









How to apply FCDO’s Safeguarding Against Sexual Exploitation, Abuse and Harassment (SEAH) Due Diligence Guidance in International Organisations.

Case Study Focus: Safeguarding Approach and Complaints & Whistleblowing – FCDO Due Diligence.

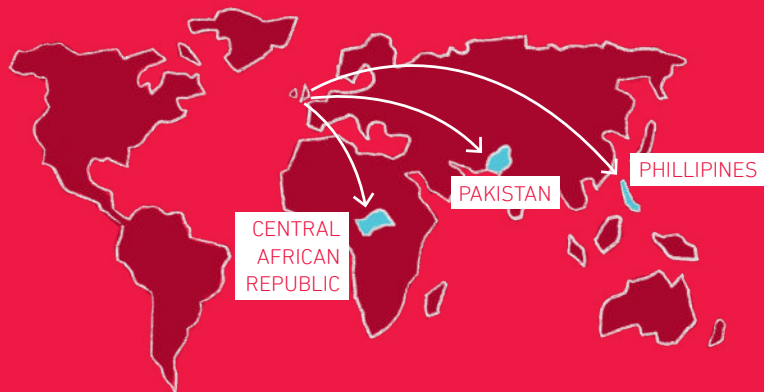
This is the first of three case studies which show how to actively apply ‘Safeguarding against Sexual Exploitation and Abuse and Sexual Harassment (SEAH) Due Diligence Guidance for FCDO implementing partners’ within organisations. These case studies share clear and concise examples of how the guidance has been applied in organisations and works alongside the six areas of how to tackle SEAH, as illustrated in Figure 1.



Figure 1: A summary of the six areas of SEAH due diligence¹

 SEAH approach	 Complaints & whistleblowing	 Recruitment & training	 Risk management	 Code of conduct	 Governance & accountability
Policy	Policy	Job Descriptions & Risk	SEAH Risk Category	Code of Conduct	Designated Board
Standards	Training	Selection & Interview	Regular Review	IASC Six Principles	Safeguarding Lead
Children & Vulnerable Adults	Internal Complaints	References & Vetting	Fundraising	Staff Signature	Board Handing of SEAH
Beneficiary Engagement	External Complaints	Induction & Refresher Training	Online Risks		Local Focal Points
Survivor Support	Case Register		Downstream Partners		Requirement of others

1. The UK Foreign, Commonwealth & Development Office (2022), *A summary of the six areas of SEAH due diligence*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/143790/Summary-6-areas-SEAH-due-diligence.png accessed 18 May 2022).



Context

A peacebuilding organisation based in the UK is an FCDO implementing partner, which receives funding of £1.2m over the course of 3 years to deliver workshops and conduct research through consultants. They work in partnership with two local organisations, who are the downstream partners. The project involves dialogue workshops to talk about how youth groups, ranging from 16 to 25 years old, can be involved in peace processes within the community. It also involves data collection, done by local data collectors, about the experiences of youth during conflict in CAR, Pakistan and the Philippines for a report. 40% of this funding is going to these local organisations and one of these organisations is sending funds to another small organisation.

The examples set out below are optimal ambitions and may be adjusted in relation to the overall risk to ensure that proportionality is taken into account.

Below are the FCDO's indicative questions on safeguarding approach and complaints and whistleblowing and Governance and Accountability which are used during the FCDO's assessment of its partners organisations. The INGO referred to these questions when conducting due diligence of its partners to ensure appropriate SEAH safeguarding processes are in place and standards are adhered to.

Safeguarding approach

- Is there a safeguarding policy and does it specifically cover sexual exploitation and abuse and sexual harassment? If not, and there is work with children, young people or adults-at-risk then there must be specific policies covering those groups and these must address SEAH risks. If there is neither a safeguarding policy nor work with those groups, there must be sexual exploitation and harassment and abuse policies which are either stand-alone or part of an overall HR handbook.

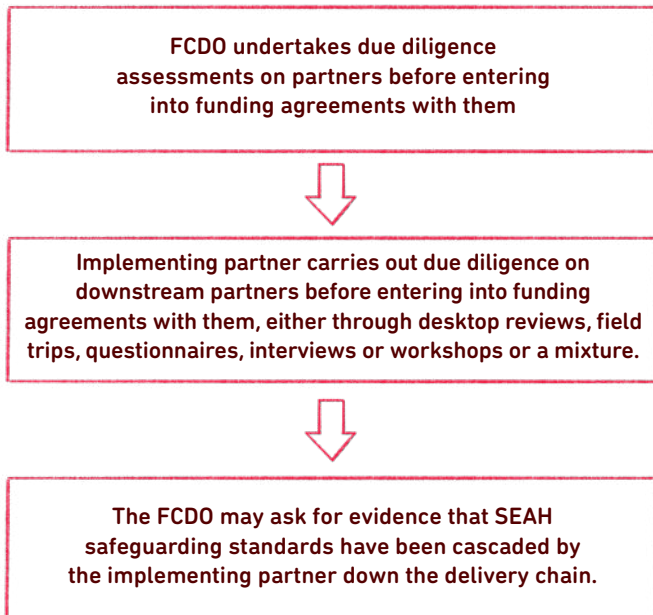
- Does the policy include a statement of your commitment to safeguarding, such as a zero tolerance statement on tackling sexual harassment and sexual exploitation and abuse and to inaction to reports?
- Are staff and programme beneficiaries being informed about the organisation's commitment to safeguarding and how they can raise any complaints or concerns? Are beneficiary views informing the design and operation of reporting mechanisms?
- Is the organisation clear how it will provide support to a survivor or victim of SEAH perpetrated by one of its staff members or an implementing partner? Has it thought through who it may have to report a case to and what it may need to consider to ensure a survivor-centred approach?
- Is the organisation clear about which authorities it may need to report SEAH incidents to in a country where it operates? And has it considered circumstances in which such reporting may not be safe for those involved?
- Is there any independent verification of adherence to the [SEAH elements](#) of the Core Humanitarian Standard, for example through [HQAI](#), or the [IASC Minimum Operating Standards on PSEA](#)?

Complaints and whistleblowing

- Does the organisation have a clear process which allows complaints or concerns to be raised from both outside and within the organisation, and are staff trained in how to operate it?
- Is there a whistle-blowing policy which protects whistle blowers from reprisals and includes clear processes for dealing with concerns raised and by whom and the timelines involved?
- Does the organisation keep a detailed register of safeguarding allegations raised and how they were dealt with?
- Are complaint mechanisms survivor-centred and designed to ensure confidentiality and avoid re-traumatisation?



What does the FCDO due diligence process look like?



How FCDO's safeguarding due diligence guidance has been applied by the peacebuilding organisation to its downstream partners.

Before signing the Partnership Agreement, the implementing partner conducts a due diligence assessment with the downstream partners, to understand what the programme specific safeguarding risks are, and establish how safeguarding policies and processes mitigate against those risks. The implementing partner will use the information gathered to establish if sufficient assurance is in place to proceed with funding or not.

Safeguarding policy

The downstream partner organisation may not have a safeguarding policy; however, they could sign up to the implementing partners policy (ensuring it is shared and understood by all relevant staff) and aim to develop their own by the end of the project, using an action plan. The partner organisations should also agree to use the action plan for other areas of weakness

The implementing partner records the downstream partner not having a policy in place as a residual risk and supports an action plan for the downstream partner to build a policy by the end of the programme, while being clear to all involved that the downstream partner is bound by the implementing partner's relevant policies in the interim. Steps to mitigate the risk and upskill the partner could then be recorded and included as part of a charities ongoing risk management process.



Children and at-risk adults

The partners' understanding of the local context for GBV/ SEAH regarding national laws and local social norms that help or hinder dealing with the SEAH have informed the safeguarding processes. Based on this understanding, the downstream partners provide their employees and long-term consultants with the safeguarding policy, which covers SEAH, to ensure that they are maintaining a safe approach to interaction with those from marginalised communities, children, young people, and adults at risk.

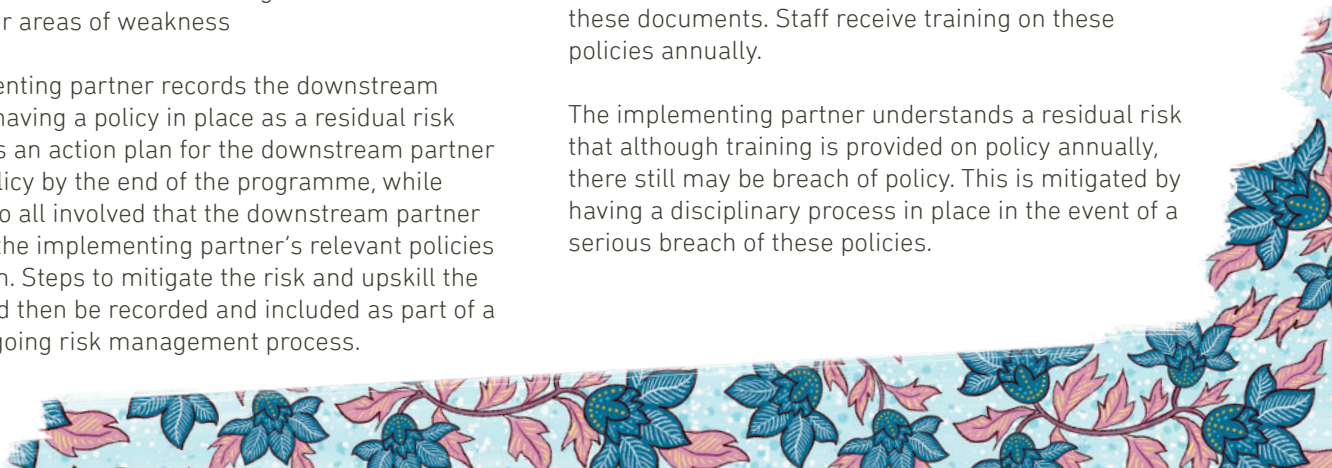
The Policy includes a safeguarding commitment statement and demonstrates zero tolerance to SEAH.

The implementing partner is aware that there is a residual risk remaining around not getting the return of information of criminal record checks. This is highlighted in their own risk management processes for the programme.

Standards

The downstream partners provide employees and consultants with a code of conduct that specifically prohibits SEAH, reflects the IASC Six Principles on PSEA and outlines the consequences for transgressions, to ensure that employees and consultants are aware of their responsibility to keep people safe when they come into contact with stakeholders. Staff are aware of the organisation's commitment to safeguarding through these documents. Staff receive training on these policies annually.

The implementing partner understands a residual risk that although training is provided on policy annually, there still may be breach of policy. This is mitigated by having a disciplinary process in place in the event of a serious breach of these policies.





Engagement

Collectively, the implementing and downstream partners design a community grievance mechanism, whereby a community leader plays a role in mediation to resolve grievances.

The downstream partners explain to participants who utilise the organisations' services, in the local language and through a variety of communication methods, at the start of activities about the right to feel safe, including from sexual exploitation, abuse and harassment, discrimination and unsafe programming, for example, unsafe transport and accommodation. Participants are encouraged to give feedback on a variety of safety issues, not just SEAH, to normalise feedback mechanisms and demonstrate the organisations' accountability to them.

The implementing partner understands that participants may not feel empowered to share feedback due to the unconscious power imbalance which is identified as a residual risk and mitigated by having a variety of feedback sharing methods to be continually monitored by the downstream partner.

Internal complaints mechanism

The downstream partners explain at the start of activities that, if participants have a concern/feel unsafe because of the actions or behaviour of staff or fellow participants, they can speak to any facilitator during an activity. They have posters up at the activity explaining that you can speak to any of the facilitators in person and with a phone number for the implementing partner organisation. In their due diligence review, the implementing partner suggests that the downstream partners also develop an anonymous reporting option, such as an email or ballot box and this forms part of their action plan.

The downstream partners have posters explaining that participants can report to the implementing partner about their organisations if a member of the wider community was unintentionally harmed because of your organisation's work and did not want to give this feedback to your organisation directly.

The downstream and implementing partner understand that there is a residual risk that reporting to the implementing partner may be infrequent, given that the implementing partner is not based in the local context and mitigate this by ensuring that the downstream

partners are prepared to receive reports, maintaining frequent checks on local anonymous reporting options and seeking guidance from implementing partners when concerns are received.

External complaints and reporting to authorities

In their due diligence assessments, the downstream partners mention the internal and external complaints reporting processes in place. These have been informed by views of the community and are context specific to ensure that they are trusted by the community and the process considered legitimate by the users. Having informed participants of how to report incidents, the implementing partner would listen to any concerns raised by a person feeling unsafe during an activity, identifying any immediate risks to them.

Where it is safe to report to the police, there may be a need for a police investigation before the organisational process which then means that the organisational process may be paused during this time. The downstream partner should also consider reporting serious matters to a community leader unless not safe to do so. Not doing so might mean that there is no resolution in the eyes of the community. It could also put the staff of the downstream partner at risk if they were not seen to follow the appropriate community response.

The downstream partner would assess whether there had been any breach of a policy, reporting to the implementing partners if so with a summary of the report, risks identified and proposed next steps. The implementing partner would log this information and escalate internally to senior management and trustees – they would share this information with FCDO in line with the wording in the funding agreement. If the implementing partner is registered in England and Wales, serious incidents (including safeguarding) would need to be reported to the Charity Commission England and Wales (CCEW). If there was not a serious breach, they would consider how to support the survivor and apply learning from this in future.

The implementing partner is aware that reporting to police at a local level comes at a risk to a variety of individuals involved and that not reporting to local authorities is a residual risk – this is mitigated by ensuring a full investigation and reporting to FCDO and CCEW, undertaking a risk assessment whilst an investigation is being carried out to reduce repeat offending.

Complaints and whistleblowing

The downstream partner would follow an investigation process and keep the implementing partner as updated. The staff member may be suspended during this investigation if it was safer to do so. If the investigation concluded there had been a serious breach, action would be taken in line with the policy and disciplinary. The implementing and downstream partner hold a record of all safeguarding allegations/information reported and how it was managed.

As part of the due diligence assessment, the implementing and downstream partners have evidence that all have a whistleblowing policy, which is available to everyone and is functional (functionality ensured by seeking legal advice to ensure protections are in place locally).

The implementing and downstream partners should agree processes for a joint investigation and case management, to empower the downstream partner and seek assurance for the implementing partner.

The implementing partner understands that gaps in case records is a residual risk and could allow repeat offending – to mitigate this, both organisations are transparent with the information received with each other.

Survivor support

The dedicated leads for safeguarding within the downstream partner organisations can support facilitators with disclosures, having done an online training about receiving disclosures and investigating SEAH.

The implementing and downstream partner jointly map available support services. The survivor would be provided with support, which might include legal, medical, psychosocial, or practical support. This support will maintain survivor confidentiality and ensure that re-traumatisation does not occur. During the due diligence process, the downstream partner recognises that much of this support is not available within the context. As a result, this support might need to be brought in from another context, which the implementing and downstream partners will seek to identify during the project. Due to funding constraints, this may only be possible for a shorter period than if survivor support were available in this context. Implementing partners are encouraged to discuss safeguarding costs with FCDO.

The implementing partner suggests that survivor support might not be able to be brought in due to local constraints, this as a residual risk which is mitigated by ensuring that all survivor support avenues have been explored including government provided services, the UN, INGOs etc.

Key points to look out for above for best practice with your organisation's due diligence.



Allowing downstream partners to sign up to the implementing organisation's policies if they do not have their own.

Recognise that downstream partners may not be of the size or have the infrastructure to implement this policy in its entirety and that parts of it may not be applicable in their work.

Identify the parts they will not be able to fulfil.

Ensuring that downstream partners have their own policy or have signed up to the implementing partner's policy so that they are aware of the correct reporting steps.

If a decision is made to partner with an organisation without a safeguarding policy, therefore adopting the implementing partners, trustees should consider and record this decision, usually this is part of a formal trustee meeting. FCDO expects organisations that engage with children or adults at risk to have a safeguarding policy in place.

Downstream partners are often best placed to take disclosures from participants and identify immediate risks to participants, given the heightened power imbalance with implementing partners based outside the context.

FCDO expects partners to promptly contact them at Reportingreportingconcerns@fcdo.gov.uk to report any credible SEAH allegations, where these are either directly related to the funding agreement or where they would be of significant impact to the partnership.

Serious incidents also need to be reported to the charity commission through a RSI.

INGO Briefing 1: How to apply FCDO's Safeguarding Against Sexual Exploitation, Abuse and Harassment (SEAH) Due Diligence Guidance in International Organisations.

When partnering with the downstream partners, the implementing partner would have considered the following action points:

- How to support downstream partners to develop their own safeguarding against SEAH policy
- How downstream partners could develop an anonymous reporting mechanism
- How to overcome a lack of survivor support resources in the context in a reasonable and proportionate way

Ensuring that during a disclosure from a participant, that immediate risks are identified, and support is given to the participant in a survivor-centred approach.

Ensuring that your first step in working with downstream partners is not completing the due diligence assessment. Building relationships with downstream partners will ensure engagement in due diligence assessment. The due diligence assessments may not be carried out in the same linear way – some downstream partners may find it difficult to complete the questionnaire and may prefer a collaborative approach with implementing partners.

Downstream Partners may have more of an in-depth understanding of the local communities. Survivor support from downstream partners may be different to the implementing partners. Ensure that implementing partners include downstream partners in their survivor support development.

Ensuring that downstream partners develop an action plan with suggested timeframes (programme dependent) included, based on areas of weakness. There should be an understanding that, especially without additional funding for this purpose, it will take time to implement due diligence within their organisations. FCDO encourages downstream partners to request funding for safeguarding, where needed.

Language barriers may lead to confusion in policies that downstream partners may sign up to.

Those that work in the downstream partner organisations may not understand the policy language. Implementing partner should work with downstream partners to translate policy into the understood local language and terminology they understand.

Implementing partners should track and maintain records of any residual risks, ensuring that a full record of how the risks have been mitigated sits alongside all risks. These should be regularly reviewed in the event of changes to the risks. Downstream partners should be made aware of the risks and communicate any changes of the risks to implementing partners.

Bond's language guide which tackles to 'take British politics and colonialism out of our language' which can be found here is recommend by Bond to be used when undertaking due diligence. FCDO however does not recognise the use of British politics or colonialism as behind the use of the word 'beneficiary' (or other wording in its guidance) – this word beneficiary was used by FCDO to be consistent with the terminology used in key international safeguarding documents.



Bond is the UK network for organisations working in international development. We unite and support a diverse network of over 350 civil society organisations to help eradicate global poverty, inequality and injustice. Find out more at bond.org.uk

Bond, Society Building, 8 All Saints Street, London, UK N1 9RL
T +44(0)20 7837 8344 E info@bond.org.uk

