



Programme Participant Protection Policy

March 2018

1. *Introduction*

Concern is aware that the goods and services provided through our relief and development programmes can create an imbalance of power between those who are employed or engaged by Concern and other programme participants. We acknowledge that there is potential for this power imbalance to be exploited by Concern staff to acquire bribes, payments, gifts, and/or sexual favours. This policy has been developed to ensure the maximum protection of programme participants, especially beneficiaries, from abuse and exploitation, and to clarify the responsibilities of the staff of Concern and its partner organisations, and anyone engaged by Concern or visiting our programmes, and the standards of behaviour expected of them.

A **programme participant** is any individual associated with Concern's programmes and includes:

- beneficiaries of programmes delivered by Concern or its partners
- members of the communities in which Concern and its partner organisations work
- people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the programmes of Concern or its partner organisations
- Concern's partner organisations, their staff and anyone working on their behalf

The imbalance of power leads to an increased risk of abuse and exploitation within the humanitarian and development sector. **Concern condemns any abusive or exploitative behaviour and is committed to the protection of its programme participants, particularly the beneficiaries, as they are the most vulnerable. Anyone contracted to work with or on behalf of Concern must formally agree to adhere to this policy.**

2. *Concern's policy*

It is Concern's policy to take all reasonable steps to protect all programme participants, and particularly beneficiaries - children, women and men - from harassment and abuse perpetrated by:

- staff of Concern
- staff of Concern's partner organisations and anyone working on their behalf
- people engaged by Concern such as consultants, contractors, volunteers, interns, or any person actively involved in the Concern programme
- visitors to Concern's programmes and accompanying dependants of international staff¹

¹ In the event of an allegation of a breach of this policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed or engaged by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also covered by and expected to adhere to this policy, despite the fact that they are not Concern staff. Concern

This policy concentrates on the prevention of abuse of all programme participants. All programme participants have the same right to freedom from abuse and exploitation. Such rights are outlined in international human rights law and in the national laws of most of the countries in which we work.²

We acknowledge that certain groups, such as children (individuals under 18 years of age) and women, are often most at risk from abuse, harassment, physical and sexual violence. We believe that children deserve particular consideration given their potential vulnerability to specific risks.³

As we work in situations that present serious and specific risks to children, we will ensure that any of our programmes which address the needs of children will be delivered in a manner that considers their safety and protection. We will ensure that programmes always take into account the situation of children, the specific protection risks and issues that they face (which may be different for boys and girls), and address these as far as possible. We will not tolerate anybody employed by or associated with Concern harming children.

3. *Scope of this policy*

Specific wording has been developed for inclusion in contracts with employees, partners, consultants and contractors and is set out in the Programme Participant Protection Policy Guidelines. The wording in the contracts confirms that the relevant individual/party has read, understood and agreed to abide by and promote the terms of the Concern Code of Conduct and its associated policies. Any finding of inappropriate behaviour by a Concern staff member or anyone working for or on behalf of Concern, will lead to disciplinary action up to and including dismissal.

Acceptance of this policy is a pre-condition of any partnership agreement, and this should be clearly stated in all partnership agreements. A partner organisation's failure to adhere to this policy may result in actions up to and including withdrawal of funding and support.

For agreements with contractors, it should be included as a pre-condition of any contract if the contractor will be in direct contact with Concern's beneficiaries as a result of their work for Concern.

Concern will make every effort to ensure that all employees, partners, consultants and relevant contractors comply with this policy. The action that will be taken by Concern in the event of a breach of this policy by an employee, partner, consultant or relevant contractors is further outlined in section 6. Concern cannot however, be held responsible for the actions of these third parties if they breach this policy, and this is reflected in the wording to be included in their contracts.

4. *Abuse of power and sexual exploitation*

Concern considers all forms of abuse of power and exploitation to be incompatible with its fundamental belief in the human dignity of all people, international legal norms and standards, and with the organisation's core values. Concern staff and anyone working with or for Concern must never engage in any form of humiliating, degrading, abusive or exploitative behaviour under any circumstances. Concern prohibits the exchange of money, employment, goods or services for sex (including sexual favours or other forms of exploitative behaviour). This explicitly includes exchange of assistance that is due to beneficiaries.

staff are responsible for informing anyone they employ about the content of the Concern Code of Conduct and its associated policies.

² See: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

³ Children have strengths, capabilities and resilience, but their age, developmental stage, dependency, status and lack of power and position in communities mean that they are more susceptible to violence, abuse and exploitation. Some groups of children, e.g. children with disabilities, may be especially vulnerable.

Concern believes that engaging in commercial sexual transactions⁴ is contrary to its core values and undermines the work and reputation of the organisation. In most cases, a transaction of this sort is the result of an unequal power dynamic and, as such, is exploitative. Such behaviour brings the organisation into disrepute, and disciplinary action - up to and including dismissal - will be taken against any staff member engaging in such transactions.

All staff and people engaged by Concern, its partner organisations and visitors to Concern programmes must respect the rights and dignity of the children, families and communities with whom we work and/or with whom we have contact, and should always act in the best interest of these children, families and communities.

Any type of sexual activity or any inappropriate behaviour which could be deemed to be sexually offensive, provocative or abusive between a Concern staff member and a child (a person under the age of 18) is prohibited regardless of local custom, or the age of majority or consent locally. Mistaken belief in the age of a child is no defence for such actions.

To be fully aware of the issues faced by Concern in relation to the protection of programme participants, it is essential for all staff to be aware of local cultural and religious practices. Concern believes that staff should carry out their work in a manner that recognises and respects local customs and culture. However, culture can never be used as an excuse or a motive for inappropriate behaviour. Concern will not accept using respect for local culture as a justification for supporting or failing to report harmful practices.

5. Partner organisations

Concern works with and through international and national partner NGOs, civil society organisations, and community-based groups, with the result that, in some of our countries of operation, there is less direct contact between our staff and the beneficiaries of our interventions. Acceptance of and compliance with this Programme Participant Protection Policy must be a pre-condition of every partnership agreement or Memorandum of Understanding (MoU).⁵ In signing an MoU, partner organisations commit to ensuring that their personnel will also adhere to this policy.

During negotiations with potential partner organisations, this policy must be used as a tool to bring up the issue of the conduct of staff and others working with or on behalf of the partner organisation to clarify the standards of behaviour that are required in the course of any partnership.

Directors of partner organisations must ensure that:

- the content of the policy is disseminated amongst their staff and those working on behalf of the organisation such as consultants, volunteers, partner organisations, etc.
- programme beneficiaries are made aware of the standards of the behaviour expected of the organisation's staff and those working on behalf of the organisation
- a complaint and response mechanism is established for beneficiaries (with the support of Concern if required)
- they take appropriate actions when the standards of this policy are not adhered to
- they establish an action plan for the implementation of the policy including necessary staff training and will report on the implementation on a regular basis (with the support of Concern if required)

This policy seeks to complement and reinforce any existing policies, codes or other instruments already developed by partner organisations. It is not intended to replace or in any way to detract from these. In the event that partner organisations do not comply with this policy, Concern reserves the right to withdraw funding and/or terminate any partnership agreements that have been entered into.

⁴ For the purpose of this Code, a 'transaction' is defined as any exchange of money, goods, services or favours with any person.

⁵ Concern's definition of partners includes local governments. While we cannot compel them to sign this policy, we should make sure that governments officials we engage with are aware of it and understand its content.

6. Preventive measures to reduce the potential for abuse

Concern staff must be aware of the power dynamics that may exist within the communities in which we are operational, and of the dynamics between Concern staff and other programme participants, in particular beneficiaries.

Abuse of power is often at the base of incidents of harassment, exploitation and inappropriate behaviour. The following are considered to be measures to reduce the potential for such abuse, and it is the responsibility of Country Directors to ensure that these measures are taken, and that they address the situation of all programme participants, including children, by:

- as far as possible, ensuring teams are gender-balanced at all functions and levels of responsibility, in both main and sub-offices
- ensuring that no individual staff member can create a situation where he or she alone is perceived to be the sole and final authority responsible for allocating benefits
- appointing a committee in each country programme to train all staff members and raise awareness of the content of the policy, and the Concern Code of Conduct among all programme participants
- making all beneficiaries aware:
 - that they are entitled to assistance and ensuring clear messaging in relation to: beneficiary selection criteria; the quantity and variety of items that they should receive; when and how the distribution is taking place (day, time, location, method); etc.
 - that the staff of Concern and its partner organisations have a duty to deliver assistance without any demands or form of discrimination
 - that goods and services delivered cannot be withheld or withdrawn by staff members or those working on behalf of Concern or its partner organisations
 - that it is unacceptable for the staff or those working on behalf of Concern or its partner organisations to solicit or accept bribes, rewards, gifts, or sexual favours from a beneficiary
 - of the standards of behaviour expected of staff and those working on behalf of Concern and its partners
 - of the channels that they can use to raise complaints about the failure of the staff of Concern or its partners to adhere to these standards

Particular consideration needs to be given to ensuring the accessibility of this information. This may require its translation into different languages, the use of picture based information, or ensuring that children can understand the language being used.

It is the responsibility of all senior managers at field and head office levels to ensure that all Concern staff, personnel from partner agencies, consultants, contractors, beneficiaries and visitors to Concern programmes are informed about and agree to adhere to the requirements of this policy.

If acts have been committed in relation to our programme participants which are criminal, infringe on individual's rights, or contravene the principles contained in this document, **the organisation will take immediate action appropriate to the circumstances and will address the support needs of those involved in the case.** This may mean for:

Staff or those working for or on behalf of Concern	disciplinary action up to and including dismissal
Volunteers	action up to and including termination of appointment
Staff of partner organisations, or those working for or on behalf of these organisations	action up to and including the withdrawal of funding or support and/or the termination of partnership agreements
Contractors/Consultants	termination of contract
Visitors to Concern	appropriate action up to and including suspension of support for the visit

Any action taken will be in accordance with Concern's policies and procedures and informed by national laws. Depending on the nature and circumstances of the case, Concern will involve the appropriate

authorities, including the Charity Commissioners, to ensure the protection of all programme participants and the transparency of our safeguarding processes.

It should be made clear to all existing and potential partners that Concern may be unable to continue the partnership if – after proper investigation - we develop serious doubts about:

- the ability or willingness of the partner organisation to uphold this policy
- the behaviour of any individual working on behalf of the partner organisation or associated with it - if this behaviour contravenes this policy and if appropriate action is not taken by the partner organisation to address it

7. Relationships with beneficiaries

Those working for and on behalf of Concern and its partner organisations have potentially greater access to goods, services and power than members of the communities in which we operate. This greater access could be used to pressure or exploit beneficiaries or other programme participants.

Power imbalances increase the opportunities for beneficiaries to be placed in exploitative positions. For this reason Concern believes that sexual relationships between Concern staff and beneficiaries are inappropriate as they may undermine the credibility and integrity of our work. However, we recognise that Concern staff are often members of the communities in which we operate, and therefore may develop relationships in those communities. To ensure that beneficiaries are protected, and to protect Concern staff and the organisation from allegations of biased and more favourable treatment being given to some members of the community, Concern staff must make any such relationship known immediately to the senior manager in the programme area.

8. Duty to report

Any known or suspected instance of abuse, exploitation, or harassment of programme participants must always be brought to the attention of the line manager, or a senior manager, or the Human Resources department, or the focal points elected in the countries to receive such complaints. In the event that staff members have concerns related to the behaviour of the Country Director, they may raise these concerns directly with the Human Resources Directorate in Dublin or with their Regional Director.

The reporting of a concern may result in an investigation being conducted. Such investigations must be confidential, thorough and prompt. They may reduce the level of concern or lead to the realisation that further action is appropriate. People reporting possible violations and/or involved in such investigations – including the subject of the complaint - must be protected against any form of intimidation, threats, reprisal or retaliation resulting from their investigation of the alleged incident. If any member of staff is found intimidating or retaliating against a person making a complaint or conducting or assisting in an investigation, disciplinary action - up to and including dismissal - will be imposed. All information related to the case will be held in the strictest confidence, and disclosed only on a need-to-know basis to the relevant stakeholders to resolve the matter.

Any intentionally false, malicious or vexatious statement, misrepresentation or accusation against another staff member or third party will be considered gross misconduct and will result in disciplinary action - up to and including dismissal.

Any concerns about breaches of these standards of behaviour must be handled with the utmost confidentiality, recorded, and the record held in a secure location with the Country Director or the Human Resources Directorate in Dublin.

In the event of an allegation that involves a criminal offence, the member of staff (the subject of complaint) should be informed that, in addition to disciplinary action, the investigation may be reported to the appropriate authorities for further investigation.

We may also have to give non-identifying information about any such incidents to our donors and the Charity Commissioners to meet our legal or contractual requirements to them.

9. Review

The implementation of this policy will be monitored through a range of instruments such as programme, country and sector evaluations. The Country Director is responsible for ensuring that the policy is translated into the local language, training on the policy is taking place, and that a complaints and response mechanism is appropriately developed, implemented and monitored. Feedback on progress towards the implementation of this policy must be included in the annual priorities and reports of all country programmes.

Concern recognises that both internal and external environments change. Such change may have a bearing on the scope and content of this policy. Consequently, it will be reviewed periodically. The review process will be consultative and participatory in nature. The responsibility for initiating the policy review process rests with Concern's Senior Management Team in Dublin. Any changes to the policy that affect its underpinning principles or purpose will be submitted to the Board in Dublin for review and approval.