

FOREST PEOPLES PROGRAMME

SAFEGUARDING POLICY

Adopted September 2018, updated June 2023

As a human rights organisation FPP embodies strong values around the respect for the dignity of all individuals as well as collectives. These values are embedded in all aspects of our work and are held true in our commitment to provide a safe and trusted environment in which to work, safeguarding the rights and interests not only of staff, but also of all members of our partner organisations, local communities, consultants and others who we come into contact with during our work.

Our workplace, and our work with those external to our own organisation, should be free from violence (including sexual violence), harassment, coercion, intimidation or other inappropriate behaviour, in all their forms. We therefore need to conduct ourselves in a manner that reflects honesty, integrity and accountability, and that maintains the effectiveness, values and mission of the organisation, and expect equivalent standards of treatment from others.

The purpose of this policy is to state FPP's commitments with regards to safeguarding, and to define conduct that is ethical, legal and consistent with the organisation's values, and the process for handling issues or complaints that may arise. It sits alongside the *Safeguarding Complaints and Allegations flowchart*, which further highlights the process according to which any safeguarding complaints, issues or concerns should be dealt with.

First and foremost, we want all our staff, volunteers, trustees, associates, and civil society and community partners to feel as safe and respected as possible, both in the interactions between them, and in their interactions with third parties connected to FPP's work.

If you feel that you have experienced bullying, harassment, sexual harassment, abuse, or exploitation, by someone connected to (or in the course) of FPP's work, please report this incident as soon as possible. If you have reasons to believe someone else has experienced any such harm, then you also have a duty to report this in the same way. This ensures that FPP can meet its duty of care, which also includes handling any such reports with the utmost sensitivity, support, and confidentiality, given that coming forward with a complaint or report of this nature is often difficult or troubling.

If a report concerns an active situation of danger to a FPP staff member, volunteer or consultant, caused by the actions of a third party (other than a partner), while undertaking fieldwork/work-related travel, FPP's *Travel Safety*

and Security Policy will be invoked instead of this Safeguarding Policy, in order ensure that the necessary emergency steps are taken.

If you have a safeguarding concern, incident or allegation to report, this can be first communicated to whoever you feel most comfortable talking to, for example any of the following:

- Your FPP line manager or welfare manager (for FPP staff or volunteers), a PCMT member, or another trusted colleague
- Either of the two FPP staff safeguarding contact points:
 - Agata Pilarz (agata@forestpeoples.org), staff safeguarding contact point (speaks English, French and Spanish)
 - Louise Henson, (louise@forestpeoples.org), safeguarding contact point and chair of the FPP Safeguarding Unit.
- You can also directly contact either of the designated safeguarding contact points on the FPP Board:
 - Michel Pimbert Michel.Pimbert@forestpeoples.org and/or
 - Sarah Roberts Sarah@forestpeoples.org

Part of the purpose of designating safeguarding contact points on the FPP Board is to maximise accountability, for example in the situation where there is any dissatisfaction with the way an issue, complaint or concern has been handled by the Safeguarding Unit, or, in the (hopefully highly unlikely scenario) that the complaint or issue concerns behaviour of any member of the Safeguarding Unit). In the latter case, that member of the Safeguarding Unit would of course be suspended from the Unit pending investigation.

The FPP Safeguarding Unit is made up of the two staff safeguarding contact points, the FPP Director, and at most one other member of the PCMT (currently Helen Tugendhat)

If you receive a report from a colleague about a safeguarding concern, incident or allegation because they do not feel comfortable to report the matter directly, or you otherwise hear of an issue which you do not know to have been reported, your duty to report means that you must pass on that report to one of the two FPP staff or board safeguarding contact points so that it can be handled properly.

Anyone, including community members or partner staff persons who have concerns or complaints arising from FPP's work (whether relating to its staff, volunteers, consultants or someone else) can contact any of the contact points highlighted above, or leave a message on one of the following confidential reporting channels:

- By email: complaints@forestpeoples.org
- Or by leaving a telephone message on the dedicated safeguarding complaints or concerns phone number: **+44 (0)7510 953 724**

Messages received by either channel will be dealt with in strictest confidence.

In addition, complaints and issues can be reported to a representative of any partner organisation that FPP staff are working with, who will then raise it directly with FPP via the appropriate channels. This mechanism may be the most accessible for community members, but community members should also feel free to contact FPP directly.

FPP commits to handling complaints of bullying, harassment, sexual exploitation or abuse, or information from staff relating to such complaints, confidentially, sensitively and fairly, using the process set out in the Safeguarding Complaints and Allegations Flow Chart. Bullying, harassment, and sexual abuse or exploitation will not be treated as a standard grievance as it is a serious issue and will be treated as such.

Where complaints involve your line manager, reports should be made to another appropriate manager, ideally one senior to your line manager, or if in doubt, to the FPP Board's Safeguarding Contact Points (see contact details above).

What does confidential handling mean in practice? It means keeping the number of those who know the names of those concerned – including complainant and alleged perpetrator etc. – to an *absolute* minimum. Except in exceptional circumstances, only the members of the Safeguarding Unit will know those names, and if requested, we may be able to reduce this further to just two members of the Unit.

The Safeguarding Policy entails a twin track approach to handling safeguarding complaints or concerns, depending on the seriousness of the suspected breach, in order to ensure proportionality of response. As indicated in the flowchart, where the safeguarding report concerns less serious allegations of bullying and harassment (including sexual harassment), the process will for example be unlikely to require the Unit to inform and update the board safeguarding contact points, or to notify third parties (such as the UK Charities Commission and the donor). It will still be taken seriously, and may well involve an investigation and disciplinary proceedings.

Where the safeguarding report concerns allegations of abuse or exploitation (including of a sexual nature), or more serious instances of bullying and harassment (including sexual harassment), the process will necessitate the Unit informing and updating the FPP Board Safeguarding Contact Points, and notification of third

parties (such as the UK Charities Commission and the donor). Assessing the seriousness of allegations will be a judgment call made by the Safeguarding Unit, and where that call is marginal, the Board Safeguarding Contact Points will be invited to give independent oversight of that assessment. The seriousness of an allegation may change during the course of an investigation as new details come to light, and so this will be kept under review.

However, it is important to note that all notifications and updates made by the Unit will be **anonymized** to protect the identities of those affected. Furthermore, they will be written in such a way as to minimise scope for even *deducing* those identities from extraneous details (e.g. by leaving out those details). The only foreseeable exception to this would be in the most exceptional circumstances, where FPP may have a legal duty of full disclosure (e.g. to the police or other prosecuting authorities).

Those who have experienced harm arising from a safeguarding incident and who are the subject of FPP's duty of care (including FPP staff) will be offered all reasonable support as an absolute priority, both internally (by their line and/or welfare manager as appropriate), and/or via the offer of external psychological or other expert assistance through appropriate counselling and health services paid for by FPP, if wanted. They will also be kept informed of the follow up actions and outcomes, in recognition of the fact that a key component of the support that survivors of Harassment, Abuse and Exploitation deserve is the visibility of steps taken to ensure accountability, due process, and other measures taken to mitigate risks of repetition.

Definitions and Expectations

When assessing any reported incident, FPP will consider it under one of the following terms:

- Sexual harassment, abuse and exploitation
- Bullying and other forms of harassment

Sexual harassment, abuse and exploitation

What is sexual harassment?

Sexual harassment is unwanted conduct of a sexual nature. It has the purpose or effect of violating the dignity of an individual, making an individual feel intimidated, degraded or humiliated, or creating a hostile or offensive environment for them.

Behaviour that has these effects can still be considered sexual harassment even if the alleged harasser did not mean for it to be. It also does not have to be intentionally directed at a specific person.

Behaviour that constitutes sexual harassment includes :

- Unwelcome behaviour of a sexual nature (physical or verbal)
- Inappropriate or suggestive remarks or verbal sexual advances
- Indecent comments, jokes or innuendos relating to a person's looks or private life
- Unwanted physical contact such as hugging or inappropriate touching
- Requests for sexual favours
- Emails with content of a sexual nature
- The display or circulation of pornography or indecent images

This kind of behaviour may be brushed off by the harasser as 'banter' or harmless flirting. It is important to remember that the impact the behaviour has on the recipient is the most important factor. So it is not relevant whether the individual intended to cause offence, but rather whether offence was actually caused by the conduct.

What is sexual abuse?

The term sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (where genuine consent is not or cannot be obtained). An example of this is rape or attempted rape.

What is sexual exploitation?

The term sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to using financial, social or political power to obtain sexual favours, or profiting monetarily, socially or politically from the sexual exploitation of another. An example of this is asking for sexual favours from members of any community with whom we are working.

Our expectations on Sexual Harassment, Abuse and Exploitation

The following principles of sexual behaviour, in many cases as outlined by international standards for safeguarding of vulnerable people, are considered an integral part of this guideline:

- Sexual exploitation and abuse by any FPP employee, trustee, associate, consultant or contractor constitutes an act of gross misconduct and is, therefore, grounds for termination of employment and/or legal action;

- Exchange of money, employment, goods, or services for sex (including sexual favours or other forms of humiliating, degrading, or exploitative behaviour) or sexual relations where there is expectation of economic benefit in the course of or in connection with your work, or at any time when you are acting as a representative of FPP is strictly prohibited and is a reason for termination of employment. This includes any time when you are travelling within or outside of your home country because of your work with FPP;
- Sexual activity between any FPP employee and a child¹ is strictly prohibited, regardless of the age of majority or age of consent locally. In such cases, mistaken belief by any FPP employee or visitor regarding the age of a child is not a defence against disciplinary action, termination of employment and /or legal action;
- Where an FPP employee, trustee, associate, consultant or contractor develops concerns or suspicions regarding sexual harassment, abuse or exploitation by a fellow employee, trustee, consultant or contractor, partner staff member, or other individual interacted with in the course of FPP work or field travel, s/he must report such concerns via FPP's reporting mechanisms outlined above (and per the *Safeguarding Complaints and Allegations flowchart*).
- Where such conduct is found by FPP's proper process to have been committed by any FPP employee, trustee, associate, consultant or contractor may lead to disciplinary action or, for repeated offences or where the conduct amounts to serious misconduct, may be grounds for immediate termination of employment.
- Where such conduct is alleged to have been perpetrated by someone other than a FPP employee, trustee, associate, consultant or contractor (i.e. someone over whom FPP has no direct authority under contract to ensure accountability and apply sanction) FPP will undertake reasonable and proportionate follow up in order to enable accountability and maximise chances of non-repetition. Reasonable and proportionate follow up could include reporting the individual:
 - to their employer (e.g. a partner organisation, where the individual is an employee, trustee, associate, consultant or contractor of the partner organisation)
 - to the police, in the most serious cases where there is a *prima facie* reason to believe a serious criminal offence has been committed, providing it is safe to do so, and bearing in mind considerations of moral hazard and the balance of retaliatory risks to the survivor and to others

Bullying and Harassment

¹ A child is defined as a person under the age of 18 in line with the UN Convention on the Rights of the Child

What are Bullying and Harassment?

Harassment, in general terms is unwanted conduct affecting the dignity of any person in the workplace, where actions or comments are viewed as demeaning and unacceptable to the recipient. It may be related to age, gender, sexual orientation and identity, race, colour, national, ethnic or class origin, religious or philosophical belief, marital status, parental status or impairment, and may be persistent or an isolated incident. Harassment often involves behaviour that is similar to bullying but is based on one of the discriminatory characteristics above.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. It may be face-to-face or in written communications, e-mail, phone or social media. It may involve repeated incidents which, taken alone, might not be considered bullying but, when taken together, constitute a pattern of behaviour that does so. Whatever form it takes, it is unwarranted and unwelcome to the individual. It may take place in private or in public.

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument is not bullying.

Our expectations on Bullying and Harassment

Bullying and harassment are unacceptable. We are – or should be, and therefore can be reasonably expected to be – aware of power in all relations and how it can be misused.

Examples of bullying/harassing behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone, including by picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position

- Physically intimidating behaviour – standing too close, adopting physically threatening postures, regularly yelling or using physical means to dominate discussions etc.
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading or constant, excessive and/or inappropriate criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is taken very seriously by FPP. Behaviour amounting to bullying and harassment by any FPP employee, contractor or consultant will be investigated and may lead to disciplinary action or, for repeat offences or where the behaviour amounts to serious misconduct, may be grounds for immediate termination of employment.

How can bullying and harassment be recognised?

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the “grey” areas that cause most problems.

Bullying and harassment can often be hard to recognize – they may not be obvious to others, and may be insidious. The recipient may think “perhaps this is normal behaviour”. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of “overreacting” and worry that they won’t be believed, that the behaviour will be trivialised, or that nothing will be done, if they do report incidents.

People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the “last straw” following a series of incidents. There can also often be a fear of retribution if they make a complaint.

Bullying and harassment will often result in feelings of anxiety and humiliation. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer. For further guidance on bullying and harassment see:

www.gov.uk/workplace-bullying-and-harassment

<http://www.acas.org.uk/media/pdf/r/l/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>