

Sexual Harassment, Exploitation and Abuse (SHEA) at Work Policy

Approval Date: 01 November 2021

Approving Body: ActionAid International General Assembly

Policy Owner: Global SHEA and Safeguarding Team

Cross Reference/ Related policies:

- Child Safeguarding Policy
- Protection from Sexual Exploitation and Abuse (PSEA) Policy
- Sexual Harassment, Exploitation and Abuse (SHEA) and other Safeguarding concerns Overarching Policy

Sexual Harassment, Exploitation, and Abuse (SHEA) at Work Policy

Policy for all staff and representatives

Date: November 2021

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Sponsor: Julia Sanchez, Secretary General. The policy has been approved by ActionAid International's Board of Trustees and Senior Management

Date for renewal: November 2024

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1. Introduction

ActionAid is committed to working with others to end injustice and eradicate poverty, and to build a world which upholds the rights and dignity of all. We recognise that to work with integrity we must ‘walk the talk’ and ensure that anyone who comes into contact with ActionAid is protected from any form of injustice, discrimination, or abuse.

ActionAid is committed to preventing and responding robustly to any form of sexual harassment, exploitation, and abuse in the workplace that is carried out by any member of the ActionAid Federation or ActionAid representative.

The purpose of this policy is to ensure that ActionAid provides a safe working environment which is free from sexual harassment, exploitation, and abuse and which upholds the rights and dignity of all.

ActionAid is committed to ensuring that all ActionAid staff and representatives can operate in an environment in which they are not simply safe *from* harm but safe *to* realise their rights and work with dignity.

Building on our Code of Conduct and feminist approach, ActionAid is committed to preventing any form of sexual harassment, exploitation and abuse (including child abuse and adult at-risk abuse) and responding robustly when these harms take place. We recognise that all these harms are rooted in an imbalance of power, particularly gendered and sexualised abuses of power.

We have a duty to prevent and respond to allegations of sexual exploitation and abuse because of the power imbalances inherent in the international aid sector, and within the wider social norms and structures in which we work. This means that we take all concerns seriously and carry out timely and robust responses to allegations of harm. No one will be victimised for making a complaint and ActionAid is committed to taking a survivor-centred approach throughout. This means we work with survivors to ensure they are central to any response, are not further harmed or disempowered by any processes, and receive support throughout¹.

ActionAid views any form of sexual violence as a gross violation of human rights. In line with Feminist Principle 10 (Zero Tolerance), we will not tolerate any form of abuse, exploitation, or harm carried out towards our own employees, rights holders, communities, or anyone we come into contact with through our work. Zero tolerance means we will always take action when a Safeguarding harm takes place, ensure that support is offered to all affected, and that the organisation learns from the harm so it does not happen again.

We recognise that gendered forms of sexual violence disproportionately affect women and girls, and our work also recognises the impact on boys, men, transgender and non-binary people. We are committed to having an inclusive safeguarding approach and working with marginalised, oppressed and hard-to-reach groups, recognising the impact of sexual violence on people living in poverty people from the LGBTQI community, and people of different ethnicities, religions, race, class and abilities. We will listen to and learn from them so that our SHEA and Safeguarding approach supports the work they do to promote their rights and live lives with dignity. As part of

¹ We use the term ‘survivor’ to represent a person who has experienced sexual abuse, exploitation, or harassment. AAI uses the term *survivor* as part of our survivor-centred approach as it emphasises the power of the individual, whereas the term ‘victim’ can be disempowering. However, those affected by sexual harassment, exploitation and abuse can choose the term they prefer. Throughout any process, AAI will work with all involved to ensure the rights of everyone are protected at all times.

living out our feminist principles, we will champion intersectionality by recognizing the diverse and connected experiences of different groups and take action to ensure we do not compound harm. We will take action to ensure our approach is anti-racist, inclusive, and safe for all.

1.1 Purpose

The #metoo and #aidtoo movements of recent years have reminded us that those working with ActionAid have increased power and privilege and we must do everything we can to stop staff/representatives from abusing that power. We are committed to safeguarding all people who come into contact with ActionAid from abuse of that power and privilege in any form.

This applies to everyone irrespective of race, age, gender, gender identity, sexual orientation, culture, dress, language, political affiliation, health status, class, caste, ethnicity, marital status, disability, location, pregnancy, and religion.

This policy provides guidance and direction to anyone associated with ActionAid so that:

- **All ActionAid staff and other representatives** understand the importance of preventing sexual harassment, exploitation, and abuse, and their responsibility to ensure that they and their work do not deliberately or inadvertently cause harm to staff and other representatives.
- **All ActionAid staff and other representatives** understand their role in preventing sexual harassment, exploitation, and abuse, and the consequences of breaching this policy.
- **All ActionAid staff and other representatives** understand their responsibility to report any concerns relating to sexual harassment, exploitation, and abuse, and have access to clear guidelines on how to report suspected harassment.
- All organisational processes and structures reflect our duty of care towards each other as **staff and other representatives** and put in place safeguarding procedures in every aspect of our work so that we build a culture free from sexual harassment, exploitation, and abuse.
- All ActionAid operations and programming must be designed with a safety lens; all activities of ActionAid must prevent harm to communities and rights-holders; Child Safeguarding, PSEA and Safeguarding against Sexual Harassment and Abuse should be central to all interventions and should be included in all programme activities.
- ActionAid commits to uphold the highest level of personal and professional conduct amongst its staff, contractors, volunteers, board members and partners working in or visiting all programming contexts, and particularly humanitarian settings, ensuring zero tolerance of all forms of sexual harassment, exploitation, and abuse.

1.2 Difference between ActionAid's Protection from Sexual Exploitation and Abuse; Sexual Harassment, Exploitation, and Abuse at Work; and Child Safeguarding policies

ActionAid's SHEA and Safeguarding approach seeks to prevent and robustly respond to all forms of sexual harassment, exploitation, abuse and other Safeguarding harms carried out by ActionAid staff and other representatives towards anyone we come into contact with through our work.

ActionAid's SHEA and Safeguarding approach and policy positions are outlined in the overarching *ActionAid SHEA and Safeguarding Policy*.

Different forms of sexual violence and abuse of power intersect. However, in order to identify and address the different ways in which these abuses of power manifest our policies distinguish between them. The below table shows the different forms of harm and what policy they sit under:

| Form of Harm | Policy this falls under |
|---|--|
| Harmful behaviour carried out by staff/representatives towards other staff and representatives | Addressed through this policy |
| Harmful behaviour carried out towards children and young people | <i>Child Safeguarding policy</i> |
| Harmful behaviour carried out towards rights holders and communities, including adults at-risk | <i>Protection Against Sexual Exploitation and Abuse policy</i> |
| Bullying and Harassment | <i>AAI Bullying and Harassment policy</i> |
| Illegal and/or improper conduct and wrongful acts including, but not limited to, suspected fraud, criminal activity, or miscarriages of justice | <i>AAI Whistleblowing policy</i> |
| Allegations of trafficking or modern slavery | <i>AAI Anti Slavery and Human Trafficking policy</i> |

1.3 Scope

This policy is binding for all offices and working locations of ActionAid, and at both the organisational and project level. Policies created by national entities must include all elements of this policy and may only differ to ensure alignment with national legislation as appropriate. If national legislation requires a substantively different approach to the global policies, this must be discussed with the Global SHEA and Safeguarding Team and they must jointly work to ensure that the national policy is in line with the spirit of the global policy where he cannot meet the letter of the policy. Should this policy demand a higher standard than the local laws then this policy will prevail. This policy supersedes previous policies on SHEA and Safeguarding.

This policy is binding for all ActionAid staff members, whether full time, part time or engaged on fixed term contracts. **It is also binding for other representatives working with ActionAid, including (but not limited to) partners, volunteers (including board and assembly members), consultants, contractors/suppliers/vendors, interns, visitors (e.g. donors), dependents accompanying staff while working for, ActionAid, and other individuals acting as representatives of ActionAid. All staff and representatives named above can raise a complaint via the procedures outlined in this policy.** In line with ActionAid's Code of Conduct, this policy is binding both in and outside of working hours and in all aspects of a staff member/representative's life. **All community members and rights-holders including adults at-risk and children can raise a complaint about any ActionAid staff member or representative, using the channels as outlined in the policy.**

ActionAid Directors/International Leadership Team and International Board hold overall accountability for this Policy and its implementation. They are responsible for ensuring the policy is reviewed and updated **every three years**.

Adherence to this policy will be reviewed through internal Assurance and auditing mechanisms. Updates to the policy will be recommended through the Global SHEA and Safeguarding Lead to the International Leadership Team (ILT) who will seek approval from the International Board. In the case of substantive changes to this policy, the International Board will seek approval from the General Assembly.

If the Global SHEA and Safeguarding Team have concerns that an ActionAid entity is not implementing SHEA and Safeguarding as outlined in this policy the Global SHEA and Safeguarding Team will raise this first with the Country/Executive Director for action. If no action is taken within one week (e.g agreeing to a meeting, or developing an action plan), the Global SHEA and Safeguarding Team will inform the Head of Country Support who will follow up with the Country/Executive Director and request a response within 48 hours. If no action is taken, or there is sustained in-action by an entity, this will be raised to the International Leadership Team and if needed to the International Board for wider action.

1.4 Feminist Leadership Principles

ActionAid's SHEA and Safeguarding approach is built on our Code of Conduct and feminist leadership approach.

ActionAid's transformative vision of a just world free from poverty, oppression and patriarchy requires transformative feminist leaders: leaders who enable others to lead, building power with them instead of over them.

ActionAid has developed the following 10 commitments on feminist leadership. Staff and representatives are expected to embed these into every area of their work and their behaviour:

1. Self-awareness
2. Self-care and caring for others
3. Dismantling bias
4. Inclusion
5. Sharing power
6. Responsible and transparent use of power
7. Accountable Collaboration
8. Respectful Feedback
9. Courage
10. Zero Tolerance

These feminist principles are embedded throughout our SHEA and Safeguarding approach.

For further information on these principles, please refer to ActionAid's Top Ten Basics of Feminist Leadership.

2 Definitions and Policy Positions

2.1 Definitions

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| Sexual abuse | <ul style="list-style-type: none"> - The UN Secretary General defines sexual abuse as the "actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions e.g. sexual assault, rape. - ActionAid strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18 years, or older if the local law |
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| | indicates this). Mistaken belief of age is no defence. |
| Sexual exploitation | <ul style="list-style-type: none"> - The UN Secretary General defines sexual exploitation as “any actual or attempted abuse of power or trust for sexual purposes, including, but not limited to, profiting commercially, monetarily, socially, or politically from the sexual exploitation of another”² <ul style="list-style-type: none"> o This can represent a wide spectrum of examples including but not limited to invasion of someone’s sexual privacy, forced transactional sex, non-consensual filming of a sexual act or exposure of genitals, online grooming, or knowingly spreading a sexually transmitted disease or infection. o It is important to understand that sexual exploitation is not limited to sexual intercourse, as detailed in some examples above, and includes acts of intimidation of a sexual nature that are intended to cause discomfort and embarrassment. |
| Sexual harassment | <ul style="list-style-type: none"> - Sexual harassment is unwanted conduct of a sexual nature. It can happen to anyone regardless of gender, sexuality, race or any other factor. ActionAid recognises that different forms of discrimination overlap and intersect and that this exacerbates the risk of sexual harassment within marginalised and threatened groups such as women, people of colour, people with disabilities and people in the LGBTQI community. - Sexual harassment can be directed towards one person, groups of people, or towards everyone, and can occur as a one-off incident or as a pattern of behaviour. - Sexual harassment can be carried out with the effect of creating an intimidating, degrading, or offensive environment and/or to violate the dignity of another person. - An action or behaviour can still be considered sexual harassment even if the alleged harasser didn’t intend for it to be harmful. When addressing allegations of sexual harassment, ActionAid is concerned with the impact of the behaviours on the complainant, not the intention of the person accused. - Sexual harassment can be physical, verbal, or non-verbal. Examples of this include, but are not limited to: <ul style="list-style-type: none"> o Physical examples include touching, unwanted physical contact and assault (including attempts and threats) o Verbal examples include derogatory comments, jokes, questions about someone’s sex life, remarks about someone’s appearance o Non-verbal examples include sexual gestures, staring, and unwanted phone calls, letters, notes, and/or emails |

² <http://pseatactforce.org/en/overview>

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| | The above examples are not exhaustive, and an individual can raise concerns via the procedures laid out in this policy if they believe they have experienced sexual harassment, exploitation, or abuse. |
| Digital Safeguarding | ActionAid recognizes the risk that staff/representatives could carry out online sexual harassment, exploitation, and abuse. ActionAid has a responsibility to protect staff/representatives, community members, young people and children that it engages with on online spaces. <i>(For more guidance please refer to: ActionAid, Digital SHEA and Safeguarding Risks during ActionAid's COVID-19 Response, 2020)</i> |
| <u>OTHER RELEVANT TERMS</u> | |
| Abuse | <ul style="list-style-type: none"> - <u>Domestic</u> – “Including psychological, physical, sexual, financial, emotional, or so-called 'honour' based violence.” - <u>Financial/material</u> – “Including theft, fraud, and coercion in relation to financial affairs such as, property or financial transactions” - <u>Neglect</u> – “Including ignoring emotional or physical care needs, failure to provide access to appropriate healthcare or educational services, the withholding of life necessities such as food.” - <u>Physical</u> – “Including assault, hitting, slapping, pushing, restraint, or inappropriate physical punishments.” - <u>Psychological</u> – “Including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or unreasonable and unjustified withdrawal of supportive networks” - <u>Sexual</u> – “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions e.g. sexual assault, rape. <ul style="list-style-type: none"> o ActionAid strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18) |
| Complainant | <ul style="list-style-type: none"> - This is the person making a complaint; it may be the person who experienced what is being reported (the survivor), or it may be another person (a third-party complainant) who becomes aware of an issue and makes the complaint. |
| Complaint | <ul style="list-style-type: none"> - The specific grievance of anyone who has been negatively affected by an individual's action towards them, or who believes that an organisation has failed to meet a stated commitment that is intended to keep them safe from harm. <ul style="list-style-type: none"> o Individuals can make a complaint on behalf of someone else as a third party, even if they were not directly affected by the alleged harm. |
| Concern | <ul style="list-style-type: none"> - The Global SHEA and Safeguarding Team uses this term to define SHEA and Safeguarding issues raised that are not, or not yet, a formal complaint. |

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| | <ul style="list-style-type: none"> ○ For example, a group of staff speaking about rumours they have heard about sexual exploitation in a refugee camp or in a particular office. ○ It is vital that concerns raised are responded to and addressed as fully as possible (where the survivor/complainant wants this to happen and if action can be carried out given the level of information shared) as this is a critical way of ensuring ActionAid listens to and trusts survivors and ensures that all voices are heard, does not wait only for formal complaints, and follows up on all issues as part of our commitment to creating safe working environments in which the rights of all are respected. |
| <u>OTHER RELEVANT TERMS</u> | |
| Gender-based violence (GBV) | <p>“Gender-based violence is an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences between males and females”</p> <ul style="list-style-type: none"> ○ Acts of gender-based violence are a form of sexual abuse and can affect any stakeholder, whether staff or community members. ○ They are usually carried out by men towards women and can result, in part, from power imbalances. Therefore, this is regarded as a significant SHEA and Safeguarding issue within the operating context of AAI. |
| SHEA and Safeguarding Focal Point | <ul style="list-style-type: none"> - A person within an organisation designated to receive concerns and complaints of cases of sexual abuse, exploitation, and harassment. <ul style="list-style-type: none"> ○ Within AAI we are developing a network of trained SHEA and Safeguarding Focal Points across countries. These are people designated to receive disclosures, as detailed above, take responsibility for embedding safeguarding into their respective offices and programmes, and act as a first point of contact to any SHEA and Safeguarding queries that staff and rights holders may have. |
| Staff/ Representatives | <ul style="list-style-type: none"> - This refers to “staff, volunteers (including board and assembly members), consultants, interns, visitors, dependents accompanying staff while working for, ActionAid, and other individuals acting as representatives of ActionAid, such as partners working in communities.” When we refer to staff and other representatives in the document, we are referencing this entire group. <ul style="list-style-type: none"> ○ This is not an exhaustive list and covers anyone who is a representative of ActionAid. |
| Survivor | <ul style="list-style-type: none"> - “...a person, including a child, who has experienced sexual abuse, exploitation, or harassment. <ul style="list-style-type: none"> ○ The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors. ‘Survivor’ is the term |

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| | <p>generally preferred in the psychological and social support sectors because it implies resiliency.”</p> <ul style="list-style-type: none"> ○ AAI uses the term <i>survivor</i> as part of our survivor-centred approach as it emphasises the power of the individual, which the term ‘victim’ can remove, and their agency. However, it is important that those affected by sexual harassment, exploitation, and abuse can choose the term they prefer. |
| Survivor-centred approach | <ul style="list-style-type: none"> - “Originating from feminist analysis of violence against women, a survivor-centred approach puts the survivor of violence or harm at the centre of any response and process. Recognising that violence, particularly sexual violence, is carried out in order to remove the power of the person experiencing the harm a survivor-centred approach works to place the power back with the survivor.” <ul style="list-style-type: none"> ○ Survivor-centred approaches must consider the rights, choices, dignity, confidentiality, and safety of the survivor. This ensures that the survivor, their family, and their community do not come to any further harm as a result of having chosen to report an incident. |
| Subject of concern | <ul style="list-style-type: none"> - “The person alleged to have carried out harm.” <ul style="list-style-type: none"> ○ This term is used rather than “accused” or “perpetrator” as it is less weighted as a term, and emphasizes the importance of natural justice and the principle of innocent until proven guilty which is fundamental to fair and objective investigations |
| Young people | <p>ActionAid defines a young person as anyone between the ages of 15 and 24 years. We note that in some countries, the age of a young person goes up to the age of 30, and so these provisions will apply to those people in such contexts. It is helpful to distinguish between teenagers (13-19) and young adults (20-24) as ability to manage behaviours and experiences differs between the two age groups. Young people under the age of 18 are still defined as children under the UN Convention of the Rights of the Child and are protected as children under this policy. This recognizes that while a person under the age of 18 may be defined as a young person and may have reached the age of majority, age of consent or voting age in their countries there are still vulnerabilities that exist, particularly for children and young people from marginalized groups.</p> |

For more information on SHEA and Safeguarding definitions please see the Global SHEA and Safeguarding Team *SHEA and Safeguarding Glossary*.

2.2 Sexual activity with other ActionAid staff and representatives

ActionAid prohibits **staff and other ActionAid representatives** from having a sexual or romantic relationship with people who they line manage or supervise or who are in their line of

management. In the case of the most senior staff at director or leadership team level, this prohibition includes sexual or romantic relationships with any more junior staff.

Such relationships are prohibited to prevent an abuse of power, as this can have significant implications for the welfare of staff/representatives, and on ActionAid's organisational culture and wider reputation. For example, there is a risk that such relationships could lead to preferential treatment for staff who engage in relationships with more senior staff or retaliation against staff who end or abstain from this type of relationship. This type of abuse of power can fall into the category of sexual exploitation.

When addressing allegations about relationships between staff in a management relationship, the focus will be on the actions of the senior staff member and accountability will lie with them given the power dynamics in place.

ActionAid does not prohibit staff from beginning sexual or romantic relationships with each other outside of the unequal power dynamics explained above (e.g. not in the line of management, at a similar job level, or between peers).

However, all staff and other representatives engaged in or beginning relationships with other staff or representatives have a responsibility to:

- Behave professionally and conduct their relationships in a way that does not impact on ActionAid's work and mission, or bring it into disrepute.
- Declare their relationships as soon as possible to their line managers or HR, even if the relationship is at an early stage and may not continue. This will be treated confidentially.
- Avoid Conflict of Interest, and the appearance of Conflict of Interest, and ensure they do not make work decisions based on that relationship. For example, if two staff members in a relationship share the same budget line or decision making responsibility this could lead to a conflict of interest and impact on ActionAid's work.
- Ensure that their relationships do not lead to fraudulent or corrupt behaviours. For example, staff members organising work travel to the same destination when this is not required for work purposes.

2.3 Sexual activity with ActionAid Partner staff

Recognising the imbalance of power within funding and funded entities, and the potential for that power to be exploited, ActionAid prohibits staff from engaging in sexual activity with staff from its partners where this is or could be viewed as an abuse of power. Sexual or romantic relationships between ActionAid staff and Partner organisation staff could lead to the impression that the working relationship between the organisations is dependent on or guided by these personal relationships.

For example, a senior ActionAid staff member or an ActionAid staff member managing funding to the partner is prohibited from engaging in sexual activities or romantic relationships with anyone in a partner organisation. As with the peer relationships above, consensual sexual activity and/or relationships between ActionAid staff and partner staff is not prohibited if they:

- Behave professionally and conduct their relationships in a way that does not impact on ActionAid or the partner's work or mission.
- Declare their relationships as soon as possible to their line managers or HR, even if the relationship is at an early stage and may not continue. This will be treated confidentially.
- Avoid Conflict of Interest, and the appearance of Conflict of Interest, and ensure they do not make work decisions based on that relationship.
- Ensure that their relationships do not lead to fraudulent or corrupt behaviours.

Concerns about sexual or romantic relationships between ActionAid representatives or ActionAid representatives and partner staff should be reported. *More details on reporting can be found in Section 7.* The process for looking into these relationships will be managed collaboratively between HR and SHEA and Safeguarding roles. If the relationship is against these policies but does not involve sexual exploitation, the concern will be managed by HR with the support of SHEA and Safeguarding Staff where needed. Where the concerns include sexual exploitation, the process will be managed using SHEA and Safeguarding Processes.

3 Confidentiality

Confidentiality is vitally important to SHEA and Safeguarding. We are committed to working with survivors/complainants and all others involved in an incident management process in a confidential and respectful manner. Breaches of confidentiality undermine confidence and trust in ActionAid's Safeguarding and complaints management processes and in the organisation itself. Maintaining confidentiality around people's personal data and information is particularly important when managing issues relating to sexual harassment, exploitation and abuse and is part of living out our survivor-centred approach.

From the point of disclosure to the final outcome of any investigation, every effort will be made to maintain and promote confidentiality in order to protect the safety and privacy of everyone involved.

Information must be shared on a need-to-know basis – that is, only those who need to be informed so they can support an investigation or because they hold overall accountability will be given information, and they will receive only as much information as they need in order to be effective.

If information is shared confidentially which relates to a child or suggests that someone's life is in danger, then action will need to be taken outside of standard confidentiality procedures in order to ensure that everyone is safe. This will be managed on a case by case basis, and the safety and wellbeing of the child in question is always paramount. As noted above, only those who need to know will be informed so they can take effective action.

3.1 Data Protection

ActionAid will ensure that it complies with local and international data protection laws when gathering, storing, or sharing any data relating to individuals and SHEA and Safeguarding (e.g. in our fundraising, communications, and incident management approach), and will follow the Data Protection policies owned by the Digital and Technology Team and guidance on retaining data on incident management that is issued by the Global SHEA and Safeguarding Team. Any breaches of ActionAid's data protection guidelines, particularly if they put individuals at risk, will be treated as serious misconduct.

4 Working with partners

- ActionAid will work collaboratively with partners to create safe working approaches that uphold the rights of all. Building on ActionAid's Partnerships Framework, engagement with partners on safeguarding will be based on mutual respect and learning.
- ActionAid will work with partners to create programmes and operational approaches which uphold the rights of staff, representatives, community-members, rights-holders and children at all times.
- ActionAid partners must abide by ActionAid's Code of Conduct and all SHEA and safeguarding related policies. All memorandum of understandings (MoU) with partner

organisations and consultancy agreements with consultants and suppliers should include this policy as an appendix when starting any project. Breaches can lead to termination of contractual and/or partnership agreements.

- ActionAid will work with all partners to ensure they receive training on ActionAid's SHEA and Safeguarding policies and approach, and to ensure that spaces are created to share knowledge on best practice to address sexual harassment, exploitation, and abuse at work and recognise the expertise of our partners in this area as well as our own approach.
- Staff working with partners must ensure that partner organisations and their staff sign up and abide by the ActionAid Code of Conduct. ActionAid must work with partners to carry out SHEA and Safeguarding risk assessments and/or ensure that partners carry out their own SHEA and Safeguarding risk assessments.
- ActionAid will work with partners to ensure that partners have a robust complaints mechanism for partner staff and community members to access. These must be inclusive, accessible and safe to use. In line with the CHS PSEAH Index (2020) Commitment 6: Partners will collaborate with communities and rights-holders to design, implement and monitor community-based complaints mechanisms.
- ActionAid and partners must have agreements in place to ensure that all relevant information relating to sexual harassment, exploitation, and abuse and harm towards staff /representatives is shared in a confidential and need-to-know basis through designated roles to maintain confidentiality.
- Concerns regarding partner **staff members** must be reported immediately via the reporting mechanisms detailed below. If ActionAid receives a complaint about a member of staff at a partner organisation, ActionAid will risk assess informing the partner with the aim of working with the partner to ensure this is responded to quickly and appropriately in line with ActionAid's policies and values. Where appropriate, ActionAid will support a partner's capacity to manage a concern through using Focal Points, the GS Team, or other staff with relevant expertise as advisors, for instance if the partner is engaging well but does not yet have the resources to respond. If appropriate, concerns will be managed through a joint process or by ActionAid if needed. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, ActionAid must consider whether they will withdraw funding or end the relationship.

5 Safer recruitment and employee lifecycle

In line with best practice, stringent recruitment processes will be put in place to ensure that staff/representatives share our values and in order to reduce the likelihood of engaging someone who may pose a SHEA or Safeguarding risk to the communities we work with, and to staff and other representatives within the organisation. The following steps must be included in all Recruitment and Selection procedures:

- Job adverts and job descriptions clearly detail the organisational values and commitment to SHEA and Safeguarding. The job description is to be used as the primary basis of assessing an applicant's abilities.
- All interviews will include questions that assess an applicant's understanding of SHEA and Safeguarding (including child safeguarding) and assess their ability to reflect on ActionAid's values and feminist approach.
- Interviews for positions that involve working with children must include behavioural based questions that assess the candidate's suitability to work with children.
- Gaps in employment and/or education history will be discussed at interview.
- ActionAid will not knowingly appoint any person with a history of perpetrating any form of or sexual harassment, exploitation, and abuse, e.g. child abuse, or Gender Based Violence. ActionAid will ensure that recruitment of staff and other representatives will include reference checks (written and verbal where necessary).

- Consent will be sought from the successful applicant to request two references, including one from their most recent employer (or place of education), which provides, where permitted, the reason for leaving, and where appropriate, whether the candidate is suitable to work with children.
- Relevant police/criminal records checks must be carried out in line with country requirements, as appropriate. Staff and other representatives in roles that involve having direct access to rights holders and community members, particularly children and adults at-risk, will require a self-disclosure of any convictions (relating to child abuse in any form) prior to interview stage and a criminal record check, wherever this is obtainable.
 - This also applies to staff changing role internally, and those who are likely to be deployed, in which case a check should be completed in advance. In countries that have a database of sexual offenders or people not suitable to work with certain groups then this too will be checked.
- Proof of identity should be confirmed at the interview stage, and a hard copy added to the staff file
- The Code of Conduct and the SHEA and Safeguarding overarching policy are included alongside the offer letter to all new staff and representatives. The Code of Conduct must be signed by all staff and other representatives before commencing duties.
- HR staff drafting employment contracts should, where possible under national law, include a clause that specifies the staff member can be dismissed if they are found to have breached this policy or AAI's Code of Conduct.
- All performance management processes and appraisals must include an assessment of how the individual upholds ActionAid's values and how SHEA and Safeguarding intersects with their work
- Ensure exit processes are carried out in person or remotely, learning is recorded and acted upon as appropriate, and any SHEA and Safeguarding concerns raised at this stage are addressed appropriately
- Ensure references are provided in line with our HR policies, and that information on staff SHEA and Safeguarding misconduct/disciplinary proceedings is shared with the prospective employer in line with global best practice and our HR procedures

It is recognised that it may be difficult or impossible to obtain police checks, statutory declarations of previous convictions, and references in some operating contexts, or that time constraints in humanitarian contexts may justify the need to start work before obtaining the outcome of the police checks. In such instances, other checks must be put in place. recruiting managers must ensure they put in place all reasonable steps to manage risk including extensive questions on Safeguarding and ActionAid's values at interview, and a more intensive form of reference check (e.g. mandatory written submissions and telephone conversations with referees). Line managers and HR should also use the probationary period to observe the employee for any signs of policy violations that should be dealt with expeditiously and in accordance with this policy.

Where police checks/references raise concerns about the suitability of the candidate and ActionAid takes the decision whether to proceed with the recruitment; justification for the decision to proceed must be recorded in the HR files and signed off by the Country/Executive Director and by Cluster Directors in the General Secretariat.

5.1 Induction

The SHEA and Safeguarding Focal Point and HR will ensure all joining **staff and other representatives** have an induction on ActionAid's SHEA and Safeguarding approach and this policy **no later than one month** after they have been appointed. It is the responsibility of the individual's Line Manager to ensure that this briefing is carried out. Depending on the nature of the role, more extensive inductions on ActionAid's SHEA and Safeguarding approach and country-specific risks and challenges should be carried out.

5.2 Training

Regular training and refresher courses on SHEA and Safeguarding must be planned and delivered for all staff and partners on a regular basis. This can include but is not limited to:

- AAI's SHEA and Safeguarding policies
- AAI's Code of Conduct and Feminist Leadership Approach as part of our commitment to working with staff and other representatives to transform our working culture
- International and local laws relating to sexual exploitation and abuse
- Information on how to recognise sexual exploitation and abuse
- Information on how to report sexual exploitation and abuse

All programmes must establish a training programme, including stand-alone and refresher training on ActionAid's SHEA and Safeguarding approach so that all staff receive at least one SHEA and Safeguarding training per year, with further training for specific teams as required. Evidence of training must be captured and retained (e.g. training attendance records, training materials). Informal discussions in team meetings are also encouraged. Further communications on ActionAid's SHEA and Safeguarding approach could include information campaigns, regular updates on new developments in the sector, or policy revisions.

Further specialist SHEA and Safeguarding training will be provided depending on the nature of the work being undertaken, the context, donor requirements, and where **staff and other representatives** are in contact with children or other vulnerable populations, such as displaced communities. The SHEA and Safeguarding Focal Point and Stakeholder Panel, in line with the Global SHEA and Safeguarding Team, will work together to identify and address these needs.

6 Creating Safe Working Environments

Given ActionAid's zero tolerance approach to sexual harassment, exploitation, and abuse, measures to address this must be included as a fundamental part of all programme design. Recognising that any of our staff, representatives, and partners may experience sexual harassment, exploitation, and abuse, ActionAid is committed to ensuring that all organisational structures aim to prevent and respond robustly to sexual harassment, exploitation, and abuse.

Internal misconduct can affect our programming, as an ActionAid staff member or representative's behaviour towards colleagues can indicate the level of risk towards rights holders, at risk groups including children, and the communities in which ActionAid works.

- Ensure SHEA and Safeguarding is embedded into the entire programme cycle, from design to conclusion, and that budget is included for SHEA and Safeguarding activities.
- Ensure that all countries and programmes have in place robust, contextually specific, complaints mechanisms
- Recognise that sexual harassment, exploitation and abuse is grounded in gender and other inequalities, ActionAid will ensure that all processes and activities are conducted in a gender-sensitive manner, drawing on intersectional feminist analysis. This will include:
 - Creating separate spaces for all staff/representatives (women, men, transgender and gender non-binary people) to raise concerns and share ideas;
 - Creating safe spaces for consultation and monitoring of all operations and activities based on strong contextual intersectional feminist and power analyses;
 - Carrying out risk assessments as appropriate to help identify areas in our work where there is risk of sexual harassment, exploitation, and abuse, taking place, or

not being responded to adequately. Risk assessments must be carried out at programme/project inception stage and reviewed as part of regular monitoring activities.

- As programmes close, embed SHEA and Safeguarding into exit strategies and monitoring and evaluation processes to ensure that learning has been documented and taken on board, and any concerns that exist can be addressed.
- Ensure that this policy is in place, translated into a local language and communicated to and understood by ActionAid **staff and other representatives**, and the communities we work with
- Ensure that a copy of this policy will accompany all partner MOUs and discussions held with partners to further embed understanding and compliance.
- Ensure as programmes are evolving into digital spaces, staff and representatives' behaviour reflects ActionAid's values, adheres to the Safeguarding policies and ActionAid's Code of Conduct.
- ActionAid recognizes that there may be programmes where risks may be heightened e.g. short-term humanitarian projects; in these instances, rigorous safeguarding measures will be put in place, appropriate to the context, e.g. training, regular reviews
- Ensure that all staff and other representatives recognise their responsibility to maintain an environment that is free of sexual harassment, exploitation and abuse and to report any abuse they suspect or witness, whether within ActionAid or outside, in line with the reporting protocols outlined in this policy.
- Ensure that assistance for those affected in any way by sexual harassment, exploitation and abuse is carried out in line with ActionAid's survivor-centred approach.

6.1 Complaints mechanisms

As part of embedding SHEA and Safeguarding into all programme design and activities, complaints mechanisms must be established in order to ensure that **staff and other representatives** are able to raise concerns.

The SHEA and Safeguarding Focal Point will work with relevant teams to ensure that any complaints mechanisms are accessible, inclusive, survivor-centred, and relevant to the local context. The SHEA and Safeguarding Focal Point will work with all staff and other representatives to ensure that they are aware of ActionAid's values, what behaviour is and is not appropriate, their rights, and how to report concerns. As part of this it is important to develop or strengthen safe spaces which will help to encourage people to speak out and raise concerns. It is critical that any complaints mechanisms provide a variety of ways of reporting (recognising that many people prefer to disclose allegations of harassment to someone they trust) and that people are assured of confidentiality. As part of our commitment to accountability, staff/representatives must ensure that policies and procedures are shared with rights holders and community members so they can provide feedback and be instrumental in developing our approach.

For more information about how community members can report concerns and how to establish Community Complaints Mechanisms, please see the Protection Against Sexual Exploitation and Abuse (PSEA) policy.

7 Reporting procedures

7.1 How to Report

The Code of Conduct states that it is the duty and the responsibility of all staff and other representatives to report any suspicions or incidences of sexual harassment, exploitation and abuse. This applies to ActionAid staff and representatives including (but not limited to) partners, volunteers (including board and assembly members), consultants, and contractors/suppliers/vendors. This is a key way to challenge inappropriate behaviours and help create a safe work environment. Failure to report to an appropriate person is a breach of ActionAid's Code of Conduct, and this policy, and could lead to disciplinary action being taken. Members of the public (e.g anyone external to ActionAid) can also raise concerns about ActionAid

If any ActionAid staff or other representatives have concerns that a rights holder or community member, including adults at-risk, has been or it at risk of being abused, exploited, or harmed in any way **they must report this immediately.**

If any ActionAid staff or other representatives have concerns that this policy may have been breached, they must report this immediately.

In line with ActionAid's survivor-centred approach, individuals do not have to report about something that they have experienced.

If you have experienced harm yourself, you can choose if, when, and how you want to tell someone. If you choose to tell ActionAid what has happened to you, we will work with you to discuss your options and find you support.

staff or representative using the reporting procedures below. If the allegation does not relate to ActionAid, such as harm carried out during the course of a staff member's work, then ActionAid will look at how best to safely respond (including raising with external agencies better able to support), and will take any action with the best interests of the survivors in mind.

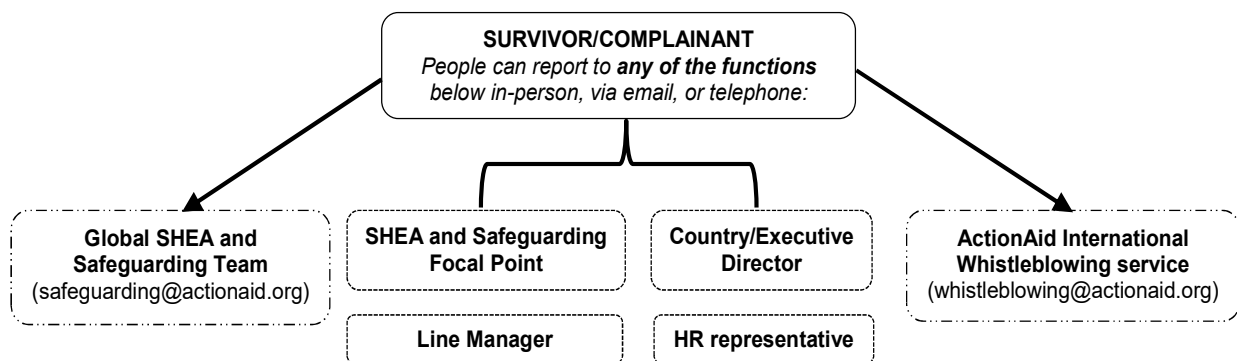
Concerns raised about ex-ActionAid staff/representatives (e.g people formally employed by ActionAid in any capacity) will be addressed as far as possible, recognizing potential legal challenges to such processes.

ActionAid staff members and other representatives can report SHEA and Safeguarding concerns in their ActionAid country to any of the following channels in person, via email, or telephone:

- SHEA and Safeguarding Focal Point
- SHEA and Safeguarding Stakeholder Panel Members
- Board Member (eg. SHEA and Safeguarding Board Lead
- Country Director
- Line Manager
- HR Representative

If ActionAid staff or representatives have concerns about first reporting in country or if they want to raise concerns (i.e. appeal against) how a process has been managed in country, they can report directly to:

- AAI Global SHEA and Safeguarding Team (safeguarding@actionaid.org)
- AAI Whistleblowing Service (whistleblowing@actionaid.org)



SHEA and Safeguarding Focal Points are responsible for reporting all concerns and complaints to the Global SHEA and Safeguarding Team to ensure that the Global Team has oversight of all SHEA and Safeguarding concerns in the Federation. The SHEA and Safeguarding Focal Point must complete a SHEA and Safeguarding Incident Reporting Form and send this to safeguarding@actionaid.org within 24 hours of a concern being raised, where possible. The Global SHEA and Safeguarding Team will update the global case register and support the Focal Point and ActionAid country on a case by case basis to respond to all concerns and complaints raised, and monitor action taken. For a more detailed reporting flowchart outlining roles and time frames involved in reporting, refer to Appendix 3.

The Country Director, through designated positions/teams, will work with the Global SHEA and Safeguarding Team to ensure that donors and others (e.g. other ActionAid countries so that they can fulfil their own donor reporting requirements; statutory/regulatory bodies) are informed of SHEA and Safeguarding concerns, in line with the AAI Donor Reporting SOPs. Any breach of the SOPs will be raised to the CD for action.

Any concerns raised relating to sexual harassment, exploitation, or abuse of ActionAid **staff or other representatives** by ActionAid staff or other representatives will be addressed as a priority, in line with our SHEA and Safeguarding approach. ActionAid will ensure that the safety, dignity and rights of the survivor are respected at all times. There is no time limit on when someone can raise a concern about something they have experienced. There may be limitations to how a historical concern can be addressed but ActionAid will take every reasonable measure to address the concern. For example, by gathering any available evidence and contacting witnesses, where a risk assessment shows it is safe to do so. We are committed to carrying out robust and fair investigations that protect the rights of all involved, with a particular focus on the survivor/complainant and the subject of the complaint, ensuring that confidentiality is maintained and that the wellbeing of all is protected.

As part of our survivor-centred approach, survivors/complainants can choose if, when, and how to make a report and decide whether they want ActionAid to take formal action. However, there may be occasions where ActionAid has a duty of care to respond even if the survivor/complainant does not want to take forward action. This will be managed on a case by case basis and the decision will be made by the SHEA and Safeguarding Stakeholder Panel, in conjunction with the Global SHEA and Safeguarding Team. This will only be done following clear risk assessments, analysis of the age and agency of the survivor (as decisions may need to be taken on behalf of children, working with their care givers) and will always ensure that the safety and wellbeing of the survivor/complainant is paramount.

All staff and other representatives are required to report if:

- They become aware that someone is experiencing or at risk of experiencing sexual exploitation or abuse - whether carried out by ActionAid staff and representatives, or others.
- A staff member or other representative suspects that someone connected to ActionAid is or may be about to carry out sexual exploitation and abuse towards staff members or other representatives.
- They suspect that someone external to ActionAid (e.g. a Teacher or Community Leader) is or may be about to carry out sexual exploitation or abuse towards a staff member or other representative. This is not a breach of the Safeguarding policy as the harm is not carried out by staff/representatives. However, as part of our commitment to eradicating violence and ending poverty we still have a duty to report such concerns. This must be reported to the SHEA and Safeguarding Focal Point and Country Director, who has overall responsibility for referring this to an external agency so that this can be safely addressed.

ActionAid is committed to creating a working culture in which everyone feels safe to raise a concern. If a staff member or other ActionAid representative **does not** report an incident or suspicion they will be in breach of the Code of Conduct and may face disciplinary proceedings. This does not apply to survivors who can decide if, when and how to report.

7.2 Management of complex SHEA and Safeguarding reports:

| Nature of Concern | Report to | Response |
|---|---|---|
| Allegation about staff at a Partner Organisation | SHEA and Safeguarding Focal Point/SHEA and Safeguarding Stakeholder Panel | Concerns regarding partner staff members must be reported immediately via the reporting mechanisms detailed in this section. Concerns that partner staff have harmed ActionAid staff/representatives will be managed through a joint process with the partner where possible, and by ActionAid if this is not appropriate. If ActionAid receives a complaint about a member of staff at a partner organisation, ActionAid will risk assess informing the partner with the aim of working with the partner to ensure this is responded to quickly and appropriately in line with ActionAid's policies and values. ActionAid will support a partner's capacity to manage a concern, for instance if the partner is engaging well but does not yet have the resources to respond. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, ActionAid must consider whether they will withdraw funding or end the relationship |
| Allegation about staff at another organisation (eg. | SHEA and Safeguarding Focal Point/SHEA and | Concerns raised about the behaviour of staff of another international aid |

| | | |
|--|---|--|
| another international aid agency) | Safeguarding Stakeholder Panel | agency must be reported to the SHEA and Safeguarding Focal Point and Stakeholder Panel. They will report to the designated person in the other organisation to ensure the matter is addressed. This may be through the other organisation's internal process or through a joint process agreed by ActionAid and the organisation. If ActionAid has concerns about the robustness or timeliness of the other organisation's response they should raise concerns to the appropriate channels in the organisation and consider termination of engagement if no action is taken. |
| Allegation relating to criminal activity and/or relating to a child where others have a remit to investigate | SHEA and Safeguarding Focal Point/SHEA and Safeguarding Stakeholder Panel | <p>Allegations that staff or other representatives have carried out a criminal activity will be assessed by the SHEA and Safeguarding Focal Point/ Stakeholder Panel and the Global SHEA and Safeguarding Team. They will assess on a case by case basis if there are any risks involved in sharing to the police or other external bodies (e.g. if there are concerns that informing the police or others would put the survivor/complainant at risk).</p> <p>ActionAid is not a child protection agency and does not have the expertise required to carry out investigations of child abuse itself. This will be carried out by external experts brought in specifically for this purpose. Where the external response is unable to provide this specialized service or no such service exists, then ActionAid may provide such services only as a last resort</p> <p>For allegations in which external bodies (e.g. police) rather than ActionAid have a remit to investigate ActionAid will support the external process. For example, ActionAid will provide all necessary information, map out referral pathways as part of immediate and long term support of the survivor, and ensure the survivor</p> |

| | | |
|---|--|--|
| | | is supported throughout. ActionAid will monitor the external response until it is concluded to ensure that as far as possible it is carried out in line with ActionAid's values, and using ActionAid's advocacy role to promote change where needed. |
| ActionAid staff member or other representative raises concerns about how a complaint was managed in an ActionAid country and wants to appeal the decision | Internal report (e.g to the Board) and the Global SHEA and Safeguarding Team | ActionAid staff members and representatives who disagree with actions taken must first appeal in country via established processes (e.g to the Board). If they are dissatisfied with the response they receive to their appeal, they can make a second and final appeal to the Global SHEA and Safeguarding Team, who will work with the AAI Board to review the case. They can repeal the decision made by the ActionAid country if they find in favour of the staff member or other representative making the appeal. |
| Allegation raised by staff member or representative from one ActionAid country against a staff member or representative from another ActionAid country | Global SHEA and Safeguarding Team | Concerns raised that involve staff from more than one ActionAid country must be raised to the Global SHEA and Safeguarding Team to take action. Recognising the shared reputational risk, when possible (e.g. when a complainant wants to raise a complaint and or there is sufficient information to take forward an investigation) a joint incident management process will be established, involving staff from both countries as appropriate, and led by the Global SHEA and Safeguarding Team and AAI Board. The risk will be monitored at the AAI Board level. |
| Allegation raised against a Country/Executive Director | National Board, the AAI Board, and the Global SHEA and Safeguarding Team | Concerns raised about a Country/Executive Director must be raised to their National Board, the AAI Board, and the Global SHEA and Safeguarding Team. Recognising the shared reputational risk, when possible a joint incident management process will be established between the National Board and AAI, and led by the Global SHEA and Safeguarding Team and AAI Board. The risk will be monitored at the AAI Board level. |

| | | |
|--|---|---|
| Allegation raised against anyone in the International Leadership Team (ILT) or the Secretary General | AAI Board and the Global SHEA and Safeguarding Team | Concerns raised about anyone in the International Leadership Team (ILT) or the Secretary General must be raised to the AAI Board and the Global SHEA and Safeguarding Team who will ensure, when possible, that an incident management process takes place. The risk will be monitored at the AAI Board level. |
| Allegation raised against an ActionAid Board Member | Global SHEA and Safeguarding Team | Concerns raised about a Board Member must be raised to the Global SHEA and Safeguarding Team. If the allegation relates to a National Board Member then the AAI Board and the Global SHEA and Safeguarding Team will ensure, when possible, that an incident management process takes place, working with other members of the National Board as appropriate. The risk will be monitored at the AAI Board level. If the allegation relates to an International Board Member then the Global SHEA and Safeguarding Team will ensure, when possible, that an incident management process takes place, working with other members of the International Board and the Secretary General as appropriate. In both cases if a complaint is upheld, an assessment will be made on whether it is appropriate for the Board member to continue to serve on the Board. |
| Allegation about a SHEA and Safeguarding Focal Point/a member of the SHEA and Safeguarding Stakeholder Panel | Country/Executive Director and the Global SHEA and Safeguarding Team | Concerns raised about SHEA and Safeguarding Focal Points/ a member of the SHEA and Safeguarding Stakeholder Panel must be reported to the Country/Executive Director and to the Global SHEA and Safeguarding Team who will take a joint decision on how to respond to the allegation and what incident management response is appropriate. The risk will be monitored at the AAI Board level. |
| Allegation about anyone in the Global SHEA and Safeguarding Team | Secretary General and the SHEA and Safeguarding Lead on the AAI Board | Concerns raised about anyone in the Global SHEA and Safeguarding Team must be reported to the Secretary General and the SHEA and Safeguarding Lead on the AAI Board. They will ensure that appropriate action is taken and the risk will be monitored at the AAI Board level. |

8 Responding to concerns and complaints

8.1 Incident Management Process

Anyone can raise a concern or complaint. An individual can raise a complaint even if they have no evidence other than their own experience, recognizing that sexual harassment, exploitation and abuse usually occur away from the public eye and therefore it can be difficult to produce evidence (e.g a witness). ActionAid will work with survivors and complainants to understand how they would like the issue they raised to be addressed; this policy does not prejudice the right of survivors and complainants to use external procedures (e.g criminal justice procedures) where that is their preference to do so. Support options will be offered to survivors and complainants regardless of whether or not they decide to make a formal complaint. *Please see Section 11 for further details on support options.*

If a survivor or complainant makes a formal complaint and wants an investigation to be carried out, or if ActionAid takes the view that they have a duty of care to carry out an investigation, then an investigation process will be initiated, and must follow the Global SHEA and Safeguarding Team's Investigation Guidelines. *Please see Appendix 1 for AAI's SHEA and Safeguarding Incident Management Flowchart and Appendix 2 for details of roles and responsibilities in SHEA and Safeguarding incident management.*

As part of our survivor centred approach, our incident management process puts the survivor's needs and wishes at the centre of the process. ActionAid will work with survivors to ensure they have support that is right for them. At ActionAid we recognize how trauma can impact on survivors and our committed to removing barriers in our systems, policies and approaches which could lead to re-traumatisation of survivors.

In some cases, concerns may fall partially or wholly under other policies- for instance Bullying and Harassment and some types of prohibited interpersonal relationships are managed by HR. There can be a grey area between sexual harassment (any type of unwanted sexual behaviour) and other forms of discrimination (racism, sexism, homophobia, ageism, transphobia etc). In these cases, a collaborative approach between SHEA and Safeguarding representatives and the department who owns the policy may be appropriate. If the concern is outside the remit of the SHEA and Safeguarding policies, the GS SHEA and Safeguarding team will support the survivor/complainant in following up with the appropriate function.

Local law may need to be taken into account in the Incident Management Process. It is the responsibility of the management team in each country to ascertain what laws apply to incidents of SHEA at work (for instance if internal processes must take place within a certain timeframe; if there is mandatory reporting to police; or if a Subject of Concern has a right to cross-examine the complainant). Where the processes need to be adjusted in line with local law, this should be done with the advice of a SHEA subject matter expert, keeping as close to the spirit of the policy as possible, and prioritizing ActionAid's values and survivor centred approach.

The Global Secretariat and all ActionAid countries must have put measures in place to ensure that any investigations carried out are objective, timely, fair, transparent and built on ActionAid's SHEA and Safeguarding approach. All parties should be able to participate in the investigation without fear of retaliation.

As part of this, the Stakeholder Panel has the authority to challenge actions/decisions taken by anyone in the incident management process if they have concerns this goes against ActionAid's SHEA and Safeguarding approach, feminist principles, or values as an organisation.

For more detail on roles and responsibilities in incident management, please see Appendix 2.

Step 1: Complaint received (timeframe: actions taken within 48 hours)

- a) Within 24 hours the complaint is acknowledged and the SHEA and Safeguarding Focal Point (or other staff member as appropriate) will engage with complainant/survivor to ensure they are safe and their concerns are understood. The Global SHEA and Safeguarding Team is informed so they can support as appropriate and manage donor reporting requirements..
- b) The SHEA and Safeguarding Stakeholder panel will triage all cases to assess what action can be taken. If an investigation cannot be carried out (e.g. if survivor does not want an investigation or there is insufficient information to proceed) then the Panel will close the case and assess what other actions can be taken to address concerns e.g. awareness raising and ways to support the survivor.
- c) Within 48 hours the SHEA and Safeguarding Stakeholder Panel meet to discuss the case.
- d) Risk assessment carried out to address any immediate security or welfare concerns, and legal guidance sought. If the concern includes a partner organisation, risk assess their involvement.
- e) Investigation Team and separate Decision Making Panel appointed. This must be done in line with national laws. Where applicable the stakeholder panel will obtain a legal opinion to ensure that any follow up actions are aligned to relevant local laws.
- f) There is no time limit on the activities of the SHEA and Safeguarding Stakeholder Panel. They must take action as quickly as possible to ensure they are managing risk and the rights of all involved. However, in line with our survivor centred approach, timing will depend on the needs and wishes of the survivor and so no time limit is set for this stage. The Stakeholder Panel will keep the survivor and subject of concern updated throughout, and ensure they are supported.

Step 2: Investigation (timeframe: approx. 4 weeks but this may differ depending on nature and complexity of case)

- g) Following the investigation guidelines set out by the Global SHEA and Safeguarding team, an investigation can include carrying out any interviews, gathering any available evidence, and producing an investigation report.
- h) The complainant/survivor should be interviewed first (or provide a written response to questions submitted by the Investigation Team where a verbal interview is not possible), followed by any witnesses and the complainant if not the survivor, and then the subject of complaint. The Subject of Concern will be interviewed last, unless this is prohibited by local law. If that is the case, then action will be taken to ensure earlier interactions are managed safely and in line with the spirit of this policy. It is important to note that sexual exploitation and abuse in all its forms usually occurs away from the public eye and it therefore may be difficult to produce evidence. An individual can raise a complaint even if they can point to no objective evidence other than their own experience.
- i) The Investigation Report is submitted to the Decision Making Panel.
- j) If a partner organisation is responsible, they may use their own investigation process if it aligns with ActionAid's approach and values, or use the investigation guidelines set out by the Global SHEA and Safeguarding Team. ActionAid should be treated as a key stakeholder in this process, and updated regularly.

Step 3: Decision (timeframe: actions taken within 72 hours)

- k) Decision making panel review report and take a decision on the report and its findings.
- l) The Decision-Making Panel or others as appropriate to carry out any recommendations agreed on (e.g. disciplinary hearing, termination, awareness raising, policy development) with support from HR as required.

Step 4: Outcomes shared and lessons learnt (timeframe: up to 1 week following decision made)

- m) Decision Making Panel document the decision and inform the complainant/survivor and subject of complaint of the outcome.
- n) The Global SHEA and Safeguarding Team is informed of the outcome.
- o) The subject of complaint and the complainant have the right to appeal against the decision, in line with ActionAid's HR policies and procedures. The complainant and subject of complaint can appeal in country. If they have concerns about the country's response (e.g if a conflict of interest has impacted on the investigation) they can raise this to the Global SHEA and Safeguarding Team who can carry out an independent review.
- p) A case conference convened so that the SHEA and Safeguarding Stakeholder Panel, Investigation Team, and Decision Making Panel can discuss learning from the case. Feedback must be sought from the survivor/complainant and incorporated into the lessons learnt conversation. Lessons learnt to be shared as appropriate, removing identifiable information, with governance boards and other relevant bodies to ensure key learning is shared and improvements made to practice.

If the Global SHEA and Safeguarding Team have concerns that an ActionAid entity is not responding to a concern in line with these policies (e.g not taking action in a timely way, or not taking action in line with AA's values) the Global SHEA and Safeguarding Team will raise this first with the Country/Executive Director for action. If no action is taken within 72 hours, the Global SHEA and Safeguarding Team will inform the Head of Country Support who will follow up with the Country/Executive Director and request action within 48 hours. If no action is taken, or there are sustained concerns, this will be raised to the International Leadership Team and if needed to the International Board for wider action.

8.2 Other response options

In some cases, a survivor or complainant may not want to make a formal complaint or take forward a formal response process.

There are other options available for responding to concerns relating to sexual harassment, exploitation, and abuse, for example:

- HR or Line Manager speaks with the person alleged to have carried out inappropriate behaviour. Any conversations and actions leading from this must be recorded so that behaviour can be monitored, and assessments can be made on whether the individual's behaviour has changed.
- A wider team/office/programme discussion held on ways of working, and appropriate and inappropriate behaviours.
- Learning shared by the survivor or complainant can feed into policies or procedures to strengthen ActionAid's approach.

8.3 Security in SHEA and Safeguarding incident management

Recognising the inherent risk in addressing allegations of sexual exploitation and abuse, any internal responses to allegations of sexual exploitation and abuse must be carried out in line with ActionAid's security approach and *Global Staff Safety and Security Policy*. Risk assessments must be carried out in incident management processes to help mitigate risks and protect the rights and safety of all involved.

8.4 Retaliation Against Complainants, Victims, and Witnesses

ActionAid will take action against any **staff or other representatives** who seek to or carry out retaliatory action against complainants, survivors, witnesses or any others involved or believed to be involved in an incident management process. Staff who are found to have done this will be subject to disciplinary action, up to and including termination of employment.

8.5 False or malicious complaints

False or malicious allegations of sexual harassment, exploitation and abuse are extremely rare. However, if a member of ActionAid staff is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment. It must be noted that if a case is not upheld that does not mean that the complaint was false, rather that there was insufficient evidence or that, even if the complaint is found not to reach the threshold for sexual harassment, it may represent harassment or sexist behaviour that is contrary to AA policies and Code of Conduct.

9 Support Options

Support will be offered to survivors/complainants regardless of whether a formal response is carried out (e.g. an investigation). Support will also be offered as appropriate to others involved in an incident management process, recognising the impact this can have, for example on witnesses and those accused of carrying out inappropriate or harmful behaviours. This can include specialist psycho-social counselling, medical support, legal support and/or access to other specialist and appropriate support as needed. Country/Executive Directors must ensure there is budget available to provide support as needed.

Survivors and complainants can choose if and when they would like to take up the support options available to them.

ActionAid is committed to learning from survivors and being guided by them, where safe and appropriate to do so.

ActionAid is committed to working with local NGOs and women's rights groups to develop learning on safe, intersectional, and feminist support options and ensuring that the support options offered meet the needs of diverse survivors.

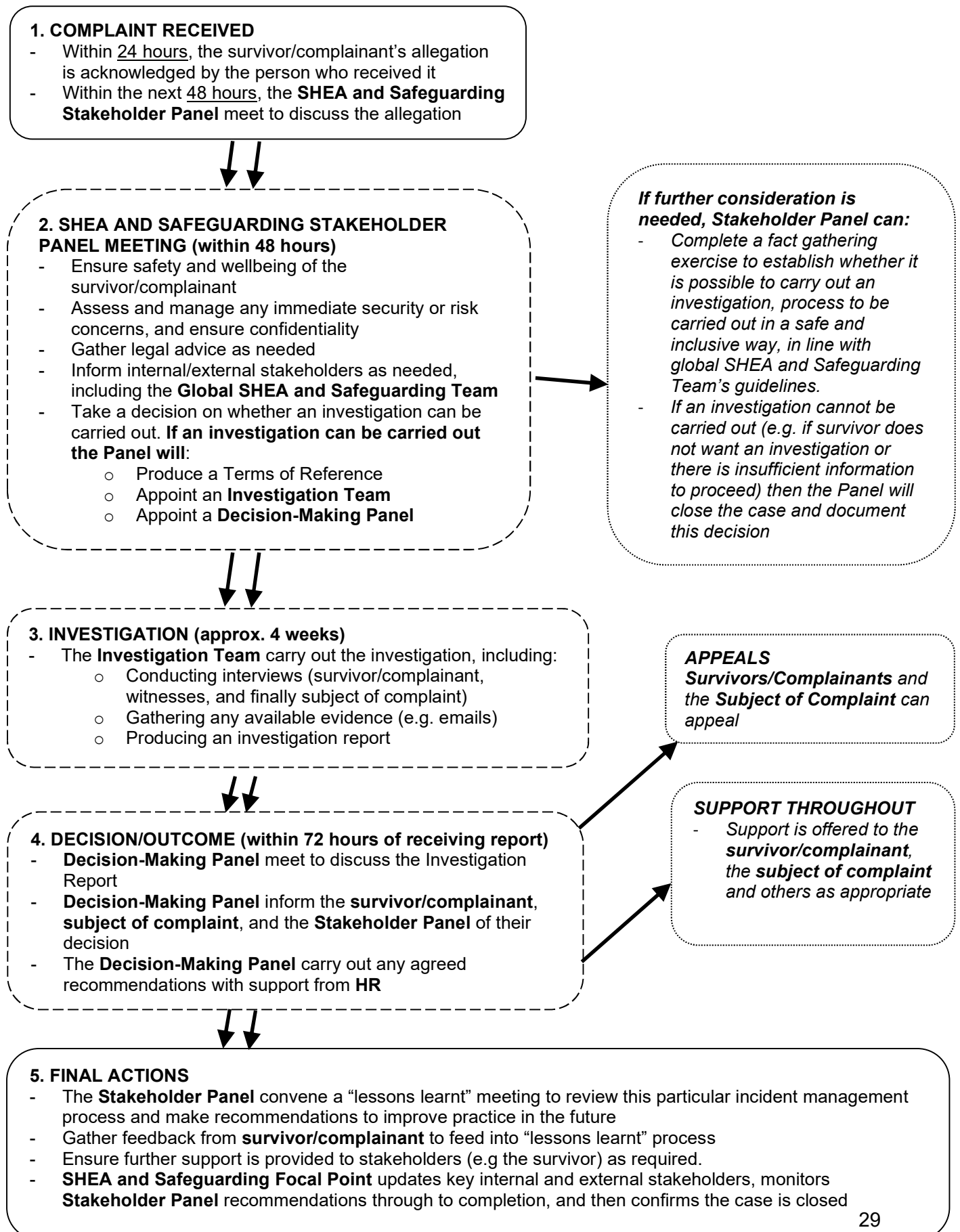
If you have any questions about support options, please contact your SHEA and Safeguarding Focal Point and/or the Global SHEA and Safeguarding Team (safeguarding@actionaid.org).

Further Reading

- ✓ ActionAid Community-Based Complaints Mechanisms for SHEA and Safeguarding during COVID-19, 2020

- ✓ COVID-19 SHEA and Safeguarding Risk Assessments
- ✓ Digital SHEA and Safeguarding Risks during ActionAid's COVID-19 Response, 2020
- ✓ ActionAid Process Map for Donor Reporting on Sexual Harassment, Exploitation and Abuse (SHEA) and other Safeguarding concerns (child abuse and adult at-risk abuse), 2020
- ✓ SHEA and Safeguarding and Safer Programming in ActionAid's COVID-19 Response, 2020)

Appendix 1: Incident Management Flowchart



Appendix 2: Incident Management Roles and Responsibilities

SHEA and Safeguarding Stakeholder Panel

The Global Secretariat and all countries will put in place a standing SHEA and Safeguarding Stakeholder Panel who is tasked with receiving all concerns and complaints; working with the survivor/complainant on how they want to proceed; and establishing and monitoring an investigation and entire incident management process if this is agreed on.

The panel will triage all cases to assess what action can be taken and in what order. As part of this they will complete a fact gathering exercise to establish whether it is possible to carry out an investigation. If an investigation cannot be carried out (e.g. if survivor does not want an investigation or there is insufficient information to proceed) then the Panel will close the case and document this decision. They will assess what other actions can be taken to address concerns e.g. awareness raising, developing policies.

At a country level the SHEA and Safeguarding Stakeholder Panel must include at a minimum the SHEA and Safeguarding Focal Point, an HR representative, and the Country/Executive Director. Each country is encouraged to consider what other roles may be brought into this process, always keeping in mind the overriding importance of maintaining confidentiality and sharing information on a need to know basis only. The SHEA and Safeguarding Stakeholder Panel will:

- Create the Terms of Reference (TOR) for the investigation,
- Appoint an Investigation Team who will carry out an investigation and produce a report,
- Appoint a Decision Making panel who will have responsibility for receiving the report, taking a decision on the case, and taking forward any actions. The SHEA and Safeguarding Stakeholder Panel must ensure that there is no conflict of interest, and that these individuals have the training and awareness to carry out the task (e.g. training on Safeguarding, gender justice etc)
- The importance of confidentiality will be discussed so that everyone is aware of expectations and any possible consequences should confidentiality not be maintained.
- Take responsibility for overseeing the process and ensuring that all investigations are carried out in line with ActionAid's values and that a fair process is carried out for all.
- The Safeguarding Focal Point is responsible for ensuring that each case is documented in its entirety, that all activities are undertaken in line with ActionAid's SHEA and Safeguarding approach, and for updating the Global Safeguarding Team on the case and outcomes.

Investigation Team

The Investigation Team will be made up of 2x Safeguarding trained Investigators. The AAI SHEA and Safeguarding Investigator Network will support on all cases, whether as lead Investigator or co-Investigator with an AA entity staff member. An external Investigator can be used where necessary, on a case by case basis, and that decision would be made by the SHEA and Safeguarding Stakeholder Panel. Members of the SHEA and Safeguarding Stakeholder Panel and the Decision Making Panel cannot be part of the Investigation Team. The Investigation Team is responsible for:

- Carrying out interviews
- Gathering and assessing any available evidence

- Producing an investigation report which they share with the survivor/complainant, subject of complaint, the SHEA and Safeguarding Stakeholder Panel, and the Decision Making Panel.

Decision Making Panel

The Decision Making Panel will be made up of three people, alongside dedicated HR support. At least two members of staff on the panel must be women. If this is not possible in any given situation then the reason for this must be documented by the SHEA and Safeguarding Stakeholder Panel. All members of the Panel must belong to a different department to that of the complainant and the accused, in order to maintain neutrality. The line manager of the complainant or the accused cannot sit on this panel. The Line Manager is responsible for supporting both individuals throughout the process, and their involvement could indicate bias to one party and prevent the process from being fair and transparent. If a complaint is raised that relates to a senior staff member (for example a Country Director or Board Member) then a different panel may need to be constituted, and the Global SHEA and Safeguarding Team will advise on this on a case by case basis. One panel member will also be appointed as Chairperson and will be a senior employee. Board members and external experts can also be invited to be part of the panel. The panel is responsible for:

- Reviewing the report completed by the investigation panel and determining if the alleged behaviour breaches ActionAid policy
- Referring the accused to a disciplinary panel if deemed necessary, using the national ActionAid Disciplinary Policy and Procedure
- Informing the SHEA and Safeguarding Stakeholder Panel of the outcome and participating in lessons learnt discussions following the closure of the case.

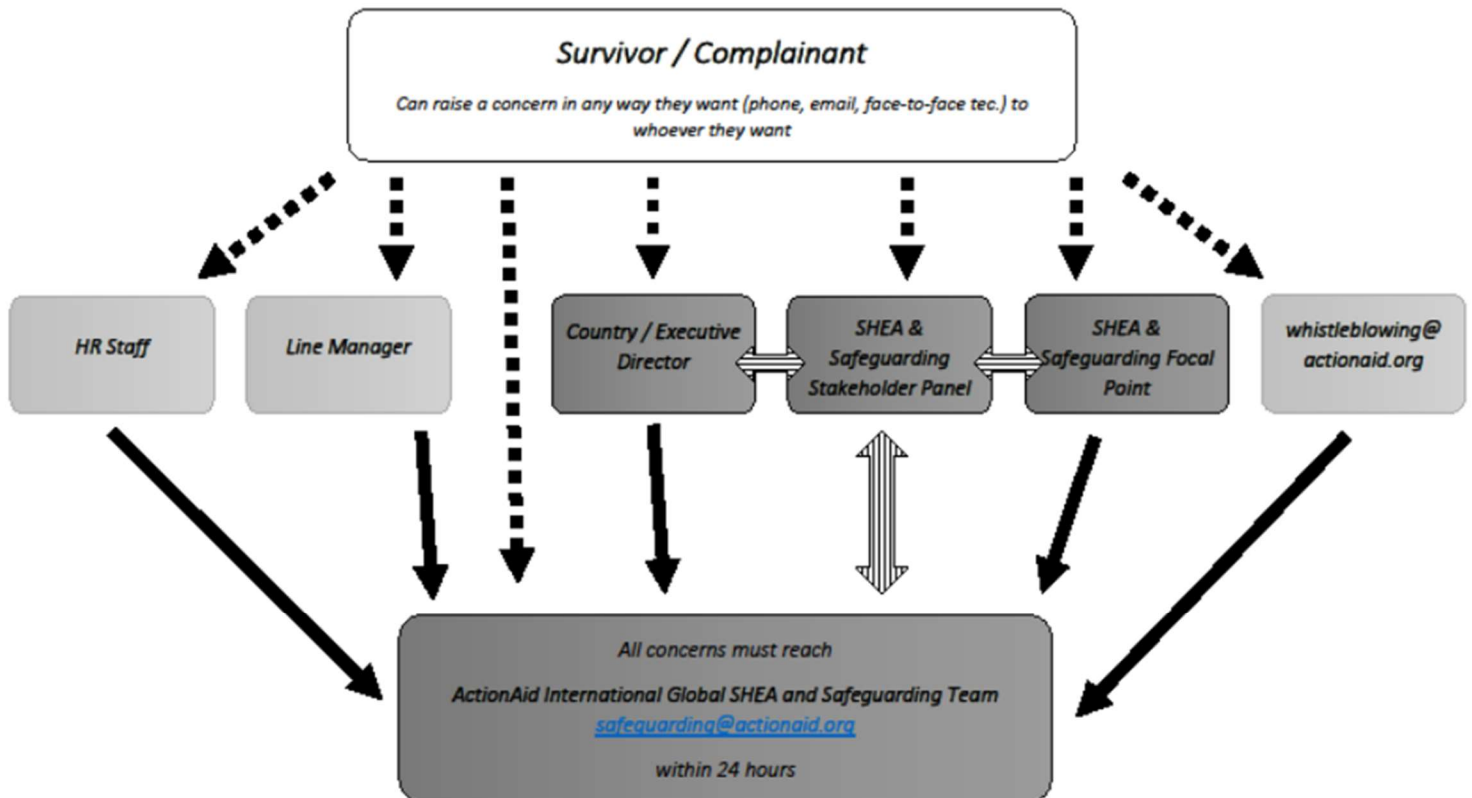
HR support

- Provide support and advice to the SHEA and Safeguarding Stakeholder Panel, the Investigation Team, and the Decision Making panel to ensure the process is in line with the relevant employment legislation
- Retain knowledge of the country's national policies regarding sexual harassment, exploitation, and abuse, and obtains legal opinion and procures the services of a lawyer when necessary
- Provide support and carry out adjustments as needed during the investigation. This can include: temporarily changing line management or seating/office location and advising on suspension of the subject of complaint during an investigation where deemed appropriate. Suspension does not infer guilt, it is purely a measure to ensure a robust investigation can take place.

Definition of Upheld/Not Upheld

- An investigation or other process is upheld (substantiated) when it finds in favour of the complainant. We recommend using the term 'upheld' rather than 'substantiated' as the latter term relates more to criminal justice processes.
 - When an investigation or other process is not upheld (unsubstantiated) it finds that there is insufficient evidence to confirm that the alleged inappropriate behaviour did take place or that, on the balance of probability, it is most likely that the behaviour did not take place.
 - In some cases, a complaint may be partially upheld (substantiated), this is when it may not be possible to uphold all parts of a complaint, but some aspects of the complaint may be upheld.

Appendix 3: Reporting Flowchart



- The **Survivor/Complainant** can choose how to raise their concern.
- **Everybody** else *must* ensure that the concern is reported to the Global SHEA and Safeguarding Team and SHEA and Safeguarding Focal Point as soon as possible (within 24 hours).
- The country SHEA and Safeguarding Stakeholder Panel will respond with the support of the Global SHEA Safeguarding Team.