



## Safeguarding Policy for Children and Vulnerable Adults

**Our aim.** Hospice Care Kenya (HCK) believes that the welfare of children or vulnerable adults is paramount and that they should be protected from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse (UN Convention on the Rights of the Child (1989), Article 19).

HCK believes that everyone we come into contact with, regardless of age, gender identity, disability, sexual orientation or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation. HCK will not tolerate abuse and exploitation by its Trustees, staff or volunteers, nor by the activities of other individuals, organisations or agencies with whom it is engaged in pursuance of its charitable aims. This includes zero tolerance on bullying and harassment.

This policy will address the following areas: child safeguarding, adult safeguarding, and protection from sexual exploitation and abuse.

**About our policy.** As a grant giver HCK does not directly provide services or implement projects that would bring us into contact with children or vulnerable adults. As a grant giver HCK policy is designed to ensure that, so far as is possible, where we provide financial assistance it is used entirely in the best interests of children and vulnerable adults. HCK is committed to addressing safeguarding throughout its work, not only within its own organisation but also in relation to the activities of agencies and partners with whom it is working. HCK expects these organisations to have their own robust safeguarding policies in place and available to view.

In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. In our work, HCK understands it to mean protecting people, including children and at risk adults, from any harm arising from contact with our Trustees, staff, volunteers or partners in Kenya.

**Our responsibilities.** All Trustees and staff are responsible for upholding the policy aims and scope, specifically in respect of prevention, rigorous reporting and appropriate and timely response. We expect that all partners in Kenya uphold the same policy aims and scope.

**Our commitment.** HCK is committed to ensuring, so far as is possible, that any service, material or finance, direct or indirect, which it provides for children or vulnerable adults should be used entirely in their best interests.

HCK believes that it is the right of each vulnerable individual or child to;

- be protected from all forms of abuse and exploitation;
- receive full care from the services available;
- express his/her views when able;
- be involved in decision making where appropriate.

**Our obligations.**

**Prevention**

- to approve, implement and monitor an HCK Safeguarding Policy for children and vulnerable adults
- to ensure that HCK Board members, staff and volunteers have a copy of the policy, know their responsibilities and commit to abide by the policy
- to design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from their coming into contact with HCK or third parties, both at home and abroad, with whom HCK is working. This includes the way in which information about individuals in our programmes is gathered and communicated.
- to implement stringent safeguarding procedures when recruiting, managing and deploying Trustees, staff and volunteers. This will include the obtaining of two positive references prior to an offer of employment and where personnel are to have direct contact with beneficiaries, the procurement of an enhanced DBS check.
- To ensure Trustees, staff and volunteers receive training on safeguarding at a level commensurate with their role in the organisation.
- to ensure that we report to the relevant authorities any issues or concerns in relation to any UK national
- to ensure that the HCK Board act on any issues and concerns regarding safeguarding in relation to the staff, volunteers (or other representatives) of HCK or it's work or that of any HCK partners which may be brought to their attention promptly and according to due process
- to ensure that appropriate documentation of concerns raised and actions taken are kept
- to ensure that all HCK partners understand and accept their obligation to inform HCK, of any concerns raised about the welfare of children or vulnerable adults under their care in programmes funded by HCK
- in conducting monitoring visits to services/projects supported by HCK, employees/Trustees (or other volunteers or representatives) will follow our code of conduct (attached).

### **Obligations of partners in Kenya.**

HCK recognises that its greatest responsibility is to the children or vulnerable adults under the care of organisations that receive funding and other support from HCK (referred to as partners). HCK works with many partners (including the Kenya Hospice and Palliative Care Association, (KEHPCA) and individual hospices and palliative care facilities in Kenya.

- HCK requires that all its partners are members of the Kenya Hospice and Palliative Care Association (KEHPCA) which commits to work on an ongoing and continuous basis with all member hospice and palliative care units to support the development and integration of child protection policies for palliative care in Kenya.
- HCK requires that any partner organisation makes available its own policy for safeguarding children and vulnerable adults.
- HCK requires that the organisation reports to them any matter relating to child protection in relation to the projects for which HCK funds are being used.

### **Obligations of everyone under this policy**

#### **Child safeguarding**

HCK Trustees, staff or partners must not, whilst in pursuance of HCK's charitable aims:

- Engage in sexual activity with anyone under the age of 18.
- Sexually abuse or exploit children.
- Subject a child to physical, emotional or psychological abuse, or neglect.

- Engage in any commercially exploitative activities with children, including child labour or trafficking.

### **Adult safeguarding**

HCK Trustees, staff or partners must not, whilst in pursuance of HCK's charitable aims:

- Sexually abuse or exploit at risk adults.
- Subject an at risk adult to physical, emotional or psychological abuse, or neglect.

### **Protection from sexual exploitation and abuse**

HCK Trustees, staff or partners must not, whilst in pursuance of HCK's charitable aims:

- Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries.
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics.

Additionally, HCK Trustees, staff or partners are obliged to:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy.
- Report any concerns or suspicions regarding safeguarding violations by HCK Trustees, staff or partners. Lee Barker – Director and Safeguarding Officer in the UK or the Kenya Hospice and Palliative Care Association in Kenya.

### **Reporting**

HCK will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to HCK Trustees, staff or partners and the communities HCK works with. In the UK concerns should be reported to:

Lee Barker – Director PO Box 491, Scarborough, YO11 9FG, email [hck@hospicecarekenya.com](mailto:hck@hospicecarekenya.com) or tel (44) 1723 890283

or if they concern the director then Sarah Onyango - Nominated Trustee at the above address or email [okinyo27@yahoo.com](mailto:okinyo27@yahoo.com)

In Kenya concerns should be reported to Kenya Hospice and Palliative Care Association, P.O Box 20854,00202, Nairobi or email [zippy@kehpc.org](mailto:zippy@kehpc.org) tel +254-20-2729302

Reports can be made anonymously although any person reporting concerns or complaints will be protected from discrimination in accordance with UK law.

HCK will accept complaints from external sources such as members of the public, partners and official bodies.

### **Response**

HCK will follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations.

The person receiving the report or concern must consider whether the concerns raise safeguarding issues in which case they should take appropriate action to investigate the matter as below.

The person receiving the report or concern will investigate:

- Respecting confidentiality
- Where necessary interviewing other staff
- Keeping the all concerned informed within reason about the investigation, at least fortnightly
- Notifying staff who are the subject of the complaint about the nature and potential outcomes of the complaint at least fortnightly
- Considering whether staff who are the subject of the complaint should on request be granted special leave or if more appropriate, suspended for the duration of the investigation. Please refer to the Disciplinary policy for further information on suspension.

The manager/chair will notify the person raising the concern in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law within fourteen days of concluding the investigation and taking any necessary action.

If a safeguarding issue is deemed to have taken place by an employee the Director/Chair should pursue this with the employee under the Disciplinary Policy and report to the relevant Safeguarding authorities.

If a safeguarding issue is deemed to have taken place by a partner working on our behalf in Kenya then the partnership will be terminated in line with the partnership agreement and the matter reported to the relevant Kenyan authorities.

### **Compliance with Statutory Requirements**

HCK complies with the requirements for Safeguarding published by the Charity Commission, for charities and trustees.

### **Monitor and review**

HCK will review the safeguarding capability and processes of KEHPCA on an annual basis using an agreed checklist (attached). If required HCK will use it's partnership with KEHPCA to monitor the safeguarding practice in a third party working on our behalf using our agreed checklist.

HCK will incorporate review of safeguarding whenever it carries out it's own monitoring visits in Kenya using our agreed checklist.

This policy will be reviewed annually, or more frequently if there are changes to relevant legislation.

The key to effective monitoring and review lies in the relationship HCK has with its programme partners, and the integrity of those organisations' individual safeguarding policies.

Date Adopted December 2020

Date to be Reviewed July 2021



## Checklist for partner organisations

1. Does the organisation have a written child and vulnerable adult protection policy that covers as a minimum
  - Safe recruitment practices such as taking verified references and (where available) criminal record checks for its staff, volunteers and anyone with contact with children or vulnerable adults.
  - A code of conduct for staff, volunteers or any one representing it that includes behaviour for working with children and vulnerable adults, and the disciplinary actions that follow from breaking this code of conduct.
  - A reporting process, stating how the organisation will respond to allegations or concerns about a specific child/ren or member of staff/volunteer who may pose a risk to children or vulnerable adults. This should include the organisation's policy to involve authorities to protect children and vulnerable adults (e.g. reporting to authorities where relevant).

*If a grantee does not have a written policy, or we believe that it does not fully cover these areas, this has to be done within 6 months of a partnership.*

2. Does the organisation ensure staff, volunteers and anyone representing the organisation is aware of the Child and Vulnerable Adult policy (including the code of conduct and reporting processes).
  - Organisation provides a copy of the policy to all staff, volunteers and Board members.
  - Organisation provides an induction to staff, volunteers and Board members
3. Does the organisation understand that "it could happen" and has a culture of encouraging staff/volunteers to report behaviours or observations that concern them about children'/vulnerable adults without fear of reprisals.
4. Does the organisation acknowledge its responsibility to inform HCK of any serious incidents of alleged child or vulnerable adult abuse involving its staff, volunteers or other representatives in services or projects it manages.

*We do not ask you to share the specific and confidential aspects of such cases, but we do want you to inform us if you have such a case, and how you are dealing with it. In doing so partner organisations should be reassured that simply having an incident will NOT be grounds for HCK to end any support or partnership. In fact, disclosure will be viewed positively. It is only if we have serious concerns that a partner organisation is unwilling to act in serious cases that we would review our partnership.*

5. Does the organisation work positively with HCK / KEHPCA in seeking ways to improve protection of children and vulnerable adults.

## HCK Code of Conduct

This code of conduct outlines the standards of behaviour expected towards children and vulnerable adults who are beneficiaries of HCK grants. HCK does not directly provide services or implement projects for children or vulnerable adults and so direct contact is limited, and most likely to occur during visits to Grantees of HCK to monitor the progress of projects supported by our grants.

HCK staff, Trustees, volunteers will:

- Never be alone with a child or vulnerable adult, and will always follow the “two-adult” rule, whereby any contact with children or vulnerable adults in projects supported by HCK will be known, supervised and accompanied by (or at least within sight of) another adult from the Grantee organisation. This includes not making unaccompanied visits to families of children, without the prior knowledge of HCK and Grantee organisation.
- Will never hit or physically harm a child or vulnerable adult or be verbally abusive towards them.
- Will not hug, kiss or touch a child or vulnerable adult in an inappropriate or culturally insensitive way, but will wait for any appropriate physical contact (e.g. holding hands) to be initiated by a child.
- Will not share personal contact details (email, phone or social media) with a child or vulnerable adult, or have private social media or phone contact with a child.
- Will never engage in any form of sexual activity with a child or vulnerable adult or engage in any exploitative sexual relationships with members of beneficiary communities (e.g. offering money, gifts or other help in exchange for sex)
- Will always report concerns about possible abuse of a child / vulnerable adult