



Safeguarding Policy

KMSS

December 2020



Table of Contents

1. Purpose	2
2. Strategic Context.....	2
3. Definitions.....	2
4. Recruitment.....	5
5. Expectations from Employees.....	6
6. Safeguarding Training	6
7. Safeguarding Focal Point.....	6
8. Prevention of Abuse	6
KMSS's responsibilities	6
Staff Responsibilities	7
Safeguarding of Children	7
Safeguarding of Adult	7
9. Protection from Sexual Exploitation and Abuse.....	7
10. Commitment.....	8
11. Reporting and Responding Procedures.....	9
Reporting	9
Concerns	9
Documentation	9
Forwarding	10
Confidentiality	10
12. Roles and Responsibilities for Case Management	10
13. Provide Support to Survivor where needed/requested.....	10
14. Decision on the Next Steps.....	11
15. Decision on Outcome of Investigation Report	11
16. Learning and Improving	12
Annex.....	13
Terms of Reference for KMSS Safeguard Focal Point	14

Safeguarding Policy

1. Purpose

This Policy aims to set out approaches and procedures to safeguarding and promoting the welfare of children and vulnerable adults by the KMSS. It applies to all aspects of KMSS's works and to everyone working for it, including permanent and temporary employees, consultants, members of the Governing board, staff members of the partner organizations, beneficiaries, contractors and vendors.

2. Strategic Context

KMSS is committed to provide an environment free from discrimination and harassment, where all individuals, partner organizations and other stakeholders are treated with respect and dignity and have equal opportunities at all level. KMSS supports the principles contained in the Universal Declaration of Human Rights (UDHR) and the in the Constitution of Bangladesh. These clearly states that no one can be discriminated on the ground of class, gender, caste, religion, profession, ethnicity and sexual orientation.

Safeguarding does safe KMSS's approach, practice and culture to a comprehensively safe environment for all people that the organization engages with. It has a comprehensive set of policies and procedures, i.e., Human Resources Management and Development, Procurement, Financial Management, Child Protection, Gender, Human Rights etc. Some of the safeguard related issues are covered in the above-stated policies.

Therefore, this Safeguarding Policy is adopted in line with KMSS's commitment for providing an environment free from discrimination and harassment along with the recommendations of the donor.

3. Definitions

KMSS has adopted following definitions for the purpose of this policy:

Issues	Definition
Bullying	Bullying is when an individual or a group of people with more power, repeatedly and intentionally cause hurt or harm to another person or group of people who feel helpless to respond. Bullying can continue

	over time, is often hidden from others, and will probably continue if no action is taken. ¹ Bullying can occur in a variety of environments.
Child	Every human being below the age of 18 years.
Persons with disabilities	Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. ² People with disabilities have rights equal to all citizens, including fundamental basic human rights that are mentioned in Persons with Disabilities' Rights and the Protection Act, 2013 and other related laws of Bangladesh.
Safeguarding	Taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur. This definition draws from KMSS values and principles. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes. Safeguarding applies consistently and without exception across KMSS programs, partners and staff thereof. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialize. Those systems must be survivor-centered and also protect those accused until proven guilty. Safeguarding puts beneficiaries and affected persons at the center of all.
Safeguarding children	<ul style="list-style-type: none"> ➤ Protect children from maltreatment; ➤ Prevent impairment of children's health or development; ➤ Ensure that children are growing up in circumstances consistent with the provision of safe and effective; care;

¹ National Centre against Bullying, 2018. *Definition of bullying*. [online] Available at: <https://www.ncab.org.au/bullying-advice/bullying-for-parents/definition-of-bullying/> [Accessed 21 November 2018]

² Article 1, UNCRPD and Optional Protocol

	➤ Take actions to enable all children to have the best outcomes;
Safeguarding vulnerable adults	<ul style="list-style-type: none"> ➤ Protect rights of adults to live in safety, free from abuse and neglect; ➤ Work together to prevent and stop both the risks and experience of abuse or neglect; ➤ Make sure that the adult's wellbeing is promoted including, where appropriate, taking fully into account their views, wishes, feelings and beliefs in deciding on any action; ➤ Recognize that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances and therefore potential risks to their safety or well-being;
Sexual Exploitation	Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It defines the term "sexual abuse" as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. ³
Sexual Harassment	<p>Any action or comment known to be offensive, embarrassing, humiliating, demeaning or unwelcome to the recipient with sexual Overtones either direct or indirect notions.</p> <p>Sexual harassment includes⁴</p> <ul style="list-style-type: none"> a. Unwelcome sexually determined behavior (whether directly or by implication) as physical contact and advances; b. Attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers; c. Sexually colored verbal representation; d. Demand or request for sexual favors; e. Showing pornography; f. Sexually colored remark or gesture; g. Indecent gesture, teasing through abusive language, stalking, joking having sexual implication; h. Insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table,

³ United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2007), p. 6.

⁴ The definition as prescribed by the Honorable High Court Division in Writ Petition No.5916/2008; Judgment pronounced on 14 May 2009.

	<p>notice boards, walls of office, factory, classroom, washroom having sexual implication;</p> <ul style="list-style-type: none"> i. Taking still or video photographs for the purpose of blackmailing and character assassination; j. Preventing participation in sports, cultural, organizational and academic activities on the ground of sex and/or for the purpose of sexual harassment; k. Making love proposal and exerting pressure or posing threats in case of refusal to love proposal; l. Attempt to establish sexual relation by intimidation, deception or false assurance.
Staff	<p>Anyone who works for KMSS.⁵This is to include directly or indirectly employed staff, trustees, contractors, consultants, volunteers and interns. Also to cover downstream implementing partners whom KMSS provides fund. These downstream partners are expected to agree to work under the policy as a condition of their involvement with KMSS.</p>
Survivor	<p>The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is the individual's choice how they wish to identify themselves.</p>
Vulnerable Adults	<p>Women, persons with disabilities, dalits, people from ethnic communities, senior citizens, sick, refugees and whoever else may be recognized as vulnerable in any local, national or international context.</p>

4. Recruitment

KMSS undertakes specific background check for candidates for employment. As per the Human Resources and Development Policy, reference checks are obtained from previous employers and reference indicated in the personal history are kept in the respective staff's personal file. However, KMSS is not authorized to carry out criminal background check of the candidates for any recruitment.

⁵ This is for the purpose of this Policy. It does necessarily have reference to the Human Resource Policy.




From now on, any one interviewed for a post with KMSS, either internally or from outside the organization, will need to show an understanding of safeguarding that is relevant to the role that they are applying for.

5. Expectations from Employees

Everyone working for KMSS has a responsibility to familiarize themselves with this Safeguarding policy and with the procedures thereof. They are expected to maintain a proper focus on the safety and welfare of children and vulnerable adults in all aspects of their work.

Anyone who works for the organization must inform their respective Supervisor/Manager if they or any adult living in their household become(s) the subject of an allegation involving a safeguarding concern or abuse against a child or vulnerable adult. In case of any confusion, they should seek advice from the respective Supervisor or Manager. Any allegations of misconduct towards children and/or vulnerable adults by those working for KMSS will be managed using the procedure thereof.

6. Safeguarding Training

KMSS is committed to ensuring that everyone who works for the organization does understand their safeguarding responsibilities and do keep their knowledge up to date. All employees shall be provided safeguarding training during the staff orientation training. There will also be regular and refresher training for designated staff members on safeguarding children and vulnerable adults, including on specific areas of risk and safeguarding practice.

7. Safeguarding Focal Point

KMSS, from its senior staff members, will designate one or more Safeguarding Focal Point. The Safeguarding Focal Point shall be responsible for implementation of this policy and related operational plan, and maintaining of the register of safeguarding. The partner organization if any, is required to designate a Safeguarding Focal Point as well with similar objective.

8. Prevention of Abuse

KMSS's responsibilities

KMSS will:

- Ensure all staff members have access to, are familiar with, and know their responsibilities within the framework of this policy;
- Design and undertake all its programs and activities in a way that protects people from any risk of harm that may arise from their coming into contact with KMSS. This includes the way in which information about individuals in our programs is gathered and communicated;
- Implement strict safeguarding procedures when recruiting, managing and deploying staff and associated personnel;
- Ensure staff members receive training on safeguarding at a level equal to their role in the organization;
- Follow-up on reports of safeguarding concerns promptly and according to due process;

Staff Responsibilities

Safeguarding of Children

KMSS staff and associated personnel shall not:

- Engage in sexual activity with anyone under the age of 18;
- Sexual abuse or exploit any child;
- Subject a child to physical, emotional or psychological abuse, or neglect;
- Engage in any commercially exploitative activities with children including child labor or trafficking;

Safeguarding of Adult

KMSS staff and associated personnel shall not:

- sexually abuse or exploit the adults who is at risk
- Subject an adult who is at risk to physical, emotional or psychological abuse, or neglect.

9. Protection from Sexual Exploitation and Abuse

KMSS staff and associated personnel shall not:

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

Additionally, KMSS staff and associated personnel 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 a KMSS staff member or associated personnel to the appropriate staff member.

10. Commitment

As part of the safeguarding policy KMSS will-

- Designate a Safeguarding Focal Point from senior staff members;
- Promote and prioritize the safety and wellbeing of children, women and persons with disabilities;
- Ensure that all of the staff members are properly oriented on KMSS's Safeguarding Policy. This policy will be part of the policy framework within the Human Resources Manual which is required to be explained to every new staff member as part of their induction and they must confirm receipt and compliance with the policy with their signature. Ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognize, identify and respond to sign of abuse, neglect and other safeguarding concerns relating to children, women and persons with disabilities;
- Ensure appropriate action is taken in the event of incidents/concerns of abuse and support provided to the individual/s who raise or disclose the concern;
- Ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored;
- Prevent the employment/deployment of unsuitable individuals;
- Ensure robust safeguarding arrangements and procedures are in operation;
- Keep a detailed register of safeguarding issues raised and process of dealing with them;
- Not tolerate possession or access to any material that is abusive towards children, women and persons with disabilities;
- Not engage children, women or persons with disabilities, in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child, the child is below the age of consent or the act(s) are an offence under relevant laws;
- Wherever possible, ensure that another adult is present with concerned staff member when working in the proximity of children;

- Not allow any of the staff members to invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger;
- Refrain staff members from physical punishment or discipline of children and from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

The policy and procedures will be widely disseminated and are mandatory for everyone involved with the KMSS and its partner organizations. Failure to comply with this policy and procedures will be addressed without delay and may ultimately result in dismissal/exclusion from the organization. In appropriate case, funding may be suspended and/or partnership may be cancelled with concerned organization.

11. Reporting and Responding Procedures

Reporting

Reports may reach KMSS through various means and routes. This may be in a structured format such as a letter, e-mail, text or message via social media. It may also be in the form of informal discussion or rumor. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern, they should report this to KMSS's Safeguarding Focal Point.

Concerns

If a safeguarding concern is disclosed directly to a staff member, the person receiving the report should bear the following in mind:

- Listen
- Empathize with the person
- Ask who, when, where, what but not why
- Repeat/ check the understanding of the situation
- Report to the appropriate staff member

Documentation

The person receiving the report should then document the following information, using an Incident Report Form if there is one:

- Name of person making report

- Name(s) of alleged survivor(s) of safeguarding incident(s) if different from above
- Name(s) of alleged perpetrator(s)
- Description of incident(s)
- Dates(s), times(s) and location(s) of incident

Forwarding

Any staff member receiving or coming across any information or alleged incident of abuse shall report to the Safeguarding Focal Point immediately or within 24 hours at the latest.

Confidentiality

Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information shared on a limited 'need to know' basis only. This includes senior management who might otherwise be apprised of a serious incident.

12. Roles and Responsibilities for Case Management

The Safeguarding Focal Point will be the key person in managing the case.

If the report alleges a serious safeguarding violation, the Safeguarding Focal Point may wish to hold a case conference. This should include:

- Senior Management Team
- HR Manager/Coordinator

The case conference should decide the next steps to take, including any protection concerns and support needs for the survivor and other stakeholders.

13. Provide Support to Survivor where needed/requested

The Safeguarding Focal Point, in consultation with the senior management, will provide appropriate support to survivor(s) of safeguarding incidents, if requested. This will be in line with the operational plan.

Assessing protection or security risks to stakeholders




For report related to serious incidents: Safeguarding Focal Point will undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required. Safeguarding Focal Point will continue to update the risk assessment and plan on a regular basis throughout and after the case as required.

14. Decision on the Next Steps

Safeguarding Focal Point decides the next steps. These could be (but not limited to)

- No further action (for example if there is insufficient information to follow up, or the report refers to incidents outside the organization's remit)
- Investigation is required to gather further information
- Immediate disciplinary action if no further information needed
- Referral to SMT

If the report concerns associated personnel (for example contractors, consultants or suppliers), the decision making process will be different. Although associated personnel are not staff members, however, the KMSS has a duty of care to protect anyone who comes into contact with any aspect of our program from harm. KMSS cannot follow disciplinary processes with individuals outside the organization; however, decisions may be made for example to terminate a contract with a supplier based on the actions of their staff.

If an investigation is required and the organization does not have internal capacity, KMSS will identify resources to conduct the investigation.

15. Decision on Outcome of Investigation Report

Senior Management Team (SMT) will make a decision based on the information provided in the investigation report. Decisions relating to the Subject of Concern should be made in accordance with existing policies and procedures for staff misconduct.

If at this or in any stage in the process criminal activity is suspected, the case should be referred to the relevant authorities *unless this may pose a risk to anyone involved in the case*. In this case, the SMT together with other senior staff will need to decide on how to proceed. This decision should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the survivor and the Subject of Concern. In case of failure to act upon suspected or reported the victim will directly contact with the focal person.



The Safeguarding Focal Point will document all decisions made resulting from the case clearly and confidentially.

16. Learning and Improving

KMSS, through implementation of this policy, is determined to keep improving knowledge and understanding of how best to protect children and vulnerable adults. It is to review related practices bi-annually to check whether it was effectively preventing and managing safeguarding in the work. The purpose of the reviews is to reflect on lessons about when the systems need to improve to protect children and adult in risk better in future.

The policy will be reviewed a year after development and then every two years, or in the following circumstances:

- Changes in legislation and/or government guidance
- As a result of any other significant change or event.



Annex

KMSS Human Resources Management and Development Policy–

Acknowledgement Form

Name of the Employee or Intern: _____

Position: _____

Department/Unit: _____

I have received, read and I fully understand all policies, guidelines and procedures included in the KMSS Human Resources Manual.

In particular:

I have read the KMSS Safeguarding Policy and I fully understand its contents. I do hereby confirm that I am in complete compliance with all provisions of the policy and that I will continue to observe the spirit of the commitment in all my activities on behalf of KMSS. I will comply with the guidelines set out in these policies and understand that failure to do so might result in disciplinary or legal action.

Date: _____ Signature: _____

Please sign and return to the HR Team. This document will be filed in the employee's or intern's personal file

Annex

Terms of Reference for KMSS Safeguard Focal Point

Background

The KMSS has developed the Safeguarding Policy for the employees of the KMSS and its partner organizations. KMSS believes that all individuals have right to live without fear, live free from sexual harassment and abuse, sexual violence, exploitation, and any abuse of power regardless of age, gender, sexuality, disability, religion and ethnicity. KMSS is determined on zero tolerance policy for sexual abuse, exploitation and harassment by any of its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of. This type of behavior is against KMSS's beliefs, values and mission; and safeguarding is a priority of the KMSS. KMSS has decided to designate a Safeguard Focal Person to ensure implementation of the Safeguarding Policy.

Roles and Responsibilities

Roles and responsibilities of the KMSS Safeguard Focal Person is to support KMSS in day-to-day implementation of the KMSS Safeguarding Policy with technical support from the Senior Management Team.

Specific duties include-

- To act as the main point of contact within KMSS for safeguarding;
- To ensure that staff members and partners are aware of the KMSS Safeguarding Policy and their responsibilities under it (for example by providing training and guidance);
- To advise and support staff members and partners with the implementation of the safeguarding policy, including risk assessments;
- To ensure that all the staff members of KMSS and partner organizations are properly oriented on the Safeguarding Policy;
- To ensure that everyone understands their roles and responsibilities in respect of the safeguarding policy and is provided with appropriate learning opportunities to recognize, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children, women and vulnerable people;
- To ensure that the name and contact details of the Safeguard Focal Person(s) are made available so that people know how to raise a concern/where to seek advice;

- To act as first point of contact for concerns regarding protection incidents of children, women and vulnerable people and to raise those concerns to the Senior Management team as appropriate;
- To ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored;
- To undertake an immediate risk assessment for reports relating to serious incidents to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required;
- To update the risk assessment and plan on a regular basis throughout and after the case as required;
- To document all decisions made resulting from the case clearly and confidentially;
- To support the implementation and monitoring of the Safeguarding Policy by providing an annual progress report to the Senior Management Team together with a plan for further action required to implement the Safeguarding Policy at all levels.

Skills and Characteristics

- Have knowledge and experience about safeguarding and protection of children, women and vulnerable people;
- Have respect and authority within the office so that her/his opinions are valued;
- Be approachable, with good communication skills with adults and children;
- Be able to keep calm when a concern is raised, especially if anyone needs assistance;
- Be able to work with others to ensure that the policy is implemented, and respond where an incident related to protection of children, women and vulnerable people occurs;
- Commitment to safeguarding children, women and vulnerable people and upholding their rights – together with the ability to advocate for and defend safeguarding;
- Training and presentation skills;
- Be able to keep information confidential.