Confidentiality is crucial as it protects the complainant, the subject of the complaint and other witnesses. The fact and nature of the complaint, the identities of those involved and documentation resulting from the investigation remain confidential and are only shared for the purpose of performing the necessary administrative investigation.

Complaints will be received and acknowledged. Each complaint will be responded to based on the nature of the complaint.

While confidentiality is an essential value, it does not however override the duty to protect the welfare of individuals. Where a representative of ASP has concerns that an individual is at risk of serious harm, they must first of all discuss the situation with the person and

encourage them to share with a trusted person what they have shared with representatives of ASP. If the person does not wish to tell anyone else, representatives of ASP may still need to take action, for instance talking to ASP Executive Director to agree on appropriate plans such as referral to pre-identify safe and adequate providers or other sources of help. In discussing what to do in this type of situations, ASP needs to be aware that in many contexts where it works it will be impossible to guarantee that existing support and protection systems will work effectively to improve the person's situation. Any course of action should therefore be taken in full respect of the do no harm principle and survivor-centred approach, where the person's safety, needs and rights are prioritised and where their control on the situation is maintained as much as possible. This also implies discussing each available option with the individual, and warn them – from the start – about the possible breach of confidentiality ASP might do to mitigate any risk of harm to them or others.

## 10. Response

### 10.1 *The management of concerns/allegations against representatives of ASP*

The initial priority in all cases will be the safety, protection and other needs of possible victims/survivors, such as emergency health requirements. Wherever possible, this will involve the person being accompanied to ASP pre-identified, vetted, safe, confidential, quality health and mental health and psychosocial support (MHPSS) services.

ASP employment guidance and procedures will be followed in the case of a representative of ASP who is a Subject of Complaint. Where an investigation requires the suspension of the member of representatives of ASP implicated, ASP employment/disciplinary procedures must be followed.

Investigations will be professional, fair and impartial, survivor-centred, and will be conducted by individuals adequately trained, including on how to conduct a survivor-centred investigation. The representative of ASP against whom an allegation has been made, should be informed about the allegation as soon as possible, but not before consultation with the DPS and external authorities as appropriate, and only if this does not put anyone at risk.

In cases involving criminal breaches, any statutory (police and social care) investigation will usually need to take place prior to any disciplinary enquiry by ASP; the results may inform the disciplinary enquiry. The outcome of any investigation must be recorded and a copy kept on the representatives of ASP's file.

Under no circumstances should the Subject of Concern (accused) or their colleagues make contact with those who have raised the concern. If an allegation has been made and the accused representative of ASP requires advice/support, they should speak with the DPS. The DPS will keep the representative of ASP informed of the progress of the case.

If the allegation or concerns are about the DPS, the concern should be raised with the Director or nominated safeguarding lead on the Board of Trustees.

The case of a representative of ASP tendering his/her resignation or ceasing to provide their services will not prevent a concern from being followed up in accordance with this policy and the procedures set out in this section. “Compromise agreements” where a person agrees to resign without any disciplinary action and agreed future reference, must not be used in these cases.

The DPS, in consultation with ASP Executive Director and/or designated trustee for safeguarding, will determine if the police and/or other statutory agencies need to be contacted. For representatives of ASP based outside of the UK, the relevant local statutory authority should be contacted. There may need to be one or more types of inquiry depending on the nature of the concern. These may include a child protection inquiry, police investigation and/or actions that conform to the ASP disciplinary process.

## *10.2 Concerns/allegations against ASP partner staff/associates*

Partnership agreements should contain stipulations regarding the reporting and handling of safeguarding concerns in relation to partner organisations.

Representatives of ASP are required to report any suspicions or concerns regarding actual/possible breaches of the safeguarding policy to ASP as described above, including when these may relate to staff/associates of partner organisations. Equally, partner agencies should be informed of their right to raise concerns with ASP via the complaints system.

Any safeguarding concerns raised within partner organisations relating to their staff and associates should be notified to ASP at the earliest/most appropriate opportunity.

Concerns identified or reported to ASP regarding safeguarding issues/incidents in partner organisations, will be considered as above and may be referred to the partner organisation or to statutory authorities, depending on the nature of the concern.

Partnership agreements should also identify roles and responsibilities in relation to managing safeguarding issues that may arise in the course of the work.

## **ANNEXES**

## Annex I - Definitions<sup>3</sup>

**Safeguarding** is an ethical approach and set of practical measures adopted by organisations to promote the safety and wellbeing of everyone involved in the delivery or receipt of services and assistance, and to protect them as far as possible from all forms of harm, including exploitation, abuse and harassment that might result from their involvement in, or contact with, the organisation.

**Child safeguarding** refers to the measures an organisation takes to ensure children they come into contact, directly or indirectly, do not come to harm. Child safeguarding encompasses the protection of children from all forms of harm, including the prevention of physical, sexual and emotional abuse, neglect and exploitation of children by representatives of ASP and as a result of an organisations programmes and operations.

**Adult safeguarding** (applicable to adults at risk of abuse and neglect) means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

Safeguarding duties for adults at risk apply to any charity working with anyone aged 18 or over who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect.
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- Faces risks and vulnerabilities in any context.

**Protection from Sexual Exploitation, Abuse and Harassment (PSEAH)** is the term used by the UN and NGO community to refer to measures taken to protect people from sexual exploitation and abuse by their own staff and associated personnel.

SEAH is defined as:

**Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but

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<sup>3</sup> Unless otherwise indicated, definitions included in this Annex are drawn and/or adapted from the "Glossary on Sexual Exploitation and Abuse, Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations", Prepared by the Task Team on the SEA Glossary for the Special Coordinator on improving the United Nations response to sexual exploitation and abuse, 24 July 2017 (Second Edition). Available from: <https://safeguardingsupporthub.org/documents/glossary-sexual-exploitation-and-abuse> (consulted on 11 May 2021).

not limited to, profiting monetarily, socially or politically from sexual exploitation of another. Under UN regulations, sexual exploitation includes transactional sex, solicitation of transactional sex and exploitative relationship.

**Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual abuse is a broad term, which includes rape, sexual assault, sex with a minor and sexual activity with a minor. All sexual activity with a child is considered as sexual abuse, regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence.

SEA is a breach of the provisions of the UN Secretary General’s Bulletin (Special measures for protection from sexual exploitation and sexual abuse) and is “Conduct or behaviour of a sexual nature when this conduct or behaviour amounts to either sexual exploitation or sexual abuse as defined in ST/SGB/2003/13”.

Also **Protection from Sexual Exploitation and Abuse and Harassment (PSEAH)** as opposed to PSEA, adding sexual harassment as a related issue. Recognises sexual exploitation and abuse and sexual harassment have common root causes.

**Sexual Harassment:** Sexual harassment refers to prohibited conduct in the work context and can be committed against ASP personnel and collaborators. It involves 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, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Beyond ASP (and UN regulations), the definition of sexual harassment is broader and does not require a link to the work environment. It is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Child abuse** or maltreatment constitutes all forms of physical and/or emotional ill- treatment, sexual abuse [all sexual activity with a child is considered child abuse], neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

**Child sexual abuse<sup>4</sup>** is the involvement of a child or an adolescent in sexual activity that he or she does not fully comprehend and is unable to give informed consent to, or for which the child or adolescent is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility or trust or power over the victim. It includes incest which involves abuse by a family member or close relative. Sexual abuse involves the intent to gratify or satisfy the needs of the perpetrator or another third party including that of seeking power over the child. Three types of child sexual abuse are often distinguished: (i) non-contact sexual abuse (e.g. threats of sexual abuse, verbal sexual harassment, sexual solicitation, indecent exposure, exposing the child to pornography); (ii) contact sexual abuse involving sexual intercourse (i.e. sexual assault or rape

see below); and (iii) contact sexual abuse excluding sexual intercourse but involving other acts such as inappropriate touching, fondling and kissing. Child sexual abuse is often carried out without physical force, but rather with manipulation (e.g. psychological, emotional or material). It may occur on a frequent basis over weeks or even years, as repeated episodes that become more invasive over time, and it can also occur on a single occasion.

### **Abuse of adults**

Abuse is a violation of an individual's human rights by any other person or persons. It can take a number of forms:

- Physical abuse e.g. hitting, pushing, shaking, inappropriate restraint, force-feeding, forcible administration of medication, neglect or abandonment;
- Sexual abuse e.g. involvement in any sexual activity against his/her will, exposure to pornography, voyeurism and exhibitionism;
- Emotional/psychological abuse e.g. intimidation or humiliation;
- Financial abuse e.g. theft or exerting improper pressure to sign over money from pensions or savings etc.;
- Neglect or acts of omission e.g. being denied medical attention, being left in wet or soiled clothing, or malnutrition;
- Discriminatory abuse e.g. racial, sexual or religious harassment;
- Personal exploitation – involves denying an individual his/her rights or forcing him/her to perform tasks that are against their will;
- Violation of rights e.g. preventing an individual speaking his/her thoughts and opinions;
- Institutional abuse e.g. prioritising the needs of the organisation over those of the person, failure to provide a choice of meals or failure to ensure privacy or dignity;

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<sup>4</sup> This definition is taken from WHO (2017), Responding to children and adolescents who have been sexually abused: WHO clinical guidelines.



- Domestic abuse – any form of physical, non-physical or sexual abuse which takes place within the context of a close relationship committed either in the home or elsewhere, typically between partners or ex-partners.

**Rape** is penetration – even if slightly – of any body part of a person who does not consent with a sexual organ and/or the invasion of the genital or anal opening of a person who does not consent with any object or body part.

**Sexual assault** is sexual activity with another person who does not consent. It is a violation of bodily integrity and sexual autonomy and is broader than narrower conceptions of “rape”, especially because (a) it may be committed by other means than force or violence, and (b) it does not necessarily entail penetration.

**Sexual violence** is defined as acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, forced virginity testing, etc.

**Conflict-related sexual violence (CRSV)** Incidents or patterns of sexual violence – including rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity - perpetrated against women, men, girls or boys that is directly or indirectly linked (temporally, geographically or causally) to a conflict. This link with conflict may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group), the profile of the victim (who is frequently a member of a persecuted political, ethnic or religious minority), the climate of impunity (which is generally associated with State collapse), cross-border consequences (such as displacement or trafficking in persons) and/or violations of the terms of a ceasefire agreement.

**Trafficking of persons for sexual exploitation** is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth above (e.g. threat or the use of force or other forms of coercion etc.).

## Glossary of terms<sup>5</sup>

**Assent** is the willingness to participate in research, evaluations or data collection by persons who are by legal definition too young to give informed consent according to prevailing local law but who are old enough to understand the proposed research in general, its expected risks and possible benefits, and the activities expected of them as subjects. Assent is similar to the process of informed consent. Assent by itself, however, is not sufficient. If assent is given, informed consent must still be obtained from the subject's parents or guardian or a responsible adult.

**Assessment of an allegation** is review of information received to determine if this information amounts to an allegation of misconduct that warrants referral for an investigation.

**Child** - Article 1 of The UN Convention on the Rights of the Child (1990) defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

**Community-based complaint reception mechanism (CBCM)** is a system blending both formal and informal community structures, where individuals are able and encouraged to safely report incidents of SEAH. Local communities are involved in developing the CBCM so that the structure is both culturally and gender sensitive. The mechanism should be safe, confidential, transparent and accessible and should have multiple entry points, allowing reports to be made through various channels, through community structures or focal points, prevention of SEAH (PSEAH) networks, organizational focal points.

**Complainant** is a person who brings an allegation of SEAH to the attention of ASP in accordance with established procedures. This person may be a SEAH survivor or another person who is aware of the wrongdoing.

**Complaint** is the information provided, whether by a complainant or any other person (source), indicating conduct that may be in breach of the ASP Code of conduct but that has yet to be assessed.

**Confidentiality** is the process of protecting an individual's privacy. It pertains to the treatment of information that an individual has disclosed in a relationship of trust, with the expectation that this information will not be divulged to others without permission.

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<sup>5</sup> These are definitions referred to by ASP in the context of research works but that also have wider meaning.

**Disciplinary measure / action** is imposed following a disciplinary process. These may take the following forms: written censure; loss of one or more steps in grade; deferment, for a specified period, of eligibility for salary increment; suspension without pay for a specified period; fine; demotion with deferment, for a specified period, of eligibility for consideration for promotion; separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity; and dismissal. SEAH is serious misconduct and results in the most serious disciplinary measures.

**Informed consent** is the voluntary agreement of an individual, or his or her authorized representative, who has the legal capacity to give consent, and who exercises free power of choice, without undue inducement or any other form of constraint or coercion to participate in research. The individual must have sufficient knowledge and understanding of the nature of the proposed evidence generating activity, the anticipated risks and potential benefits, and the requirements or demands of the activity to be able to make an informed decision.

**Consent** signifies the approval by the participant for the information to be used as explained. Consent is often given with limitations. It must therefore be specified whether all the data and information provided can be used, including the identity of the participant, or whether the information may be used on condition that the identity of the participants is kept confidential. The participant may deem some parts of their testimony to be confidential, and others not: this should also be clarified and recorded. Informed consent is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order to give informed consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. They also must be aware of and have the power to exercise their right to refuse to engage in an action and/or to not be coerced. Children's informed consent should take into consideration their evolving capacities. In the case of a child, informed consent should be voluntary with the informed consent of the child and a parent or guardian. Persons with disabilities may need specific support based on the nature of their impairment whether it be physical, intellectual, or mental, to give consent. Even if informed consent is granted, the information collector has an obligation to assess the potential implications of the use of that information on the safety of the person providing it, and on others involved, and to minimize any additional risk to the participants that may be incurred.

**Investigation** is a legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons or entities responsible. Investigations must be survivor-centred.

**Misconduct** may arise through ASP personnel's and collaborators' failure to comply with his or her obligations under ASP ethical framework, including ASP Code of Conduct or other relevant administrative issuances or to observe the standards of conduct expected of them. Sexual exploitation and abuse constitute serious misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures.

**Privacy** is the ability of an individual to control the extent, timing, and circumstances of sharing themselves (physically, behaviourally, or intellectually) with others. Privacy refers to the right of individuals to limit access by others to aspects of their person that can include their thoughts and identifying information.

**Survivor/Victim** is a person who is, or has been, sexually exploited or abused. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience.

**Transactional sex** is the exchange of money, employment, goods or services for sex, including sexual favours other forms of humiliating, degrading or exploitative behaviour. This includes any exchange of assistance that is due to beneficiaries of assistance.

## **Annex II - Responsibilities of the Designated Person for Safeguarding (DPS)**

- Ensure the organisation's safeguarding policy is kept up to date;
- Check that the organisation complies with safe recruitment procedures for new representatives of ASP and take part in their induction;
- Support representatives of ASP to report any concerns about a child. For incidents outside the UK the appropriate statutory authority should be contacted;
- In consultation with the lead Trustee for Safeguarding, the DPS will assess whether the police, relevant Local Authority Duty and Advice Team or advice agency (NSPCC) should be informed about the concern or disclosure;
- Make a formal referral as appropriate to the police or Local Authority Duty and Advice Team (or other appropriate service) whose qualified social workers have training and experience to discuss with other practitioners whether or not there are concerns that a child/vulnerable adult is at risk of significant harm. They will make a decision about the best way forward to ensure the child/vulnerable adult is safeguarded and their needs are met;
- Ensure concerns are logged and that reports are stored securely;
- Take joint responsibility with the Board of Trustees (through the Trustee lead for Safeguarding) to ensure that the organisation's safeguarding policy and related policies and procedures are followed and regularly evaluated and updated;
- Take responsibility for promoting a safe environment for children/vulnerable adults.
- Ensure that all organisations entering into partnership with ASP have safeguarding measures in place. Ensure representatives of ASP use the guidelines for working with partners (below);
- Keep up-to-date contact details of relevant statutory agencies. In the UK this includes Children's Social Work Services (CSWS), Police, Local Safeguarding Children Board (LSCB), and the Local Authority Designated Officer (LADO);
- Ensure that all representatives of ASP based out of the UK and/or travelling abroad on behalf of ASP have information and contact details for the local statutory protection agencies in their expected places of work;
- Ensure that risk assessments are completed as part of the planning process for all activities or events in which child/vulnerable adults are involved;
- The designated person for safeguarding should follow the relevant guidelines for reporting child abuse in the country where the abuse takes place. In the UK the National Guidelines for Reporting Child Abuse should be followed:  
<https://www.gov.uk/report-child-abuse>.

- If a child is suffering, or at risk of suffering significant harm, the law supports the person who shares the information with appropriate agencies or professionals, without obtaining the child's or parent's consent;
- It is not the responsibility of the designated person for safeguarding (DPS) to decide whether a child has been abused or not. In the UK, that is the responsibility of investigative statutory agencies such as the Children's Social Work Services or the police. When working outside of the UK, contact the relevant local services.

### **Annex III - Partner Risk Assessment/Due Diligence**

#### **Risk assessment**

All partnership working with organisations focused on vulnerable groups entails a certain level of risk. The degree of risk derives from a number of factors – it is important to consider the overall risk when taking account of factors such as the nature of the work and contact that an organisation has with vulnerable groups, and how effectively these risks are currently being managed.

ASP Security and Safeguarding Partnership Management Procedure details how ASP conducts landscape and capacity assessments with its partners when (re)engaging to gain insight into the levels of engagement risk, for both ASP and the partner.