



## **THE KENYA OBSTETRICAL AND GYNAECOLOGICAL SOCIETY**

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## 1.0 Introduction

The Kenya Obstetrical and Gynaecological Society (KOGS) is committed to safeguarding the well-being of all the children, young people, and vulnerable adults with whom it comes into contact. The policy on child labour, protection of children and vulnerable adults is in accordance with applicable Kenyan and International laws for the protection and enhancement of the welfare of children and vulnerable adults. Protection of children is extensively covered in Part VII of the Kenya Employment Act 2007 whilst prohibition against forced labour is covered under part II section 4 of the same Act.

KOGS is committed to promoting these rights in its operations by vigorously applying the doctrine of prevention through good practice and in collaboration with its' stakeholders and partners.

**Safeguarding** is the responsibility that an organization has to ensure that their employees and volunteers, partners, vendors, operations and programmes do no harm to children, young people or vulnerable adults (together referred to as 'vulnerable people' under this policy); that they do not expose them to the risk of discrimination, neglect, harm and abuse; and that any concerns the organization has about the safety of vulnerable people within the communities in which they work, are dealt with and reported to the appropriate authorities. It is also the responsibility that the organization has for protecting its employees and volunteers when they are vulnerable, for example, when ill or at risk of harm or abuse.

**Child protection** is a central part of but not separate to safeguarding. It is the process of protecting individual children identified as either suffering or at risk of significant harm as a result of abuse or programme of work. It also includes measures and structures designed to prevent and respond to abuse.

Over recent years, there has been increasing recognition of the way in which children, young people and vulnerable adults can be at risk of discrimination, neglect, abuse and exploitation by those who are in positions of trust and power over them, including through international development activities.

As a consequence, there has been a significant increase in the efforts made by organizations to ensure that no harm results from the contact their members, employees, and other representatives have with their target populations or communities.



Through their work, KOGS members, staff, partner organizations and may engage with young people and vulnerable adults either directly or indirectly.

KOGS recognizes it has an obligation to put in place all reasonable safeguarding measures to ensure, as far as possible, the safety and protection of children, young people and vulnerable adults, including those with whom we work and those in the communities where KOGS work, and programmes are undertaken.

## **2.0 Purpose**

The purpose of this policy and associated procedures is to provide clarity to **ALL** on how they should engage with children, young people and vulnerable adults when working for, on behalf of, or in partnership with KOGS. It is also to help us make sure that employees, partners, and other representatives are protected.

It is intended to help us to have a common understanding of safeguarding issues, develop good practice across the diverse and complex areas in which we operate and thereby increase accountability in this crucial aspect of our work.

Any breach of this policy will be treated as a disciplinary matter, which may result in immediate termination of employment or contract, and reporting to law enforcement agencies, relevant regulatory authority, or other body.

## **3.0 Definitions**

### **3.1 Abuse**

A violation of an individual's human and civil rights by any other person or persons. It can take the form of physical, psychological, financial, or sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the health, survival, development or dignity of a child, young person or vulnerable adult.

Abuse can be a single act or repeated acts and can be unintentional or deliberate. Abuse often involves criminal acts.

### **3.2 Discriminatory abuse**

Abuse motivated by a vulnerable person's age, race, nationality, sex, sexual orientation, disability, or other personal characteristic.



### **3.3 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.

### **3.4 Neglect**

The persistent failure to meet a vulnerable person'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 caregivers); or failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a vulnerable person's basic emotional needs.

### **3.5 Physical abuse**

Includes hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm, misuse of medication, restraint, or inappropriate sanctions.

### **3.6 Psychological abuse**

Includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks. Examples include not giving a vulnerable person opportunity to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on a vulnerable person, which may include interactions that are beyond a vulnerable person's developmental capability. It may involve serious bullying (including cyber bullying), or the exploitation or corruption of a vulnerable person.

### **3.7 Sexual abuse**

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, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving a vulnerable person in looking at, or in the production of, sexual images, watching



sexual activities, 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.

### **3.8 Child**

KOGS regards a child as anyone under the age of 18 years, irrespective of the age of majority in the country in which the child lives or in their home country. It is widely recognized that children are generally more vulnerable to abuse and exploitation due to factors such as age, gender, social and economic status, developmental stage, and dependence on others.

### **3.9 Vulnerable person/people**

For the purposes of this policy this is an umbrella term which covers children, young people and vulnerable adults.

#### **3.9.1 Vulnerable adult**

A person, 18 years and above, who by reason of disability, age, gender, social and economic status, or illness, the context they are in, may be unable to take care of or to protect him or herself against abuse, harm or exploitation.

#### **3.9.2 Youth or young people**

Individuals aged 15 to 35 – KOGS recognizes that this group spans the categories of ‘children and ‘adults’ but regards young people as having particular safeguarding needs and requiring distinct consideration aside from younger children and older adults.

### **4.0 Scope**

This policy is mandatory for all KOGS members, and employees. For the purposes of this policy, ‘employee’ is defined as anyone who works for or on behalf of KOGS, either in a paid or unpaid capacity. This therefore includes Council members, directly employed staff, trustees, contractors, employees and volunteers of sub-contractors, agency workers, consultants, volunteers, interns, and all visitors to KOGS offices.

It also covers partners we work with, and who we expect to work under the policy as a condition of their involvement with KOGS.



This policy demonstrates how KOGS will meet its legal obligations and reassure employees, partners, and members of the public:

- i. On what they can expect KOGS to do to protect and safeguard vulnerable people.
- ii. That they are able to safely voice any concerns through an established procedure.
- iii. That all reports of abuse or potential abuse are dealt with in a serious and effective manner.
- iv. That there is an efficient recording and monitoring system in place.
- v. That a robust 'safe' recruitment procedure is in place.

## 5.0 Policy Statement

KOGS has zero tolerance against abuse and exploitation of vulnerable people. KOGS also recognizes that safeguarding is everyone's responsibility and that it has an obligation to put in place reasonable measures to ensure, as far as possible, the safety and wellbeing of vulnerable people with whom we work and those in the communities in which we live.

### **KOGS works to the following key principles to protect vulnerable people:**

Everyone has an equal right to protection from abuse and exploitation regardless of age, race, sex, sexual orientation, marriage and civil partnership, pregnancy or having a child, gender reassignment, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other status.

- The best interests of the vulnerable person are paramount and shall be the primary **consideration** in our decision making.
- KOGS will take responsibility to meet our obligations regarding our duty of care towards vulnerable people, and act where we believe that a child, young person or vulnerable adult is at risk or is actually harmed.
- KOGS will ensure that employees and volunteers are inducted in our Safeguarding Standards (Appendix and procedures as a key part of the recruitment and on boarding process.
- KOGS will ensure that all partners are informed and in compliance with our Safeguarding Standards.
- When working with or through partners or subcontracted agencies, KOGS will ensure that their safeguarding procedures are consistent and in line with the principles and approaches set out in this policy.





- KOGS recognizes that an element of risk exists, and while we may never be able to totally remove this, we need to do all we can to reduce it or limit its impact.
- KOGS respects confidentiality and has a responsibility to protect sensitive personal data. Information should only be shared and handled on a *need-to-know basis*, that is, access to the information must be necessary for the conduct of one's official duties. Only individuals who have legitimate reasons to access the information are allowed to receive it.
- KOGS commits to monitoring the implementation of the safeguarding policy. This policy will be reviewed every three years and earlier if necessary.
- Cultural sensitivity; KOGS seeks always to work in ways which are culturally sensitive and that respect the diverse nature of the people we work with. We recognize that there are many different ways of thinking and taking care of vulnerable people and making sure they are protected. It is acknowledged that protecting these groups of individuals and being culturally sensitive can be a difficult balancing act, especially given the situation in many of the that we operate. As an organization, we endorse the United Nations Convention on the Rights of the Child general principle, that all the rights guaranteed by it must be available to all children without discrimination; and article 19 which accords equal rights to protection for children from abuse. Every child matters everywhere in the world. Culture must not be used as an excuse to abuse children, young people, or vulnerable adults.

## 6.0 Responsibilities

### 6.1 All

All employees, volunteers, consultants, agency staff, sub-contractors, partner organizations and visitors are obliged to follow this policy and maintain an environment that prevents exploitation and abuse, and which encourages reporting of breaches of this policy using the appropriate procedures.

#### **All people working with KOGS will:**

- Read, understand, and adhere to the KOGS Global Safeguarding Policy and KOGS Global Code of Conduct Policy
- Strive to promote a zero-tolerance approach to discrimination, sexual harassment, and abuse in all working environments





- Strive to develop relationships with all stakeholders which are based on equality, trust, respect, and honesty.
- Place the safety and welfare of children and vulnerable people above all other considerations
- Report any concerns they may have about the welfare of a child or vulnerable person
- Report any concerns they may have about the behaviour of a KOGS representative in relation to safeguarding
- In a one-to-one situation with a child or young person, where privacy and confidentiality are important, try to make sure that another adult knows the contact is taking place and why. If possible, ensure another adult is in sight and that the child or young person knows another adult is around

**All people working with KOGS will not:**

- Sexually harass, assault, or abuse another person
- Physically harass, assault, or abuse another person
- Emotionally abuse another person, such as engaging in behaviour intended to shame, humiliate, belittle, or degrade
- Condone, or participate in behaviour, which is abusive, discriminatory, illegal, or unsafe
- Develop, encourage, or fail to take action of relationships with children or other vulnerable people which could in any way be deemed sexual, exploitative or abusive
- Act in ways that may be violent, inappropriate, or sexually provocative
- Agree with a child to keep a secret which has implications for their safety or the safety of other young people.

**6.2 Chief Executive Officer (CEO)**

The CEO is responsible for ensuring employees, consultants, visitors and partner organizations are aware of the policy and are supported to implement and work in accordance with it, as well as creating a management culture that encourages a focus on safeguarding. Must ensure that they he/she is responsive, acting immediately if he/she becomes aware of any safeguarding concerns, and supportive towards employees who complain about breaches in this policy.



### **6.3 KOGS Council**

The KOGS Council is responsible for ensuring the effective implementation of this policy and associated procedures and ensuring that everyone linked with KOGS is equipped and supported to meet their responsibilities.

## **7.0 Procedure Overview**

### **7.1 Recruitment and Selection:**

- Safe recruitment and vetting processes are followed for all volunteers, employees, consultants, and partners (For more detailed guidance, refer to the Global Recruitment and Selection Policy)
- Where an employee, volunteer or partner is engaged in ‘regulated activity’ (direct work with vulnerable individuals), a criminal background check will be undertaken as part of the recruitment process.
- All KOGS employees must sign and abide by this policy.

### **7.2 Data Protection**

Ensure that personal information is kept confidential unless we have the agreement of the individual and/or their parent/guardian, except where it is necessary to pass this to a specialized child welfare or law enforcement agency in relation to a safeguarding incident.

### **7.3 Minimum Standards**

Where employees are contracted by other employers, or when working with partners, subcontracted agencies, KOGS will brief them on our safeguarding policy and ask for information on how the organization works to protect vulnerable people and ensure that they meet our Safeguarding Standards.

### **7.4 Social Media**

On the use of actual names, images, including photographs and recordings relating to protection of children, young people, and vulnerable adults, we will:

- Use names and images of children, young people or vulnerable adults which are respectful and not expose them to further vulnerability (not degrading or showing sexual images of children naked or partially clothed).
- Reproduce images and use names of children only where we have the written permission of their parents / guardians using a consent form (Appendix 2).



- Reproduce images and use names of young people and vulnerable adults only where we have
- their written permission or that of their parents/guardians, whichever is the most suitable.
- Make clear to vulnerable people and their families that agreement to providing information or images is not a condition of involvement in KOGS activities and programmes.
- Inform employees, and partners about the KOGS policy in relation to the use of technology and understand that they must not use this technology for the purpose of accessing, producing, or distributing any information or violent or sexual images that are harmful to vulnerable people. This includes adult pornography.
- Ensure that KOGS has a format for carrying out and implementing risk assessments at all levels of the organization.

### **7.5 Raising and responding to concerns**

KOGS places a mandatory obligation on all employees, contractors and partners to report concerns, suspicions, allegations and incidents which indicate actual or potential abuse or exploitation vulnerable people or which suggests this policy may have in any other way been breached. It is not the responsibility of the employees to decide whether or not abuse has taken place, however, concerns should be raised with the Chief Executive Officer who will initiate the procedure for dealing with suspected or actual incidents of abuse.

The CEO and Council Management Committee are responsible for ensuring that the reporting procedure is followed so that suspected or actual cases of abuse are responded to appropriately and consistently and referred to the relevant statutory authority.

### **7.6 To ensure that all such situations are handled appropriately and effectively**

Reports must be made, and decisions and actions taken.

KOGS is not an investigative authority. It is essential that referrals are made to the relevant law enforcement agency to ensure that appropriate protection and support is given to the vulnerable individual, and that any evidence is collected in accordance with the law.



All sensitive and personal data must be kept confidential (including the names of anyone who makes a report of abuse) and be shared on a strictly **‘need to know basis’**, that is, access must be necessary for the conduct of one’s official duties.

Where a KOGS employee is the subject of an investigation, the CEO will lead the case to collect the facts of the reported incident and escalate to relevant law enforcement agencies for investigations and action. The CEO will take the necessary administration actions in line with the human resources procedures.