



MCAI's Safeguarding Policy including UNICEF's PSEA Programme

Implemented 2007

Subject to annual review. Last updated April 2020

Associated policies: MCAI safeguarding policy on the protection of women and children from abuse and exploitation; MCAI Whistleblowing Protection Policy for reporting safeguarding concerns; MCAI's code of conduct in Humanitarian work; MCAI policy on the use of internet and email; MCAI security policies and procedures

Purpose

The purpose of this policy is to protect people, particularly children, at risk adults and beneficiaries of assistance, from any harm that may be caused to them by coming into contact with MCAI, including harm arising from:

- The conduct of staff or personnel associated with MCAI
- The design and implementation of MCAI's programmes and activities

The policy outlines the commitments made by MCAI and informs staff and associated personnel (see scope below) of their responsibilities in relation to safeguarding.

MCAI, in our role as an international NGO, has recently become a full implementing partner of UNICEF to undertake further development work in Liberia involving Task Sharing while in partnership with the Ministry of Health, WHO and UNFPA. As part of this work, UNICEF have requested that MCAI implement UNICEF's excellent and rigorous programme aimed at preventing sexual exploitation and abuse (PSEA).

Here follows the UNICEF definitions of PSEA and the MCAI policy on PSEA, devised with the assistance of UNICEF.

The aim of this policy is to 1) promote zero tolerance for sexual exploitation and abuse (SEA) for all MCAI employees and related personnel and ensure that roles, responsibilities and expected standards of conduct in relation to SEA are known within MCAI. 2) To create and maintain a safe environment, free from SEA, by taking appropriate measures for this purpose, internally and in the communities where MCAI operates, through robust prevention and response work.

Policy statement:

1.1. SEA violates universally recognized international legal norms and standards and are unacceptable behaviours and prohibited conduct for all humanitarian workers, including *Organization] employees and related personnel*.¹

1.2. MCAI has a policy of zero tolerance towards SEA. All MCAI employees and related personnel² are expected to uphold the highest standards of personal and professional conduct at all times, and to provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries and other vulnerable members of the local communities.

2. Scope of application:

2.1. This policy sets out MCAI'S approach to prevent and respond to SEA. The policy applies to all employees and related personnel, **both on-and off-duty**.

3. Definitions³:

3.1. For the purposes of the present policy the term '**sexual exploitation**' means 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.

3.2. Similarly, the term '**sexual abuse**' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

4. Commitment to PSEA:

4.1. MCAI will make every effort to create and maintain a safe environment, free from SEA, and shall take appropriate measures for this purpose in the communities where it operates, through a robust PSEA framework, including prevention and response measures.

4.2. This PSEA framework, affirms MCAI's commitment to the UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to achieving full, ongoing implementation of the IASC Six Core Principles relating to SEA⁴.

5. Six core principles⁵:

¹ UN Secretary General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

² The term "related" personnel include, for example, sub-contractors, consultants, interns or volunteers associated with or working on behalf of MCAI

³ Both definitions are adopted from the Secretary General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

⁴ IASC Six Core Principles; available at: <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse>.

⁵ Modified for the purposes of this PSEA policy. *These acts are not intended to be an exhaustive list.*

5.1. PSEA by MCAI employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment⁶.

5.2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

5.3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to be received by beneficiaries.

5.4. Any sexual relationship between MCAI employees or related personnel and beneficiaries of assistance or other vulnerable members of the local community that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.

5.5. Where an MCAI employee or related personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, he or she must report such concerns via established reporting mechanisms.

5.6. All MCAI employees and related personnel are obliged to create and maintain an environment which prevents SEA and promotes the implementation of this policy. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

6. PSEA framework:

6.1. Prevention:

6.1.1. Vetting: MCAI systematically vets all prospective job candidates in accordance with established screening procedures. All candidates are required to give two references. In the letter to referees, MCAI requests information on any alleged or proved PSEA incidents. All candidates in the UK are also subject to a check for a history of criminal activity. All candidates are then interviewed by the MCAI Directors in both Liberia and in the UK.

6.1.2. Training: MCAI holds mandatory induction and refresher trainings⁷ for all employees and related personnel on the Organization's SEA policy and procedures.

6.2. Response:

⁶ Including all other forms of contractual agreements, such as for example volunteer assignment.

⁷ The training includes at a minimum: 1) a definition of SEA (that is aligned with the UN's definition); 2) a prohibition of SEA; and 3) actions that employees and related personnel are required to take (i.e. prompt reporting of allegations and referral of survivors).

6.2.1. Reporting: MCAI has safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEA allegations and ensures that beneficiaries are aware of these mechanisms and procedures.

6.2.2. Investigation: MCAI has a process for investigation of SEA allegations in place, which includes immediate discussions with senior officials from UNICEF (either UNICEF in Liberia if the allegations involve local personnel or through UNICEF HQ if involving international members of MCAI). This investigation will occur without delay and include referral to the proper investigative body if the perpetrator is affiliated with another entity.

6.2.2.1. Referral to National Authorities: If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to national authorities for criminal prosecution.

6.2.3. Victim assistance: MCAI has a system to promptly refer SEA survivors to available services, based on their needs and consent.

6.3. Cooperative arrangements:

6.3.1. All MCAI contracts and partnership agreements include a standard clause requiring contractors, suppliers, consultants and sub-partners to commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.

6.3.2. The failure of those entities or individuals to take preventive measures against SEA, to investigate allegations thereof, or to take corrective action when SEA has occurred, shall constitute grounds for termination of any cooperative arrangement.

Therefore, all personnel associated with MCAI in the UK and Liberia (but at this stage not those additionally and jointly employed by the Liberian MOH who already have a plan to address PSEA), including MCAI Trustees, MCAI Liberian Directors, UK employees, UK freelancers, UK volunteers, Liberian employees, International neonatal trainer, housekeepers, and drivers, security guards, and office helpers must follow the UNICEF guidance and MCAI's policy on PSEA and must indicate their adherence by signing new individual contracts, which explicitly include PSEA requirements.

The Appendix at the end of this document describes MCAI's action plan regarding implementing these updated PSEA requirements for MCAI personnel.

What is safeguarding?

Safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.

In the charity sector, safeguarding means protecting people, including children and at-risk adults, from any harm that arises from coming into contact with MCAI staff, associated personnel, or programmes.

MCAI's commitment to safeguarding

MCAI puts beneficiaries (pregnant women, children, and babies) and persons affected by abuse at the centre of all of MCAI's work.

Safeguarding means 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 MCAI's values and principles and pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for self-serving purposes.

Safeguarding applies consistently and without exception across MCAI's programmes, staff, and associated personnel. MCAI's safeguarding commitment requires proactively identifying, preventing and guarding against all risks of harm, exploitation, and abuse and having robust, accountable, and transparent systems for response, reporting and learning when risks arise.

Scope

- All staff contracted by MCAI (in the UK and in the countries in which MCAI works).
- Associated personnel whilst engaged with work or visits related to MCAI, including but not limited to the following: Trustees; Special advisors; obstetric and neonatal trainee and qualified clinicians (in Liberia); contractors; programme visitors including donors.

Policy Statement

MCAI 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. MCAI will not tolerate abuse and exploitation by staff or associated personnel.

MCAI is committed to addressing safeguarding throughout our work, through the three pillars of safeguarding: prevention, reporting, and response.

Prevention

MCAI will:

- Ensure all staff have access to, are familiar with, and know their responsibilities within this policy.
- 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 MCAI. This responsibility includes the way in which information about individuals in MCAI's programmes is collected and communicated.
- Implement stringent safeguarding procedures when recruiting, managing, and deploying staff and associated personnel.
- Ensure staff and associated personnel receive training on safeguarding at a level appropriate to their role within MCAI.
- Follow up on reports of safeguarding concerns promptly and according to due process.

Staff responsibilities (please see associated codes of conduct and related policies)

Child safeguarding

MCAI staff and associated personnel must not under any circumstances:

- Abuse their position of power
- 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

MCAI staff and associated personnel must not under any circumstances:

- Abuse their position of power
- 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

MCAI staff and associated personnel **must** all follow the UN policy on PSEA (see above).

MCAI staff must not:

- Exchange money, employment, goods or services for sexual activity or favoured treatment.
- Engage in any sexual relationships with beneficiaries since they are based on inherently unequal power dynamics
- For international MCAI staff, engage in any sexual relationships with local MCAI staff whom they work with who are in a junior role to them and who rely on their employment, and would feel at risk if they refused the relationship.

Additionally, MCAI 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 an MCAI staff member or associated personnel to the appropriate individual within MCAI (The Honorary Medical Director and / or the Honorary Executive Director) who will immediately pass on their concerns in a completely confidential way, without initial further investigation, to the senior person in UNICEF responsible for managing safeguarding and PSEA.

Enabling reports

MCAI will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to staff and the communities we work with.

Any staff reporting concerns or complaints through formal whistleblowing channels (or if they request it) will be protected by MCAI's Whistleblowing Protection Policy for reporting safeguarding concerns.

MCAI will also accept and act on complaints from external sources such as members of the public, partners, donors, and official bodies.

How to report a safeguarding concern

Staff members who have a **complaint or concern relating to safeguarding** should report it immediately to their line manager (The Honorary Medical Director and / or the Honorary Executive Director) as per MCAI's Safeguarding Procedures.

Response in collaboration with the assigned senior UNICEF person

MCAI will follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations (see MCAI Safeguarding Procedures).

MCAI will apply appropriate disciplinary measures to staff found in breach of policy. Any confirmed sexual exploitation and sexual abuse or any physical abuse of a child or vulnerable adult will result in immediate dismissal and report to national criminal justice systems within the country of exploitation or abuse.

MCAI will offer support to any individuals who have experienced harm caused by MCAI staff or associated personnel, regardless of whether a formal response is carried out (such as an UNICEF led investigation). Decisions regarding support will be led by the individual involved. If the help and support needed falls outside the expertise of MCAI, or if deemed more appropriate by the affected individual, with his/her support, MCAI may refer the individual to the Liberian Ministry of Gender, Child and Social Protection and MCAI's UN partner, UNICEF.

Confidentiality

MCAI is committed to the need for confidentiality. It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a "need to know" basis only and any documentation must be kept in a secure place at all times.

Review

This policy will be reviewed by MCAI Trustees on an annual basis or more regularly as necessary.

Please sign here agreeing to undertake all of the requirements outlined in the above policy:

NAME..... Date..... Signature.....

Appendix written by the Honorary Medical Director of MCAI 12th April 2020

You must acknowledge by signing your contract and this policy document that any form of PSEA or the abuse of a vulnerable adult or child is absolutely prohibited and will result in your immediate dismissal from MCAI if you are confirmed to have undertaken these crimes.

Please see the following link, which describes the basis for this request.

https://www.un.org/en/pdfs/UN%20Protocol%20on%20SEA%20Allegations%20involving%20Implementing%20Partners%20-%20English_Final.pdf

For many years, MCAI has been heavily involved in child protection and in efforts to uphold the rights of pregnant women and adolescent girls. A selection of some of the key medical publications from MCAI on this subject are listed at the end of this document.

In order to fulfil the requirements of UNICEF for MCAI to be an implementing partner, there are a number of steps we must all undertake. The first two are listed here and need to be addressed before the end of April 2020.

1). New contracts will be drawn up for all of you including the PSEA requirements. For MCAI to provide these contracts, each of you will need to provide us **within the next week** with two references (names, email addresses and current telephone addresses). These referees must vouch for your integrity and previous conduct and in particular that you have never been investigated for or found guilty of child abuse, sexual exploitation or Gender Based Violence. One referee should be a previous or current employer, the other should be a person who knows you well. Family members are not allowed to provide references. Please send me these details as soon as you can. I should say that I will also have to provide this information.

2). Over the next few months, you will each need to undergo training in recognising and managing PSEA. Please go now to the following link and register for a course on PSEA and confirm with me that you have done so. <https://agora.unicef.org/course/info.php?id=7380>

By the end of April 2020 you will need to have registered for this UNICEF recognised course. Assistance for those in Liberia will be given by the two appointed Liberian managers of MCAI's safeguarding policy including PSEA who are Mrs Korpo Borzie and Mr Jeremiah Akoi.

Some of the references on safeguarding from MCAI

1. How can we protect children from abuse by carers working for charities, humanitarian aid agencies or faith-based organizations? Southall D. J R Soc Med. 2012 Dec;105(12):499-500.
2. Southall DP, MacDonald R Editorial. Protecting children from abuse: a neglected but crucial priority for the international child health agenda. Paediatrics and International Child Health 2013: 33; 199-206
3. Southall DP Armed conflict women and girls who are pregnant, infants and children; a neglected public health challenge. What can health professionals do? Early Human Development Volume 87, Issue 11 , Pages 735-742, November 2011
4. Winrow B, Bile K , Hafeez A , Zafar S, Cham M , Phillips BM, Southall DP. A proposed new clinical human rights convention addressing the rights of pregnant women and girls and their newborn infants Archives of Disease in Childhood Online First, published on January 13, 2012 as 10.1136/archdischild-2011-300684
5. Southall DP, Plunkett MCB, Banks MW, Falkov AF, Samuels MP. Covert Video recordings of Life- threatening Child Abuse: Lessons for Child Protection Pediatrics Nov 1997, Vol 100: No 5 :735-760
6. Southall DP, Burr S, Smith R, Radford A, Williams A, Nicholson SA. Child Friendly Healthcare Initiative. Pediatrics 2000;106;1054-1064