

Paper# 12

NOTICE OF MOTION
SEXUAL HARASSMENT, EXPLOITATION AND ABUSE (SHEA) AT WORK POLICY

Mover of Motion: ActionAid International Board
Motion Type: Ordinary
Date: 29th May 2019
To: AAI Assembly

Please take notice that the ActionAid International Board is making an Ordinary Motion for the General Assembly to take decisions on the proposal listed below. This motion will be heard and discussed at the Assembly meeting on 27th and 28th June 2019 at Accra, Ghana.

I. Brief background of Ordinary Motion:

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. Safeguarding refers to the policies and processes that an organisation puts in place to prevent and respond to harm carried out by staff or those working on our behalf. 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.

ActionAid will not tolerate any form of abuse, exploitation, or harm carried out towards our staff or representatives. ActionAid is committed to providing a safe working environment which is free from sexual harassment, exploitation, and abuse and which upholds the rights and dignity of all.

The purpose of this policy is to outline ActionAid International’s approach to ensuring that our staff and representatives do not carry out any form of sexual harassment, exploitation or abuse and that everyone is able to operate in an environment in which their rights and dignity are upheld. This policy is an updated version of the Anti Sexual-Harassment Policy (2005). This policy broadens the focus to ensure that we also address the exploitation and abuse of staff, ensures we are working in line with best practice and changes that have been made in this area, and situates sexual harassment, exploitation and abuse of staff and representatives within ActionAid’s wider holistic approach to Sexual Harassment, Exploitation and Abuse and other Safeguarding concerns. It provides further information on embedding this into all aspects of our work (e.g safer recruitment) and provides information on ActionAid’s new approach to incident management of SHEA and Safeguarding concerns.

This policy should be read and enforced together with the *Sexual Harassment, Exploitation and Abuse and other Safeguarding Concerns Overarching Policy*, the revised *Child Protection Policy* (2017) now termed the *Child Safeguarding Policy*, and the *Protection from Sexual Exploitation and Abuse policy* (2018). These policies have been revised and aligned so that together they can enforce the safeguarding of all people ActionAid works with and for from harm.

II. Recommendation and expression supporting Motion:

The Safeguarding crisis in this sector in 2018 did not only focus on allegations of international aid representatives carrying out harm to rights holders and communities but also on the prevalence of sexual harassment, exploitation and abuse within the aid community. Following this ActionAid International recognized the need to have a dedicated focus on Sexual Harassment, Exploitation and Abuse and other Safeguarding Concerns (including child abuse and abuse of adults at-risk) and to bring those focuses

together. The International Board created a Global SHEA and Safeguarding Lead role (reporting to the Secretary General) with the responsibility of providing specialist leadership to the organization in the development and implementation of feminist strategies, policies and procedures to prevent and protect staff and programme partners and beneficiaries from sexual exploitation and abuse perpetrated by ActionAid International (AAI) employees and representatives.

The Global SHEA and Safeguarding Lead, working closely with the SHEA and Safeguarding Reference Group established last year, has developed a SHEA and Safeguarding Focal Point network and is developing tools and

guidelines to promote a pro-active and positive SHEA and Safeguarding culture within the Federation. The Global SHEA and Safeguarding Team is working closely with the Focal Point network and others across the Federation to promote and implement plans to our approach to ensuring that staff are protected from sexual harassment, exploitation and abuse in all its forms.

This policy is a central way in which ActionAid's approach to addressing Sexual Harassment, Exploitation and Abuse and other Safeguarding Concerns (including child abuse and abuse of adults at-risk) is articulated. The International Board recommends the approval of the Sexual Harassment, Exploitation and Abuse at Work policy as part of a larger Federation wide commitment to change culture and behaviours, and ensure we protect all staff and representatives from harm. Content and capacity gaps will be identified as these proposed policies are implemented and if amendments are required, they will be presented at the 2020 Assembly.

III. The requested motion is as follows:

The International Board moves that the Assembly approves the Sexual Harassment, Exploitation and Abuse (SHEA) at Work Policy as per Article 13.2(i) of the AAI Constitution.



Nyaradzayi Gumbonzvanda
On behalf of AAI Board

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

Policy for all staff and representatives

Date: June 2019

Author: Global SHEA and Safeguarding Team

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

Date for renewal: June 2021

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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. This means that we take all concerns seriously and carry out timely and robust responses to allegations of abuse. No one will be victimised for making a complaint and ActionAid is committed to working with complainants and survivors to ensure they are central to any response, are not further harmed or disempowered by any processes, and receive support throughout.

ActionAid views any form of sexual violence as a gross violation of human rights. 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.

We recognise that all forms of Sexual Harassment, Exploitation, and Abuse and other Safeguarding concerns, including child abuse and abuse of adults at-risk, are rooted in an imbalance of power, particularly gendered and sexualised abuses of power. Because of the power imbalances inherent in the international aid sector, and within the wider social norms and structures in which we work, we have a duty to prevent and respond robustly to allegations of sexual exploitation and abuse. We recognise that when individuals in our sector carry out sexual exploitation and abuse towards those we have a duty to protect this inflicts harm and breaches human rights, breaks the trust placed in our sector, and jeopardises the credibility of all international aid organisations.

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

1.1 Purpose

We recognise that as a large international federation, those working with ActionAid have increased power and privilege. We are committed to safeguarding all people who come into contact with ActionAid from abuse of that power and privilege.

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.
- 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*.

We recognise the ways in which these forms of sexual violence and abuse of power intersect and inform each other. However, in order to identify and address the different ways in which these abuses of power manifest our policies distinguish between abusive behaviours carried out between staff and other representatives (addressed through this policy), abusive behaviour carried out towards children (addressed through our *Child Safeguarding policy*), and abusive behaviour carried out towards rights holders and communities, including adults at-risk (addressed through the *Protection from Sexual Exploitation and Abuse policy*).

For concerns regarding adult Rights Holders and community members, including adults at-risk, please refer to the *Protection from Sexual Exploitation and Abuse policy*. For concerns regarding child safeguarding and protection concerns, please refer to the *Child Safeguarding policy*. For concerns regarding Bullying and Harassment, please refer to the *AAI Bullying and Harassment*

policy. For any concerns regarding allegations of illegal and improper conduct and wrongful acts including, but not limited to, suspected fraud, criminal activity, or miscarriages of justice, please refer to the *AAI Whistleblowing Policy*.

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 at national office levels will include all elements of this policy and may only differ to ensure alignment with national legislation. Should this policy demand a higher standard than the local laws then this policy will prevail.

This policy is binding for all ActionAid staff members, whether full time, part time or engaged on fixed term contracts. 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's life. **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.**

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 two years**.

Adherence to this policy will be reviewed through internal 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.

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 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

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

2. Definitions and Policy Positions

Definitions

Sexual abuse	<ul style="list-style-type: none"> - “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"> - 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 indicates this). Mistaken belief of age is no defence.
Sexual exploitation	<ul style="list-style-type: none"> - “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”¹ <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:

¹ <http://pseatactaskforce.org/en/overview>

	<ul style="list-style-type: none"> Physical examples include touching, unwanted physical contact and assault (including attempts and threats) Verbal examples include derogatory comments, jokes, questions about someone's sex life, remarks about someone's appearance Non-verbal examples include sexual gestures, staring, and unwanted phone calls, letters, notes, and/or emails <p>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.</p>
<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"> 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"> 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. <ul style="list-style-type: none"> o For example, a group of staff speaking about rumours they have heard about sexual exploitation in a refugee camp or in a particular office. o 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"> o Acts of gender-based violence are a form of sexual abuse and can affect any stakeholder, whether staff or community members. o They are often 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"> o 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"> o This is not an exhaustive list and covers anyone who is a representative of ActionAid.
Survivor	<ul style="list-style-type: none"> - “...a person 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 generally preferred in the psychological and social support sectors because it implies resiliency.” ○ 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 abuse and exploitation 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.” ○ 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.” ○ 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

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

Sexual activity with other ActionAid staff and representatives

ActionAid prohibits **staff and other ActionAid representatives** from having a sexual relationship with people who they line manage or supervise and, in the case of the most senior staff, any more junior staff.

ActionAid does not prohibit staff from beginning relationships with each other outside of the unequal power dynamics explained above (e.g. between peers) but all staff and other representatives engaged in or beginning relationships with other staff or representatives must:

- 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.

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.

For example, a senior ActionAid staff member or an ActionAid staff member managing funding to the partner is prohibited from engaging in sexual activities with anyone in a partner organisation. As 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.

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.

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

guidance on retaining data on incident management that is issued by the Global SHEA and Safeguarding Team.

4. Roles and Responsibilities

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. 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. *More details can be found in Section 8*

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

Staff must always:

- Ensure their behaviour is based on ActionAid's values, adheres to this policy and ActionAid's Code of Conduct, and promotes a safe environment free from discrimination and harassment.
- Promote and raise awareness of this policy to everyone they come into contact with in their work.
- Ensure they are aware of their SHEA and Safeguarding Focal Point who is responsible for advising on and mitigating risk in line with this policy.
- Ensure their behaviour and all relationships are based on ActionAid's values and in line with the Code of Conduct, and that they adhere to this Policy and ActionAid's Code of Conduct at all times.
- Report any suspicions, concerns, or behaviours that breach this policy to the appropriate person(s). *More details on reporting can be found in Section 8.*

Staff must never:

- Sexually harass, exploit or abuse anyone they come into contact with through ActionAid's work; this policy addresses harms carried out by ActionAid **staff and other representatives**.
- Abuse their position of power to exploit or harm others (e.g. by offering or withholding a job on the condition that the applicant engages in sexual activity with them).
- Create a working environment which violates the dignity and rights of others.
- Engage in any kind of exploitative or harmful behaviour towards ActionAid staff, other representatives, or anyone they come into contact with through their work.
- Raise malicious complaints or use the policy for purposes other than what it is intended for.

4.1 Country/Executive Directors

Country/Executive Directors **must always:**

- Create a safe environment where **staff and others** feel able to raise concerns without fear of retribution.
- Be aware of the local and international laws and best practice applying to sexual harassment, exploitation, and abuse, ensuring that all activities reflect these and staff members are made aware of them.

- Ensure a SHEA and Safeguarding Focal Point is in place, having undergone a selection process, who will raise awareness of SHEA and Safeguarding and act as a reporting point for suspicions, concerns, and complaints.
- Ensure adequate funding is in place to support SHEA and Safeguarding activities in their country (e.g. funding to ensure that all staff receive annual training).
- Ensure that the SHEA and Safeguarding Focal Point raises all concerns and complaints to the Global SHEA and Safeguarding Team, within 24 hours where possible.
- Work with SHEA and Safeguarding Stakeholder Panel to respond robustly when any concerns relating to sexual harassment, exploitation and abuse are raised. Ensure that procedures for reporting and investigating suspected cases of sexual harassment, exploitation, and abuse are followed and ensuring they are in line with this policy and local laws. Including reporting to appropriate authorities for investigation and follow up.
- Ensure that the relevant disciplinary procedures are implemented for staff members who have violated this Policy.
- Ensure all staff members are trained on human rights, how to recognise different forms of abuse and exploitation, and how to raise concerns through the appropriate channels
- Set a positive example both on and off duty.

4.2 Line Managers

Line Managers **must always**:

- Create a safe environment in their area of responsibility and directly with the staff they manage, to ensure that **staff and others** feel able to raise concerns without fear of retribution.
- Ensure staff members in their line of authority receive an induction on this policy and that any concerns raised about staff in the line of management are addressed through appropriate means (e.g. investigation, performance management).
- Ensure that staff members are aware of their responsibility to maintain the rights and dignity of staff and other representatives in all ActionAid activities.
- Ensure that staff members are aware of their responsibilities for reporting and the procedures for doing so.
- Ensure that all processes, procedures, and activities are carried out in a way which seeks to minimise the risk to staff and others.
- When managing a recruitment, work with HR to ensure that appropriate measures are put in place to prevent individuals who may harm others from entering ActionAid (e.g. through safer recruitment processes).
- Ensure that poor practice or potentially abusive behaviour towards other staff members or other representatives does not go unchallenged.
- Ensure that this policy is included as part of any partnership agreement or memorandum of understanding (MoU) with ActionAid partners.
- Set a positive example both on and off duty.

4.3 SHEA and Safeguarding Focal Point

SHEA and Safeguarding Focal Points **must always**:

- Work with others to create a safe environment where **staff and others** feel able to raise concerns without fear of retribution.
- Ensure that this policy is displayed at prominent places within the office, as well as online, and to make it accessible to all members of staff.
- Ensure that all inductions include a discussion of this policy.

- Deliver training to all staff on this policy and other policies that fall within the SHEA and other Safeguarding concerns remit.
- Work with others to ensure that the values, commitments, and procedures set forth in this policy are embedded throughout all ActionAid's programmes and activities, and those of our partners.
- Ensure that they raise all concerns and complaints relating to SHEA and Safeguarding to the Global SHEA and Safeguarding Team.
- Work with the SHEA and Safeguarding Stakeholder Panel to address concerns relating to sexual harassment, exploitation, and abuse, and ensure incident management is carried out in line with ActionAid's SHEA and Safeguarding approach.
- Set a positive example both on and off duty.

4.4 Human Resources

Human Resources **must always**:

- Work with others to create a safe environment where **staff and others** feel able to raise concerns without fear of retribution.
- Work with the SHEA and Safeguarding Focal Point to ensure that this policy is displayed at prominent places within the office, as well as online, and to make it accessible to all members of staff.
- Work with the SHEA and Safeguarding Focal Point to ensure that all inductions include a discussion of this policy.
- Ensure that the values, commitments, and procedures set forth in this policy are embedded throughout the employee life cycle.
- Work with the SHEA and Safeguarding Stakeholder Panel to address any concerns relating to sexual harassment, exploitation, and abuse, by providing strong employment law and employee relations advice, and ensuring that all relevant ActionAid policies and processes are followed correctly throughout the incident management process.
- Set a positive example both on and off duty.

5. Working with partners

- 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 and partners must have agreements in place to ensure that all relevant information relating to sexual harassment, exploitation, and abuse and harm towards staff is shared in a confidential and need-to-know basis. ActionAid will work with partners to ensure that partners have a robust reporting mechanism for partner staff to access. ActionAid and partners must have agreements in place to ensure that concerns relating to SHEA and Safeguarding is shared 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 work with the partner to ensure this is responded to quickly and appropriately. 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.

6. Safer recruitment and employee lifecycle

In line with best practice, stringent recruitment processes will be put in place 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 will 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 misconduct/disciplinary proceedings is shared with the prospective employer in line with 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.

6.1 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.

6.2 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, in line with the Global SHEA and Safeguarding Team, will work together to identify and address these needs.

7. Safer Programming

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.

- 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 (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.
- 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.
- 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.

7.1 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 can 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 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.

8. Reporting procedures

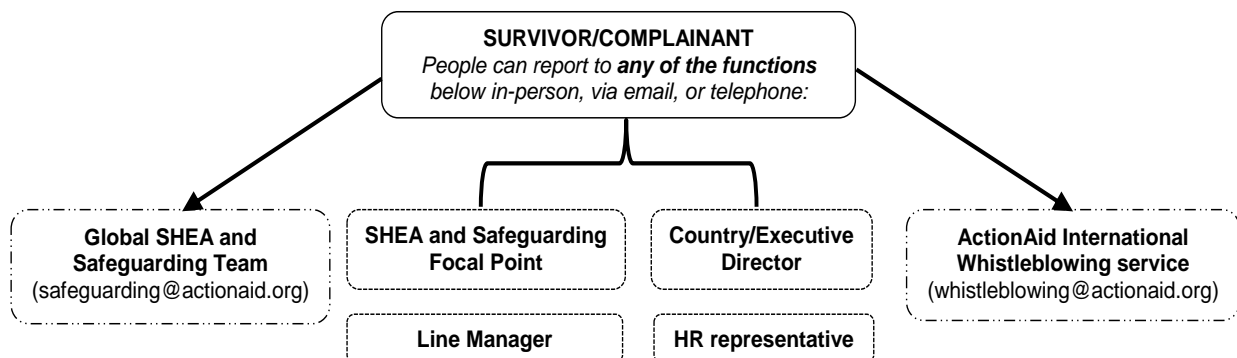
- If any ActionAid staff or other representatives have concerns that a staff member or other representative has been or it at risk of being abused, exploited, or harmed in any way they **must** report this immediately.
- Individuals **do not have** to report their own experience of sexual harassment, exploitation, or abuse, in line with ActionAid's survivor-centred approach.

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
- 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.

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 agreed requirements.

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. 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, following clear risk assessments and the safety and wellbeing of the survivor/complainant will be paramount.

All staff and other representatives are required to report if:

- A staff member or other representative alleges that they or another person 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.
- A staff member or other representative suspects 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.

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.

Management of complex SHEA and Safeguarding reports:

Nature of Concern	Response
Allegation about staff at a Partner Organisation	Concerns about staff at a Partner Organisation must be reported to the SHEA and Safeguarding Focal Point. They will report to the designated person in the partner and work with the partner to ensure the matter is addressed swiftly and appropriately. This may be through the partner's internal process or through a joint process agreed by ActionAid and the partner. If ActionAid has concerns that a complaint has been dealt with inappropriately or inadequately by a partner, ActionAid should raise concerns to the appropriate channels in the partner organisation and if these concerns are not addressed they must consider whether they will withdraw funding or end the relationship.
Allegation about staff at another international aid agency	Concerns raised about the behaviour of staff of another international aid agency must be reported to the SHEA and

	<p>Safeguarding Focal Point. 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.</p>
<p>Allegation relating to criminal activity and/or relating to a child where others have a remit to investigate</p>	<p>Allegations that staff or other representatives have carried out a criminal activity will be assessed by the SHEA and Safeguarding Focal Point 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.</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. ActionAid will monitor the external response 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.</p>
<p>ActionAid staff member or other representative raises concerns about how a complaint was managed in an ActionAid country and wants to appeal the decision</p>	<p>ActionAid staff members and representatives who disagree with actions taken must first appeal in country. 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.</p>
<p>Allegation raised by staff member or representative from one ActionAid country against a staff member or representative from another ActionAid country</p>	<p>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.</p>
<p>Allegation raised against a Country/Executive Director</p>	<p>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</p>

	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	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	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	Concerns raised about SHEA and Safeguarding Focal Points 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	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.

9. Responding to concerns and complaints

9.1 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.*

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.

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.
- 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.
- c) Within 48 hours the SHEA and Safeguarding Stakeholder Panel meet.
- d) Risk assessment carried out to address any immediate security or welfare concerns, and legal guidance sought.
- e) Investigation Team and separate Decision Making Panel appointed. This must be done in line with national laws.

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

- f) 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.
- g) 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. 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.
- h) The Investigation Report is submitted to the Decision Making Panel.

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

- i) Decision making panel review report and take a decision on the report and its findings.
- j) 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)

- k) Decision Making Panel document the decision and inform the complainant and subject of complaint.
- l) The Global SHEA and Safeguarding Team is informed of the outcome.
- m) 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.
- n) 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

9.2 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.

9.3 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*.

9.4 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.

9.5 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.

10. 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.

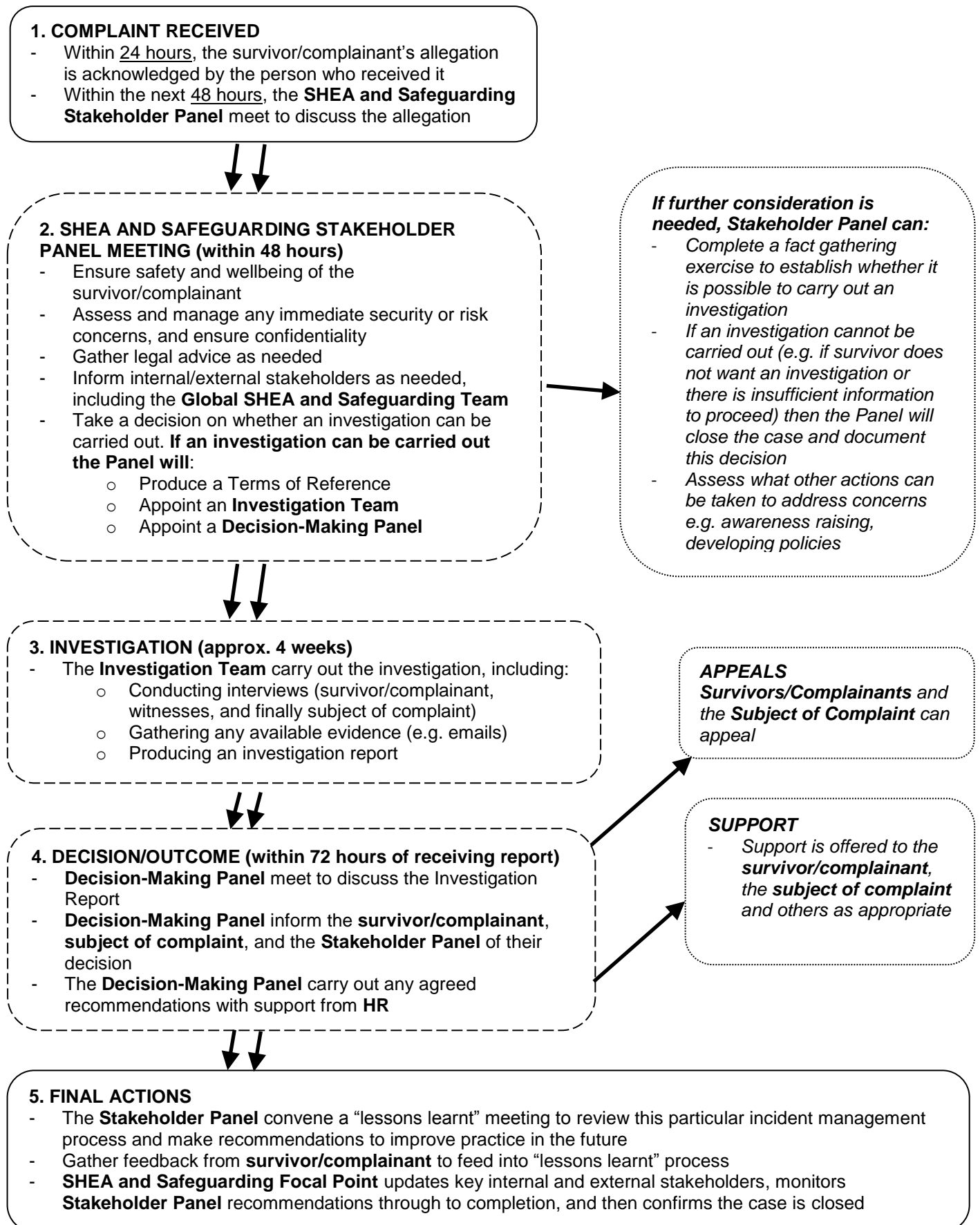
Survivors and complainants can choose if and when they would like to take up the support options available to them.

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).

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. 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 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.