

IJR Safe guarding policy

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1. Policy and procedure

Purpose statement

The purpose of this document is to outline and formalise a safeguarding policy for the Institute for Justice and Reconciliation (IJR) that will ensure that vulnerable groups and individuals engaging with the IJR and its work will continue to be protected and special attention is given to the potential risks posed and the potential needs of vulnerable groups. Characteristic of the IJR and its practices, the institution reaffirms its continued commitment to facilitating debriefing sessions by trained facilitators, as is currently observed.

This document will define what is meant by vulnerable groups and provide guidelines as to how the policies will be implemented and streamlined within IJR's practices. It will outline the approach that the IJR is committed to, when engaging in work with vulnerable groups, in order to ensure the safety and protection of all individuals involved. This policy has been informed both by this commitment and by current legal requirements. The policy establishes the principles and parameters within which we will work to ensure the safety and welfare of all vulnerable groups with whom the IJR engages, through its work.

The policy will be accessible to all IJR staff on IJR's internal shared drive. It will also be published on IJR's website and distributed to IJR's partner and stakeholders through its database. Each programme at the IJR will undertake to develop an action plan (see implementation plan at the end) to ensure that awareness is raised about the policy and by doing so ensure that it is accessible to stakeholders and beneficiaries beyond electronic and online means.

Equality and Diversity statement

The IJR is committed to building fair, inclusive, democratic societies and it is in line with this vision and mission that the work the IJR engages in promotes equality and good relations amongst all those involved. As part of the IJR's commitment to being a responsible civil society think tank that also engages with communities it will ensure that its employees have the awareness and ability to meet the differing needs of the diverse populations and groups it comes into contact with. The IJR is committed to treating all individuals and particularly vulnerable groups fairly, with respect and dignity.

Promoting equality is the practice of creating a fairer society where each individual is recognised, is able to participate, has the opportunity to fulfil their potential. Inequalities are challenged and discrimination and exclusion are strongly condemned.

Promoting diversity encompasses the need to uphold and value the differences within society. The IJR recognises that each person brings a different perspective, different ideas, knowledge and culture and through these differences, we are strengthened as an organisation.

2. Scope of this policy

This policy applies to all IJR staff, board and partners and include

- IJR staff including volunteers and interns
- Contractors
- Consultants and advisers
- IJR Board members
- Civil society partners

3. Definitions

Various Identified Vulnerable groups

The term "vulnerable groups" is usually synonymous with "groups at risk". Vulnerability results from developmental problems, personal incapacities, disadvantaged social status, inadequacy of interpersonal networks and supports, degraded neighbourhoods and environments. A group is generally considered vulnerable that experiences a higher risk of poverty and social exclusion than the general population. A lack of access to rights, resources, and opportunities is a major cause of vulnerability, which refers to exposure to a range of possible harms, and being unable to deal with them adequately. Members of vulnerable groups may have special difficulty giving free and informed consent. The following are the identified vulnerable groups, including but not limited to:

- **Children:** persons under the age of 18 years
- **Youth:** young individuals between the ages of 14 and 35. However, "youth" is best understood generationally and as a period of transition and does not represent a homogenous group.¹
- **Marginalised gender identities** including cisgendered women, trans-women, non-binary and gender queer: Adult humans ranging on the spectrum of gender identity.
- **LGBTQIAP+ people:** A term used to refer to the Lesbian, Gay, Bisexual, Transgender, Questioning, Queer, Intersex, Asexual and Pansexual community under one umbrella. Essentially, it is an inclusive term for people outside of cisgendered heteronormative sexual orientation and gender identity.

¹ IJR Strategic Plan 2017-2020

- **Refugees:** “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion”²
- **National minorities:** A minority group within a country based on national or ethnic, cultural, religious and linguistic identity.³
- **Indigenous peoples:** “Considering the diversity of indigenous peoples, an official definition of “indigenous” has not been adopted by any UN-system body. Instead the system has developed a modern understanding of this term based on the following:
 - Self- identification as indigenous peoples at the individual level and accepted by the community as their member.
 - Historical continuity with pre-colonial and/or pre-settler societies.
 - Strong link to territories and surrounding natural resources.
 - Distinct social, economic or political systems.
 - Distinct language, culture and beliefs.
 - Form non-dominant groups of society.
 - Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.”⁴
- **Disabled persons:** a person with a physical or mental impairment which limits activity or restricts participation. According to the British Council of Organisations of Disabled people, “[d]isability is the disadvantage or restriction of activity caused by a society that takes little or no account of people who have impairments and thus excludes them from mainstream activity.”⁵
- **Elderly persons:** individuals aged 60 years or older.
- **HIV positive persons and AIDS victims:** persons inflicted with the AIDS virus, HIV or inflicted with the infectious disease
- **Socio-economic class:** the social standing or class of an individual or group with variance in socioeconomic status, including disparities in the distribution of wealth, income, and access to resources and levels of education.

Clearly this is not an exhaustive list of persons in need of particular protection, as many other groups not discussed in this part suffer from discrimination and oppression.

² UNHCR: 1951 Refugee Convention

³ United Nations Minorities Declaration: 1992

⁴ United Nations Permanent Forum on Indigenous Issues; Available: http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

⁵ Western Cape Government; Available: <https://www.westerncape.gov.za/general-publication/disability-definitions-models-and-terminology>

4. Risks to vulnerable groups in the context of IJR's work

IJR implements its work using four key methodologies which the Institute believes to be central for successful and sustainable social transformation namely (1) Research and Analysis, (2) Deep and sustained Dialogues, (3) Mobilisation, Training and Empowerment and (4) Strategy, Communications and Advocacy.

This means that members of vulnerable groups might engage with IJR's work in different ways. The list below highlights areas where vulnerable groups might interact with IJR's work and IJR as an organisation.

- Participate in IJR's various research activities
- Participation in workshops, trainings and targeted interventions
- Participation in IJR dialogue processes
- Attendance of public dialogues and public events
- IJR's media/social media outputs and resources

5. Our Responsibility

As an institution, it is the IJR's responsibility not only to ensure the protection and promotion of welfare of vulnerable groups, but also to ensure that we are aware of the institution's positionality⁶ when engaging in work with individuals and members of vulnerable groups. Positionality in this regard, refers to any inherent privileges and proximity to power and privilege. Furthermore, it is necessary to acknowledge, respect and give credence to the lived experiences of individuals within vulnerable groups so as to create a space where interactions and engagements can transpire in a more holistic manner, maintaining and even enhancing the human dignity of vulnerable groups and ensuring that IJR's interaction with these communities are not unequally balanced so as to exploit or abuse.

6. Actions to be taken to keep identified vulnerable groups safe

Code of conduct for safeguarding vulnerable groups

The IJR and its staff is cognisant of and requires of staff that:

- When working with vulnerable groups, it is necessary that all members feel valued, that their voice is listened to and heard, and each individual is respected.
- All practitioners in the field should be aware of their positionality when engaging in any interactions with members of vulnerable groups. Positionality, again, refers to one's inherent privileges and one's proximity to power and privilege, as well as the power dynamic

⁶ The word positionality is defined as the occupation or adoption of a particular position in relation to others, usually with reference to issues of culture, ethnicity, or gender. www.oxforddictionaries.com

(researcher positionality) that might come into play as a practitioner in the field interacting with participants and beneficiaries.

- All those who work with vulnerable groups have a duty to protect and promote the wellbeing of each individual involved.
- All engagements with stakeholders to be a mutual learning and teaching experience for practitioners and participants.
- All those who work with vulnerable groups ensure that no language or behaviour is used that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

The Role of the IJR and staff members

The IJR is committed to:

- The implementation of anti-discriminatory practices in all sectors of work especially with regard to interactions with vulnerable groups and members of society.
- Ensuring that all staff members who engage in work with vulnerable groups are appropriately screened for their suitability and adequately equipped for the work.
 - Staff and individuals currently employed by the IJR, who engage in work with vulnerable groups, will be required to sign a form undertaking a commitment to upholding the values and dictates of the Safeguarding policy.
- Ensuring that all staff and volunteers involved in IJR's work are familiar with, and follow, the organisations policy and procedures for safeguarding and promoting the welfare and continued wellbeing of vulnerable groups.
- Implementing the guidelines laid out in this document to ensure that each interaction with vulnerable groups allows the individuals involved to know how to voice their concerns and complaints.
- Ensuring that research ethics where relevant and applicable take into account safeguarding, from release/consent/register forms etc. to information sharing, especially around privacy laws.

Information sharing and use of photography, videos and other creative arts

As a starting point, it is the duty of those involved to be aware of the sensitive nature of the work and vulnerable communities they are dealing with. As such, it is necessary to acquire consent to the dissemination of information obtained during interactions between the IJR and vulnerable communities. It is the role of the interacting members of the IJR to ensure that the individuals involved are aware of the framework within which the research/ activity/ dialogue/ workshop/ training/

intervention is carried out. It is also the role of the facilitators/ moderators/ trainers to ensure that sensitive information is treated as such and respected, with regards to whom the information is shared with. Before information is shared, it is the responsibility of those involved to obtain consent and where necessary, to censor the information provided by those who did not give consent. As a focal point, it is always necessary to keep in mind that ensuring the safety and well-being of members in the vulnerable groups is the priority before disseminating information. All IJR staff engaging in work with vulnerable groups are obliged to act in accordance with the Protection of Personal and Private Information Act⁷ when collecting, processing, storing and sharing information. In this regard, any information obtained when working with vulnerable groups will only be used for lawful purposes and with the consent of all parties involved. Access to information will be limited to authorised individuals, both within and outside of the IJR.

Child protection

IJR core work does not engage children directly in programme or project implementation. However, through its work on Education for Reconciliation, IJR at times engages with high school learners and children might be present at IJR public events if parents or guardian bring them with to the events. This requires of the IJR to ensure that the following measures are in place in addition to the general actions towards vulnerable groups mentioned above:

- Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services.
- Wherever possible, ensure that another adult is present when working near and with children.
- Not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that another adult is present (noting that this does not apply to an individual's own children).
- Never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium.
- Not hire children for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury.
- Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures.

⁷ For information detailing the POPI Act, see Section 8 below; Links to the legislation informing this policy

- Be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.
- Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.
- Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

7. Reporting mechanisms

The IJR's Head of HR, Elisha Kotze, has been appointed as the Safeguarding Officer for the IJR. It is mandatory for all IJR staff, board members and partners to report immediately any suspected or alleged case of policy non-compliance by anyone within scope of the policy in connection with official duties or business. All reports should be made to both the Safeguarding Officer ekotze@ijr.org.za and the Executive Director shenkeman@ijr.org.za in writing. In the event where the witness or the complainant are unable to formally write a report, a verbal statement will be recorded and documented by the Safeguarding Officer. It is noted that in circumstances where these two options are not viable, provisions will be made for individuals to contact the Board. A designated Board member will. Additionally, if these avenues do not suffice, an email can be sent to info@ijr.org.za. Records of incidents will be documented and managed by Human Resources. In the instance where training, monitoring and disciplinary action have been taken, the files will be updated to reflect the individuals progress or outcomes of hearings.

The Executive Director and the Head of HR undertake to investigate immediately every report made and provide feedback in writing to the IJR Board and the IJR management team with recommendations of actions to be taken. The Executive Director has the discretion to take immediate action within the framework of IJR's Human Resource policy, which will be considered as an interim measure until the IJR management and Board had time to review the reports. If it is deemed necessary, an external investigation will be conducted enlisting the services of a competent and respected mediator, subsequent to any internal investigations that have taken place.

Included in the follow-up action, the IJR is instructed to hold any individuals accountable and in the case of the law being transgressed, an external person will be appointed to report the case. Furthermore, remedial measures will be undertaken with the various individual or individuals

involved, as well as the Head of Department and Executive Director. These measures range from counselling to training interventions to disciplinary action.

IJR's head of HR will keep all incidents on record for the IJR. Reports and outcomes of processes, where individuals are involved, will be added to their personnel files.

8. Links to Documents/ Legislation informing the Policy

The following list of documents and policies inform this policy and form a foundation for the implementation of the policy. The national safeguarding framework pertaining to the various identified vulnerable groups, which have informed this policy, is laid out in each document regarding that particular vulnerable group.

- The Declaration of Human Rights
- The South African Constitution
- Children's Act, 2005
- National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance
- Integrated National Disability Strategy
- Refugees Act, 1998
- Immigration Act, 2002; Green Paper on International Migration in South Africa, 2016
- Protection of Personal and Private Information Act, 2013

9. Internal implementation and maintenance plan for the policy

The following tables describe how the Safeguarding policy will be implemented at the IJR. IJR's aim is to ensure that all steps of the implementation are done in an inclusive manner and at the same time ensuring that all IJR staff, Board members and stakeholders are aware of the policy. Current staff members will be made aware of the policy through a workshop that will be held at the IJR offices. New staff members will be made aware of the policy and its procedural actions through the induction process. Upon recruitment of new staff, interns and volunteers, each will be screened through a due process. As an initial step, the HR employment form will be inclusive of questions relating to the candidates suitability for employment and criminal history.

Phase 1: Approval

<u>Activity</u>	<u>Outcome</u>	<u>Due Date</u>	<u>Person Responsible</u>
Draft policy circulate among IJR staff	A comprehensive policy that includes the expertise and views of IJR's diverse staff	25 April	Carolyn/ Nargis
Policy will be updated with inputs	Draft 2 of the policy available	12 May 2017	
IJR management team to workshop the policy	Any input from management can be incorporated into the policy.	22 May 2017	HOD's
IJR programme teams to workshop the policy	Any input from programme teams can be incorporated into the policy.	23 May 2017	All staff
Policy finalised with inputs from Management and staff	A final version will be available.	25 May 2017	Carolyn/ Nargis
IJR management approves draft policy	An approved policy and implementation plan	26 May 2017	Carolyn

IJR Board approves and adopts policy	IJR has a Safeguarding policy in place	End 30 May 2017	Stan/Renee
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Phase 2: Training and Capacity building

<u>Activity</u>	<u>Outcome</u>	<u>Due Date</u>	<u>Person Responsible</u>
IJR staff attends a 0.5 day workshop on the new Safeguarding Policy	All IJR staff confirms that the content of the policy is understood and how it will apply in the implementation of IJR's work. All staff members have to sign that they have read and understood the policy A video is recorded of the workshop so that any new staff member commencing at the IJR can be trained.	End June	Elisha (HR)/ Carolin
Consent form for participation to be created	Consent form for participation will be freely available for staff to distribute before engaging with vulnerable groups.	15 June 2017	Nargis
Ensure the safeguarding policy is included in induction packs	All new staff members/ interns will be briefed on the policy and will be aware of how to go about interacting/ engaging with vulnerable groups.		Elisha (HR)

Phase 3: Implementation and maintenance

<u>Activity</u>	<u>Outcome</u>	<u>Due Date</u>	<u>Person Responsible</u>
Safeguarding Policy is published on IJR's website	The document is freely available to the public and donors etc.	First week of June	Carolin/ Samantha
IJR to consult with practitioners in the field of each respective vulnerable group that has been identified	Ensure that the policy is sensitive and applicable to each vulnerable group identified		
Review HR employment form to be inclusive of issues relating to the adherence of the policy	Employment form will provide a first entry point of screening IJR staff		
Create Video of Stan outlining the policy and make a link available on the IJR website. Send the link and policy to IJR's stakeholder database.	Video detailing how the IJR is committed to safeguarding vulnerable groups is freely available to the public.		Nargis/ Stan
Each programme drafts an action plan how the safeguarding policy will be applied in their work	All members within each programme are aware of how the policy is to be incorporated into their work.	End of July	All HODs
Annually, in January of each year programmes review their action plan.	Action plans are up to date. Reviewed action plans for each programme can be implemented.	January (annually)	All HODs

Quarterly, Safeguarding policy is discussed as part of the monthly HOD meeting	HODs are kept up to date and approve the Safeguarding policy on a quarterly basis.	Quarterly: January, April, July, October	Executive Director
Safeguarding policy implementation is discussed twice a year at the IJR staff meeting.	All staff are kept up to date with the policy and can contribute where they see fit, if new matters arise.	Annually: March, September	HR and Executive Director

10. Review Process

The IJR is committed to reviewing this safeguarding policy annually during its annual strategic planning during the 3rd quarter of the year and lessons will be incorporated into subsequent versions. All subsequent versions will go for approval and adoption to IJR's board. In implementing this policy, the IJR is committed to ensuring its sustainability so that it may have a consistent effect in filtering through to all aspects of the work within the IJR.

11. Date of effect

The policy is effective from 01 June 2017 and will apply to all activities and projects initiated after that date through the approval of IJR's Board at its AGM.

12. Appendices

The following documents can be found in the appendices or on IJR's website as indicated below

Consent Form for Participation (attached) **<still to be created>**

IJR Staff commitment to the Safeguarding policy and procedures (attached) **<still to be created>**

The IJR Employment Manual (Click here) **<link to be inserted>**

Carolyn Gomulia

Nargis Motala