



# SAFEGUARDING POLICY PACKAGE

ENGLISH VERSION



MAY 2020

WITH SUPPORT FROM



## Table of Contents

<b>Child and Adult Safeguarding Policy .....</b>	<b>1</b>
<b>Code of Conduct .....</b>	<b>8</b>
<b>Reports and Complaints Handling Procedure.....</b>	<b>12</b>
<b>MaSP Safeguarding Incident Report .....</b>	<b>18</b>

---

## **CHILD AND ADULT SAFEGUARDING POLICY**

---

# Purpose

The purpose of this policy is to protect people, particularly children, at risk adults and beneficiaries of assistance, from any harm that may be caused due to their coming into contact with Malawi Scotland Partnership (MaSP) activities. This includes harm arising from the conduct of staff or personnel associated with MaSP as well as the design and implementation of MaSP's programmes and activities

The policy lays out the commitments made by MaSP and informs staff and associated personnel<sup>1</sup> of their responsibilities in relation to safeguarding.

This policy does not cover:

- Safeguarding concerns in the wider community not perpetrated by MaSP or associated personnel

# What is safeguarding?

According to the UN, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.

In our sector, we understand it to mean protecting people, including children and at risk adults, from harm that arises from coming into contact with our staff or programmes.

Further definitions relating to safeguarding are provided in the glossary below.

# Scope

This policy applies to:

- All MaSP Board members
- All staff contracted by MaSP
- All volunteers and interns contracted by MaSP
- Associated personnel whilst engaged with work or visits related to MaSP, including but not limited to the following: consultants; volunteers; contractors; programme visitors including journalists, celebrities and politicians
- All organisations which are members of the MaSP network

---

<sup>1</sup> See 'Scope' for definition of associated personnel

# Policy Statement

MaSP is committed to the protection of children and vulnerable adults, and to the rights of the child as enshrined in the Constitution of Malawi and the United Nations Convention on the Rights of the Child (UNCRC). MaSP recognizes its responsibility to ensure that these rights are upheld. MaSP does not tolerate any violation or infringement of those rights and strives to ensure that the needs, dignity and safety of all children and vulnerable people, regardless of gender, ethnicity, faith, ability or culture, are protected in our work.

MaSP embraces, and commits itself to, an ethos of ‘do no harm’ and takes seriously its responsibility to all those affected by our work and we have a zero tolerance policy to the abuse of power, bullying and harassment, or other forms of misconduct

MaSP commits to addressing safeguarding throughout its work, through the three pillars of prevention, reporting and response.

## Prevention

## MaSP Responsibilities

MaSP will:

- Ensure all staff, volunteers, interns have access to, are familiar with, and know their responsibilities within this policy
- Design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from their coming into contact with MaSP. This includes the way in which information about individuals in our programmes is gathered and communicated
- Implement stringent safeguarding procedures when recruiting, managing and deploying staff and associated personnel
- Ensure staff receive training on safeguarding at a level commensurate with their role in the organization
- Follow up on reports of safeguarding concerns promptly and according to due process

## Staff responsibilities

### Child safeguarding

- Engage in sexual activity with anyone under the age of 18
- Sexually abuse or exploit children
- Subject a child to physical, emotional or psychological abuse, or neglect

- Engage in any commercially exploitative activities with children including child labour or trafficking

### **Adult safeguarding**

MaSP staff and associated personnel must not:

- Sexually abuse or exploit at risk adults
- Subject an at risk adult to physical, emotional or psychological abuse, or neglect

### **Protection from sexual exploitation and abuse**

MaSP staff and associated personnel must not:

- Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics

Additionally, MaSP staff and associated personnel are obliged to:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy
- Report any concerns or suspicions regarding safeguarding violations by a MaSP staff member or associated personnel to the appropriate staff member

## **Enabling reports**

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

Any staff reporting concerns or complaints through formal whistleblowing channels (or if they request it) will be protected by MaSP's Disclosure of Malpractice in the Workplace (Whistleblowing) Policy.

MaSP's will also accept complaints from external sources such as members of the public, partners and official bodies.

### **How to report a safeguarding concern**

Staff members who have a complaint or concern relating to safeguarding should report it immediately to their Safeguarding Focal Point [Mr Mphatso Sapangwa] or their line manager. If the staff member does not feel comfortable reporting to their Safeguarding Focal Point or line manager (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to any other appropriate staff member. For example, this could be a senior manager or a member of the HR Team. A report may also be sent to the head of MaSP at the address below:

The Chief Executive Officer  
Malawi Scotland Partnership (MaSP)  
Area 14, Scripture Union House,  
P. O. Box 1589, Lilongwe.  
**Email:** [info@malawiscotlandpartnership.org](mailto:info@malawiscotlandpartnership.org)  
Cell: (+265) 0888725600/ 0999566648

## Response

MaSP will follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations (see Procedures for reporting and response to safeguarding concerns in Associated Policies).

MaSP will apply appropriate disciplinary measures to staff found in breach of policy.

MaSP will offer support to survivors of harm caused by staff or associated personnel, regardless of whether a formal internal response is carried out (such as an internal investigation). Decisions regarding support will be led by the survivor.

## Confidentiality

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

### **Associated policies and documents Malangizo ndi malamulo**

Code of Conduct

Anti-Bullying and Harassment policy

Disclosure of Malpractice in the Workplace (Whistle-blower) policy

Child Safeguarding policy

Adult Safeguarding policy

PSEA (Protection from Sexual Exploitation and Abuse by staff) policy

Complaints Policy

Procedures for reporting and response to safeguarding concerns

Procedures for safeguarding in staff recruitment

**To be revised upon conclusion of data collection and agreement with MASP**

Other policies as appropriate

## **Glossary of Terms**

### **Beneficiary of Assistance**

Someone who directly receives goods or services from MaSP's programme. Note that misuse of power can also apply to the wider community that the NGO serves, and also can include exploitation by giving the perception of being in a position of power.

### **Child**

As per the laws of the government of Malawi, a person below the age of 18 (CRC). This is also base

### **Harm**

Psychological, physical and any other infringement of an individual's rights

### **Psychological harm**

Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation

### **Protection from Sexual Exploitation and Abuse (PSEA)**

The term used by the humanitarian and development community to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel. The term derives from the United Nations Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)

### **Safeguarding**

In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect<sup>2</sup>

In our sector, we understand it to mean protecting people, including children and at risk adults, from harm that arises from coming into contact with our staff or programmes. One donor definition is as follows:

Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur. This definition pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.

---

<sup>2</sup> NHS 'What is Safeguarding? Easy Read' 2011



Safeguarding applies consistently and without exception across our programmes, partners and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialize. Those systems must be survivor-centered and also protect those accused until proven guilty.

Safeguarding puts beneficiaries and affected persons at the centre of all we do.

### **Sexual abuse.**

The term ‘sexual abuse’ means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

### **Sexual exploitation**

The term ‘sexual exploitation’ means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

### **Survivor**

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

### **At risk adult**

Sometimes also referred to as vulnerable adult. A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

---

## **CODE OF CONDUCT**

---

# Introduction

In keeping with its objectives of supporting the coordination of Malawi's links with Scotland, contributing to effective advocacy in Malawi and Building capacity within the Malawian civil society, the Malawi Scotland Partnership (MaSP) is committed to maintaining the highest degree of ethical conduct amongst all its staff and associated personnel. To help increase understanding, this Code of Conduct (CoC) details MaSP expectations of its board, employees, volunteers, interns, contractors and all associates.

## Scope and purpose

This CoC applies to MaSP board members, all contracted staff (international and local), employed by MaSP. The CoC is also applicable to volunteers, partners, contractors and suppliers of goods and services.

The purpose of this CoC is to set out the conduct expected of MaSP staff whilst under contract to the organisation, and forms part of all contracts of employment. The CoC is applicable at all times. Breaches of the CoC are grounds for disciplinary action, up to and including dismissal.

MaSP is a Malawi-owned and Malawi-led Organisation. However, the CoC has been informed by both local and international (UN) standards. MaSP staff are expected to uphold local law wherever they operate, except where the CoC is more stringent, in which case the CoC shall apply.

## MaSP Principles

As a membership based organisation, MaSP adheres to the following principles: Planning and Implementing together, leaving no-one behind, doing no harm, appropriateness, respect, trust and mutual understanding, effectiveness, interconnectivity, transparency and accountability, reciprocity, sustainability.

## Code of Conduct Pledge

As a MaSP board member, employee, volunteer, intern, associate, visitor I will:

**Uphold the integrity and reputation of MaSP by ensuring that my professional and personal conduct is consistent with MaSP values and standards**

- I will treat all people fairly with respect and dignity
- When working in an international context or travelling internationally on behalf of MaSP, I will be observant of all local laws and be sensitive to local customs
- I will seek to ensure that my conduct does not bring MaSP into disrepute and does not impact on or undermine my ability to undertake the role for which I am employed
- I will not work under the influence of alcohol or use, or be in possession of, illegal substances on MaSP premises or accommodation

### **Not engage in abusive or exploitative conduct**

- I will not engage in sexual activity with children (persons under the age of 18). Mistaken belief in the age of a child is not a defence
- I will not exchange sex, sexual favours or other forms of humiliating, degrading or exploitative behaviour for money, employment, goods or services. This includes any exchange of assistance that is due to beneficiaries of assistance
- I will not engage in sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics
- I will not engage in any commercially exploitative activities with children or vulnerable adults including child labour or trafficking
- I will not physically assault a child or vulnerable adult
- I will not emotionally or psychologically abuse a child or vulnerable adult

### **Ensure the safety, health and welfare of all MaSP staff members and associated personnel (volunteers, partners, suppliers and contractors)**

- I will adhere to all legal and organisational health and safety requirements in force at my location of work
- I will comply with any local security guidelines and be pro-active in informing management of any necessary changes to such guidelines
- I will behave in a manner such as to avoid any unnecessary risk to the safety, health and welfare of myself and others, including partner organisations and communities with whom we work

### **Be responsible for the use of information, assets and resources to which I have access by reason of my employment with MaSP**

- I will ensure that I use MaSP assets and resources entrusted to me in a responsible manner and will account for all money and property
- I will not use MaSP IT equipment, software or e-mail and social media platforms to engage in activity that is illegal under local or international law or that encourages conduct that would constitute a criminal offence. This includes any material that intimidates or harasses any group based on protected characteristics, or encourages extremism
- I will not use MaSP IT equipment to view, download, create, distribute or save in any format inappropriate or abusive material including but not limited to pornography or depictions of child abuse

### **Perform my duties and conduct my private life in a manner that avoids conflicts of interest**

- I will declare any financial, personal or family (or close intimate relationship) interest in matters of official business which may impact on the work of MaSP
- I will not be involved in awarding benefits, contracts for goods or services, employment or promotion within, to any person with whom I have a financial, personal, family (or close intimate relationship) interests

- I will seek permission before agreeing to being nominated as a prospective candidates or another official role for any political party
- I will not accept significant gifts or any remuneration from governments, communities with whom we work, donors, suppliers and other persons which have been offered to me as a result of my employment with MaSP

### **Uphold confidentiality**

- I will exercise due care in all matters of official business, and not divulge any confidential information relating to colleagues, work-related matters or any sensitive information unless legally required to do so

## **Complaints and reports**

MaSP staff are obligated to bring to the attention of the relevant manager any potential incident, abuse or concern that they witness, are made aware of, or suspect which appears to breach the Standards contained in this CoC. MaSP staff reporting concerns are protected by the Disclosure of Malpractice in the Workplace policy.

Staff members who have a complaint or concern relating to breach of the Code should report it immediately to their line manager. If the staff member does not feel comfortable reporting to their line manager (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to any other appropriate staff member. For example, this could be a senior manager or a member of the HR Team.

Staff members receiving reports or concerns are obliged to action or refer the report immediately as per the MaSP Complaints Policy and procedures

## **Related policies**

Safeguarding policy

Child Safeguarding policy

Complaints and procedures

---

In accepting my appointment, I undertake to discharge my duties and to regulate my conduct in accordance with the requirements of this Code

**Name:**

**Signature:**

**Date:**

---

## **SAFEGUARDING REPORT AND COMPLAINTS HANDLING PROCEDURE**

---

## Purpose and scope

The purpose of this document is to provide procedures for dealing with reports of breach of MaSP Safeguarding Policy, where the safeguarding violation is:

- Against staff or members of the public,
- Perpetrated by staff, partners or associated personnel<sup>3</sup>.

## Procedures

### 1. Report is received

1.1 Reports can reach the organization through various routes. This may be in person, a structured format such as a letter, e-mail, text or message on social media. It may also be in the form of informal discussion or rumour. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern, they should report this to the appropriate staff member in their organization.

1.2 If a safeguarding concern is disclosed directly to a member of staff, the person receiving the report should bear the following in mind:

- Listen
- Empathize with the person
- Ask who, when, where, what but not why
- Repeat/ check your understanding of the situation
- Report to the appropriate staff member (see below)

1.3 The person receiving the report should then document the following information, using an Incident Report Form:

- Name of person making report
- Name(s) of alleged survivor(s) of safeguarding incident(s) if different from above
- Name(s) of alleged perpetrator(s)
- Description of incident(s)
- Dates(s), times(s) and location(s) of incident

1.4 The person receiving the report should then forward this information to the Safeguarding Focal Point or appropriate staff member within 24 hours.

---

<sup>3</sup> Associated personnel includes (but is not limited to) consultants, volunteers, contractors, programme visitors including journalists celebrities and politicians

1.5 Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information shared on a limited 'need to know' basis only. This includes senior management who might otherwise be appraised of a serious incident.

1.6 If the reporting staff member is not satisfied that the organization is appropriately addressing the report, they have a right to escalate the report, either up the management line, to the Board (or other governance structure), or to an external statutory body. The staff member will be protected against any negative repercussions as a result of this report. See Alliance Complaints Policy and Disclosure of Malpractice in the Workplace Policy.

## **2. Assess how to proceed with the report**

2.1 Appoint a Decision Maker for handling this report

2.2 Determine whether it is possible to take this report forward

- Does the reported incident(s) represent a breach of safeguarding policy?
- Is there sufficient information to follow up this report?

2.3 If the reported incident does not represent a breach of the MaSP Safeguarding Policy, but represents a safeguarding risk to others, the report should be referred through the appropriate channels (e.g. local authorities) if it is safe to do so.

2.4 If there is insufficient information to follow up the report, and no way to ascertain this information (for example if the person making the report did not leave contact details), the report should be filed in case it can be of use in the future, and look at any wider lesson learning we can take forward.

2.5 If the report raises any concerns relating to children under the age of 18, **seek expert advice immediately**. If at any point in the process of responding to the report (for example during an investigation) it becomes apparent that anyone involved is a child under the age of 18, the Decision Maker should be immediately informed and should seek expert advice before proceeding.

2.6 If the decision is made to take the report forward, ensure that you have the relevant expertise and capacity to manage a safeguarding case. **If you do not have this expertise in-house, seek immediate assistance**, through external capacity if necessary.



2.7 Clarify what, how and with whom information will be shared relating to this case. Confidentiality should be maintained at all times, and information shared on a need-to-know basis only. Decide which information needs to be shared with which stakeholder –

2.8 You may have separate policies depending on the type of concern the report relates to. For example workplace sexual harassment is dealt with through the organizations Anti Bullying and Harassment policy.

If there isn't a policy for the type of report that has been made, follow these procedures.

2.9 Check your obligations on informing relevant bodies when you receive a safeguarding report. These include (but are not limited to):

- Funding organizations
- Umbrella bodies/networks
- Alliance policies and guidelines

Some of these may require you to inform them when you receive a report, others may require information on completion of the case, or annual top-line information on cases. When submitting information to any of these bodies, think through the confidentiality implications very carefully.

### **3. Appoint roles and responsibilities for case management**

3.1 If not already done so (see above), appoint a Decision Maker for the case. The Decision Maker should be a senior staff member, not implicated or involved in the case in any way.

3.2 If the report alleges a serious safeguarding violation, you may wish to hold a case conference. This should include:

- Decision Maker
- Person who received the report (such as the focal point, or manager)
- HR manager
- Safeguarding adviser (or equivalent) if there is one

The case conference should decide the next steps to take, including any protection concerns and support needs for the survivor and other stakeholders (see below).

### **4. Provide support to survivor where needed/requested**

4.1 Provide appropriate support to survivor(s) of safeguarding incidents. Nb. this should be provided as a duty of care even if the report has not yet been investigated. Support could include (but it's not limited to)

- Psychosocial care or counseling

- Medical assistance
- Protection or security assistance (for example being moved to a safe location)

4.2 All decision making on support should be led by the survivor.

## **5. Assess any protection or security risks to stakeholders**

5.1 For reports relating to serious incidents: undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required.

5.2 Continue to update the risk assessment and plan on a regular basis throughout and after the case as required.

## **6. Decide on next steps**

6.1 The Decision Maker decides the next steps. These could be (but are not limited to)

- No further action (for example if there is insufficient information to follow up, or the report refers to incidents outside the organization's remit)
- Investigation is required to gather further information
- Immediate disciplinary action if no further information needed
- Referral to relevant authorities

6.2 If the report concerns associated personnel (for example contractors, consultants or suppliers), the decision making process will be different. Although associated personnel are not staff members, we have a duty of care to protect anyone who comes into contact with any aspect of our programme from harm. We cannot follow disciplinary processes with individuals outside our organisation, however decisions may be made for example to terminate a contract with a supplier based on the actions of their staff.

6.3 If an investigation is required and the Organisation does not have internal capacity, identify resources to conduct the investigation. Determine which budget this will be covered by.

## **7. Manage investigation if required**

7.1 Refer to the organization's procedures for investigating breaches of policy. If these do not cover safeguarding investigations, use external guidelines for investigating safeguarding report.

## **8. Make decision on outcome of investigation report**

8.1 The Decision Maker makes a decision based on the information provided in the investigation report. Decisions relating to the Subject of Concern should be made in accordance with existing policies and procedures for staff misconduct.

8.2 If at this or any stage in the process criminal activity is suspected, the case should be referred to the relevant authorities *unless this may pose a risk to anyone involved in the case*. In this case, the Decision Maker together with other senior staff will need to decide how to proceed. This decision should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the survivor and the Subject of Concern.

## **9. Conclude the case**

9.1 Document all decisions made resulting from the case clearly and confidentially.

9.2 Store all information relating to the case confidentially, and in accordance with MaSP's data management policies and local data protection law.

9.3 Record anonymized data relating to the case to feed into organizational reporting requirements (e.g. serious incident reporting to Board, safeguarding reporting to donors), and to feed into learning for dealing with future cases.

---

## **MaSP SAFEGUARDING INCIDENT REPORT**

---

The form should be completed at the time or immediately following disclosure, but after all necessary emergency actions have been taken. Please complete the form as fully as possible.

1. Your Details- the person completing the form	
Name	
Position	
Telephone	Email

2. Details- of the person affected	
Name	
Position	
Telephone	Email

3. Details of the incident (please describe in detail using only the facts)		
Date.....	Time.....	Place.....

--

<b>4. Details of others present/ potential witnesses</b>	
Name	
Address	
Telephone	Email
Name	
Address	
Telephone	Email
<b>5. Additional relevant information (please detail anything else that you believe to be helpful or important)</b>	

I have completed this form and provided information that is factual and does not contain my own views or opinions on the matter.

Name.....Signature.....

.....Date.....



For further details please contact:  
 The Chief Executive Officer  
 Malawi Scotland Partnership  
 Area 14 plot number 14/008  
 Scripture Union House (Opposite CCBC)  
 P.O Box 1589  
 Lilongwe, Malawi

✉ [info@malawiscotlandpartnership.org](mailto:info@malawiscotlandpartnership.org)  
 🌐 [www.malawiscotlandpartnership.org](http://www.malawiscotlandpartnership.org)

fb Malawi Scotland Partnership  
 🐦 Malawi Scotland Partnership