



POLICY E0001: Safeguarding Policy and Procedure

This safeguarding policy sets out MSF UK/IE commitments to protect our patients, individuals and the communities we serve from abuse, exploitation and organisational negligence and the procedural framework and guidelines in place to safeguard against, and respond to, incidents effectively.

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1. Introduction

- 1.1 Safeguarding is of paramount importance to MSF UK/IE.
- 1.2 We support our partners in the international MSF Movement to run medical humanitarian field operations by recruiting specialist field staff, inspiring people to donate, raising awareness of humanitarian crises and running a specialist medical unit from the UK/IE to develop and support treatment innovations in the field.
- 1.3 The MSF Movement in general and MSF UK/IE specifically has a zero tolerance response to abuse, maltreatment and/or neglect of any kind and is committed to safeguarding, protection and fulfilling our duty of care to our patients and the individuals and communities we serve, people working and volunteering in the organisation, and to those that MSF otherwise comes into contact with. MSF UK/IE expects all staff and volunteers recruited to share this commitment. However, we recognise that anybody could cause harm (intentionally or unintentionally) and people may seek to work for the organisation to exploit and abuse their position of trust or otherwise engage in misconduct which poses a risk to individuals to whom MSF UK/IE may owe a duty of care.
- 1.4 Expected behaviours are set out in the Behavioural Commitments and form part of every MSF UK/IE employee's contract. Each section of the MSF Movement has policies and procedures designed to assure the clarity of these expectations and explain the process for reporting concerns. MSF Operational Centres are the collaboration of sections through which operations are delivered, with one section – the operational section – managing the activity. All Operational Centres have Responsible Behaviour Focal Points which are responsible for policy, process and case management of safeguarding issues that arise in the Movement's field operations. MSF UK/IE does not manage or deliver field operations.
- 1.5 MSF UK/IE works with these Responsible Behaviour Focal Points to ensure safeguarding obligations in respect of UK/IE contracted staff working in the field are fulfilled. Where applicable to an individual's working context, this policy should be read in conjunction with the relevant Operational Centre's Responsible Behaviour mechanisms and advice can be sought from MSF UK/IE.
- 1.6 MSF UK/IE ensures that it complies with all the legal obligations placed upon it by the Safeguarding Vulnerable Groups Act 2006 (England and Wales).

2. Policy purpose

- 2.1 The aim of this policy is to raise staff and volunteers' awareness of safeguarding risks and to provide those who have experienced, witnessed or suspect abuse, maltreatment or neglect with the means to address the matter.
- 2.2 This policy:
 - (a) Provides a definition and examples of abuse, maltreatment and neglect;
 - (b) Outlines the range of measures put in place by MSF UK/IE to safeguard patients and individuals and communities we serve, staff, volunteers and those that MSF comes into contact with from abuse, maltreatment or neglect; and
 - (c) Sets out the reporting obligations that staff and volunteers must follow to raise safeguarding concerns.

3. Policy scope

- 3.1 This policy applies to all members of staff. For the purpose of this policy, members of staff are defined as employees (including those on secondment to an Operational Centre), volunteers, workers (e.g., agency workers, casual workers, freelance workers, contractors), work experience students, interns, self-employed persons, and anyone carrying out duties on behalf of MSF UK/IE or who is perceived as representing MSF UK/IE, including the Board of Trustees.
- 3.2 Patients and individuals and communities we serve, supporters and members of the public may raise concerns in line with the MSF UK complaints procedure for supporters and beneficiaries, which can be found [on the website](#).
- 3.3 This policy is not a contractual term of employment. It is intended to act as a general framework only. It may be varied where MSF UK/IE deems it reasonably necessary. However, failure to adhere to this policy and those to which it refers will be treated seriously and may result in disciplinary action including dismissal or contract/agreement termination.
- 3.4 Related policy and procedure documents include:
 - (a) [the whistleblowing policy and procedure](#);
 - (b) [the grievance policy and procedure](#);
 - (c) [the anti-harassment and bullying policy and procedure](#);
 - (d) [the disciplinary policy and procedure](#);
 - (e) [the complaints procedure for volunteers, workers and self-employed](#); and
 - (f) [the complaints procedure for supporters and beneficiaries](#).
 - (g) [MSF Behavioural Commitments](#)

4. What is safeguarding?

- 4.1 While safeguarding has a particular meaning under UK legislation in relation to those charities providing activities and services to children or adults at risk within the UK/IE, in the UK/IE charity sector the term safeguarding is used more broadly to refer to the range of measures in place to protect

the people who come into contact with charities through their work from abuse, maltreatment or neglect of any kind. For the purposes of this policy, it encompasses measures put into place to protect all staff and volunteers in MSF UK/IE, and to protect individuals that MSF UK/IE employees or workers come into contact with, from abuse, maltreatment or neglect of any kind. Safeguarding in this context includes, but it not limited to, safeguarding children and vulnerable adults.

- 4.2 Abuse, maltreatment or neglect may be a single incident or may be something that occurs over a long period of time. It can take many forms, including but not limited to: financial or material abuse, physical abuse, mental abuse, neglect and failures to act, sexual abuse, threats of abuse or harm, controlling or intimidating conduct, self-neglect, domestic abuse, poor practices within an organisation providing care, modern slavery, etc. For the avoidance of doubt, MSF UK/IE considers transactional sex and/or inappropriate exploitation of an imbalance of power in any way to comprise abuse (whether or not such conduct is unlawful).
- 4.3 Abuse, maltreatment or neglect may come from a range of sources, including from staff, volunteers, patients, relatives, acquaintances, partnering support services, etc. Concerns, suspicions or disclosures may be made under this policy in relation to current or historical abuse, maltreatment or neglect.

5. Definitions

- 5.1 **Abuse:** Abuse consists of anything which individuals or organisations do, or fail to do, which directly or indirectly harms children or vulnerable adults, their development or dignity. It includes physical abuse; emotional abuse; sexual abuse; neglect; negligent treatment or any form of exploitation which results in actual or potential harm to the health, safety, survival or development of a person in the short and longer term.
- 5.2 **Abuse of Power/Authority:** Abuse of Power/Authority consists of improper behaviour by a superior in the workplace to the detriment of a person in a subordinate or dependency role. Behaviour is considered to be improper if a superior uses the power derived from a position for purposes other than to fulfil the functions attributed to that position.
- 5.3 **A Vulnerable Adult:** A person who is 18 years of age or over, and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation
- 5.4 **Child:** anyone under the age of 18, irrespective of the age of consent and/or majority in the country they reside. MSF UK/IE policies apply equally to all children regardless of their background, age, class, gender, ethnicity, religion, ability or sexual orientation.
- 5.5 **Child Protection:** The prevention of and response to significant harm, abuse, neglect, exploitation and violence against children.
- 5.6 **Discrimination:** Discrimination means any unfavourable treatment or arbitrary distinction, based on a person's actual or perceived race, sex, gender, gender identity, gender expression, sexual orientation, religion, nationality, ethnic origin, disability, age, language, social origin or other similar characteristics or attributes that contribute to a person's identity.
- 5.7 **Exploitation:** Exploitation means using a position of authority, influence or control over resources to pressure, force, coerce or manipulate a person to do something in exchange for resources or offer of resources.

- 5.8 **Harassment:** Harassment means unwelcome and usually repeated behaviour that might reasonably be expected to cause offence to the affected person. Harassment may take the form of words, gestures, visuals, actions or inactions, which tend to annoy, alarm, demean, intimidate, belittle, humiliate or embarrass another.
- 5.9 **Safeguarding:** the organisational policies, procedures, systems and practices applied to safeguard children and vulnerable adults who come into contact with MSF UK/IE and all those associated with the delivery of our work from all forms of harm
- 5.10 **Sexual Aggression:** Sexual aggression involves touching a person's private body parts or other sexual contact with a person, without that person's consent, either by force, threat of force, surprise, manipulation or under unequal coercive conditions
- 5.11 **Sexual Exploitation:** Sexual Exploitation means using a position of authority, influence or control over resources to pressure, force, coerce or manipulate a person to provide sexual favours in exchange for money, gifts, food, accommodation or any other material needs
- 5.12 **Sexual Harassment:** Sexual harassment is unwelcome and usually repeated behaviour of a sexual nature that might reasonably be expected to cause offence to the affected person.
- 5.13 **Traditional Harmful Practices:** Practices based on cultural beliefs and values that have harmful consequences e.g. early or forced marriage, female genital mutilation, faith based abuse etc.

6. What are the roles and responsibilities within MSF?

Responsibility of MSF UK / IE

- 6.1 MSF UK / IE will:
- (a) Ensure all staff, volunteers and, where appropriate, associated personnel have access to, are familiar with, and know their responsibilities in connection with this policy.
 - (b) Provide standard induction training to the MSF UK / IE safeguarding policies and procedures and associated requirements to new starters as part of the onboarding process within the first **two months** of employment
 - (c) Provide specialised training as needed for MSF UK / IE staff and volunteers and will ensure all staff undergo refresher training every two years
 - (d) Design and undertake all activities in a way that takes reasonable steps to protect people from reasonably foreseeable risks of harm that may arise from their coming into contact with MSF UK/IE's activities, staff and volunteers. This includes the way in which information about individuals is gathered and communicated.
 - (e) Implement robust procedures for safe recruitment, especially but not only when managing or deploying staff or associated personnel to overseas assignments.
 - (f) Follow up on reports of safeguarding concerns promptly and in accordance with due process.
 - (g) Work with Operational Centres to support their development and delivery of best practice safeguarding policy and process and fulfilment of MSF UK/IE's expectations.

Responsibility of MSF Operational Centres

6.2 MSF UK / IE's expectations from its partners is that they will:

- (a) Develop and enforce policies and procedures that are appropriate to local risks, cultures and laws.
- (b) Take reasonable steps to protect people from reasonably foreseeable risks of harm that may arise from their coming into contact with MSF's activities, staff and volunteers. This includes the way in which information about individuals is gathered and communicated.
- (c) Ensure all staff and volunteers have access to, are familiar with and know the relevant responsible behaviour policies and processes.
- (d) Ensure that all staff, volunteers and programme visitors receive relevant safety, security and safeguarding briefings either prior to or on arrival at project sites
- (e) Follow up on reports of violations of the Behavioural Commitments promptly and in accordance with due process.
- (f) Ensure that MSF UK/IE is informed of any safeguarding concerns related to MSF UK/IE staff, volunteers or related personnel.
- (g) Ensure that MSF UK/IE is informed of Serious Incidents in accordance with the Serious Incident Reporting Standard Operating Procedures and Serious Incident Reporting Thresholds.
- (h) Promote accountability towards our patients and individuals and communities we serve through, but not limited to:
 - I. Being transparent about our programming, activities, and services people are entitled to;
 - II. Raising awareness about our Code of Conduct, behavioural commitments, safeguarding policies, and reporting channels;
 - III. Actively seeking feedback from communities about our work, individual behaviours, and complaints; and
 - IV. Presenting feedback to communities on what changes have been made resulting from community feedback.

The above steps should occur regularly throughout the lifecycle of the programme or activity.

- (i) Embed a rights-based approach throughout the programme and project cycle, including assessment, design, implementation, complaints and feedback mechanisms, monitoring and evaluation and close out. This should include, but not be limited to:
 - I. Promoting and respecting the rights of all people regardless of age, sex, nationality, status, sexual orientation, identity, faith, racial heritage or disability
 - II. Increase and strengthen the participation of all stakeholders in programming
 - III. Reduce vulnerability and risk factors for all stakeholders, particularly those at risk of marginalization and discrimination

- IV. Challenge unequal power relations, rights violations and injustice whenever and wherever recognised in our programmes
- 6.3 All partnership contracts and agreements will include clauses on proactively managing safeguarding risks and procedures on reporting safeguarding incidents, allegations and concerns.
- 6.4 MSF UK / IE will carry out due diligence to ensure that all partners can properly carry out the intended activity or service and have adequate safeguarding measures in place.

Responsibility of MSF UK/IE staff, volunteers and associated personnel

- 6.5 Everyone is responsible for safeguarding. No member of staff or volunteer should allow safeguarding concerns to go unreported, even if the concern is based only on a suspicion. We are all required to hold accountable everybody who carries out duties on behalf of MSF or who is perceived as representing the MSF Movement. Failure to report safeguarding concerns in line with relevant reporting mechanisms could lead to disciplinary action.
- 6.6 All staff, volunteers and associated personnel are required to conduct themselves in line with the MSF UK/IE and Operational Centre policies, procedures and frameworks applicable to their role and contract or agreement with MSF UK/IE.
- 6.7 Individuals will be made aware of the policies, procedures and standards applicable to them and their role during induction and any training applicable to their role at suitable intervals thereafter.
- 6.8 All staff and volunteers are encouraged to utilise well-being initiatives and services offered by MSF UK/IE.
- 6.9 **Managers** are responsible for:
- (a) applying the Leadership and People Management Framework.
 - (b) adhering to all policies and ensuring that staff and volunteers are appropriately trained in connection with policies applicable to their role at induction and at suitable intervals thereafter and know what to do if they have safeguarding concerns.
 - (c) creating and maintain an environment that prevents all types of exploitation and abuse. Managers at all levels have a particular responsibility to support and develop systems that maintains safe environments in line with the Code of Conduct and Leadership and People Management Framework.
- 6.10 **Hiring managers and HR** are responsible for ensuring that the following policies and procedures for safe recruitment are adhered to:
- (a) Recruitment and Selection Policy
 - (b) Reference Policy (obtaining)
 - (c) Criminal Record Check Policy
 - (d) Recruiting Ex-Offender Policy
- 6.11 **Managers, board of trustees and HR** are responsible for facilitating and embedding a strong safeguarding culture were staff and volunteers are encouraged to apply learning from the following training:

- (a) Responsible Behaviour
- (b) Behavioural Commitments
- (c) Diversity and Inclusion

6.12 Lead Safeguarding Officer and Deputy Safeguarding Officer are responsible for:

- (a) being the first point of contact for UK/IE based staff and volunteers who have safeguarding concerns.
- (b) being an available point of contact for UK/IE staff on secondment for advice or if they feel that their complaint or concern has not been addressed by a relevant Operational Centre.
- (c) advising MSF UK/IE on how it should respond to safeguarding concerns.
- (d) recording and reporting safeguarding incidents, allegations and concerns to the Executive Office, Duty of Care Committee and Board of Trustees.
- (e) developing safeguarding policies, practices, raising awareness and providing training to facilitate a strong safeguarding culture.

6.13 The UK Board of trustees are responsible for:

- (a) approving this policy and any updates to it.
- (b) maintaining oversight of safeguarding risks in relation to MSF UK/IE activities.
- (c) receiving reports of safeguarding incidents, concerns, allegations and/or suspicions.
- (d) overseeing the management of safeguarding incidents.
- (e) ensuring that appropriate reports to external agencies are considered and made, including but not limited to the Charity Commission.
- (f) having on its Board of Trustees a designated **Safeguarding Trustee** which will, where required, support in the management of incidents, allegations and concerns regarding safeguarding.

6.14 The UK Safeguarding and Duty of Care committee is responsible for:

- (a) advising the UK Board of trustees in relation to points (a) to (e) of paragraph 5.13 above.
- (b) monitoring trends, lessons learnt and advising on interventions to improve safeguarding practices where appropriate.

7. How can staff or volunteers report a safeguarding concern?

When to report a concern

- 7.1 Safeguarding concerns should be reported as soon as reasonably possible after staff or volunteers become aware of the issue. Information contained in a report should be kept strictly confidential and shared on a need to know only basis. Staff or volunteers should not attempt to investigate the issue themselves.
- 7.2 No member of staff or volunteer should allow safeguarding concerns to go unreported internally, even if the concern is based only on a suspicion. We are all required to play an appropriate part in holding

everybody who carries out duties on behalf of MSF or who is perceived as representing the MSF Movement accountable.

- 7.3 The safety of individuals will always be paramount. Staff and volunteers must take appropriate emergency action if someone is at immediate risk of harm or in need of urgent medical attention and seek any assistance required.

Who to contact

- 7.4 Staff or volunteers' first point of contact for safeguarding concerns will depend on where they are based.

- 7.5 Staff and volunteers based in the UK/IE should report safeguarding concerns to:

Lead Safeguarding Officer: Nik Clifton

Email: safeguarding@london.msf.org

Tel: +44 (0) 20 7404 6600

or **Deputy Safeguarding Officer:** HR Field Manager plus one other to be identified

Email: safeguarding@london.msf.org

Tel: +44 (0) 20 7404 660

Address: Safeguarding, MSF UK, Lower Ground Floor, Chancery Exchange, 10 Furnival Street, London EC4A 1AB

- 7.6 Staff based in the field should report their concerns to:

Head of Mission and / or **Responsible Behaviour Focal Point** for the relevant Operational Centre

The contact details for the Responsible Behaviour Focal Points are as follows:

OCA: Responsiblebehaviour@amsterdam.msf.org

OCB: garec@brussels.msf.org

OCBA: behav.bcn@barcelona.msf.org

OCG: crac@geneva.msf.org

OCP: abus@paris.msf.org

- 7.7 MSF UK/IE staff who are based in the field are also encouraged to inform the Lead Safeguarding Officer or Deputy Safeguarding Officer of any complaint or concern.

- 7.8 When reporting a concern to the Safeguarding Officer or Deputy Safeguarding Officer in the UK, you will receive a response within **24 hours** to acknowledge that your report has been received. Within **72 hours** of receiving your report you will be contacted by either the Safeguarding Officer or Deputy Safeguarding Officer to discuss your report.

- 7.9 Staff on secondment who need further guidance, or who are not satisfied with how their concern or complaint has been addressed by the relevant Operational Centre, should contact the Lead Safeguarding Officer or the Deputy Safeguarding Officer.

- 7.10 If the Lead Safeguarding Officer or Deputy Safeguarding Officer is implicated in the report, or if the concern relates to the governance of safeguarding, concerns should be raised with the Safeguarding Trustee.
- 7.11 If the concern is relating to a member of staff from another agency, whether they be a partner or another organisation working in the same area, and staff are not aware of their reporting pathways they can be reported to the Safeguarding Lead who will ensure that these are shared with the relevant organisation where it is safe to do so.

Please note: If abuse occurs within the community which may not be due to our organisation's programmes or operations, we still have a responsibility to report.

What information to include

- 7.12 When making a report, staff or volunteers should provide as much relevant information as possible. However, lack of information should not delay the making of a report, and you should not attempt to investigate the issue yourself. Where possible, the following information should be provided:
- (a) the names of the people involved and any information that will help identify persons;
 - (b) the nature of the concern: what type of abuse, maltreatment or neglect is or may be occurring; and
 - (c) the dates and times of the suspected abuse, maltreatment or neglect.

8. What should staff or volunteers do if a safeguarding concern is raised with them?

- 8.1 As a member of staff or a volunteer, if a safeguarding allegation, complaint or concern (including concerns based only on a suspicion) is disclosed to you, you should:
- (a) listen carefully and stay calm.
 - (b) find an appropriate and early opportunity to explain that it is likely that the information will be shared with others. Do not promise that you can keep it a secret or that 'in confidence' means that you will not pass it on.
 - (c) wherever possible, obtain consent to share the information and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared.

However, there are certain circumstances in which you **must** report the concern regardless of whether the person making the disclosure consents – these include if the concern relates to the occurrence of a crime or if the safety of children or adults is at risk. If you share information without consent, you must keep a record of what has been shared and with whom.

- (d) make sure you understand what you are being told, but you **must not** interview the person making the disclosure. If necessary, you may seek to clarify details by using open questions, without putting words into their mouth. You **must not** challenge the account being given or its accuracy or suggest alternative explanations.

- (e) make a careful note of the main points, including the names of the people involved and any information that may help identify people such as and try to use the exact words that they have used:
 - i. what type of abuse, maltreatment or neglect is or may be occurring.
 - ii. the dates and times of the abuse, maltreatment or neglect.
 - iii. whether there are other people at risk from the person thought to be causing the harm.
 - iv. whether any person identified is a member of staff, a volunteer or carrying out work on behalf of MSF UK/IE or representing MSF UK/IE.
 - v. whether any person identified is a beneficiary.
 - vi. the organisation or Operational Centre an individual is representing or working for, if not MSF UK/IE.
 - vii. the job title of anyone identified.
- (h) if appropriate in the circumstances, reassure the person that they have done the right thing by sharing.
- (i) report the information **immediately**:
 - i. to the Lead Safeguarding Officer or the Deputy Safeguarding Officer if the concerns or allegations relate to something that happened in the UK/IE.
 - ii. to the Responsible Behaviour Focal point for the appropriate Operational Centre, copying the Lead or Deputy Safeguarding Officer, if the concerns or allegations relate to something that happened outside of the UK/IE.
- (j) keep the matter strictly confidential, and only ever share information on a need-to-know basis with those assigned to addressing the matter. You **must not** discuss the matter with anyone else.
- (k) Keep all records securely – hard copy documents should be kept in a locked cupboard and softcopy documents should be password protected.

8.2 **Individual staff members and volunteers must not, under any circumstances, attempt to investigate concerns, allegations or suspicions themselves. What they know, or suspect, must be securely passed to the Lead Safeguarding Officer or the Deputy Safeguarding Officer or the Responsible Behaviour Focal Point in the relevant Operational Centre for appropriate management and investigation.**

8.3 If you need any support or guidance at any stage, issues or concerns can be discussed confidentially with the Lead Safeguarding Officer or Deputy Safeguarding Officer, who will be able to confidentially talk through your concerns and guide you as to appropriate next steps.

9. How will a risk assessment be conducted, and what mitigating steps will be taken?

9.1 All allegations, suspicions and concerns are taken seriously, although subsequent action will be taken upon appropriate consideration of the safety, wishes and dignity of the victim or person at risk, as well

as the local law, customs and culture. MSF UK/IE will not knowingly take any action that will make the situation worse for, or otherwise endanger or degrade, the victim or person at risk.

- 9.2 When dealing with safeguarding concerns, confidentiality will be maintained at all stages of the process. Information relating to the concern, and subsequent case management, will be shared on a need-to-know basis only, in line with this policy, and information will be kept secure at all times.
- 9.3 Within **24 hours** of receiving the disclosure, the Lead Safeguarding Officer or Deputy Safeguarding Officer must share the information available with the Head of Executive Office, or if they are absent or implicated in the disclosure, the Executive Director.
- 9.4 Once a disclosure is received, the Lead Safeguarding Officer or Deputy Safeguarding Officer **must immediately** complete a risk assessment, develop a plan to mitigate any risks and make a recommendation to the decision maker as to the next steps. The following factors will be considered (not an exhaustive list):

(a) Is anyone in immediate danger?

The Safeguarding Officer will confirm where possible that appropriate emergency action has been taken if someone is at immediate risk of harm or in need of urgent medical attention.

(b) Is an MSF UK/IE employee, volunteer or associated personnel implicated?

Subject to advice from relevant statutory bodies or equivalent, employees suspected of abuse, maltreatment or neglect may be suspended on full pay pending a thorough and appropriate investigation.

MSF UK/IE's decision whether to suspend will be taken carefully, without prejudice and to mitigate any risks, in such a way as to preserve evidence and to safeguard anyone and anything identified as being at risk. An MSF UK/IE employee seconded to an Operational Centre may be sent out of the mission early if the Operational Centre feels it is appropriate.

(c) Is the victim or person at risk a patient or individual we serve and/or potentially a child (under the age of 18)?

The Lead Safeguarding Officer or Deputy Safeguarding Officer must immediately inform the Head of Executive Office, or if they are absent or implicated, the Executive Director, if at any point it is identified that the safety of a child is at risk.

All action taken to protect children will be in accordance with the best interests of the child as defined by Article 3 of the United Nations Convention on the Rights of the Child (UNCRC).

If at any point the safety of a child (under the age of 18) is identified as being at risk in the field the Safeguarding Officer must immediately notify the Responsible Behaviour Focal Point at the relevant Operational Centre.

If at any point the safety of a child (under the age of 18) is identified as being at risk in the UK/IE, the Local Authority with the relevant jurisdiction will be notified in accordance with its own procedures.

If the person alleged to be a danger to children is an MSF UK/IE employee (whether based in the UK/IE or on secondment with an Operational Centre), immediate arrangements will be made to remove the staff member from direct contact with children and/or from the mission entirely.

(d) What internal policies, standards or codes of practice may have been breached?

An assessment of what internal policies may have been breached will inform recommended next steps, and relevant internal MSF procedures will be followed.

Relevant codes of conduct that stipulate expected standards and conduct will also be considered, for example the Behavioural Commitments (MSF), Framework for Responsible Behaviour (Operational Centre Amsterdam), the Leadership and People Management Framework (MSF UK), etc.

(e) What are the wishes of the victim or person at risk, and how can that individual be protected most effectively, in light of the local law, customs and culture?

The safety wishes and dignity of the victim or person at risk, as well as the local law, customs and culture will be considered at every step. MSF UK/IE will not knowingly take any action that will make the situation worse for, or otherwise endanger or degrade, the victim or any other person at risk.

If a concern has been submitted on behalf of a victim or person at risk, consideration will be given to whether contact with the victim or person at risk will place them or others at further risk of harm. The safety of the person in question and the potential for increasing the risk will always be considered, and the situation will be carefully assessed.

However, culture can never be used as an excuse or a motivation for inappropriate behaviour. MSF UK / IE will not accept using respect for local culture as a justification for supporting or failing to report harmful practices.

(f) Is the allegation historical and is the risk ongoing?

On receipt of historical disclosures, MSF UK/IE will consider whether there are potential current risks. MSF UK/IE will take reasonable and appropriate action to mitigate any risks presented by anyone still in contact with MSF UK/IE or previously in contact with MSF UK/IE. External advice may be obtained to ensure that MSF UK/IE has fulfilled its duty of care and legal obligations, including in respect of insurance.

(g) What support is needed by the victim, person at risk, person that made the disclosure and/or, if different, the person that passed on the disclosure?

Individuals are encouraged to inform the Lead Safeguarding Officer, Deputy Safeguarding Officer and/or HR of any support they need at any time. Reasonable adjustments will be made to the procedure for staff with a disability.

MSF UK/IE will provide appropriate and reasonable support to all affected parties. The Lead Safeguarding Officer or Deputy Safeguarding Officer will explore support needed with relevant persons.

Progress on investigations carried out at MSF UK/IE will be monitored through regular review by the investigation manager and lead investigator. This review will take place after **1 week** of the case being opened, and **fortnightly** after that until the case is closed. Where appropriate, relevant parties to the investigation will be updated on progress at similar intervals as a minimum, unless otherwise agreed.

MSF UK/IE recognises that raising concerns can be daunting and those that submit a complaint or act as a witness may want to keep their identity confidential. MSF UK/IE will consider anonymising the identity of person(s) who raise a concern as well as the identity of those affected and witnesses.

Information given may need to be disclosed to others for it to be investigated, resolved or managed. However, the number of people involved in addressing any complaint will be kept to a minimum and limited to those that need to know.

Workers will not be subject to any detrimental or less favourable treatment because they have raised genuine concerns. MSF UK/IE will take appropriate action to deal with any alleged victimisation or retaliation, which includes disciplinary action against anyone found to have victimised them.

(h) Is there sufficient information to follow up?

The information available will be reasonably and appropriately considered to ascertain if further action can be taken. If the information is insufficient and there is no way of gathering the necessary information (after all appropriate and proportionate steps have been taken) to investigate the matter (e.g. the person that reported the matter did not leave their contact details and the information provided is vague), the rationale for not taking the matter further will be securely filed in case it can be of use in the future.

(i) Must a disclosure be made externally?

The wishes, safety of the victim or person at risk, local laws, customs and culture will be considered. However, depending on the nature of the concern, MSF UK/IE may have an obligation to inform the police (or equivalent) or other regulatory agencies, each of which will have its own procedures for managing investigations. MSF UK/IE will have regard to the Charity Commission's relevant guidance, as this may be updated from time-to-time.

(j) What confidentiality considerations must be addressed?

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

Any recommendations as to next steps should take into account confidentiality and best practice for sharing of information.

(k) Who may be implicated or otherwise unsuitable to be involved in the management of the case?

If the Head of Executive Office is implicated, the Lead Safeguarding Officer or Deputy Safeguarding Officer must inform the Executive Director instead.

10. How will a decision be taken as to next steps?

10.1 For concerns raised that fall within the remit of MSF UK/IE (note that concerns related to incidents in the field fall within the remit of the relevant Operational Centre) it is the responsibility of the Head of Executive Office or the Executive Director to make an informed decision on the next steps.

10.2 Decisions and actions will be made in a timely manner. The wishes of the victim or person at risk will be considered.

Factors which will be considered

10.3 When making a decision about next steps, the following factors will be considered (not an exhaustive list):

- (a) the decision maker's independent review of the information, risk assessment and advice provided by the Lead Safeguarding Officer or Deputy Safeguarding Officer.
- (b) whether MSF UK/IE has the expertise and capacity to manage the case. External advice and support will be obtained where necessary and if possible, such as where the safety of a child (under the age of 18 years) is at risk or the allegation is historical.
- (c) data protection legislation including the General Data Protection Regulation and the UK Data Protection Act 2018 – only necessary information will be shared with individuals who need to have it. The impact of disclosing information about the victim, person at risk and any third parties will be considered against the data protection framework to ensure responsible and appropriate data management.
- (d) MSF UK/IE's legal obligations as a UK employer and registered charity. For instance, whether MSF UK/IE is obliged to inform external statutory bodies (e.g. Charity Commission, Disclosure and Barring Service, law enforcement and professional regulators) and at what stage.
- (e) the need to hold ongoing case management meetings with individuals that have a responsibility to manage the case (e.g. Lead Safeguarding Officer and Deputy Safeguarding Officer). Other individuals may be involved in the management of the case on a need-to-know basis.
- (f) continuous update of the risk assessment and plan to mitigate identified risks while the case is open and, if required, after the case has been closed.
- (g) dissemination of findings and lessons learnt (potentially anonymised).

Decision about next steps

10.4 The decision will depend on the details of the case and could be one or more of the following (but is not limited to):

- (a) gathering further information by way of interviews with relevant individuals;
- (b) appointing a suitable and competent investigator to gather further information and undertake an investigation;
- (c) referring the matter to an appropriate UK/IE manager and/or the Head of HR for consideration as to whether an office employee or volunteer should be suspended, or returning a seconded employee from a mission, whilst investigation is ongoing;
- (d) referring the matter to an appropriate UK/IE manager and/or the Head of HR for consideration whether the Disciplinary Policy and Procedure should be followed immediately (for example, if the evidence suggests that an employee has breached a policy or not adhered to codes of conduct);
- (e) referring the matter to relevant authorities; and/or
- (f) taking no further action (for example, if there is insufficient information to follow up).

Investigation

10.5 If the safeguarding incident is alleged to have taken place in the UK/IE, the decision maker may appoint a suitable and competent investigator based in the UK/IE. If the alleged incident took place on a mission managed by an Operational Centre, the processes and procedures of that Operational Centre will be followed.

- 10.6 MSF UK/IE will ensure that its own investigation will not be started or continued if to do so may reasonably be expected to delay, impede or compromise an investigation by an appropriate statutory body to which it should be, or has been, reported.

Suspension and disciplinary action

- 10.7 Subject to advice from relevant statutory bodies or equivalent, employees suspected of abuse may be suspended on full pay pending a thorough and appropriate investigation.
- 10.8 A decision to suspend UK/IE based workers should be made by an appropriate UK/IE-based manager. This will be done sensitively. It should be explained to the person that a complaint has been made against them, however details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible and that they will be given the opportunity to respond to allegations at the appropriate time.
- 10.9 Where an MSF UK/IE employee is seconded, an Operational Centre may send a UK/IE employee out of the mission early if they feel it is appropriate and MSF UK/IE will consider any recommended disciplinary action (e. g. termination of a contract) subject to the Operational Centre's investigative findings. In the case of an early return in these circumstances, MSF UK/IE will urgently make contact with the employee to confirm their return to the UK/IE, provide procedural information on how the matter will be addressed by MSF UK/IE, and explore support available for the employee.
- 10.10 Failure to adhere to relevant policies, procedures or codes of conduct will be treated seriously and may result in disciplinary action, in accordance with the Disciplinary Policy and Procedure. This may include dismissal or contract/agreement termination depending on the capacity in which individuals work with MSF UK/IE.
- 10.11 Any form of abuse is regarded as gross misconduct and could result in dismissal without notice. If the person in question is not an employee, any agreement, contract for service etc. may be terminated if this is deemed reasonable given the evidence available and context.
- 10.12 For the avoidance of any doubt, MSF UK/IE considers transactional sex and/or any inappropriate exploitation of an imbalance of power in any way to comprise abuse (whether or not such conduct is unlawful).
- 10.13 Any disciplinary procedure against a seconded MSF UK/IE employee will be decided by MSF UK/IE, in consultation with the relevant Operational Centre.

External reporting and disclosure

- 10.14 MSF UK/IE is aware of its external reporting obligations. Reporting will not be avoided on the basis that it may harm MSF UK/IE's reputation or give rise to litigation. Data protection and confidentiality will be carefully observed, and disclosure will be made within the legal framework for so doing and should not be considered an automatic barrier.
- 10.15 MSF UK/IE will have regard to the advice of relevant external agencies before proceeding with any investigations or other actions and will take reasonable steps to ensure that any MSF UK/IE internal investigation does not delay, impede or compromise an investigation by an appropriate statutory body.

Working across the MSF movement

- 10.16 Although MSF UK/IE does not manage the operation of missions, MSF UK/IE expects that where staff are seconded, and serious concerns arise, information will be appropriately shared.
- 10.17 To facilitate the confidential sharing of any necessary information, MSF UK/IE and Operational Centres are developing processes and mechanisms, which will be reflected in partnership and secondment agreements. MSF UK/IE will use lessons learnt to improve partnership, confidentiality and information sharing to strengthen safeguarding practice and culture.
- 10.18 If the alleged incident took place on a mission managed by an Operational Centre, the processes and procedures of that Operational Centre will be followed.
- 10.19 MSF UK/IE expects its partners to follow robust and well documented procedures and will work with its partners to implement best practice, use lessons learnt to improve their own processes and the partnership relationships.
- 1.20 MSF UK/IE expects to be kept informed in respect of any allegations, suspicions, concerns that relate to MSF UK/IE employees or volunteers.

11. What options do staff or volunteers have if they are dissatisfied?

- 11.1 If a staff member or volunteer is not satisfied with how MSF UK/IE has addressed a safeguarding report or has concerns about the governance of safeguarding, they should raise the matter with the Safeguarding Trustee or, if they are implicated or unavailable, the Chair of Trustees.
- 11.2 Depending on the nature of the complaint the Whistleblowing Policy may apply. MSF UK/IE is committed to addressing any issues of malpractice and encourages workers to use the internal channels to raise any concerns they may have in the first instance, as outlined in the procedure.
- 11.3 Staff and volunteers will not be subject to any detriment or less favourable treatment because they have raised genuine concerns. MSF UK/IE will take appropriate action to deal with any alleged victimisation, which includes disciplinary action against anyone found to have victimised them.
- 11.4 MSF UK/IE guarantees that there will be no action taken against a complainant who makes an allegation in good faith regardless of the outcome of an investigation. However, if it is found that an allegation is malicious or vexatious, we may take disciplinary action in accordance with the relevant policy.

12. Where can staff or volunteers get further information or support?

- 12.1 If staff or volunteers need guidance on this policy or procedure, they should seek advice from the Lead Safeguarding Officer, Deputy Safeguarding Officer or Head of Executive Office. If staff and volunteers have a concern regarding the governance relating to safeguarding, they must raise such concerns directly with the Safeguarding Trustee.

13. What about data protection?

- 13.1 MSF UK/IE is committed to processing data securely and transparently, in accordance with the General Data Protection Regulation and the UK Data Protection Act 2018. For more information, please refer to the Data Protection Policy and to MSF UK's Data Privacy Statement at <https://www.msf.org.uk/msf->

[uk-privacy-notice](#) or MSF IE's Data Privacy Statement at <https://www.msf.ie/msf-ireland-privacy-notice>

14. Review Date

Last updated: September 2020

Date of next review: September 2021

Owner: Safeguarding Lead

15. Contact details

UK Contacts:

Lead Safeguarding Officer: Nik Clifton, **Email:** safeguarding@london.msf.org

Tel: +44 (0) 20 7067 4280

Deputy Safeguarding Officers:

1) HR Field Manager **Email:** safeguarding@london.msf.org

Tel: +44 (0) 20 7404 6600

2) [To be identified during implementation] **Email:** safeguarding@london.msf.org

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Head of Executive Office: Kristen Veblen McArthur, **Email:** Kristen.veblenmcarthur@london.msf.org

Tel: +44 (0) 20 7067 4400

Executive Director: Vickie Hawkins, **Email:** vickie.hawkins@london.msf.org **Tel:** +44 (0) 207 067 4210

Safeguarding Trustee: Dal Babu, **Email:** safeguardingtrustee@london.msf.org

Tel: +44 (0) 744 458 6889

Chair of Trustees: Javid Abdelmoneim, **Email:** javid.abdel@london.msf.org

Operational Centre Contact details:

Each Operational Centre has a responsible behaviour framework, policy and procedure where there is a single designated point of entry through the Responsible Behaviour Focal point. Contact details are as follows:

OCA: Responsiblebehaviour@amsterdam.msf.org

OCB: garec@brussels.msf.org

OCBA: behav.bcn@barcelona.msf.org

OCG: crac@geneva.msf.org

OCP: abus@paris.msf.org