



## THE RHINO ARK KENYA CHARITABLE TRUST

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### SAFEGUARDING POLICY

**Date of Safeguarding Policy:** November 2022

**Policy approved by:** Christian Lambrechts

**Signature:** 

**Overall responsibility for policy:** Board of Directors

**Person responsible for implementation of the policy:** Human Resources Officer

**Policy applies to:** Staff, Directors, contractors, suppliers, volunteers and associated personnel engaged with work or visits related to Rhino Ark, including consultants and programme visitors, partners of Rhino Ark, as well as any external party who wishes to raise a concern about malpractice in the organization.

**Date of next Review:** November 2025

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## **1. DEFINITION OF SAFEGUARDING**

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

Rhino Ark Kenya Charitable Trust (herein after referred to as "Rhino Ark" specifically defines safeguarding as protecting people, including children and adults at risk, from harm that arises from coming into contact with its staff or its programme activities.

Further details and definitions relating to safeguarding are provided in *Appendix 2: Glossary of Terms*.

## **2. PURPOSE**

The purpose of this policy is to protect people, particularly children, at risk adults and beneficiaries of the Rhino Ark's programmes, from any harm that may be caused due to their coming into contact with Rhino Ark. This includes harm arising from:

- a) The conduct of staff or personnel associated with Rhino Ark; and,
- b) The design and implementation of Rhino Ark's programmes and activities.

The policy lays out the commitments made by Rhino Ark, and informs staff and associated personnel of their responsibilities in relation to safeguarding.

This policy does not cover:

- a) Sexual harassment at the workplace – this is dealt with under the Human Resource Policy; and,
- b) Safeguarding concerns in the wider community not perpetrated by Rhino Ark or associated personnel.

## **3. SCOPE**

This policy applies to:

- a) All staff employed by Rhino Ark; and,
- b) Associated personnel whilst engaged with work or visits related to Rhino Ark, including but not limited to the following: consultants; volunteers; contractors; suppliers, institutional partners; programme's visitors including media personnel, celebrities and

politicians.

#### **4. POLICY STATEMENT**

Rhino Ark is committed to ensure that everyone we come into contact with, regardless of age, gender identity, disability, sexual orientation, religion or ethnic origin has the right to be protected from all forms of harm, abuse, bullying, neglect and exploitation. Rhino Ark will not tolerate abuse and exploitation by staff or associated personnel.

This policy will address the following areas of safeguarding: child safeguarding, adult safeguarding, and protection from sexual exploitation and abuse. These key areas of safeguarding may have different policies and procedures associated with them (See list of associated policies in Section 9). Rhino Ark commits to addressing safeguarding throughout its work, through the three pillars of prevention, reporting and response.

#### **5. PREVENTION**

RA will follow preventive measures to make sure the workplace and RA's projects and programmes safe for vulnerable people. Such measures will also protect staff and the reputation of the organisation. RA will encourage its Partners adopt the highest possible standards in accordance with the scope of their operations structure.

##### **Rhino Ark's responsibilities**

Rhino Ark will:

- a) Ensure all staff have access to, are familiar with, and know their responsibilities within this policy;
- b) Design and undertake all its programmes and activities in a way that protects people from any foreseeable risk of harm that may arise from their coming into contact with Rhino Ark. This includes the way in which information about individuals in our programmes is gathered and communicated;
- c) Implement stringent safeguarding procedures when recruiting, managing and deploying staff and associated personnel;
- d) Ensure staff receive training on safeguarding at a level commensurate with their role in the organization; and,
- e) Follow up on reports of safeguarding concerns promptly and according to due process.

## **Staff responsibilities**

### ***Child safeguarding***

Rhino Ark staff and associated personnel must not:

- a) Engage in sexual activity with anyone under the age of 18-years-old;
- b) Sexually abuse or exploit children;
- c) Subject a child to physical, emotional or psychological abuse, or neglect;
- d) Engage in any commercially exploitative activities with children including child labour or trafficking; and,
- e) Discriminate – abuse motivated by discriminatory attitudes towards age, race, religion, gender, disability, sexual orientation or cultural background.

### **Adult safeguarding**

Rhino Ark staff and associated personnel must not:

- a) Sexually abuse or exploit any adults; and,
- b) Subject any adult to physical, emotional or psychological abuse, or neglect.

### ***Protection from sexual exploitation and abuse***

Rhino Ark staff and associated personnel must not:

- a) Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance; and,
- b) Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics.

Additionally, Rhino Ark staff and associated personnel are obliged to:

- a) Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy; and,
- b) Report any concerns or suspicions regarding safeguarding violations by Rhino Ark staff member or associated personnel to the appropriate staff member.

## **Board Members' responsibilities**

Members of the Board are responsible for:

- a) Ensuring adequate measures are in place to assess and address safeguarding risks;
- b) Putting in place adequate safeguarding policies and procedures, including relevant HR matters;
- c) Make sure policies and procedures are effectively applied in practice and that mechanisms are in place to provide assurance and compliance;
- d) Ensuring those safeguarding policies, practice and performance are robustly and regularly reviewed to ensure they are up to date and fit for purpose;
- e) Actively promoting a safe culture and strong awareness of everyone's safeguarding responsibilities;
- f) Ensuring there are mechanisms in place to promptly identify and act upon emerging safeguarding trends and issues; and,
- g) Ensure that serious incidents are reported to the appropriate authorities in compliance with applicable legal provisions.

## **6. ENABLING REPORTS**

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

Any staff reporting concerns or lodging complaints through formal whistleblowing channels (or if they request it) will be protected by Rhino Ark from victimization or embarrassment and such complaints shall be maintained in strict confidence.

Rhino Ark will also establish mechanisms to receive and authenticate complaints from external sources such as members of the public, partners and official bodies.

### ***How to report a safeguarding concern***

#### **6.1 Rhino Ark Staff**

Staff members who have a complaint or concern relating to safeguarding should report it immediately to their Head of Department who is their Safeguarding Focal Point, or their line manager. If the staff member does not feel comfortable reporting to their Safeguarding Focal

Point or line manager (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to any other appropriate staff member. For example, this could be a senior manager or the Human Resource Officer.

## 6.2 Other parties and beneficiaries

External parties and beneficiaries, including parents/guardians or other responsible adults, who have concerns relating to child protection in relation to staff members, must raise their concerns with any of the following:

- a) The Community Health Volunteer attached to the relevant outreach location;
- b) Rhino Ark Staff.

If any of the aforementioned persons is notified of concerns in this way, they must assess the risks of allowing the child or young person, and any member of staff involved, to remain in the situation, and take action accordingly.

All concerns, and allegations of abuse will be taken seriously by the directors, staff and volunteers and responded to appropriately. This may require dismissal or suspension from taking part in activities involving contact with children, dismissal permanently from Rhino Ark, a referral to children's social care services, and in serious cases, the police.

The Child Protection Policy, in particular the section on Incident Reporting Procedure, aims to cover any situation which may arise, when children/young people or their parents/guardians are not happy with the way the children/young people were treated while they were involved in an activity run by Rhino Ark or in contact with Rhino Ark members on any occasion. This procedure should be supplied at outreach activities and made available to sponsors and staff.

## 7. RESPONSE

Rhino Ark will follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations (see procedures for dealing with safeguarding reports in *Appendix I*).

Rhino Ark will apply appropriate disciplinary measures to staff found in breach of policy.

Rhino Ark will offer support to survivors of harm caused by staff or associated personnel, regardless of whether a formal internal response is carried out (such as an internal investigation). Decisions regarding the nature of support to be provided will be determined by Rhino Ark

management or the Board based on an objective assessment of the incident.

## **8. CONFIDENTIALITY**

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need-to-know basis only, and should be kept secure at all times.

## **9. ASSOCIATED POLICIES**

Other policies associated with the Safeguarding Policy include but are not limited to the following:

- a) Human Resource Policy;
- b) Code of Ethics and Business Conduct;
- c) Child Protection Policy;
- d) Anti-bribery and Corruption Policy;
- e) Other policies as appropriate.

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# **APPENDIX 1: DEALING WITH SAFEGUARDING REPORTS**

## **1 Purpose and scope**

The purpose of this document is to provide procedures for dealing with reports of breach of the Rhino Ark Safeguarding Policy, where the safeguarding violation is:

- a) Against staff, associated personnel, beneficiaries or members of the public; and,
- b) Perpetrated by staff, Directors, volunteers and contractors of Rhino Ark or associated personnel including (but not limited to) partners, consultants, contractors, suppliers and programme visitors including journalists, celebrities and politicians.

Whilst we do not assume responsibility for the behaviour and actions of our partners, consultants, contractors, suppliers and other associated personnel who are not directly employed by Rhino Ark, we commit to investigate and address any reports made to us concerning such personnel as far as we are able. We will work with partners and associated personnel to change behaviours and improve practices where possible, and if necessary, review or terminate the relationship between Rhino Ark and the partner/organisation/ individual as appropriate. We will also raise any reports made about our partners and/or associated personnel with the relevant authorities, funders and/or other bodies as appropriate.

## **2 Procedure**

### **2.1 Report is received**

Reports can reach the organisation through various routes. This may be in a structured format such as a letter, e-mail, text or message on whatsapp. It may also be in the form of informal discussion or rumour. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern, they should report this to the appropriate staff member in their organisation.

If a safeguarding concern is disclosed directly to a member of staff or director, the person receiving the report should bear the following in mind:

- a) Listen;
- b) Empathise with the person;
- c) Ask who, when, where, what but not why;

- d) Repeat/check your understanding of the situation; and,
- e) Report to the appropriate staff member (see below).

The person receiving the report should then document the following information:

- a) Name of person making report;
- b) Name(s) of alleged recipient(s) of safeguarding incident(s) if different from above;
- c) Name(s) of alleged perpetrator(s);
- d) Description of incident(s);
- e) Details of any evidence (including witness(es), photos, videos, etc.) supporting the alleged incident; and,
- f) Dates(s), times(s) and location(s) of incident.

The person receiving the report should then forward this information to the designated Safeguarding Lead within Rhino Ark or, if for any reason that person should not, or cannot be involved, to the Chair of the Board of Directors (contact details at the bottom of this document), within 24 hours.

Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information shared on a limited 'need to know' basis only. This includes senior management who might otherwise be appraised of a serious incident.

If the reporting staff member is not satisfied that the organization is appropriately addressing the report, they have a right to escalate the report, either to the Board of Directors (contact details at the bottom of this document) or to an external statutory body. The staff member will be protected against any negative repercussions as a result of this report.

## **2.2 Assess how to proceed with the report**

The person/people made aware of the report should appoint a Decision-Maker for handling this report (the Decision-Maker **can be** the person to whom the report has been made or escalated), plus a support member of staff, for consultation and to review the decisions made.

Determine whether it is possible to take this report forward:

- a) Does the reported incident(s) represent a breach of safeguarding policy?
- b) Is there sufficient information to follow up this report?

If the reported incident does not represent a breach of Rhino Ark's Safeguarding Policy, but represents a safeguarding risk to others (such as a child safeguarding incident), the report should be referred through the appropriate channels (e.g. local authorities) if it is safe to do so.

If there is insufficient information to follow up the report, and no way to ascertain this information (for example if the person making the report did not leave contact details), the report should be filed in case it can be of use in the future, and look at any wider lesson learning we can take forward.

If the report raises any concerns relating to children under the age of 18, **seek expert advice immediately**. If at any point in the process of responding to the report (for example during an investigation) it becomes apparent that anyone involved is a child under the age of 18, the Decision Maker should be immediately informed and should seek expert advice before proceeding.

If the decision is made to take the report forward, ensure that you have the relevant expertise and capacity to manage a safeguarding case. **If you do not have this expertise in-house, seek immediate assistance**, through external capacity if necessary (Contact details at the bottom of this policy).

Clarify what, how and with whom information will be shared relating to this case. Confidentiality should be maintained at all times, and information shared on a need-to-know basis only. Decide which information needs to be shared with which stakeholder – information needs may be different.

Check your obligations on informing relevant bodies when you receive a safeguarding report. These include (but are not limited to):

- a) Funding organisations;
- b) Partners;
- c) Umbrella bodies/networks; and,
- d) Statutory bodies.

Some of these may require you to inform them when you receive a report, others may require information on completion of the case, or annual top-line information on cases. When submitting information to any of these bodies, think through the confidentiality implications

very carefully.

### **2.3 Appoint roles and responsibilities for case management**

If not already done so (see above), appoint a Decision-Maker for the case, plus a support member of staff, for consultation and to review the decisions made. The Decision Maker and support member should both be senior staff members or the Chair of the Board of Directors, or the Secretary, and should not be implicated or involved in the case in any way.

If the report alleges a serious safeguarding violation, you may wish to hold a case conference. This should include:

- a) Decision Maker;
- b) Support member of staff; and,
- c) Person who received the report.

The case conference should decide the next steps to take, including any protection concerns and support needs for the recipient of the safeguarding incident and other stakeholders (see below).

### **2.4 Provide support to victim of safeguarding incident where needed/ requested**

Provide appropriate support to victim(s) of safeguarding incidents. This should be provided as a duty of care even if the report has not yet been investigated. Support could include (but is not limited to):

- a) Psychosocial care or counselling;
- b) Medical assistance; and,
- c) Protection or security assistance (for example being moved to a safe location).

Rhino Ark assumes responsibility for providing support only to victims of safeguarding incidents which take place within its direct sphere of control, e.g. incidents concerning Rhino Ark staff, volunteers or directors; workplace incidents. Funds should be made available from Rhino Ark's reserves to cover any support costs as required.

Responsibility for providing support to beneficiaries of partner programmes lies with the individual partner organizations, who must take responsibility to follow their own safeguarding policies.

All decision making on support should involve consultation with the victim.

## **2.5 Assess any protection or security risks to stakeholders**

For reports relating to serious incidents: undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required.

Continue to update the risk assessment and plan on a regular basis throughout and after the case as required.

## **2.6 Decide on next steps**

The Decision Maker decides the next steps. These could be (but are not limited to):

- a) No further action (for example if there is insufficient information to follow up, or the report refers to incidents outside the organisation's remit);
- b) Investigation is required to gather further information;
- c) Immediate disciplinary action if no further information needed; and,
- d) Referral to relevant authorities.

The Decision-Maker will review the next steps to be taken with the support member of staff who will approve or disapprove the procedure. Should the support member of staff disapprove the next steps, the Decision Maker will work with the support member of staff to agree on next steps together.

If the report concerns associated personnel who are not directly under Rhino Ark's sphere of control (for example partners, consultants, contractors or suppliers), the decision-making process will be different. Although associated personnel are not staff members, we have a duty of care to protect anyone who comes into contact with any aspect of our programme from harm. We cannot follow disciplinary processes with individuals outside our organization, however decisions may be made, for example, to terminate a contract with a supplier based on the actions of their staff.

If an investigation is required and the organization does not have internal capacity, identify resources to conduct the investigation. Determine which budget this will be covered by.

## **2.7 Manage investigation if required**

Use the CHS (Core Humanitarian Standard) Alliance Guidelines for Investigations (Chapter 3) for investigating safeguarding reports.

## **2.8 Make decision on outcome of investigation report**

The Decision Maker makes a decision based on the information provided in the investigation report, and reviews it with the support member of staff.

If at this or any stage in the process criminal activity is suspected, the case should be referred to the relevant authorities *unless this may pose a risk to anyone involved in the case*. In this case, the Decision Maker together with the support member of staff and other senior staff will need to decide how to proceed. This decision should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the victim of the safeguarding incident and the subject of concern.

## **2.9 Conclude the case**

Document all decisions made resulting from the case clearly and confidentially.

Store all information relating to the case confidentially, and in accordance with Rhino Ark policy and local data protection law.

Record anonymized data relating to the case to feed into organizational reporting and to feed into learning for dealing with future cases.

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## APPENDIX 2: GLOSSARY OF TERMS

**Beneficiary:** Someone who directly receives goods or services from Rhino Ark's programmes. Note that misuse of power can also apply to the wider community that the Rhino Ark serves, and also can include exploitation by giving the perception of being in a position of power.

**Child:** A person below the age of 18-year-old.

**Harm:** Psychological, physical and any other infringement of an individual's rights.

**Psychological harm:** Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

**Protection from Sexual Exploitation and Abuse (PSEA):** This term is used to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel.

**Safeguarding:** Safeguarding means protecting peoples' health, well-being and human rights, and enabling them to live free from harm, abuse and neglect. Further, it means protecting people, including children and at-risk adults, from harm that arises from coming into contact with our staff or programmes. Safeguarding applies consistently and without exception across our programmes, partners and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and also protect those accused until proven guilty. Safeguarding puts beneficiaries and affected persons at the centre of all we do.

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

**Sexual exploitation:** The term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

**Survivor:** The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is

the individual's choice how they wish to identify themselves.

**At-risk adult:** Sometimes also referred to as vulnerable adult. A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

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**APPENDIX 3 - ACKNOWLEDGEMENT AND ACCEPTANCE FORM**

I ..... (Name of Employee), ID Number ..... of Rhino Ark do hereby acknowledge that I have read and understood the Safeguarding Policy. I have not violated the provisions of this Policy and am not aware of any violations of the Policy as of the date hereof.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witnessed by (Name): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_