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Protecting Children and Vulnerable People

Duty of Care

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Purpose of this Policy

It is recognised that during the course of their work, MAG representatives may come into contact with children and vulnerable adults. MAG is committed to safeguarding these individuals from harm. Any form of abuse towards children or vulnerable adults by MAG representatives will not be tolerated. All MAG representatives have a duty of care to protect children and vulnerable adults from harm and must be made aware of how concerns can be raised and dealt with.

This policy is designed to provide guidance to all MAG representatives in all locations. Its purpose is to help MAG representatives to:

- Understand the importance of protecting children and vulnerable adults
- Know their responsibilities and how to comply with them
- Know how to respond appropriately when abuse is discovered or suspected
- Know how to report all concerns about possible abuse

It aims to ensure responsible survivor support and enhanced accountability by:

- Protecting the dignity and safety of the people our work serves
- Ensuring victims and survivors are central to our safeguarding response
- Being transparent and sharing progress
- Ensuring rigorous and inclusive reporting and complaints processes

Link to Values

MAG's vision is a safe future for women, men and children affected by violence, conflict and insecurity; our mission is to save lives and build safer futures.

We recognise that our behaviour has an impact on others and on MAG. By adopting our values – determined, expert, integrity, compassion and inclusive, and following the Policy on Protection of Children and Vulnerable Adults, we can all contribute towards MAG's vision and mission.

Responsibilities

The Protection of Children and Vulnerable Adults Policy applies to all MAG employees (internationally contracted, nationally contracted and Manchester affiliated), interns, volunteers, consultants, contractors, trustees, plus accompanying partners and family members of international staff. Where employees or staff are referred to in this document, these groups of people are included. All MAG representatives must comply with the terms of this policy at all times.

Definitions

For the purposes of this policy, unless otherwise stated, the following definitions taken shall apply:

- **Child:** a child is deemed to be a person under the age of 18 years.
- **Vulnerable Adult:** a vulnerable adult is a person aged 18 years or over who is at greater than normal risk of abuse because they may be unable to take care of themselves or protect themselves against harm or exploitation. This may be due to their condition, circumstance or environment. They may have learning difficulties, physical disabilities or mental illness or are dependent on someone else, because of a disability, age or illness.
- **Abuse:** MAG defines abuse as any act or omission which results in harm to a child or vulnerable adult. Abuse is generally accepted to usually fall into one of four categories: physical abuse, emotional abuse, sexual abuse and neglect, but may occur in any form.
- **Communities:** Where communities are referred to in this policy, this refers to someone in receipt of MAG's assistance or within a community which is receiving support.

Policy statements

Application

MAG is committed to the protection of the people it works with from harm, abuse and exploitation and will take a zero tolerance approach. Whilst abuse and exploitation can occur anywhere, it is accepted that as an international humanitarian organisation, children and vulnerable adults within the communities with whom we work may be particularly vulnerable. It is recognised within the sector that any international organisation, conducting work in proximity to vulnerable people, may be targeted by potential abusers. MAG has a range of measures in place, which are set out in this policy, aimed at mitigating this risk as far as possible.

This policy is supported by MAG's Policy on Personal Conduct (PPC) which outlines expected and appropriate standards of behaviour, and MAG's Equal Opportunities and Dignity at Work policies. This policy and the PPC and related policies are reinforced by MAG's Disciplinary Policy and Procedure which ensures that all matters are investigated and dealt with appropriately.

MAG will meet its duty of care to protect children and vulnerable individuals from abuse through **Prevention, Reporting and Responding**.

Prevention:

MAG will seek to minimise the risks to children and vulnerable individuals in the course of its work.

The following aspects of MAG's recruitment process will seek to ensure that no member of staff is recruited who is likely to pose a threat to children or vulnerable adults:

- All prospective employees are asked to submit proof of identity.
- Candidates will submit a signed application form, or application support form, which includes a declaration of previous criminal convictions.
- Employment history will be scrutinised for any unexplained gaps or irregularities.
- Following the criteria set out in the Background Checks Policy, MAG will conduct criminal records background checks for some positions
- MAG is a member of the Interagency Disclosure of Misconduct Scheme and where applicable will seek further information about a candidate and from another organisation who is a member of the Scheme.
- At least two satisfactory references checks from previous employers will be taken, which include specific questions regarding a candidate's suitability to work with children and vulnerable adults. If any concerns remain regarding gaps in employment history or suitability for work, additional reference checks will be undertaken
- Professional qualifications will be verified.
- All staff are subject to a probationary period to further assess their suitability.
- All new staff will be given an induction which includes a briefing on the standards of behaviour within the PPC, Child Protection and Vulnerable Adults policy and related policies. New managers will be provided with further support regarding the implementation of these policies. Staff will also be reminded of the contents of this policy during the safeguarding refresher training.

MAG and its managers will seek to create a culture in which all MAG representatives promote a culture of respect and an environment where concerns can be reported openly and without prejudice.

MAG will not employ anyone under the age of 18 unless there are specific circumstances, and a thorough risk assessment, mitigation measures and CEO authorisation are all in place.

MAG staff will not engage in any form of abuse or sexual exploitation of children (under the age of 18), vulnerable adults or of any persons of any age (mistaken belief in the age of a child is not a defence), this includes having sexual/personal relationships and entering into marriage with a child.

Guidelines and procedures around communicating safely, particularly around the collection and consent, storage and use of information and images will include careful consideration of how this applies to children and vulnerable adults. Refer also to the Ethical Images Policy.

In addition, relevant training will be provided to those with specific Safeguarding responsibilities e.g. Senior Managers in Country (SMiCs), HR Managers responsible for conducting investigations and focal points responsible for some reporting.

Reporting:

It is mandatory for all staff to report any incidents or concerns relating to this Policy. MAG will ensure that staff and the other people that it works with are clear on what steps to take where concerns arise regarding the safety of children or other vulnerable individuals. See the Child Protection and Vulnerable Adult Reporting Guidelines, below, for further information. All suspected cases of abuse must be reported through the line management chain; or where inappropriate to the focal point; SMiC or directly to the HQ reporting email. Where this is not appropriate, concerns should be raised with the next in-line manager, to the HQ HR Team, or to the relevant Regional Director (RD).

Anyone who is found to have deliberately or accidentally withheld information or prevented full and thorough reporting to have taken place could face disciplinary action. Anyone who is unclear about their role or responsibility should contact their SMiC, Regional Director (RD) or a member of the HQ HR team to discuss this.

Under UK law, all serious issues must be reported to The Charity Commission, via MAG's Board of Trustees. MAG has a legal responsibility to report incidents of and its management response to all safeguarding issues. The Charity Commission's role is to ensure the charity's trustees are responsibly managing the incident, and where necessary, putting in place improved governance and internal controls, in order to protect the charity and its beneficiaries from further harm. In addition, it is a requirement to report an individual who has behaved in a way that has harmed or may pose a risk of harm to a child or vulnerable adult. In the UK, any actual or alleged criminal activity must be reported to the police and to the local authority (this is Local Authority Designated Officer – LADO). In other locations, this will depend on legislation and should be identified in advance in the country context analysis.

Responding:

MAG will ensure that action is taken to support and protect children or vulnerable adults where concerns arise. MAG views any breach of this Policy, the PPC and related policies as serious matters. These policies are reinforced by MAG's Disciplinary Policy and Procedure, which ensures that all matters are investigated and dealt with appropriately. Where concerns are raised over possible abuse by MAG staff, it is mandatory for senior management to take such concerns very seriously and ensure that appropriate action is taken.

In relation to vulnerable adults only, it is always difficult to balance the duty to protect vulnerable people and prevent further harm with empowering survivors to make their own choices about how their allegations are handled. It is important to give this careful consideration at the point an issue arises/a complaint is received, before making the decision to proceed to investigation. It is important in considering any complaint to take into account the best interest of the survivor.

If the decision is made to conduct a full and proper investigation, this will involve appointing an Investigating Officer whose responsibility will be to:

- Conduct an investigation to establish the facts of the matter and gather evidence to either substantiate or refute the allegations made

- Ensure that any immediate risks to the child/vulnerable adult are managed. Where serious concerns exist and there is immediate risk to the child, action must be taken straight away in order to mitigate any further risk.
- Conduct investigatory meetings with any relevant individuals
- At the conclusion of the investigation, make a recommendation which could include:
 - disciplinary action,
 - inform national authorities,
 - providing support for the child(ren)/vulnerable adult(s) involved, and/or,
 - recommend further investigation.

It is essential to consider the needs of the child/vulnerable adult - use plain language when communicating with complainants; give written explanations of the principles and process of investigations; and validate complainants' reactions to investigation outcomes.

It may also be necessary to inform and co-operate with relevant national and local authorities. The decision to inform local authorities will be taken on a case-by-case basis considering the circumstances and the relevant laws and norms of the country in question. MAG's duty of care towards the victim and the perpetrator will be taken into consideration including the confidentiality and human rights of both parties.

Depending on the seriousness of the situation, it may be deemed necessary to convene a Crisis Management Team (CMT), Incident Management Team (IMT) or similar other mechanism to ensure that the situation is comprehensively managed and that appropriate communication with all stakeholders takes place. This body will monitor the progress of the investigation and give guidance if necessary and appropriate.

Confidentiality:

Any concerns raised will be treated with sensitivity and discretion. The identity of the person raising the matter will be kept confidential if so requested, for as long as possible provided that this is compatible with a proper investigation.

MAG has an obligation to ensure that any member of staff who makes a disclosure will not be penalised or suffer any adverse treatment in doing so. MAG will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern in good faith and use the procedures available to them.

Monitoring

This policy is monitored as part of the Safeguarding Strategy and framework

References

This Policy must be read in conjunction with: Policy on Personal Conduct; Safeguarding Policy; Equal Opportunities Policy; Dignity at Work Policy; Background Checks Policy; Modern Slavery Statement; Disciplinary Policy and Procedure; Reporting Malpractice (Whistleblowing) Policy.

Contacts

For further information about this policy please contact safeguarding@maginternational.org

Guidelines for the Protection of Children and Vulnerable Adults

It is important that all MAG representatives are made aware of ways to minimise the possibility of abuse taking place and ways manage the perception which can be created through interaction with staff or vulnerable adults:

It is important for all staff and others in contact with children and vulnerable adults to:

- be aware of situations which may present risks and manage these
- plan and organise the work and the workplace so as to minimise risks
- as far as possible, be visible when working with children and vulnerable adults and ensure when staff are working directly with children and vulnerable adults that they are never working alone
- ensure that a culture of openness exists to enable any issues or concerns to be raised or discussed
- ensure that a sense of accountability exists between staff so that potentially abusive behaviour does not go unchallenged
- talk to children/vulnerable adults about their contact with staff or others and encourage them to raise any concerns
- empower children/vulnerable adults – discuss with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem.

In general, it is inappropriate to:

- spend unnecessary time alone with children/vulnerable adults away from others
- take children/vulnerable adults to your home, especially where they will be alone with you.

Staff and others must never:

- hit or otherwise physically assault or physically abuse children/vulnerable adults
- develop physical/sexual relationships with children/vulnerable adults
- develop relationships with children/vulnerable adults which could in any way be deemed exploitative or abusive
- act in ways that may be abusive or may place a child/vulnerable adult at risk of abuse

Staff and others *must* avoid actions or behaviour that could be construed as potentially abusive or inappropriate. For example, they should never:

- use language, make suggestions or offer advice which is inappropriate, offensive or abusive
- behave physically in a manner which is inappropriate or sexually provocative
- have a child/ vulnerable adult stay overnight at their home unsupervised
- sleep in the same room or bed as a child/vulnerable adult
- do things for children/vulnerable adult of a personal nature that they can do for themselves
- condone, or participate in, behaviour of children/vulnerable adults which is illegal, unsafe or abusive
- act in ways intended to shame, humiliate, belittle or degrade children/vulnerable adult, or otherwise perpetrate any form of emotional abuse
- discriminate against, show differential treatment towards, or favour particular children/vulnerable adult to the exclusion of others.

This is not an exhaustive list. Staff and others should always avoid actions or behaviour which constitute poor practice or potentially abusive behaviour or could potential be misconstrued as such

Child Protection and Vulnerable Adult Reporting Guidelines

All MAG representatives have a duty and a right to report a suspected incident of abuse. Failure to do so may result in disciplinary action. Concerns can be raised to your line manager, the next person in the management chain, a member of the HQ HR Team or your RD.

MAG takes all concerns and reports of abuse seriously and immediate action will be taken. Staff members (or others) who report concerns will be supported throughout the process. The information you provide will be kept confidential as far as possible and all steps will be taken to ensure you are supported by management and that your protection is considered in any actions taken.

Anyone who is found to have deliberately or accidentally withheld information or prevented full and thorough reporting to have taken place could face disciplinary action. Allegations should be made in good faith. Any frivolous or malicious allegations which are without foundation or allegations made for the purposes of personal gain will not be tolerated. Staff who make such allegations may be liable to disciplinary action. Anyone who is unclear about their role or responsibility should contact their SMiC, RD or a member of the HQ HR team to discuss this.

1. What to do if you suspect that harm is taking place or has taken place:

- Contact your line manager, the next person in the management chain, a member of the HQ HR Team, or your RD.
- Be sure to think about what evidence you have.
- If possible, include dates and times of conversation(s) and any incident(s) disclosed.
- Ensure reports are factual and as accurate as possible.
- Try to avoid adding your opinion or making presumptions about what may have taken place.

2. What to do if a child or adult discloses harm to you:

Listen

- Allow the child/vulnerable adult to speak without interruption

Reassure

- Stay calm and reassure the individual that they have done the right thing in talking to you
- Acknowledge how hard it must have been for them to tell you what happened
- If you are shocked by what they are saying, try not to show it

Check your understanding

- Listen to the child/vulnerable adult. Don't presume or come to false conclusions – stay objective.
- Do not ask leading questions
- Unless it's absolutely necessary, avoid asking for additional information
- Take what they say seriously and accept what they say

Talk about next steps

- Be honest and do not make promises you can't keep
- Do not promise confidentiality, but do reassure the individual that the information will be dealt with sensitivity and the upmost discretion.
- Explain what you have to do next and to whom you have to talk
- Explain and if possible seek agreement that you will have to discuss the situation with someone else and will do so on a 'need to know' basis.
- Do not investigate and do not inform, question or confront the alleged abuser

Record

- Make some brief notes at the time and write them up more fully as soon as possible, including the date and time of the conversation
- Be objective in your recording – include statements and observable things rather than your interpretations or assumptions

Act Swiftly

- Discuss the matter with your line manager, the next person in the management chain, a member of the HQ HR Team, or your RD without delay.
- If you are concerned that the child/vulnerable adult is at further risk of harm ensure you explain this when making the report