

# SEXUAL MISCONDUCT REGULATION

PREVENTION AND PROTECTION  
AGAINST SEXUAL HARRASMENT,  
EXPLLOTATION AND ABUSE

November 2020

INTERNATIONAL REGULATION



**KEY USERS**

Mandatory for:	<ul style="list-style-type: none"> <li>• All member associations of SOS Children’s Villages International</li> <li>• All offices of SOS Children’s Villages International, including its General Secretariat and GSC-run operations</li> </ul>
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**RELATED POLICIES**

SOS policy:	<a href="#">SOS Care Promise</a> <a href="#">Code of Conduct</a> <a href="#">Child Protection Policy</a> <a href="#">Gender Equality Policy</a>
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**DEVELOPMENT PROCESS**

Approved by:	International Senate
Developed by:	A cross-functional team (Human Resources & Organisation Development, Programme, Gender, CVI Representative) from member associations (SOS Malawi, SOS Netherlands) and the GSC, in formal consultation with 15 member associations from all regions, and with all International Offices Region and with related IO functions.
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## 1 Introduction

SOS Children's Villages (also referred to as the "federation") strives to provide a safe environment for all children, young people, adults and partners with whom we work. In addition, a safe environment is a precondition for our staff and volunteers to develop and deliver on our mission. We aim to ensure that programme participants, staff, volunteers and partners are free from sexual harassment, exploitation and abuse arising from the misconduct of staff or any other person acting on behalf of the organisation. This endeavour is grounded in our organisation's values of accountability, courage, trust, and commitment.

The following regulation on prevention and protection against sexual harassment, exploitation and abuse is based on our Code of Conduct, Child Protection Policy, Gender Equality Policy, and other parts of our integrity approach. It defines our focus on prevention to create and maintain a safe environment for all involved in the work of the federation. The regulation outlines our response mechanism to cases of suspected sexual misconduct towards any person, regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin.

Despite our preventive measures, we acknowledge that within our federation, sexual harassment, exploitation and abuse may occur. In such incidents, we strive to create an environment in which survivors and witnesses feel confident to raise allegations by establishing easily accessible reporting mechanisms. We will respond to each reported incident in a prompt and appropriate manner. We will follow up on all allegations of sexual harassment, exploitation or abuse, and all such allegations will be treated with respect and in confidence. We strive to ensure the safety of survivors, witnesses and investigators. Alleged perpetrators will be treated fairly and according to due process.

We hold to a zero-tolerance policy for sexual harassment, exploitation and abuse. Zero tolerance for the federation means that all allegations found to be true will be followed by clear disciplinary action, which shall be proportional to the severity of the violation.

Our prevention and responding mechanisms are shaped by the context in which we work and the particular risks faced by vulnerable groups. Additional measures to mitigate these risks shall be developed as required, such as for specific risks for children as articulated in the SOS Children's Villages Child Protection Policy.

Implementation of this binding regulation will be supported with adequate human and financial resources. The International Senate of SOS Children's Villages International highlights the commitment of the whole organisation to the prevention and protection against sexual harassment, exploitation and abuse (PSHEA) and calls on all parts of the federation to ensure that the described measures are put in place.

## 2 Definitions

**2.1 Sexual misconduct** is any form of unwanted sexual behaviour and takes different forms. People of all gender identification can be either the survivors or the perpetrators. Especially relevant in our context are sexual harassment, sexual exploitation, sexual coercion and sexual abuse as defined below. In this regulation, we use the terminology of sexual harassment, exploitation, and abuse (SHEA) as an overarching term, and any reported case could include one or more types of misconduct as defined below.

### 2.2 Sexual Harassment

Sexual harassment is any unwanted and unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be perceived to cause offence or humiliation to another. This also includes behaviour of a sexual nature that creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, sexual harassment can take the form of a single incident.

## 2.3 Sexual Exploitation

Sexual exploitation is any actual or attempted abuse of a position of differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

## 2.4 Sexual Coercion

Sexual coercion means the use of verbal or physical means (including administering drugs or alcohol either with or without consent) to obtain sexual activity without freely given consent. This includes wearing down an individual with repeated requests or persuasion through psychological/emotional pressure. Sexual coercion includes sexual grooming, which is the process of establishing a relationship with a child or a young person over a period of time with the objective of sexual abuse at a later stage.

## 2.5 Sexual Abuse

Sexual abuse is the actual or threatened intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual abuse may be contact or non-contact.

Non-contact sexual abuse includes (but is not limited to):

- Taking photographs without consent of genital areas (“upskirting”)
- Non-consensual distribution of naked photos or videos (“revenge porn”)
- Forcing or coercing another into watching pornography
- Discussions of sex or sexuality that cause discomfort to the other person
- Exposure of genitals to the other person

Contact sexual abuse includes:

- Unwanted non-penetrative physical sexual contact – e.g. the perpetrator touching the genitals of the survivor
- Forced non-penetrative physical sexual contact – e.g. being forced to touch the genitals of the perpetrator
- Forcing or coercing another in making pornography
- Rape – e.g. insertion of body parts or objects into the vagina or anus of another without consent or where consent has been obtained through coercion.

## 3 Scope and implementation

**3.1** This regulation applies to all:

**3.1.1** Staff and persons working on behalf of or at **SOS Children’s Villages International**, including its General Secretariat (International Office, International Offices Region, their branch offices) and entities that are legally managed and controlled by SOS Children’s Villages International (also known as “GSC-run operations”), including all staff, interns, volunteers and partners (donors, programme delivery & fundraising partners, contractors, etc. – see Appendix A.)

**3.1.2** Staff and persons working on behalf of or at SOS Children’s Villages International **member associations** and associated entities, including all their staff, interns, volunteers and partners (donors, programme delivery & fundraising partners, contractors, etc. – see Appendix A.)

**3.1.3** Members of the **legal or governing bodies** of SOS Children’s Villages International and of member associations (e.g. International Senate, supervisory board of the association), regardless of whether or not they are employed by SOS Children’s Villages International or by the member association or associated entities

**3.1.4** Honorary members of SOS Children’s Villages International

**3.2** The regulation defines our action on prevention and protection from sexual harassment, exploitation and abuse against:

- Programme participants (children, young people, families and adults we work with),
- Members of the communities we work with, and
- Any person working at or on behalf of any of the entities listed in section 3.1 above.

**3.3** This regulation defines minimum requirements to be implemented by the entities defined in section 3.1 above to:

- Create a safe environment and thus help to prevent sexual harassment, exploitation and abuse,
- Enable reporting channels for putting forward related concerns or allegations, and
- Respond appropriately when allegations are made.

**3.4** All entities defined in section 3.1 above shall implement the regulation on PSHEA, in accordance with the applicable national laws. They shall ensure that the stated minimum requirements (see section 5 of this document) are in place. SOS Children's Villages' PSHEA action is based on the Universal Declaration of Human Rights, UN Convention on the Rights of the Child (UNCRC), ILO Violence and Harassment Convention (No. 190) 2019, UN Declaration on Ending Violence Against Women, UN Convention on the Rights of Persons with Disabilities, and other human rights frameworks. Where national laws do not meet basic human rights and stated minimum requirements, member associations need to tailor their prevention and response measures to ensure that no rights violations occur.

**3.5** This regulation calls for an Integrity and Safeguarding Team to be established in each member association, in each International Office Region (IOR), in the International Office, and in each GSC-run operation. This cross-functional team supports and guides the implementation of prevention measures (section 7 of this document) and manages the overall reporting and responding process recommending adequate disciplinary action (sections 8 and 9 of this document).

The team includes representatives from Child Safeguarding, Compliance / Anti-Corruption and Human Resources.

The members of the Integrity and Safeguarding Team are appointed by

- the national/managing director (in member associations).
- the respective international director region in each IOR.
- the Management Team in the International Office.

Depending on need, member associations may establish Integrity and Safeguarding Teams on programme level.

**3.6** The implementation of this regulation shall include a transparent dissemination of its content on a local level in the relevant languages and in the organisation's websites. SOS Children's Villages International will support the implementation in member associations where needed.

## 4 Our approach to PSHEA

### OUR COMMITMENT

*A safe environment for our staff and for the children, young people and adults with whom we work, where human rights are respected and upheld, and healthy relations fostered. We build organisational systems, capacity, and awareness on prevention and protection against sexual harassment, exploitation and abuse. We follow up on all allegations.*

### OUR PREVENTION APPROACH

*We foster a culture of accountability, courage and openness, where speaking up is encouraged!*  
 We ensure safer recruitment and employee life cycle.  
 We ensure safer programming.  
 Our partners commit to PSHEA.

### REPORTING & RESPONDING PROCEDURE

#### REPORTS

Internal or external report, concern, allegation or suspicion via email, phone call, written note, conversation, etc.

#### 1. REPORT RECEIVED

- Receipt of report acknowledged within a maximum of 2 working days
- Integrity and Safeguarding Team documents report in the confidential register
- Assess and put in place immediate safety and support measures as required

#### 2. INITIAL ASSESSMENT

- Integrity and Safeguarding Team meets within a maximum of 5 working days after receiving the report to assess the allegation and decide on the way forward:
  - In case of a suspected criminal act, authorities are informed (unless the rights of any involved parties are put at risk)
  - If further evidence from third parties is needed, an investigation is commissioned (**see step 3**)
  - If a conflict of interest is identified, the case is escalated
  - Alternative dispute resolution options (e.g. mediation) can be offered to the parties involved
  - Under exceptional circumstances, if not enough information available, the case is closed

#### 3. INVESTIGATION

- Gathering any available evidence
- Interviews/hearing with survivor/reporter, witnesses and alleged perpetrator
- Producing an investigation report including findings and recommendations

#### 4. DECISION

- Integrity and Safeguarding Team recommends appropriate action (within 20 working days of receiving report)
- Decision-making on appropriate remediation and disciplinary action. Survivors and alleged perpetrators can appeal the decision.
- Inform the survivor/reporter and alleged perpetrator

#### 5. FINAL ACTIONS

- Integrity and Safeguarding Team convenes final case conference to discuss relevant learning
- Close case

## 5 Minimum Requirements

The following minimum requirements regarding the prevention and protection against sexual harassment, exploitation and abuse shall be in place at SOS Children's Villages International and in all its member associations.

- 
- 5.1** An 'Integrity and Safeguarding Team' to guide prevention measures and to manage the reporting and responding process recommending adequate action is appointed (see 3.5).
- 
- 5.2** All recruitment processes include criminal records checks, as far as legally possible, or self-disclosure of any convictions relating to abuse in any form (see 7.3.4).
- 
- 5.3** All staff attend training on PSHEA (see 7.3.7).
- 
- 5.4** Awareness raising actions for programme participants and partners convey the PSHEA position, policies and reporting mechanisms of SOS Children's Villages (see 7.3.7).
- 
- 5.5** Thorough SHEA risk assessments are undertaken when designing programmes (see 7.4).
- 
- 5.6** Agreements with partners make specific reference to this regulation as an applicable document (see 7.5.2).
- 
- 5.7** At least one reporting email-address and one reporting box in each programme and in each office are operational (see 8.1).
- 
- 5.8** Every report (i.e. any complaint or allegation) received is documented by the Integrity and Safeguarding Team in a confidential register and acknowledged within a maximum of 2 working days (see 8.2).
- 
- 5.9** The Integrity and Safeguarding Team performs an initial assessment of the allegation within a maximum of 5 working days after receiving the report and decides on the next steps according to the defined process (see 9.1).
- 
- 5.10** Investigations are carried out impartially by trained internal or external investigators. Investigations are clearly commissioned, planned, documented, and conducted according to principles of safety, confidentiality, legality and thoroughness (see 9.2).
- 
- 5.11** The decision on consequences and follow-up actions is taken by the highest level of management in the entity concerned within a maximum of 20 working days after receiving the investigation report (see 9.3).
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## 6 Our Commitment

**6.1** The federation is committed to providing a safe environment for staff and children, young people and adults with whom we work, where human rights are respected and upheld, and healthy relations fostered. We are further committed to providing an environment where there is awareness and adequate response to sexual harassment, exploitation and abuse.

We work with communities, authorities, and other organisations to promote a safe environment free of SHEA. We commit to a process of learning from all reported incidents and the response to them. Lessons learnt will be incorporated into each investigation report.

**6.2** The federation works in over 130 countries and territories around the world in very diverse contexts. Our prevention and protection actions pay particular attention to the specific local situation and to the risks associated with vulnerable groups (especially children, young people, women and persons with disabilities).

In particular, we:

- 6.2.1** Expect compliance with the Code of Conduct by staff and all those included under 3.1. Managers and staff at all levels shall create an environment free of sexual harassment, exploitation and abuse:
- in the workplace,
  - in the interaction with participants in the programmes, and
  - in the community.
- 6.2.2** State that sexual harassment, exploitation, coercion or abuse of children, young people or adults constitute acts of misconduct and are grounds for disciplinary action up to and including suspension, dismissal and criminal proceedings.
- 6.2.3** Prohibit any sexual activity by staff (and all those included under 3.1) with children under the age of 18, regardless of the age of consent locally. Lack of knowledge of the age of the child is not an excuse. All decisions in response to SHEA allegations involving children are guided by the UNCRC principles of best interests of the child and the SOS Children's Villages Child Protection Policy and Reporting and Responding user guides.
- 6.2.4** Prohibit any intimate or sexual relationships between members of staff (and all those included under 3.1) and adult programme participants over the age of 18 for whom they have any responsibility for, or involvement in (however removed), that person's development and/or personal well-being.
- 6.2.5** Acknowledge that unequal power relationships increase the risk of SHEA in the workplace. Intimate relationships between supervisors and employees are discouraged, and it is strongly recommended that they are disclosed to the respective supervisor and to HR. Appropriate action to change the reporting line and avoid a close working relationship should be put in place, whilst ensuring that no discriminatory treatment of any party occurs.
- 6.2.6** Prohibit the exchange by SOS Children's Villages staff (and all those included under 3.1) of money, gifts, employment, goods, services or other non-monetary rewards for sex, sexual favours, or other forms of humiliating and degrading exploitative behaviour of programme participants or members of staff (and all those included under 3.1).
- 6.2.7** Recognise that sex work takes many forms and in many countries is legal. However, the federation works with children, young people and adults who are particularly vulnerable to any negative effects of sex work and are at greater risk of trafficking and exploitation. This is especially true in countries where sex work is illegal. With that in mind, the federation strongly discourages staff (and all those included under 3.1) from procuring services from sex workers, especially where it is illegal under the law.
- 6.2.8** Affirm the responsibility of staff (and all those included under 3.1) and programme participants to immediately report incidents or concerns of sexual harassment, exploitation or abuse that they become aware of. Reports should be made even if the identity of the perpetrator is unknown. Reports submitted in good faith shall not have any negative repercussions for the reporter, even if the allegation later proves to be false. A presumption of innocence exists throughout the investigation process. Malicious allegations shall be subject to disciplinary action. If allegations or suspicions are not confirmed through an independent investigation, process *the organisation is making every effort to ensure the rehabilitation of the investigation subject.*



## 7 Prevention

The creation of organisational systems, capacity and awareness on prevention and protection against sexual harassment, exploitation, and abuse will enable SOS Children's Villages to lay the groundwork for preventing SHEA across the federation. Each member association and SOS Children's Villages International puts in place the following preventive measures.

### 7.1 Strengthening organisational culture

**7.1.1 Accountability:** Building on our core value of accountability, SOS Children's Villages International and its member associations will work on these three areas to ensure upward and downward accountability:

- *Individual Accountability:* All staff (and all those included under 3.1) shall respect this regulation and the SOS Children's Villages Code of Conduct. They are expected to promote and support a culture of respect, dignity, trust and accountability that deters violations.
- *Leadership Accountability:* Management is accountable for creating an open environment and guiding the organisation in preventing and responding to SHEA in all contexts. This includes adequate resources for preventative actions and reporting and responding mechanisms.
- *Organisational Accountability:* SOS Children's Villages International and each member association is accountable to act on all SHEA reports. An efficient system of reporting and responding, which is survivor centric, impartial and maintains confidentiality, shall be in place.

**7.1.2 Courage:** SOS Children's Villages International and its member associations will continue to build a strong organisational culture of courage and openness where people feel able to speak out against injustice. When something fails to meet our standards, the organisation will learn from it and use it as a catalyst for change. This shall be done by actively working to develop the organisation and encourage a culture where people are able to talk openly about difficult, challenging and often taboo topics, and by tackling the underlying causes and risk factors for SHEA.

**7.1.3 Trust:** SOS Children's Villages International and its member associations will work to maintain a culture within their respective organisations where those reporting SHEA incidents can trust that the organisation will take them seriously and will treat them with respect and dignity. All reported violations shall be dealt with confidentially, putting the safety of all parties first. All reports will be followed up according to the processes outlined in the related user guides, and relevant parties will receive regular updates on the progress and outcome of that process.

**7.1.4 Commitment:** The vision of the federation is that "every child belongs to a family and grows up with love, respect and security". The federation therefore calls on all staff (and all those included under 3.1) at SOS Children's Villages International and in each of its member associations and all programme participants to commit to our organisational values and work to prevent SHEA in pursuit of this vision.

### 7.2 Promoting Equality, Equity, and Justice

In our work to prevent SHEA, we work towards equal treatment under due process, acknowledging that certain factors make equitable action necessary, and we seek justice for all regardless of real or perceived inequality.

#### 7.2.1 Gender equality

SOS Children's Villages International and its member associations reaffirm their commitment to promote gender equality through the continued implementation of the Gender Equality Policy. We aim to mainstream gender equality into all parts of our organisation in order to foster awareness towards gender imbalances and strengthen capacities across the organisation to promote gender equality and equity.

We acknowledge that women and girls are disproportionately affected by SHEA and that this is heightened by imbalanced gender representation and power relations throughout all levels

in our organisation. We are committed to reducing this inequality to contribute to safer working practices.

### **7.2.2 Sexual orientation or gender identity**

SOS Children's Villages International and its member associations reaffirm their commitment to promoting an environment that is free from discrimination based on sexual orientation or gender identity. We strive to mainstream awareness of how sexual orientation or gender identity can make the reporting of SHEA violations more difficult. We will work to ensure that sexual orientation and gender identity has no bearing on how reports of SHEA violations are treated and responded to by training Integrity and Safeguarding Teams and Investigators appropriately.

### **7.2.3 Disability**

SOS Children's Villages International and its member associations reaffirm their commitment to promoting an environment that is free from discrimination based on disability. We strive to mainstream awareness of how disabilities significantly increases the risk of SHEA, and how reporting of SHEA incidents by people with disabilities may be more difficult. We will work to ensure that the Integrity and Safeguarding Teams and Investigators are trained appropriately.

### **7.2.4 Ethnicity**

SOS Children's Villages International and its member associations reaffirm their commitment to promoting an environment that is free from discrimination based on ethnicity. We will work to ensure that ethnicity has no bearing on how reports of SHEA violations are treated and responded to by training the Integrated Safeguarding Teams and Investigators appropriately.

## **7.3 Safer recruitment and employee life cycle**

**7.3.1** Every effort shall be made to reduce the risk of SHEA happening at the workplace. This is a holistic approach that includes the programme design, physical environment, collaboration practices, and workplace culture.

Human resources processes (esp. planning & job design, recruitment, onboarding, learning & development, performance management) shall aim at reducing this risk. Continuous learning shall help identify effective measures to further reduce risk.

**7.3.2** In line with good practice examples, stringent recruitment processes shall be put in place in order to reduce the likelihood of hiring or otherwise engaging someone who may pose a SHEA risk to the communities we work with and to staff (and all those included under 3.1) within the organisation.

**7.3.3** Job advertisements and job descriptions shall detail the organisational values and commitment to PSHEA. All recruitment processes shall assess an applicant's understanding of PSHEA and their ability to reflect on SOS Children's Villages' values.

**7.3.4** Criminal record checks shall be, as far as legally possible, mandatory for all roles. In situations where a criminal record check is not possible, self-disclosure of any convictions (relating to abuse in any form) will be requested. This also applies to staff changing roles internally and those who are likely to be sent to work in another context in which case a check should be completed in advance.

**7.3.5** Job offers shall be conditional on satisfactory references from former employers.

**7.3.6** This regulation and related policies shall form part of the onboarding provided to all newly recruited staff (and all those included under 3.1).

**7.3.7** Training and awareness raising with staff (and all those included under 3.1) is key to building an organisation based on trust and accountability. Mandatory training (including regular refresher training) for staff regarding their right to a workplace free of SHEA and the scope and usage of the regulation shall be provided. Supervisors shall be trained on reporting and responding procedures. Depending on the nature of the role, more extensive inductions on the PSHEA regulation and country-specific risks and challenges should be provided.

**7.3.8** Awareness raising with programme participants and partners will enable us to communicate the impact of SHEA, the right to freedom from SHEA and the roles of individuals and

organisations in preventing, reporting and responding to SHEA. Awareness-raising actions convey our PSHEA position, policies and reporting mechanisms.

**7.3.9** Performance management processes and appraisals shall include an assessment of how the individual upholds the federation's values and how PSHEA intersects with their work. Exit processes shall explicitly but sensitively ask staff and volunteers who are leaving if they have any SHEA concerns.

## **7.4 Safer programming and risk mitigation**

**7.4.1** In our continued efforts to provide a safe environment for all children, young people and adults with whom we work, measures to address this shall be entrenched as a fundamental part of all programme design, including short-term projects, and/or one-off events which require the participation of children, young people and adults.

**7.4.2** We pay particular attention to the risk profiles of vulnerable groups, such as women and girls, people who identify with a range of possible gender identities and sexual orientations and those with disability and minority ethnic groups. We acknowledge that risks for these groups may be additionally heightened where legal systems do not recognise or support the rights of these groups. Where this is the case, SOS Children's Villages will take extra care to consider those risks and how to mitigate them.

**7.4.3** Particular attention shall be given to programmes where risks may be heightened, e.g. short-term humanitarian projects and alternative care interventions. A thorough risk assessment shall be carried out in order to identify communities at a heightened risk of SHEA. In these instances, targeted strategies and rigorous safeguarding measures shall be put in place, as appropriate to the context, e.g. training, safeguarding audits, monitoring and regular reviews.

## **7.5 Working with partners**

**7.5.1** We aim at engaging partners as allies for preventing and responding to SHEA.

**7.5.2** Agreements with partners shall make specific reference to this regulation as an applicable document and also contain a commitment by the partner to clear reporting and responding procedures and risk mitigation actions.

**7.5.3** Concerns regarding partners must be reported immediately via the reporting mechanisms detailed below.

# **8 Reporting**

Anyone can raise a concern or make a report to SOS Children's Villages about something they have experienced or witnessed in regard to sexual harassment, exploitation or abuse. We will take every report seriously and take action accordingly.

SOS Children's Villages International and each member association shall define and implement clear reporting and responding procedures according to the following requirements.

## **8.1 Reporting channels**

Multiple reporting channels shall be available and accessible to staff (and all those included under 3.1), programme participants, and members of the community. Through these channels, sexual harassment, exploitation and abuse concerns can be reported safely, confidentially, and anonymously if needed. This includes internal and external reporting channels such as helplines, telephone numbers of authorities, email addresses, etc.

As a minimum requirement, SOS Children's Villages International and each member association shall have at least

- one reporting email address and
- one reporting box in each programme and in each office.

Where appropriate, raising a concern through the supervisor is of course an option.

In line with good practices, internal or external "persons of trust" may be identified as an initial point of contact. The person of trust provides first-line confidential support to anyone who experienced or witnessed a SHEA incident, assisting the reporter to decide on appropriate action (formally reporting

the incident or seeking further advice or support). Persons of trust may support survivors and alleged perpetrators throughout any subsequent investigation and decision process.

All programme participants, members of the community, and persons outlined under 3.1 shall have information about how to access these safe reporting channels. This includes posting reporting procedures in local languages and regularly explaining these channels.

## **8.2 Case management**

Every report received will be officially acknowledged by a member of the Integrity and Safeguarding Team within a maximum of 2 working days.

The Integrity and Safeguarding Team documents all allegations of SHEA and subsequent follow-up in a secure and confidential register to ensure accountability.

The data in the register is used to generate reports (see section on Organisational Reporting).

## **8.3 Safety, support and protection of survivors, reporters, witnesses, and alleged perpetrators**

After receiving a report, safety concerns or support needs of the survivor and/or the reporter are determined and immediate corresponding action is taken (e.g. separation of workplaces).

The respective member association or SOS Children's Villages International will take action against anyone, whether they are the subject of a report or not, who seeks or carries out retaliatory action against reporters, survivors or other witnesses.

The rights of alleged perpetrators are protected by following a due process including required support, the presumption of innocence and ensuring confidentiality.

## **8.4 Confidentiality**

Confidentiality shall be maintained throughout the reporting and responding process. Information that identifies individuals involved in a report will be limited to essential staff on a 'need to know' basis and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law.

Reports can be made anonymously and are followed up according to the same reporting and responding process. We encourage reporters to provide their name in order to facilitate more efficient review and follow-up.

Staff involved in the reporting and responding process will be made aware of their responsibility to maintain confidentiality. Staff who breach confidentiality may be subject to disciplinary action.

## **8.5 Reports about other organisations or partners**

Reports about other organisations shall be referred through the appropriate safeguarding channel to the relevant organisation where safe to do so. Where necessary, coordination bodies or authorities shall be involved.

Neither SOS Children's Villages International nor its member associations will investigate cases related to other organisations or partners, but does have an obligation to report. Once an allegation becomes known to SOS Children's Villages International or any of its member associations, appropriate measures shall be put in place to ensure the safety of all involved.

Where allegations are proven true, an internal review of the compliance to this and other regulations when engaging with the respective partner shall be carried out.

## 9 Responding

The respective member association or SOS Children's Villages International will respond in a professional, objective and timely manner to all concerns or allegations of sexual harassment, exploitation or abuse. Concerns or allegations will be taken seriously, and investigated and acted upon where appropriate.

### 9.1 Initial Assessment

The Integrity and Safeguarding Team assesses the allegation within a maximum of 5 working days after receiving the report; if necessary, information is further clarified with the reporter. The team decides on the way forward:

- In case of a suspected criminal act, the relevant **authorities** are informed at the earliest opportunity in order for them to take action and carry out an external investigation. The only exception (to be confirmed by the respective association or GSC office director) is if the rights of survivors, reporters, witnesses or alleged perpetrators would be put at risk by doing so.
- At the moment that evidence from third parties is needed to support or refute allegations, an **investigation** is commissioned. Based on clear terms of reference, an investigator is appointed.
- If a **conflict of interest** is identified, the responsibility for dealing with the report is **escalated**. A conflict of interest exists especially if the report includes a concern about senior management or board members of a member association, or the management of a GSC office:
  - Reports in national programmes can be escalated to the national office.
  - Reports in member associations can be escalated to the IOR and/or the board of the association.
  - IOR reports are escalated to the IO.
  - Reports pertaining to members of SOS Children's Villages International's governing bodies (e.g. Management Team, International Senate, etc.) are escalated to the relevant governing body, which follows up on the report according to the steps outlined in this regulation. That body shall oversee the assessment and investigation of the case, making use of external resources where appropriate, and shall decide on consequences and disciplinary action.
- If the information provided indicates that alternative dispute resolution options (like mediation, training, sensitisation, etc.) are more appropriate than an investigation, the Integrity and Safeguarding Team can offer this to the parties involved. Any party has the right to stop alternative dispute resolution processes at any point and refer the case back to the Integrity and Safeguarding Team.
- Under exceptional circumstances, if not enough information is available to initiate an investigation or escalate the report, the team may decide to close the case. Should additional relevant information emerge, the case must be reopened.

Relevant parties are informed about the next steps.

### 9.2 Investigations

Following the initial assessment, if deemed necessary, an investigation can be commissioned by the respective Integrity and Safeguarding Team in SOS Children's Villages International or the member association. The scope of an investigation varies depending on the allegation: it can be led by one investigator or by an investigation team, who can be trained SOS staff or external investigators. SOS Children's Villages International and its member association shall carry out impartial investigations according to the following principles:

- **Safety:** Safety and welfare of the alleged survivor, reporter and witnesses are primary considerations. Survivors shall be approached in a sensitive way.
- **Confidentiality:** Reporter, alleged survivor, witnesses as well as alleged perpetrator have the right to confidentiality, except in specific circumstances (e.g. referral to authorities). Information is available only to a limited number of authorised people for the purpose of conducting the investigation (i.e. disclosure of information on a need-to-know basis only).
- **Legality:** Investigations should be initiated, conducted and reported in accordance with all applicable rules, regulations and guidelines including due respect for the rights and privacy of those involved. Consideration should be given to local law as it relates to gathering evidence

outside the organisation's premises and when interviewing non-employee witnesses. If during an investigation, indications of a possible criminal act arise, the relevant authorities are informed (unless the rights of any involved parties are put at risk).

- **Thoroughness:** An investigation is conducted in a diligent, complete and focused manner to ensure that relevant evidence is obtained to establish the facts in relation to the allegation(s).
- **Professionalism:** Staff undertaking investigations must have adequate skills, training and knowledge. The methodology and techniques used in the investigation must be appropriate for the objectives and circumstances of each investigation.
- **Impartiality:** Investigations must be conducted in a fair and equitable fashion. Evidence must be gathered and reported in an unbiased and independent manner to determine the validity of an allegation. Investigators must be free, both in fact and in appearance, from any influence that could impair their judgement. Investigators should make their manager aware of any potential conflicts of interest or influence in order to take action to resolve these issues before commencing the investigation.
- **Planning, timeliness, documentation:** Investigations must be clearly commissioned, planned, documented and completed as soon as possible. Investigation reports and conclusions must be supported by adequate, accurate records and documentation. Documentation is kept confidentially and managed in accordance with applicable data protection and privacy law.

Investigators take on an important responsibility and shall be supported by the organisation to fulfil their task. Any pressure or retaliatory action on investigators shall be followed with disciplinary consequences.

The investigation report includes specific follow-up recommendations and is submitted to the Integrity and Safeguarding Team.

The survivor and the alleged perpetrator receive a copy of the summary findings.

### 9.3 Decision-making & consequences

Based on the outcomes of the investigation, the Integrity and Safeguarding Team will recommend appropriate action to the decision maker.

Prior to any decision-making, survivors and alleged perpetrators have the right to respond to the investigation findings. This could be in writing or through a formal hearing.

Final decision on consequences and disciplinary action is the responsibility of the following persons:

- in member associations:
  - the national/managing director
  - the board of the association if the incident involves the national/managing director
- in international offices region:
  - the international director region
  - the Management Team if the incident involves the international director region
- in the International Office: the Management Team
- if the incident involves members of SOS Children's Villages International's legal bodies (e.g. Management Team, International Senate, etc.): the relevant governing body

The decision on consequences shall be taken within a maximum of 20 working days after receiving the investigation report.

Following a zero-tolerance policy, all allegations found to be true demand clear disciplinary action. Proportionate action is taken depending on the severity of the offence. In certain circumstances, and only with the full consent of the survivor, approaches such as restorative justice or mediation may be considered.

Further follow-up actions may include psycho-social support and/or protection measures for the survivor, the reporter or witnesses. Support measures throughout the responding phase are based on a local mapping of available psychological, medical and legal services.

Reporters, survivors and perpetrators are informed of the decisions made and the rationale behind those decisions, as feasible under the applicable national law. Appropriate measures to ensure the continued safety and support of all involved will be taken.

Survivors and alleged perpetrators can request a review of the decision within a defined timeframe, as outlined in the related user guides.

#### **9.4 Closure and lessons learnt**

The closure of the case is communicated to all involved parties in writing.

Relevant case documentation is archived for a limited term in a confidential file. All other case documents shall be safely destroyed. Confirmed violations and related disciplinary measures are included in the confidential personnel file.

The Integrity and Safeguarding Team and the investigation team hold a final case conference to discuss relevant learning. Feedback is sought from the survivor and the reporter. Anonymised lessons learnt are shared as appropriate with relevant bodies to facilitate improvement.

#### **9.5 Organisational Reporting**

SOS Children's Villages International and each member association is required to prepare regular integrity reports including basic PSHEA statistics and implemented prevention actions in the reporting period as follows:

##### **9.5.1 Member associations**

- The national/managing director provides an integrity report to the board of the association twice a year. The board has the oversight responsibility for ensuring that a sound PSHEA approach is in place.
- The national/managing director provides an annual integrity report to SOS Children's Villages International.

##### **9.5.2 SOS Children's Villages International**

- The national/managing director of GSC-run operations provides an annual integrity report to SOS Children's Villages International.
- Each international director region provides an annual integrity report including the PSHEA status in the IOR to the Management Team.
- The International Office Integrity and Safeguarding Team provides an annual integrity report including the PSHEA status in the International Office to the Management Team.
- The Management Team of SOS Children's Villages International provides an annual integrity report to the International Senate. This report compiles the PSHEA status in the federation and in SOS Children's Villages International. The International Senate has the oversight responsibility for ensuring that a sound PSHEA approach is in place.
- SOS Children's Villages International publishes externally an annual report summarising the status of PSHEA within the federation and how our reporting and responding mechanisms have functioned over the course of the previous year.

## Appendix

### A. Key terms and abbreviations used in the document

<b>Child</b>	Child means every human being below the age of 18 years (UNCRC, Article 1).
<b>Conflict of interest</b>	A situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the duties and demands of the position and own private interests.
<b>Integrity and Safeguarding Team</b>	Cross-functional team established in SOS Children's Villages International and in each member association to support the implementation of prevention measures and to manage the reporting and responding process (see 3.5).
<b>Member association</b>	A member organisation of SOS Children's Villages International, implementing and/or funding SOS Children's Villages programmes.
<b>Partners</b>	In this document, Partners refers to: Any organisation that SOS Children's Village entities work with, where that organisation has access to staff, volunteers, programme participants and/or data from those groups. This includes: donors, programme delivery partners, fundraising partners, maintenance contractors, community based organisations, government departments, and so on.
<b>PSHEA</b>	Prevention and protection from sexual harassment, exploitation and abuse
<b>Reporter</b>	The person who reports a SHEA complaint, concern, allegation or suspicion (referred to as a <i>report</i> in this document). In some situations, a reporter may also be referred to as a <i>whistleblower</i> .
<b>SHEA</b>	Sexual harassment, exploitation and abuse
<b>SOS Children's Villages International</b>	The Austrian association registered in the Austrian registry of associations with its seat in Innsbruck, Austria and legally represented by the Chief Executive Officer, the Chief Operating Officer and the Chief Financial Officer. Its General Secretariat manages its day-to-day operations, including GSC-run operations, and is comprised of the International Office in Austria and the International Offices Region in Europe, Africa, Asia and Latin America.
<b>Survivor</b>	A person who has SHEA perpetrated against them or an attempt to perpetrate SHEA against them.
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>Young people</b>	Persons between the ages of 10 and 24 years (as defined by WHO & UNICEF).

### B. List of international reporting channels

If you would like to report an SHEA concern, please consider first the **reporting channels available in your association or office**.

The following channels are available to report SHEA on a federation level:

- If your concern relates to **child safety** you can report through the online whistleblowing channel: <https://www.sos-childrensvillages.org/what-we-do/child-safeguarding-sos/report-a-child-safety-concern>
- You can report other SHEA concerns to [PSHEA@sos-kd.org](mailto:PSHEA@sos-kd.org).