

Safeguarding Children and Young People¹

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¹ EMpower would like to acknowledge with gratitude the many thoughts, ideas and contributions that came from the extensive discussions on safeguarding taking place in philanthropy. We would also like to thank the peers who kindly shared their own policies with us and allowed us to draw upon them as we developed ours.

Introduction

EMpower – The Emerging Markets Foundation (EMpower) believes that all children and young people, no matter their life circumstances, deserve the opportunity to lead healthy, productive lives. Violence, exploitation and abuse, however, have devastating impacts on children and young people's development, preventing them from enjoying their human rights and affecting their ability to lead healthy and fulfilling lives.

EMpower works to improve the lives of at-risk children and young people, so they can thrive and feel safe. EMpower is committed to preventing abuse and promoting the safety, protection, wellbeing and development of all children and young people involved in the programmes it supports.

Guiding Principles

- All children and young people have the right to freedom from all forms of violence, abuse and exploitation.
- All children and young people have the right to be treated with respect, irrespective of their race, gender, ethnic or social origin, place of birth, language, religious or other beliefs, disability, sexual orientation or other status.
- The welfare of children and young people participating in EMpower grantee partners' programmes is paramount. EMpower and all of its grantee partners are required to ensure that their staff, trustees, volunteers and contractors do not represent risk to children and young people, and that they have taken every measure possible to promote the protection of children and young people.

Purpose of Policy

The purpose of this policy is to establish how EMpower will deliver its commitment to protecting and safeguarding children and young people involved in the programmes it funds and/or with whom its staff, directors, consultants, volunteers and supporters come into contact. The policy also informs EMpower staff, directors, consultants, volunteers and supporters of the practices to follow when working or coming into contact with children and young people in order to minimise risk, as well as of the appropriate steps to take when they suspect that a child or young person is being abused.

Finally, the policy aims to ensure that any concerns about the wellbeing of any child or young person are documented and referred to the appropriate authorities.

Individuals or Groups to Whom This Policy Applies

This policy applies to:

- All staff employed by EMpower.
- All members of the Boards of Directors in Hong Kong, India, Singapore, the United Kingdom the United States of America (and any other place where EMpower might incorporate in the future).
- All consultants, interns and fellows contracted by EMpower.

- All volunteers, external partners and visitors whom EMpower may bring into contact with children and young people.

All individuals to whom this policy applies are required to sign a form confirming that they have read and understood EMpower's Safeguarding Children and Young People Policy and will abide by it (see appendices 1 and 2).

Failure to follow this policy could lead to disciplinary action, which may ultimately result in dismissal/termination of relationship. Serious cases will be treated as gross misconduct, potentially leading to dismissal/termination of relationship without notice. EMpower may also be required to report any incident related to the violation of this policy to the police and relevant authorities, which may lead to criminal prosecution.

Definitions

- **Child** – for the purposes of this policy, any person below the age of 18².
- **Young person** – for the purposes of this policy, any person aged between 18-24³.
- **Individuals working with children and young people** – those engaged in an activity on behalf of or funded by EMpower, which involves direct contact with, or facilitates access to children and young people.
- **Abuse** – all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's or young person's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.⁴ It also can (1) involve lack of attention and/or care or (2) occur when an individual is persuaded to enter into a transaction to which he or she has not consented or is unable to consent⁵. Abusive behaviour can happen in any relationship and its effects can continue long after the relationship is over.

Different Kinds of Abuse

- Sexual abuse – forced or encouraged participation in sexual activities, including sexual exploitation, whether the individual understands what is happening or not. Sexual abuse also includes non-contact activities such as grooming, exploitation, persuading children to perform sexual acts over the internet and flashing, showing pornography to a child.
- Physical abuse – deliberate use of force which may result in injury (hitting, burning, shaking, kicking, throwing objects, etc.).
- Emotional abuse – emotional maltreatment that causes severe and persistent adverse effects on emotional development, including threats of harm or abandonment, deprivation of contact, humiliation, blaming, intimidation, harassment or isolation. It may also involve witnessing ill-treatment of others (domestic abuse).
- Neglect – persistent failure to meet an individual's basic physical and/or psychological needs, for example by failing to provide adequate food, clothing and/or shelter, failing to prevent harm, failing to ensure adequate supervision, or failing to ensure access to appropriate medical care or treatment. Repeated instances of poor professional care may be referred to as institutional abuse.

² United Nations Convention on the Rights of the Child, article 1.

³ WHO defines 'Adolescents' as individuals in the 10-19 years age group and 'Youth' as the 15-24-year age group. 'Young People' covers the age range 10-24 years.

⁴ <https://www.who.int/en/news-room/fact-sheets/detail/child-maltreatment> (accessed 19 December 2018)

⁵ Children under the age of majority are not legally considered to be able to give consent

Code of Conduct

All EMpower staff, directors, volunteers, consultants/contractors covered under this policy commit to respecting, at all times, the rights of children and young people as set out in the UN Convention on the Rights of the Child, its guiding principles on sexual exploitation and child abuse and other international human rights instruments.

General

- Do not discriminate on the basis of race, gender, ethnic or social origin, language, place of birth, religious or other beliefs, disability, sexual orientation or other status.
- Treat all children and young people with respect; and at all costs, avoid acting in any manner that is – or seen as – patronizing, belittling or abusive.
- Recognize that power and status differentials, customs about hospitality or respect due to elders or guests may make it difficult for children and young people to say no, give their opinion, decline to participate or engage. Be alert to situations that may make them feel uncomfortable – even if nothing untoward is going on – and always act to inquire of and preserve the child's or young person's interests.

Avoid Risk

- Meet with children or young people where other adults are present; avoid being alone with a single child or young person.
- Avoid placing yourself in an ambiguous or compromising situation, which could cause a perception of impropriety even if there is none (for example, a photo of a male visitor with several young female participants).
- Do not exchange personal contact details (telephone number, social media information, email etc.) with any child or young person. Any requests for contact details by children and young people should be referred to EMpower's general email address (empowerus@empowerweb.org; empoweruk@empowerweb.org; empowerhk@empowerweb.org) and/or website.

Behavior

- Do not participate in or condone any behavior that is unsafe, inappropriate or illegal under national or international laws.
- Wait for any child or young person to initiate physical contact with you (for example, holding hands in a group exercise, sport or song).
- Refrain from hugs, pats or any other physical contact that could be misconstrued. The exception would be in instances where such manifestations may be customary (for example, kissing on the cheek in Latin America as common greeting) but even then, let the youth initiate and/or follow the lead of the grantee partner staff (or ask them). When in doubt, more formality is best.
- Never take a child or young person to your home, hotel or any other private space.
- Never engage in any form of sexual contact or relationship with a child or young person under the age of 18 years (or older as defined by local laws). Mistaken belief regarding the age of a child or young person is no defense.
- Never engage in sexual contact with EMpower's beneficiaries irrespective of their age.
- Never 'buy' sex from anyone.

Representation of children/youth (see EMpower communications protocols - see Annex 5)

- Seek permission (verbal) from the child or young person, as well as from the grantee partner representative present at the event, before taking their photos.
- Let children and young people, grantee partners and guardians know how and where the images will be used (that is, occasionally in EMpower materials or descriptions of a trip). Ensure all young people understand that no photos will be used in any way that is not specifically about the grantee partner's programme or EMpower.
- Do not use, in any communication, personal and physical information that could be used to identify the location of a child or young person, as this may put them at risk. First names of individual children and young people can be used with their permission.
 - Children and young people have the right to be represented as who they are and wish to be seen, with their full identity and dignity. Take care to depict children and young people as full people, rather than 'victims' or 'poor children', in any description or narrative concerning your experience.

Implementation: Measures to Ensure Safeguarding

Grantee Partners

EMpower will ensure that all Grantee Partners have appropriate safeguarding policies in place or are in the process of developing them during the grant negotiation process. The mechanism to ensure adherence will be the Grant Offer Letter and Grant Terms and Conditions. Responsibility: Programme Officers.

In the event that Grantee Partners do not currently have a safeguarding policy in place, they must (1) sign EMpower's Guiding Principles on safeguarding (see Annex 4) and (2) agree to develop policies and procedures on the matter, and share them with EMpower, within a reasonable and agreed time frame within the term of the grant. Future funding from EMpower will be conditional on a policy being in place. EMpower will provide support to grantee partners as is helpful as they develop or improve their policies and procedures. Responsibility: Programme Officers.

During site visits to grantee partners, EMpower Programme Officers will discuss safeguarding policies and implementation with senior and programme staff of grantee partners, including whether there have been any incidents or are any issues they face.

Implementation

It shall be the responsibility of EMpower's President, the Chair of each EMpower Board of Directors and the Joint Executive Committee to oversee appropriate and effective implementation of this policy. EMpower Board Chairs will act as Designated Board Members for safeguarding on their respective boards unless the board collectively appoints another member to act in that capacity. A Designated Safeguard Lead (DSL) will be appointed by the President as an organisational resource and point person on implementation of the policy, and for expertise for any issues that arise. The DSL also will be the key person to stay current on sector developments regarding safeguarding.

Direct responsibility for implementing this policy lies with:

- Designated Board Members for Safeguarding (DBM) will act as contact points for any safeguarding issues, support their respective board and the President in managing safeguarding concerns and/or investigations and report any serious global safeguarding incidents⁶ to regulatory authorities or police, in coordination with the President of EMpower.
 - The President for coordinating and facilitating effective implementation of this policy through EMpower's structures, board and staff.
 - The President for the safeguarding orientation of new Directors and ensuring signatures on relevant policies.
 - Chief Financial Officer for setting up internal assessments and investigations and disciplinary matters.
 - Chief Financial Officer for recruitment, on-boarding and training of new and existing staff.
 - The VP, Programmes for ensuring that programme staff receive training and support to carry out their due diligence and monitor grantee partner safeguarding policies and practices.
 - The Strategic Communications and Marketing Lead for ensuring communications materials published by EMpower comply with this policy.
 - The Designated Safeguard Lead (DSL) for promoting awareness of the policy, identify and address capacity building needs, act as support for staff and others and be involved in the investigation of any allegations as well as record keeping and global reporting.
 - The most senior in-country EMpower staff and/or EMpower consultant coordinating any event that involves the participation of children or young people representing grantee partners.

EMpower Global Offices - Staff Recruitment, On-boarding and Training

EMpower will ensure that:

- All finalist candidates being considered for EMpower jobs or contracts which are likely to bring them in contact with children are vetted for any criminal offenses or pending convictions related to violence or abuse, subject to what is permissible by law in each jurisdiction where EMpower employs staff. Finalist candidates are also screened against terrorist lists⁷.
- All new staff are oriented to the Safeguarding Children and Young People policy during onboarding and sign the declaration for EMpower staff (see Annex 1).
- All staff undergo refresher training on the Safeguarding Children and Young People policy on a regular basis (e.g. annually).
- Programme Officers will get additional training, as appropriate, to provide support to and monitor grantee partners' safeguarding policies and practices.

⁶ The Charity Commission of England and Wales defines serious safeguarding incidents as "incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work." The whole list of reportable serious incidents together with Trustees reporting obligations can be found here <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

⁷ For NY State law provisions, see <https://www.labor.ny.gov/careerservices/ace/employers.shtml>. In England and Wales there is no obligation to disclose spent convictions, but anybody who intends to work with children or vulnerable adults or who may even come into contact with them during the course of their job are subject to a Disclosure and Barring Service (criminal record) check.

EMpower Boards of Directors

- All candidates recommended for appointment to any EMpower Board will be vetted in advance of their appointment (criminal record checks where available and targeted interview questions).
- New directors: The orientation package for new directors will include the Safeguarding Children and Young People policy. New directors will have an orientation to this and other key policies and EMpower practices at the beginning of their term and will be asked to sign agreement to key policies.
- Board meetings will have a standing annual agenda item to discuss any issues with the Safeguarding Children and Young People policy, protocols or implementation.

EMpower consultants, contractors, sub-contractors, supporters, volunteers on visits

- The contract for any consultant (or any of the above) who will work with or have contact with youth or children in EMpower-supported Programmes will include the policy with which they must sign agreement. Any such individuals expected to have extensive contact with children and young people (e.g., evaluators, film-makers, journalists, workshop facilitators) will have an oral briefing on the policy and code of conduct and must provide EMpower with a form from a recognised body confirming they have no convictions related to inappropriate conduct with children or young people. Responsibility: The EMpower staff person responsible for the contract (and senior programme person as needed).
- Visitors to EMpower-supported grantee partner Programmes (directors, supporters, potential donors, volunteers, etc.) will get and need to sign the policy prior to the visit. If possible, there will be an orientation session to the visit, of which this will be a part. Responsibility: the senior EMpower representative on the trip or responsible for it.

Youth traveling under EMpower auspices

- Occasionally, children and young people will travel at EMpower's expense to participate in an EMpower-supported meeting or event, or in a forum (e.g., a panel) where they will contribute. Children and young people under the age of majority should have their parent's/carer's signed consent to travel and have a designated responsible adult in the meeting/event.
- The chaperone will be subject to this policy which she must sign as well as the safeguarding policies of her employer organisation.
- Responsibilities of the chaperone:
 - Liaising with the children and young persons legal guardians and securing the necessary consents prior to the trip as well as be the principal point of contact for guardians for the entire trip.
 - The children and young persons' safety and comfort from the time they leave their residence to the time they return.
 - Ensuring that the children and young persons' understand fully and agree to how they will be represented (in photos, videos, written statements) and that a written consent from the legal guardian is previously obtained as appropriate.

Reporting and Responding to Concerns

Anyone who is aware of or suspects breaches of the present policy, irrespective of whether these are at the grantee partner level or EMpower, should report concerns to EMpower's DSL. If the DSL is suspected of breaching the policy, concerns should be reported to the President.

Confidential reports can be made through the dedicated address on our website (to be added shortly). They will be investigated in the same way as any other concern although in the case of anonymous reports it may be difficult to ascertain all the facts.

Concerns will be treated in a highly responsive, time sensitive manner; with extreme tact; without pre-judgement; and with utmost confidentiality. Information will only be shared on a need-to-know basis, and without use of names to the extent possible.

EMpower expects its grantee partners to lead on investigating concerns in their own communities and follow their own safeguarding policies. Where there is a concern about the partner or the way it is responding to the allegations, EMpower may commission its own investigation or seek local expertise or advice. Serious breaches of this policy or inadequate response to serious and credible allegations could result in suspension or termination of grant.

All incidents are fully documented (including actions taken) in a central database of all safeguarding incidents maintained by the DSL who regularly analyses its data to ensure that any response is effective. A report will be provided to the Board on an annual basis. Access to the database is restricted to the DSL and the President.

The Police or other authorities will be alerted if required by law or otherwise appropriate.

Regardless of the region in which the alleged incident took place the DBM informs the US regulator and the Charity Commission of England and Wales. Where the individual under investigation is a UK national or resident, the DSL reports the matter to the Local Authority Designated Officer (LADO) in the area where the individual lives in the UK if appropriate. This is in addition to any in-country reporting.

Concerns about EMpower staff.

- DSL is informed.
- DSL informs the President and together they inform the DBM.
- If the concern is about the President, the DSL informs the Chair of the Joint Executive Committee who then assumes the role of the President in this process.
- DBM informs the US Regulator and the Charity Commission of England and Wales.
- Staff member may be suspended pending an investigation.
- Where the individual is a UK national or resident, the DSL reports the matter to the LADO in the appropriate area.
- The DSL and the President carry out an internal inquiry.
- If allegations are proven, EMpower begins disciplinary procedures and the individual may be terminated for gross misconduct. In the event that the individual resigns during the investigation, EMpower will carry on its investigation and disciplinary process to its conclusion, clearly recording the outcome in the individual's personnel file.
- DSL records case and outcomes in the safeguarding database. DBM updates the Regulator. President/Chair of Joint Executive Committee works with Police as appropriate.

Concerns about EMpower Board Directors

- DSL is informed.
- DSL informs the President who then informs the Chair of the relevant board and the Chair of the Joint Executive Committee.
- If the concern is about the Chair of an EMpower board then the President informs the Chair of the Joint Executive Committee and the DBM.
- DBM informs the US Regulator and the Charity Commission of England and Wales.
- The Board Director may be suspended pending an investigation.
- Where the individual is a UK national or resident, the DSL reports the matter to the LADO in the appropriate area.
- The President, the Chair of the relevant board and the Chair of the Joint Executive Committee carry out an internal inquiry.
- If allegations are proven, the relevant EMpower board may expel the board member or take other disciplinary actions as appropriate. In the event that the Board Director resigns during an investigation, EMpower shall continue until its investigation is concluded, clearly recording the outcome in the corresponding Board meeting minutes.
- DSL records case and outcomes in the safeguarding database. As required by local legislation, the President or DBM updates the Regulator. President/Chair of Joint Executive Committee works with Police as appropriate.

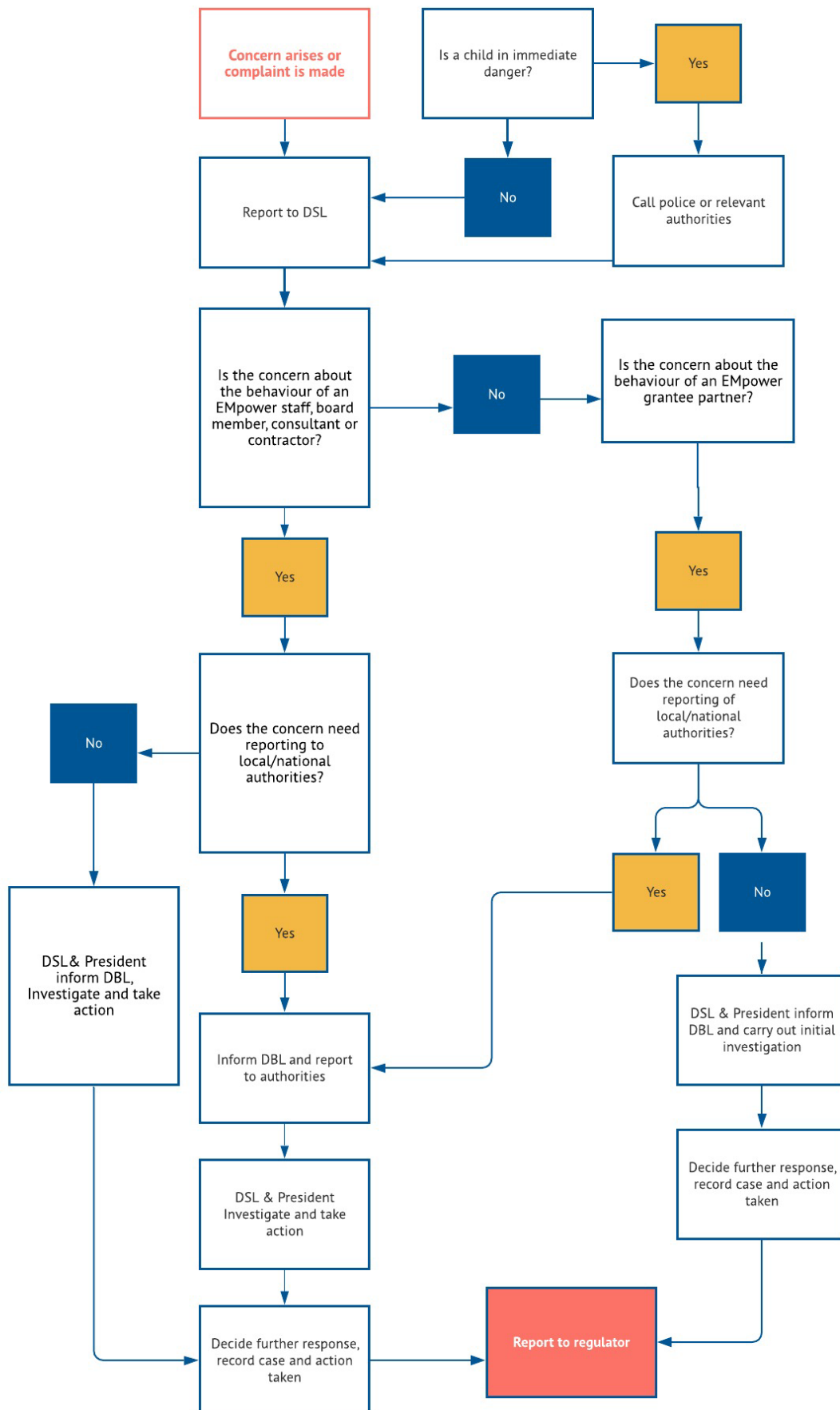
EMpower's reporting and response procedures are outlined on page 10.

Reporting to EMpower Boards of Directors

Any issue that may seriously impinge on the Board's responsibilities to promote and safeguard the welfare of children and young people in EMpower-supported programmes will be reported immediately by the President and the Designated Board Member for Safeguarding to the Joint Executive Committee and – as appropriate – to the Chairs, and Programme Committee Chairs, of the HK, US and UK Boards.

In addition to the above, a report will be included annually in end of FY updating the Boards on any incidents that occurred over the year.

Reporting and Responding to Concerns - Outline



Annex 1 – DECLARATION FOR EMPOWER STAFF

DECLARATION FOR EMPOWER STAFF AND CONSULTANTS

(To be appended to offer letter of employment, contract, or consultancy)

I have read and understood EMpower’s Safeguarding Children and Young People Policy and accompanying Procedures and Guidance.

I agree to abide by EMpower’s Safeguarding Children and Young People Policy and Procedures and the following principles:

- All children and young people have the right to freedom from all forms of violence, abuse and exploitation.
- All children and young people have the right to be treated with respect, irrespective of their race, gender, ethnic or social origin, place of birth, language, religious or other beliefs, disability, sexual orientation or other status.
- The welfare of children and young people participating in our programmes is paramount.

I also declare that I have disclosed to EMpower any issue which could give rise to any child protection concern – real or perceived – regarding my suitability for continued employment. I confirm that I have no criminal prosecutions pending nor have I been previously convicted of any offence involving inappropriate conduct with children or young people.

Signature

Date

Annex 2 – DECLARATION FOR EMPOWER BOARD MEMBERS

DECLARATION FOR EMPOWER BOARD MEMBERS

(To be included in Board Induction Pack)

I have read and understood EMpower's Safeguarding Children and Young People Policy and accompanying Procedures and Guidance.

I agree to abide by EMpower's Safeguarding Children and Young People Policy and Procedures and the following principles:

- All children and young people have the right to freedom from all forms of violence, abuse and exploitation.
- All children and young people have the right to be treated with respect, irrespective of their race, gender, ethnic or social origin, place of birth, language, religious or other beliefs, disability, sexual orientation or other status.
- The welfare of children and young people participating in our programmes is paramount.

I also declare that I have disclosed to EMpower any issue which could give rise to any child protection concern – real or perceived – regarding my suitability to serve on EMpower's Board of Directors or any other EMpower structure or committee (e.g. Next Gen Council). I confirm that I have no criminal prosecutions pending, nor have I been previously convicted of any offence involving inappropriate conduct with children or young people.

Signature

Date

Annex 3 – DECLARATION FOR EMPOWER GRANTEE PARTNERS I

DECLARATION FOR GRANTEE PARTNERS WITH SAFEGUARDING POLICIES

I have read and understood EMpower's Safeguarding Children and Young People Policy. On behalf of my organisation, I agree to abide by the following principles:

- All children and young people have the right to freedom from all forms of violence, abuse and exploitation.
- All children and young people have the right to be treated with respect, irrespective of their race, gender, ethnic or social origin, place of birth, language, religious or other beliefs, disability, sexual orientation or other status.
- The welfare of children and young people participating in our programmes is paramount.

My organisation commits to ensuring that all staff, trustees/directors, volunteers and contractors do not represent risk to the children and young people with whom it works, as well as to taking every measure possible to promote the protection of children and young people.

My organisation commits to abide by EMpower's Safeguarding Children and Young People Policy in conjunction with my organisation's safeguarding policy. My organisation also commits to make every effort to ensure that our safeguarding policy is regularly reviewed and when appropriate steps are taken to strengthen it.

Signature

Organisation

Date

Annex 4 – DECLARATION FOR EMPOWER GRANTEE PARTNERS II

DECLARATION FOR GRANTEE PARTNERS WITHOUT SAFEGUARDING POLICIES

I have read and understood EMpower’s Safeguarding Children and Young People policy. On behalf of my organisation, I agree to abide by the following principles:

- All children and young people have the right to freedom from all forms of violence, abuse and exploitation.
- All children and young people have the right to be treated with respect, irrespective of their race, gender, ethnic or social origin, place of birth, language, religious or other beliefs, disability, sexual orientation or other status.
- The welfare of children and young people participating in our programmes is paramount.

My organisation commits to ensuring that staff, trustees/directors, volunteers, contractors, sub- contractors, fellows or interns do not represent risk to the children and young people with whom it works, as well as to taking every measure possible to promote the protection of children and young people.

My organisation commits to developing and adopting an appropriate safeguarding policy and procedures within a reasonable timeframe before the end of this grant period. These should include:

- a. Safe staff screening processes (criminal record checks where available, targeted interview questions and verbal reference checks for all staff who will work with children and youth);
- b. A Code of Conduct that must be signed by all mentioned under the scope of the policy;
- c. A provision in all employment contracts stating that the organisation has the right to take disciplinary action, including dismissal against personnel who breach the Code of Conduct;
- d. A documented complaints management procedure that is publicized widely, including to children and young people, to provide for effective reporting and response to breaches of the Policy and Code of Conduct;
- e. Regular training for all staff members and volunteers on creating safe environments for children and young people, including induction training for new staff and volunteers;
- f. A periodic review process of the Policy, procedures as well as of any incidents and their outcomes, to result in updating of the policy, procedures or training as needed;
- g. Measures to ensure partners, consultants, etc. that work with children and young people are operating in line with the policy.

Signature & Date

Organisation

Annex 5 – POLICY ON Representation of children/youth in EMpower communications

(IN PROCESS)

When EMpower staff, directors, volunteers or consultants take pictures or collect stories of children and young people, it is with the express purpose of better being able to communicate about the lives of children and young people and the nature and effects of the programmes of grantee partners.

EMpower believes that children and young people have the right to consent – and say no -- to visual images (still photos or videos) being taken of them, with an understanding of how these may be used.

General Usage:

As part of the grants award process, grantee partners are asked whether there are restrictions on EMpower's use of images of children and young people in the programmes. If, during this process, grantees request, materials collected for communications purposes will not include identifying individual information (names, etc.) or specific individuals.

NOTE: Group photos and video (visual representation) of the programme and programme beneficiaries gathered by EMpower staff or representatives are considered materials for which EMpower is granted permissions to use by the grantee partner organisation. Grantee partners are given explicit responsibility for obtaining all permissions for EMpower usage, including from parents/guardians of beneficiaries or beneficiaries themselves.

Use of individual images, narratives or other representation of individual beneficiaries in materials collected by EMpower staff or representatives:

- When an individual young person is featured in an EMpower communication, written permission from the individual young person's legal guardian/parent will be obtained prior to or at the time of any photography, videotaping, interviews, etc. This process will be facilitated by the grantee partner and may be done at the time of participant enrollment into the programme. "Featuring" the individual young person is defined as individual visual or story/narrative representation, with identifying information such as name, age, town/country where they reside.
- Verbal permission will be obtained from the child or young person, as well as from the grantee partner representative present at the visit/event, before taking photos, video or interviewing.
- Grantee partners will be informed that images and other materials will be used only in EMpower's communication materials or platforms (they are not made available to third parties). Grantee partners are responsible for ensuring that parents/guardians are informed as appropriate.
- No materials will be used in any way that is not specifically about the grantee partner's programme or EMpower, unless explicit permission is granted for other usage.
- EMpower will not use, in any communication, any specific identifying information, such as household location, of a child or young person, that may put them at risk. Name of individual children and young people can be used with their permission.