



**African Population and  
Health Research Center**

## **POLICY ON WORKING WITH PERSONS AT RISK**

Date of Review	September 2020
Date of Approval	November 2020
Next Review Date	November 2023

## **1.0 INTRODUCTION**

The African Population and Health Research Center (APHRC) recognizes that there are instances when its representatives will interact with children, adolescents and adults at risk (all herein referred to as persons at risk) in the conduct of research and other activities pertinent to its work and mission.

APHRC embraces values of integrity, fairness and excellence and works to improve health and wellbeing in Africa. We strive to uphold our values not just in what we do in the workplace but in the way we relate with partners, communities and other stakeholders outside the work environment.

APHRC reiterates its responsibility to safeguard the welfare of persons at risk by protecting them from any harm or abuse. APHRC's commitment to the protection of children is premised on international standards established by the Convention on the Rights of the Child (CRC) and the Laws in the countries where it conducts its work. This policy specifies what constitutes child abuse, principles governing behavior, APHRC's commitment to safeguarding persons at risk, implementation of the policy and procedures for reporting cases of abuse of persons at risk.

## **2.0 PRINCIPLES**

2.1 For all APHRC activities involving persons at risk, the best interests of the person at risk must be upheld. It is expected that those to whom this policy applies will always:

- Treat all persons at risk with respect and dignity at all times;
- Respect every person's right to personal privacy;
- Be responsive to reports of abuse and, where necessary, report cases of abuse to relevant authorities.

2.2 APHRC will treat any accusations of abuse seriously and investigate the matter when reported. Inappropriate behavior towards persons at risk will not be tolerated and will attract disciplinary action according to the Center's HR Policies and Procedures Manual or severance of contractual relationship with an offending partner.

## **3.0 APPLICATION**

The policy applies to all APHRC representatives i.e. employees, partners, interns, contractors, consultants, volunteers, board members, guests and others acting on behalf of and in collaboration with APHRC.

Through this policy, APHRC seeks to ensure that people's basic human rights are not violated in the workplace, while carrying out APHRC assignments outside the workplace and in any other circumstances while one is an APHRC representative.

This policy extends to situations of abuse which occur at or away from the workplace; during or outside working hours; if such situations have a negative effect on work relationships or reflect negatively on APHRC.

For the purposes of this policy, the term "staff member" refers to all persons who have signed a contract with APHRC to work in any capacity at any given time (regular or temporary staff, interns, volunteers, and consultants) including outsourced staff.

#### **4.0 IMPLEMENTATION OF THE POLICY**

APHRC will meet its commitment to safeguard persons at risk by promoting and taking action on awareness-raising, prevention, reporting, responding, and monitoring.

APHRC shall not engage and/or shall review its engagement with individuals whose conviction for offences against any person at risk has been brought to the attention of the Center.

When planning for projects, consideration should be made on safeguarding issues related to persons at risk, at the time of undertaking risk assessment especially for projects where staff or other representatives will come into direct and indirect contact with them. Periodic reviews will also be necessary to identify any emerging or new safeguarding risks.

##### **4.1 Communication and Representation:**

- i) Communication about and representation of persons at risk should at all times present them positively, and should not present them in an undignified way or as victims.
- ii) Consent should be obtained from all adults and/or guardian/parent in case of a child or adolescent before taking and publishing photographs, videos and multimedia products. Photographers and content creators will explain to the child and the parent/guardian of the child, who will take the photos or videos, why the photos, videos and story resources are being taken and the manner in which those resources will be used. Information about a child's life, including their photographic resources, will be stored safely on a restricted server and or hard disk that is not available to those who are not authorized to use it.
- iii) Personal and physical information about children that could be used to identify their location should not be used in any form of public communication. Pseudonyms should be used to conceal the real identity of the child. The immediate location where the subject lives should not be used.

- iv) Wherever possible, feedback will be provided to the subject(s) or their parent/guardian(s) by sending copies of the photos and materials within which the photos are used, while ensuring that the language is in an accessible format.
- v) With regards to social media and other digital media platforms, APHRC will protect the identity of persons at risk from online abuse.

## **5.0 RESPONSIBILITIES**

Safeguarding persons at risk is everyone's responsibility and all APHRC representatives are expected to act on concerns relating to such people.

The responsibilities of the Board and the Safeguarding Manager are outlined in the *Safeguarding Policy*. The responsibilities of others include:

### **5.1 APHRC Executive Leadership Team (ELT) Responsibilities**

APHRCs ELT holds overall responsibility for this policy and its implementation. They shall:

- Ensure that the Center's work environment is free from any unprofessional conduct.
- Ensure that employees and other APHRC representatives do no harm to all persons, and that they do not expose persons at risk to danger of bias, discrimination, neglect, exploitation, harm and abuse.
- Promptly deal with any concerns reported about persons at risk and where necessary report to appropriate statutory authorities.

### **5.2 Unit Heads and Line Managers Responsibilities**

They shall:

- Ensure adherence to this policy by any APHRC representative working in their units.
- Ensure a positive working environment in which abuse does not occur.
- Assure prompt attention to any reports made to them, at the minimum they should report to the Safeguarding Manager.
- Maintain confidentiality and an attitude of empathy at all times towards both the accused and the complainant.

### **5.3 Human Resource Office Responsibilities**

The HR office shall:

- Ensure all staff receive a copy of this policy and sign a declaration that they have received and understood and commit to adhere to it.

- Ensure new staff are trained on the contents of the policy upon joining the organization and provide a mandatory refresher training for all staff on an annual basis.
- Provide guidance to staff on how to provide immediate responses to risks and abuse.
- Ensure staff members understand how to respond to allegations of abuse, discrimination or violence of a person at risk made against an APHRC staff member or representative.
- Ensure proper background checks are done for potential hires. This may include a request for a police clearance certificate.
- Ensure that APHRC's recruitment and selection processes are inclusive, fair, consistent and transparent.
- Ensure applicants undertake an interview to assess suitability for the role.
- Avoid knowingly recruiting staff, interns, or other representatives to roles in which they pose a known risk to the safety or wellbeing of persons at risk.

#### **5.4 Development Office Responsibilities**

The development office shall:

- When working with or through partners on projects involving persons at risk, ensure that their safeguarding procedures are consistent and in line with the principles in this policy or of the prime funder. Those without such policies should commit to abide by this policy while they are developing their own.
- Ensure safeguarding policy requirements are included in grant and partnership agreements with partner agencies, and contracts with vendors and consultants.

#### **5.5 Policy Engagement and Communication (PEC) division responsibilities**

The PEC office shall:

- Ensure that all communication and representation of persons at risk conform to the guidelines on the use of photographs, videos and other multimedia resources.
- Ensure that the rights of persons at risk are protected when working with the media and or media production companies.

#### **5.6 Employees and APHRC Representatives' Responsibilities**

APHRC staff and other representatives shall:

- Treat all persons with respect and dignity both at work and wherever projects/programs are carried out. They should contribute to an environment where people feel supported, safe and protected.
- Not engage in romantic relationships that may be based on inherently unequal power dynamics between a) staff and people in communities where we work, b) other representatives and people we work with. Given the nature of our work, such relationships may undermine the credibility and integrity of our work. In order to prevent sexual exploitation and abuse from occurring, APHRC forbids the exchange of sex for money.
- Not engage in child labor including hiring of children for domestic or other labor: which is inappropriate given their age or developmental stage, interferes with their time available for education and recreational activities, or places them at significant risk of injury.
- Be vigilant in protecting confidential and personal information about people while conducting research and disseminating the findings in line with APHRC *Research Ethics and Data Protection Guidelines*.
- Immediately report any incidents of child or adult abuse and/or neglect to the nearest authorized officer. Failure to report suspicion of abuse relating to someone else, is a breach of this policy and against the law, and could lead to disciplinary action being taken.
- During community sensitization meetings, inform members of communities on the conduct to expect of staff and other representatives of the organization as well as the existing reporting mechanisms described in Section 7 of this policy and in the *Whistleblowing Policy*.
- Cooperate with those investigating matters reported.
- Seek guidance, advice or information whenever in doubt on how to proceed in a seeming or potential persons at risk situation.

It should be noted that any information offered in confidence to an employee or other representative relating to risks or concerns about a person at risk should be received on the basis that it will be shared with the Safeguarding Manager or anyone else in authority. APHRC representatives shall not keep such confidences.

It is also expected that APHRC representatives will not:

- Abuse any persons at risk as per the definition of abuse in Appendix 1.
- Spend time alone with persons at risk. More than one person should be present or, at least, other adults should be within sight and hearing of the activities if they are dealing with persons at risk.
- Offer inappropriate advice to any person.

- Act in ways that may be violent, inappropriate or sexually provocative or ways that bring shame, humiliate, belittle or degrade persons at risk.
- Condone, or participate in behavior which implies sexual, physical and financial exploitation or abuse of another person.
- Agree with a person at risk to keep a secret which has implications for their safety or the safety of other people.

## 6.0 REPORTING PROCESS <sup>1</sup>

Abuse and discrimination of persons at risk is a safeguarding issue and thus the reporting process to be followed and channels to be used are outlined in the *Safeguarding and Whistleblowing Policies*.

Reports can also be made to:

- i) The local police or other relevant government departments according to the laws of the respective countries.
- ii) Organizations that work on protection of persons at risk in the respective countries.

The malpractice incident reporting form is [here](#).

## 7.0 RESPONSE MECHANISMS

After every report is filed, all parties are expected to maintain confidentiality of the issues raised.

Anyone who raises concerns of misconduct shall be protected as much as possible from victimization or any other detrimental treatment provided that concerns are raised in good faith. Their (victims and reporters) confidentiality will be protected and information which could identify them will be shared on a 'need to know' basis. Only individuals who have legitimate reasons to access the information will be allowed to receive it. In all cases, an email acknowledging receipt of the complaint should be sent to the reporter not later than one week after receiving the complaint.

Any person who knowingly files a false allegation will be subject to disciplinary action, up to and including termination of employment.

## 8.0 ACTIONS TO BE TAKEN

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<sup>1</sup> <https://aphrc.ethicspoint.com>

APHRC will treat any accusations of abuse seriously when reported. Allegations made against an employee or any representative of APHRC will be thoroughly investigated.

The accused party, if a staff member, may immediately be suspended during investigations.

For APHRC Staff members confirmed abuse of persons at risk will be considered gross misconduct.

Disciplinary action will be taken according to the *Human Resources Policies and Procedures Manual*. Disciplinary action does not preclude formal legal action by the affected or referral by the Center to government authorities.

Other APHRC representatives found culpable will have their contracts and/or services terminated. If there is reason to believe that an allegation of abuse by a partner's staff has been dealt with inappropriately by a partner, the agreement with them may be terminated.

Any report of a funder representative will be forwarded to the head of their institution.

Abuse perpetrated by outsiders who have no contractual relationships with APHRC will be reported to relevant government authorities.

In all cases, resolution should be done not later than two months of reporting if it does not require legal action. If need be and depending on the outcome of the investigation, a report may be shared with the police for further action.

## **9.0 TRAINING**

Staff will receive training as part of their induction on how to identify, prevent, respond to and report risks. Training will specifically include:

- An overview of the concepts of safeguarding as they apply to persons at risk.
- A discussion of risks to children, adolescents and adults in different national/political, cultural, religious contexts.
- A discussion of the entire policy as well as related policies and how they support this policy in order for participants to understand their contents and seek clarification where necessary.

## **10.0 MONITORING AND REVIEW OF POLICY**

There will be continuous monitoring, annual reporting of the risks and review of the effectiveness of safeguarding measures. This policy will be reviewed by the Board every 3 years or earlier when necessary.

#### **11.0 OTHER RELATED POLICIES AND GUIDELINES**

- i) Safeguarding Policy – outlines responsibilities and reporting mechanism
- ii) Whistle Blowing Policy – outlines the reporting channels and the code of conduct of non-APHRC staff
- iii) Human Resources Policies and Procedures Manual – stipulates how APHRC handles staff disciplinary matters.
- iv) Research Ethics and Data Protection Guidelines – outlines how to protect research participants.

## **APPENDIX 1: DEFINITION OF TERMS**

**Abuse** - can be in a number of ways and not easy to categorize harm. We therefore broadly categorize abuse as taking many forms such as the following:

- Physical (including hitting, shaking, slapping, pinching, pushing, kicking, injuring, restraint or inappropriate sanctions).
- Sexual abuse - It involves forcing, enticing or coercing someone to take part in sexual activities, whether or not the vulnerable person is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, groping, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving a person in viewing, production and distribution of sexual images, watching sexual acts, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse can be carried out by adults or other children.
- Psychological (including emotional abuse, degrading punishments, threats of harm or sanction, verbal abuse, isolation, intimidation, humiliation).
- Financial or material (including theft, fraud, exploitation, misappropriation of property).
- Discrimination (including isolation, racist, tribal and sexist remarks, ageism, sexual orientation, religion, disability).
- Bullying (includes physical or verbal intimidation, emotional intimidation for example, excluding or isolating someone).

**Adolescents** – are individuals aged 10 to 19.

**Adult at Risk** - is someone over the age of 18 who requires care and support due to their gender (or sexual identity), or disabilities that are physical, mental or emotional, financial vulnerability, who cannot reasonably protect his/her/their self from abuse, harm or exploitation.

**APHRC Representative** - regular or temporary staff, consultants, partners, interns, fellows, contractors, volunteers, Board members, funders, visitors and guests.

**Authorized Officer** - The Children Act 2017, Laws of Kenya, defines an “authorized officer” as a police officer, an administrative officer, a children’s officer, a probation officer, a registered medical practitioner a child counsellor, a child psychologist, a labor officer, and includes an approved officer appointed under Section 78 or any other officer authorized by the Director.

**Child/Children** - Children are defined by the UN Convention of the Rights of the Child, as being individuals under the age of 18 years of age. Mistaken belief in the age of the child is not a defense for abuse.

**Children in Need of Care and Protection** - According to the Children Act 2017, Laws of Kenya these include a child (a) who has no parent or guardian, or has been abandoned by his parent or guardian, or is destitute; or (b) who is found begging or receiving alms; or (c) who has no parent or the parent has been imprisoned; or (d) whose parents or guardian find difficulty in parenting; or (e) whose parent or guardian does not, or is unable or unfit to exercise proper care and guardianship; or (f) who is truant or is falling into bad associations; or (g) who is prevented from receiving education; or (h) who, being a female, is subjected or is likely to be subjected to female circumcision or early marriage or to customs and practices prejudicial to the child's life, education and health; or (i) who is being kept in any premises which, in the opinion of a medical officer, are overcrowded, unsanitary or dangerous; or (j) who is exposed to domestic violence; or (k) who is pregnant; or (l) who is terminally ill, or whose parent is terminally ill; or (m) who is disabled and is being unlawfully confined or ill-treated; or (n) who has been sexually abused or is likely to be exposed to sexual abuse and exploitation including prostitution and pornography; or (o) who is engaged in any work likely to harm his health, education, mental or moral development; or (p) who is displaced as a consequence of war, civil disturbances or natural disasters; or (q) who is exposed to any circumstances likely to interfere with his physical, mental and social development.

**Child Labor** - is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is exploitative mentally, physically, socially or morally dangerous and harmful to children.

**Financial or Material Abuse** - including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**Funder** – Is a main grantee where APHRC is a sub-grantee or an individual, organization or government institution financing a part or all of a project's cost as a grant or financing APHRC's operational costs.

**Neglect** - the persistent and willful failure to meet a person at risk's basic physical and/or psychological needs, likely to result in the serious impairment of his/her health or development. Examples include failure to provide adequate food, clothing and shelter, failure to protect them from physical or psychological harm or danger; failure to ensure adequate supervision (including the use of inadequate care-givers); or failure to ensure access to appropriate medical care or treatment as a result of carelessness, indifference, or unwillingness.

**Person at Risk** – means child, adolescent or adult at risk.

**Safeguarding** – means promoting and protecting people’s human rights, health and wellbeing and enabling them to live free from harm, exploitation, neglect and abuse, both verbally and physically.

**Unit Leader** - refers to unit head within divisions and division directors at APHRC.

**AFRICAN POPULATION AND HEALTH RESEARCH CENTER**

**POLICY ON WORKING WITH PERSONS AT RISK**

I, \_\_\_\_\_ (Name), have received a copy of the Policy on Working with Persons at Risk dated September 2020. I have read and understood it and agree to adhere, at all times, to the stipulated terms. I acknowledge that this policy forms part of my contract with APHRC and is subject to change. I also understand that I shall be subjected to the stipulated consequences, if I fail to adhere to the terms.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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