



AECF SAFEGUARDING OF VULNERABLE PERSONS POLICY

Contents

1. DOCUMENT REVIEW SCHEDULE	3
1.1 INITIAL APPROVAL.....	3
1.2 AMENDMENT AND APPROVAL	3
2. POLICY STATEMENT	4
3. PURPOSE OF THE POLICY	4
4. SCOPE OF THE POLICY	4
5. DEFINITIONS	5
6. SAFEGUARDING PRINCIPLES	5
7. ROLES AND RESPONSIBILITIES	7
8. RAISING AND RESPONDING TO CONCERNS	8
9. ACCOUNTABILITY	11
10. SUPPORT FOR SURVIVORS AND VICTIMS	11
1. INTRODUCTION	12
2. THE PARTNER DELCARES TO COMPLY WITH THE FOLLOWING.....	12

1. DOCUMENT REVIEW SCHEDULE

1.1 INITIAL APPROVAL

Document Name:	ICT Policy
Document Number:	AECF.2020.06.004
Document Version:	1.0
Document Owner:	AECF
Approved By:	The Board
Approval Date:	07/12/2020
Effective Date:	07/12/2020

1.2 AMENDMENT AND APPROVAL

Document Version:			
Revision Date:			
Change Description:			
Reason for Change:			
Change Owner:			
Approved By:			
Approval Date:			
Effective Date:			

Amendment Instructions and Version Control

- a) The Initial document is version 1.0
- b) Subsequent amendment / addition of paragraphs will change the second part (0) of the Document Version to 1.1 and increase with subsequent changes in paragraphs.
- c) Subsequent amendment / addition of clauses will change the first part (1) of the Document Version to 2.0

2. POLICY STATEMENT

- 2.1 The AECF 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.
- 2.2 AECF 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 AECF'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 AECF's Staff and Partners in this respect. It also sets out the mechanisms AECF shall follow in the event any abuse is reported.

3. PURPOSE OF THE POLICY

- 3.1 The purpose of this policy is to provide clarity to all of AECF's Staff and Partners on how they should engage with children and vulnerable adults when working for, on behalf of, or in partnership with AECF.
- 3.2 This Policy aims to:
- (i) Promote the safeguarding of vulnerable persons directly served by AECF's Staff.
 - (ii) Promote the safeguarding of vulnerable persons directly served by AECF's Partners.
 - (iii) Ensure that any allegations of abuse of vulnerable persons that occurs in the context of AECF's projects and programs are reported and addressed appropriately.
 - (iv) Ensure that any vulnerable person experiencing abuse caused by AECF's staff or Partners is supported.
- 3.3 We recognize that local legislation may vary from country to country. This policy however sets out AECF's minimum standards and may exceed the requirements of local legislation. In addition, the policy constitutes AECF's global policy and is applicable to all AECF staff and Partners wherever they live and work.
- 3.4 Sexual harassment in the workplace is dealt with under AECF's sexual harassment policy. The Sexual Harassment policy is binding to all staff and Partners and can be found at *[insert link]*

4. SCOPE OF THE POLICY

- 4.1 This Policy applies to:
- (i) all categories of Staff;

- (ii) all Partners dealing with AECF. All Partners are responsible for providing their representative, personnel, agents or officials with a copy of this Policy.

5. 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 recognised in the UN Convention on the Rights of the Child. AECF 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) **Staff:** individuals who work for AECF either full time or part time for wages and salary.
- (iv) **Safeguarding:** Safeguarding means promoting and protecting people's health, wellbeing and human rights, and enabling them to live free from exploitation abuse and bullying.
- (v) **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.
- (vi) **Partners:** Includes all donors, grantees, collaborators, suppliers, consultants, sub-contractors or any parties with a contractual relationship with AECF.
- (vii) **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.
- (viii) **Vulnerable Persons:** is an umbrella term which covers children and vulnerable adults.

6. SAFEGUARDING PRINCIPLES

- 6.1 We believe that encouraging the protection of Vulnerable Persons from abuse and exploitation is an important element in AECF’s mission.
- 6.2 The following principles underpin all of AECF’s safeguarding functions, actions and decisions. All Staff and Partners are expected to adhere to these principles together with the Partner Code of Conduct, Annex 1

Prevention

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

- (i) AECF 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) AECF 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) AECF shall ensure that all Staff and Partners are inducted on this Safeguarding of Vulnerable Persons Policy and procedures.
- (vi) The recruitment processes used within AECF will reflect the organizations commitment to protect vulnerable persons from abuse. It shall include background and criminal checks of prospective staff.
- (vii) AECF shall include in its agreements with Partners a clause which aims to encourage adherence of AECF's Partners to this Policy.

Protection

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

AECF 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.

Categories of Abuse

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

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.

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. *AECF Staff and Partners are specifically prohibited from buying sex. This is aimed to protect Vulnerable Persons from sexual exploitation.*

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.

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.

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.

7. ROLES AND RESPONSIBILITIES

- (i) **All:**
 - All of AECF's Staff and Partners are obliged to 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 AECF 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 are supported to implement and work in accordance with it.
- (iii) **AECF 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.

8. RAISING AND RESPONDING TO CONCERNS

AECF shall treat any allegations or concerns regarding the abuse of a Vulnerable Person seriously. The reporting procedure set out below shall be followed strictly by AECF's Staff and Partners.

8.1 Reporting concerns and allegations of Abuse

AECF 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 AECF Staff or Partner.

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.

All concerns or allegations of Abuse can be made through any of the following channels:

- (i) If through the mechanism set out under AECF's Whistleblower Policy using the e-mail address: whistleblower@aecfafrica.org
- (ii) If by mail through
Head of Human Resources and Administration
The AECF
P. O. Box 1996-00606
Waiyaki Way, Nairobi
Kenya
- (iii) Through your AECF contact and for Staff through your manager, any other manager or HR Unit.
- (iv) Using the portal [Contact Us | AECF \(aecfafrica.org\)](https://www.aecfafrica.org/contact-us)

AECF 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.

8.2 Safeguarding Officer

- 8.2.1 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 Head of

Human Resources and Administration is the designated Safeguarding Officer and allegations and concerns of Abuse are to eventually be forwarded to the Safeguarding Officer.

- 8.2.2 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.
- 8.2.3 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.
- 8.2.4 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.
- 8.2.5 The Safeguarding officer shall be responsible for providing the AECF's Executive Management Committee and Board with regular updates on the implementation of the Safeguarding of Vulnerable Adults 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 AECF's Executive Management Committee.

8.3 **The Safeguarding Committee**

8.3.1 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) Director of Programs or Program 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

8.3.2 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.

8.4 **Investigation Process**

- 8.4.1 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.
- 8.4.2 The following principles will underpin all investigations:

- (i) AECF 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 AECF 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 as set out in AECF's whistleblower policy.

8.5 Investigation Outcome

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

8.5.2 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.

- 8.5.3 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.
- 8.5.4 The Safeguarding Officer shall submit the report to the AECF Executive Management Committee who shall determine the course of action to be taken.

9. ACCOUNTABILITY

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

Staff

- (i) Any staff who has been under investigation by AECF 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 AECF's Human Resources Policy manual shall apply.
- (ii) If a staff is dismissed for proven harm, exploitation or abuse, AECF will inform the relevant authorities, disclose this to prospective future employers and/or refuse a reference, depending on details.
- (iii) Partners
- (iv) 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.
- (v) AECF will also notify the relevant authorities.

Donors

- (i) AECF will report violations of this policy to its donors in accordance with donor requirements.

10. SUPPORT FOR SURVIVORS AND VICTIMS

- 10.1 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 will be provided will be determined by the Safeguarding Committee in collaboration with AECF's Executive Management.

ANNEX 1 - PARTNER CODE OF CONDUCT

1. INTRODUCTION

Ethical behavior and organizational integrity are central values of AECF and our cultures. We expect our Partners, which means all our grantees, consultants, suppliers, any parties we have a contractual relationship with and their respective subcontractors, to adhere to equally high standards.

This Partner Code of Conduct sets out these expectations and requirements that reflect internationally accepted standards of responsible conduct and in supplement to the standards outlined in our Ethics Policy. This Code is informed by the UN Guiding Principles on Business & Human Rights, the International Labor Organization Declaration of Fundamental Principles and the Universal Declaration of Human Rights.

We recognize that our Partners face unique cultural, legal and regulatory requirements – but we expect all Partners to comply with the legal and regulatory requirements of the countries in which they operate as well as with US laws and regulations that apply to our organization.

Any breach of the obligations stipulated under this Code of Conduct will be considered material breach of contract by the Partner.

2. THE PARTNER DELCARES TO COMPLY WITH THE FOLLOWING

2.1 ETHICS

a) Integrity

Partners are expected to conduct their business with the highest integrity. All engagements with our partners are based on an open and transparent basis and made in due regard to applicable laws. Partners are expected to have a zero tolerance policy to any form of bribery or corruption and commit not to offer or accept bribes to or from their business partners.

Each Partner is expected by AECF to; comply with international anti-bribery laws including the US Foreign Corrupt Practices Act; not offer benefits or gifts to AECF employees in order to influence the employee's conduct; and put in place measures that ensure that their employees do not participate in paying or receiving bribes.

b) Privacy & Data Protection

Partners shall respect privacy and collection personal information only for legitimate purposes and in accordance with applicable data protection and privacy laws.

c) Proper management of resources

Partners shall put in place mechanisms to avert any misappropriation of resources allocated to them by AECF through fraud, embezzlement, money laundering or any other illegal means.

Partners shall not use any of the resources allocated by AECF to them for political activities or in any way use AECF's name or imply AECF's involvement in any of their political activities.

All partners are expected to have in place appropriate ethics policies, which must be distributed to their employees and agents.

2.2 ENVIRONMENTAL RESPONSIBILITY

All AECF partners are expected to demonstrate environmental and social responsibility by minimizing any adverse impacts from their operations on the community, environment and natural resources. Partners are expected to adhere to social and environmental regulations and international standards that apply to their business. Any applicable permits and registrations must be obtained, maintained and kept current. In addition, we expect our suppliers to put in place measures to prevent pollution, waste reduction and implement environmentally sound management of all substances that could cause negative environmental or public health effects if not properly managed.

2.3 RESPECT FOR BASIC HUMAN RIGHTS

Partners must respect basic human rights in accordance with local regulations and international standards. The Partners agree to:

- Refuse to tolerate any unacceptable treatment of employees such as cruelty, sexual and other forms of harassment;
- Respect the rights and dignity of each individual;
- Not tolerate any form of discrimination or unfair treatment against its employees on grounds of race, nationality, sex, age, marital status, sexual orientation, pregnancy, political conviction, religious beliefs, social background, disabilities or any other factors;
- Prohibit forced labor or any form of coercion, exploitation or slavery;
- Provide fair remuneration and meet applicable statutory minimum wages;
- Allow freedom of association and not favor or discriminate members of associations or trade unions;
- Prohibit child labor being the employment of a child under the legal working age that
- is harmful by depriving the child of an education, or is economically exploitative or damaging to physical and mental development and wellbeing.

2.4 HEALTH & SAFETY OF EMPLOYEES

All Partners are expected to meet high standards for the health and safety of their employees. Partners agree to:

- Comply with all applicable laws and regulations on health and safety;
- Provide a work environment that is safe and conducive for the health of the employees and prevents accidents, injuries and work related illnesses;
- Have in place an emergency preparedness mechanisms;
- Ensure employees are educated in health and safety issues.

2.5 SAFEGAURDING

All Partners commit to providing a safe environment for AECF beneficiaries and Vulnerable Persons in accordance with the standards set out in AECF’s Safeguarding Policy. Partners are expected to fully familiarize themselves with the Safeguarding Policy; put in place mechanisms to prevent any form of abuse and exploitation from occurring; and are obligated to report to AECF any actual or suspected incidences of abuse immediately.

2.6 EFFECTIVE COMPLIANCE MANAGEMENT

Partners commit to implementing an effective management system to facilitate compliance with all applicable laws and regulations and this Code of Conduct. This includes a strong corporate commitment to compliance; risk assessment and management; business continuity; training to enable their employees gain a food understanding of this Code of Conduct and continuous improvement through assessments and reviews.

This Partner Code of Conduct formalizes AECF’s expectations and reinforces our commitment to working with Partners on our shared commitment to ethical, social, environmental responsibility.

3. COMMITMENT STATEMENT

By partnering with AECF, we affirm our commitment to adhering to the principles set out under this Code of Conduct.

Organization: _____

Signed by: _____

Date: _____