



**Safeguarding section of Fern's House Rules (the guiding principles by which all staff agree to work)**

**Approved by Fern's Board September 2021**

# SAFEGUARDING POLICY

Safeguarding is an organisation's responsibility to make sure their staff, operations, and programmes do not harm adults or children, do not expose adults/children to the risk of harm and abuse, and that any concerns the organisation has about adults' or children's safety within the communities in which they work, are reported to the appropriate authorities (Keeping Children Safe Coalition).

Fern adopts the following definitions:

**Sexual exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

**Sexual abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

**Child:** Person under the age of 18 years

**Abuse of power:** Abuse of power is manifested in how those with less social power are treated physically, psychologically, emotionally, and/or sexually. Sexual activity, even when consensual, between those of unequal power in this sense is an abuse of power.

## Who does this policy apply to?

This policy applies to every person engaged with Fern. It includes Board members, permanent and temporary staff, partners, volunteers, contractors, consultants and visitors. For the purpose of this policy, these individuals will be collectively referred to as Fern Representatives.

This policy recognises that the most Fern Representatives have almost no contact with children. It also recognises that:

- Colleagues can also be at risk of harm
- The important role that Fern plays in working with partners to safeguard
- Some Fern Representatives have direct contact with adults and/or children at risk (such as through research and field visits)

This policy must always be upheld (during and outside of work). Failure to uphold this policy could result in disciplinary action, termination of contract, police involvement, or other remedies.

## Policy statements: Core commitments on sexual exploitation and abuse

- Sexual exploitation and abuse constitutes 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.
- Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
- Any sexual relationship between those providing assistance and protection and a person benefiting from such assistance and protection that involves improper use of rank and position of power is prohibited. Such relationships undermine the credibility and integrity of the work.
- Where staff develop concerns or suspicions regarding sexual exploitation or abuse by a fellow worker, they must report such concerns via established reporting mechanisms.
- Staff are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of the safeguarding commitments.

### **Policy statement: adults**

Fern accepts that all adults, for any reason, could find themselves at risk of significant harm or exploitation.

Fern also recognises that an adult may be at risk of harm because an individual or organisation holds, or is seen to hold more power than them.

Fern commits to taking reasonable steps to proactively keep adults safe and respond to concerns and disclosures in line with best practice.

It is everyone's responsibility to ensure adults we meet are safe and have their rights upheld, as outlined in the UN Declaration of Human Rights.

### **Policy statement: children**

Fern defines a child as anyone under 18, as outlined in the United Nations Convention on the Rights of the Child (UNCRC). Fern recognises that we rarely have contact with children in our work.

Fern commits to prioritising the best interests of all children we meet with by taking reasonable steps to proactively keep children safe and respond to concerns and disclosures in line with best practice. It is everyone's responsibility to make sure that all such children are safe and have their rights upheld, as outlined in the UNCRC.

Poor practice will be taken extremely seriously and viewed as a breach of our safeguarding policies and procedures. We are committed to ensuring that Representatives are kept up to date so they know how to respond to a concern/disclosure in line with this policy.

### **Policy statement: Fern's partners**

Fern recognises that our partners have in-depth knowledge of the countries and communities in which they work, including how to safeguard adults, children and communities they support in line with national legislation and best practice. Fern will work with its partners to promote this safeguarding policy and include core commitments either into partnership agreements or supporting partners to establish their own policies and procedures, adhering to minimum requirements as defined by the Interagency Standing Committee (IASC) of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and included above.

### **Safeguarding: a proactive approach**

Fern commits to:

- Creating and maintaining an open and non-defensive safeguarding culture
- Prioritising the well-being of adults and children, including during partner selection and support; project planning, implementation and monitoring and evaluation; research and advocacy
- Practicing safe recruitment, induction and supervision procedures including criminal records checks and references for appropriate roles
- Using images and language that empower children face-to-face, online and on social media
- Responding effectively as soon as a safeguarding concern or disclosure is identified
- Assessing risk and monitoring the implementation of our safeguarding policies and procedures
- Accurately recording and safely storing confidential information

- Ensuring all Representatives have the knowledge and capacity they need to safeguard effectively, including safeguarding training every two years, clear rules about who to talk to about a query or concern, and adequate time to safeguard within Fern and support partners to implement effective safeguarding policy and protocol

## **Safeguarding personnel – roles and responsibilities**

Everyone has a responsibility to safeguard children and adults. All Fern Representatives must:

- Proactively incorporate safeguarding into their risk assessments, supervision, project planning, monitoring and evaluation where relevant
- Report safeguarding concern or disclosure to Fern's Safeguarding Leads within 24 hours

The Board is responsible for updating and implementing this safeguarding policy and related procedures. The named Board Member responsible for updating the Board and working with the Safeguarding Leads is Fred Pearce.

One representative from the Management Team will be responsible for supporting the Safeguarding Leads to proactively safeguard and respond to concerns and disclosures.

The Safeguarding Leads (Cristina Diaz Paradedá ([cristina@fern.org](mailto:cristina@fern.org), Partner Finance Officer) and Alexandra Benjamin ([alexandra@fern.org](mailto:alexandra@fern.org), Forest Governance Campaigner) are responsible for proactively promoting safeguarding across the organisation and receiving, assessing and responding to concerns and disclosures in line with Fern's safeguarding policy and commitments as well as national legislation, prioritising the best interests of the person at risk.

The assigned partner leads are responsible for working with partners to openly discuss safeguarding successes and challenges and highlighting any gaps and risks. This includes holding contact information on:

- Who the safeguarding leads are and their contact details
- the organisation's safeguarding policy

Where any risks and gaps arise, the partner lead is responsible for discussing these with the Safeguarding Leads.

***Note – Fern has two Safeguarding Leads; if an allegation is made, one of the leads will lead on the allegation and build a case management team.***

## **Safeguarding recommendations for partners**

Fern is currently working towards supporting all partners to build their capacity in safeguarding: Fern understands this is something that will take time and commitment.

Fern recommends that all partners who work directly with children, families and/or communities have:

- An effective safeguarding policy and Code of Conduct including IASC commitments and that they ensure these policies are implemented
- Cooperative arrangements for how Fern supports safeguarding
- A dedicated safeguarding person
- An agreed way to raise awareness of safeguarding with beneficiaries
- Effective community-based complaints mechanisms, including survivor support
- Effective recruitment, supervision, training and awareness raising policies

- Internal complaints and investigation procedures

The partners are responsible for upholding all safeguarding requirements outlined in their contract; including reporting risks, gaps and safeguarding concerns and disclosures to Fern in line with their contractual agreement. Serious safeguarding concerns and disclosures must be reported to Fern within 48 hours.

### **Non-recent allegations**

If an adult or child discloses non-recent allegations, the same reporting procedures apply. If the individual alleged to have harmed an adult or a child is a Representative of Fern, the organisation may choose to suspend without prejudice, particularly where the individual has contact with an adult, children or access to sensitive information. All historical abuse allegations should be treated as seriously as current abuse, and the best interests of children prioritised.

Even if the individual is no longer a Representative of Fern, Fern still has an obligation to follow the reporting procedures outlined in this policy.

### **Fern case management protocol**

The purpose of this protocol is to provide a guide for dealing with reports of breach of Fern Safeguarding policy, where the safeguarding violation is:

- Against staff or members of the public
- Perpetrated by staff, partners, or associated personnel

### **Report received**

A safeguarding concern can reach Fern through various routes. It may be a letter, e-mail, message in social media, informal discussion, rumour.

- If a staff member directly receives the report, s/he should listen, empathise, ask who, when, where, what but not why, repeat, check and report (see below).
- The staff receiving the report should forward this information within 24 hours to Fern's Safeguarding Leads
- Due to the sensitive nature of the safeguarding concern, confidentiality must be maintained during the reporting process and information will be shared on a limited "need to know" basis only, through password protected documents
- If the staff member is not satisfied with the management of the report, it can be escalated to the Board
- If the report raises a safeguarding concern against a third party, the person receiving the complaint must communicate to Fern's Safeguarding Leads. The Leads should then refer the report to the concerned organisation (with the consent of the complainant)
- If a concern is raised about one of Fern's Safeguarding Leads, then the person reporting can contact the other Safeguarding Lead about the issue. In order to maintain confidentiality, it is better to email the other Safeguarding Lead directly and not through the safeguarding email
- If the report raises a concern against a Fern partner, the member of staff must communicate the complaint to the Safeguarding Lead who will communicate with the partner organisation and follow the partner's organisational protocols.

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

The designated safeguarding lead will gather and complete the report, when possible, in order to indicate the extent to which there is a breach of a safeguarding policy and whether there is enough information to follow up.

The Safeguarding Lead will call the Case Management Team (CMT, see below) to present the case and decide how to proceed within 48 hours.

If the incident reported is not a breach of Fern's safeguarding policy, the Safeguarding Leads will forward this information to the complainant. In case of insufficient information to follow up, Fern might decide to launch a preliminary fact-finding mission in order to assess the situation. Whenever possible, the survivor's wishes for proceeding or not with a case will be adhered to. However, Fern will always take into account the best interest, not only of a potential current survivor but also of potential other and future survivors.

If the incident reported raises any concern related to children, the CMT will seek expert advice immediately.

If the CMT decision is made to take the report forward, Fern will seek immediate assistance, through external capacity.

The CMT will clarify how, at what stage, and with whom the information will be shared, ensuring the group remains small in order to maintain confidentiality.

Check Fern's obligations on informing to relevant bodies when receiving a safeguarding report. These include (but are not limited to): funders, umbrella bodies/networks, statutory bodies (such as Charity Commission in the UK).

### **The Case Management Team (CMT)**

A CMT will be appointed by one of the Safeguarding Leads within 24 hours to review the case and conduct a risk assessment. The minimum composition of CMT members are:

- If the report raises a concern against a Fern staff member, the CMT will be composed by the Safeguarding Lead and the Human Resources coordinator
- If the report raises a concern against a partner, the CMT will include the Campaigns Coordinator
- If the report raises a concern against another stakeholder, the team will include the Finance and Administration Manager.

### **Provide support to survivor**

Appropriate support must be provided to survivor(s) of safeguarding incidents, even if the report has not yet been investigated. Support could include (but it is not limited to), psychosocial care or counselling, medical assistance, protection or security assistance (for example being moved to a safe location), legal advice and support.

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

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

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

Regularly update the risk assessment and plan throughout and after the case as required.

### **Decide on next steps**

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 organisation's remit)

- Investigation is required to gather further information
- Immediate disciplinary action if no further information needed
- Referral to relevant authorities

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, Fern has a duty of care to protect anyone who comes into contact with any aspect of our programme. Fern 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 its staff.

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.

### **Manage investigation, if required**

Refer to the organisation's procedures for investigating breaches of policy. If these do not cover safeguarding investigations, use external guidelines, such as the Core Humanitarian Standard (CHS) Alliance Guidelines for Investigations.

The Decision Maker will decide on the outcome based on the investigation report. Decisions relating to the Subject of Complaint should be made in accordance with existing policies and procedures for staff misconduct. If at 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 another staff member 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.

### **Conclude the case**

Document all decisions made resulting from the case clearly and confidentially. Store all information relating to the case confidentially in Fern's safeguarding folder and to feed into learning for dealing with future cases.

## **Bullying, harassment, sexual exploitation and other abuse**

Fern adopts the following definitions:

**Bullying:** is the use of force or coercion to abuse or intimidate others. The behaviour can in be habitual and involve an imbalance of social or physical power. It includes verbal harassment or threats, physical assault or coercion and may be towards particular survivors, on grounds of ethnicity, religion, gender, sexuality, ability, seniority, etc.

**Discrimination:** Means exclusion of, treatment of, or action against an individual based on social status, ethnicity, religion, gender, sexual orientation age, marital status, education, national origin, political affiliation, disability, etc.

**Harassment:** Harassment is offensive treatment that, to a reasonable person, creates an intimidating, hostile or abusive work environment. It is any improper and/or unwelcome prolonged or persistent behaviour directed at an individual that:

- has the effect of offending, humiliating or intimidating that individual; and the person behaving in such a way knows or reasonably ought to have known that their conduct causes offence, humiliation or intimidation
- creates an intimidating, hostile or abusive work environment or interferes with that individual's or other individual's ability to do their work

It may include but is not limited to words, gestures, actions, including displaying any objects or printed materials related to a person's ethnic origin, nationality, religion, civil status, gender, sexual orientation, disability, age or medical condition, political or other beliefs, or any other protected characteristic.

Harassment is never defined by the intention of the offender, but by the impact on the recipient.

**Sexual harassment:** is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when the sexual conduct has the purpose or effect of interfering with work performance, is made a condition of employment or creates an intimidating, hostile, abusive or toxic work environment. Examples that may constitute sexual harassment are:

- Deliberate unsolicited physical contact of a sexual nature
- Unwelcome sexual comments, jokes, sexually explicit gestures
- Sexually explicit displays or distribution of pictures, materials or objects that have the purpose or effect of creating an offensive or hostile work environment
- Offering or implying a reward concerning work assignments or conditions of employment in exchange of sexual favours
- Obscene letters, phone-calls, emails, social media

Sexual harassment often involves a pattern of behaviour, but can also take the form of a single incident.

**Abuse of power:** Abuse of power is manifested in how those with less social power are treated physically, psychologically, emotionally, and/or sexually. Sexual activity, even when consensual, between those of unequal power in this sense is an abuse of power. Fern has zero-tolerance regarding bullying, harassment including sexual and any other abuse of power, including the creation of a toxic work environment.

For this purpose, in Belgium, Fern fully complies with Welfare at work Act (Code du bien-être au travail) and with Equality Act 2010 in the United Kingdom.

Fern pledges to protect people against discrimination, harassment or victimisation in employment, in any form (face to face, mail, phone, etc.), related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Any member of staff who is harassed or bullied is encouraged to raise the issue to her/his mentors, to the Safeguarding Leads or to any other member of the staff s/he is confident with in order to address the issue.

In Belgium, Fern is also affiliated to an external service for prevention and protection of workers (CESI). Staff members who encounter problems or have questions on this subject can contact the psychosocial unit of CESI using the following contact details:

Affiliation number: 121836

Telephone number: +32 2 761 17 74

[Contact form](#)

Fern deals with suspected cases of bullying, harassment and other forms of abuse following the case management protocol.

Competent courts are the Labour tribunal (Tribunal du travail) in Belgium and the Employment tribunal in the UK.



## **Bribery, corruption and fraud**

Fern adopts the following definitions of bribery, corruption and fraud.

- Bribery - the offering, promising, giving, accepting or soliciting of money, gifts or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisation's activities. (From "Anti-bribery principles & guidance for NGOs" - Mango/Bond/Transparency international - June 2011) In addition to the above terms, Fern adheres to the prohibition of facilitation payments in any form.
- Corruption – the abuse of entrusted power for private gain. (From "Anti-bribery principles & guidance for NGOs" - Mango/Bond/Transparency international - June 2011)
- Fraud - Fraud is a form of dishonesty, involving either false representation, failing to disclose information or abuse of position, undertaken in order to make a gain or cause loss to another." (From UK Charity Commission, Compliance Tool kit: Chapter 3 - Sept 2013)

Fern's policy is to have zero tolerance of fraud, bribery and corruption and to put in place tools to reduce the risk of it occurring. Safety takes priority over everything. No one should put themselves in danger in order to comply with this policy. Fern therefore supports staff to take the necessary steps to feel safe and raise concerns about any situations deemed unsafe so that Fern can find a way to avoid it in the future.

### **Fern's tools are:**

- Financial management procedures and policies to identify those within Fern who are responsible for decision-making and to outline how they must account for the resources at their disposal both financially and programmatically
- Procedures to ensure partners, colleagues, funders and allies work together to jointly identify and address any perceived weaknesses
- Contracts with partners, suppliers and other stakeholders that include the requirement to take fraud, corruption and bribery seriously
- Measures to minimise the risk of fraud or corruption in our work with partners. Examples include, but are not restricted to:
  - A documented Partner Assessment undertaken prior to engagement to assess the Partner's control environment including their fraud, bribery and corruption policies
  - Procedures to ensure partner staff are aware of reporting requirements such as the documents required to support narrative and financial reports
  - A signed Partnership Agreement with all Partners
  - Procedures to review Partners' financial reports and compare them to the approved budget prior to sending the next tranche of funds
  - To encourage partners to conduct project and organisational audits
  - Checking partners' internal audit controls

### **How to deal with cases of suspected fraud, bribery or corruption**

In practice, perceived malpractice can often be difficult to distinguish from weak administrative capacity. Where corruption is not proven, the values involved are small, issues are not recurring, and parties involved agree to address any weaknesses, Fern will give "the benefit of the doubt" to parties involved. Fern's sees this approach as necessary to create the environment of trust and learning which is necessary for good partnership work.

If staff suspect fraud, bribery or corruption, they should inform the Management Team who will agree a process for a prompt investigation. Concerns will be recorded in the minutes as well as

appropriate action taken against the perpetrator(s) and steps taken to prevent future occurrences.

# WHISTLEBLOWING POLICY

## Fern's policy on whistleblowing

Fern aims to promote an open and constructive work environment in which all staff, interns, volunteers, partners, consultants and other external stakeholders feel able to voice concerns and raise objections in the knowledge they will be taken seriously.

Malpractices include (but are not limited to) the issues listed below:

- Financial irregularities including theft, bribery, fraud, money laundering and aid diversion
- A failure to comply with any legal obligations
- Sexual misconduct, including sexual abuse, harassment or exploitation (see Fern's Safeguarding Policy)
- Abuse or exploitation of children, adults or beneficiaries (see Fern's Safeguarding Policy)
- Breach of Fern's policies
- Abuse of position
- Danger to the health and safety of individuals or damage to the environment
- The deliberate concealment of information relating to any of the matters listed above

Fern's Whistle-blowing Policy does not intend to replace internal disciplinary actions and grievance procedures (see section within Human Resources).

## Fern's tools for whistleblowing:

- If a staff member wants to raise an issue of malpractice, they can ask the mentors for advice, or to ask another staff member who you feel is in a good position to help. The Mentor coordinator can also advise
- If a staff member wishes to raise concerns outside of the staff environment, they should contact a member of the Board
- The e-mail [complaints@fern.org](mailto:complaints@fern.org) is a safe and anonymous mailbox where external stakeholders or partners can make any complaint related with Fern work, included yet not limited to safeguarding, conflict of interest, corruption, sexual harassment and any other ethical complaint. The mailbox and complaints folder on SharePoint is only accessible to Fern's Safeguarding Leads
- Where the whistle-blowing is about safeguarding (such as a concern/disclosure or about organisational approaches to safeguarding), the Safeguarding Leads must be informed as soon as possible (within 24 hours)

## The procedure for staff if contacted by a whistle-blower is as follows:

- Assure the whistle-blower that the issue will be taken seriously
- Forward the received concern directly to the Safeguarding Leads who will decide on further actions
- Disclose the identity of any whistle-blower to the Safeguarding Leads only
- The Safeguarding Leads together with the CMT will decide on further steps to be taken, including a follow-up interview with the whistle-blower.

## Breaches of this policy and/or safeguarding procedures

Any breaches of this policy will be taken extremely seriously and may result in dismissal and/or legal action. For more information see the Safeguarding Complaints and Disciplinary Policy and the Case Management Safeguarding protocol.

### **Reference to other policies and procedures**

- Disciplinary actions and grievances
- Code of Conduct
- Case Management Safeguarding Protocol
- Safeguarding Policy

### **Monitoring and reviewing the policy**

The Safeguarding Leads noted above are responsible for monitoring the effectiveness and reviewing the implementation of this policy, considering its ongoing suitability, adequacy and effectiveness. This policy will be reviewed every two years or earlier if there is a relevant change in the organisation or national legislation.