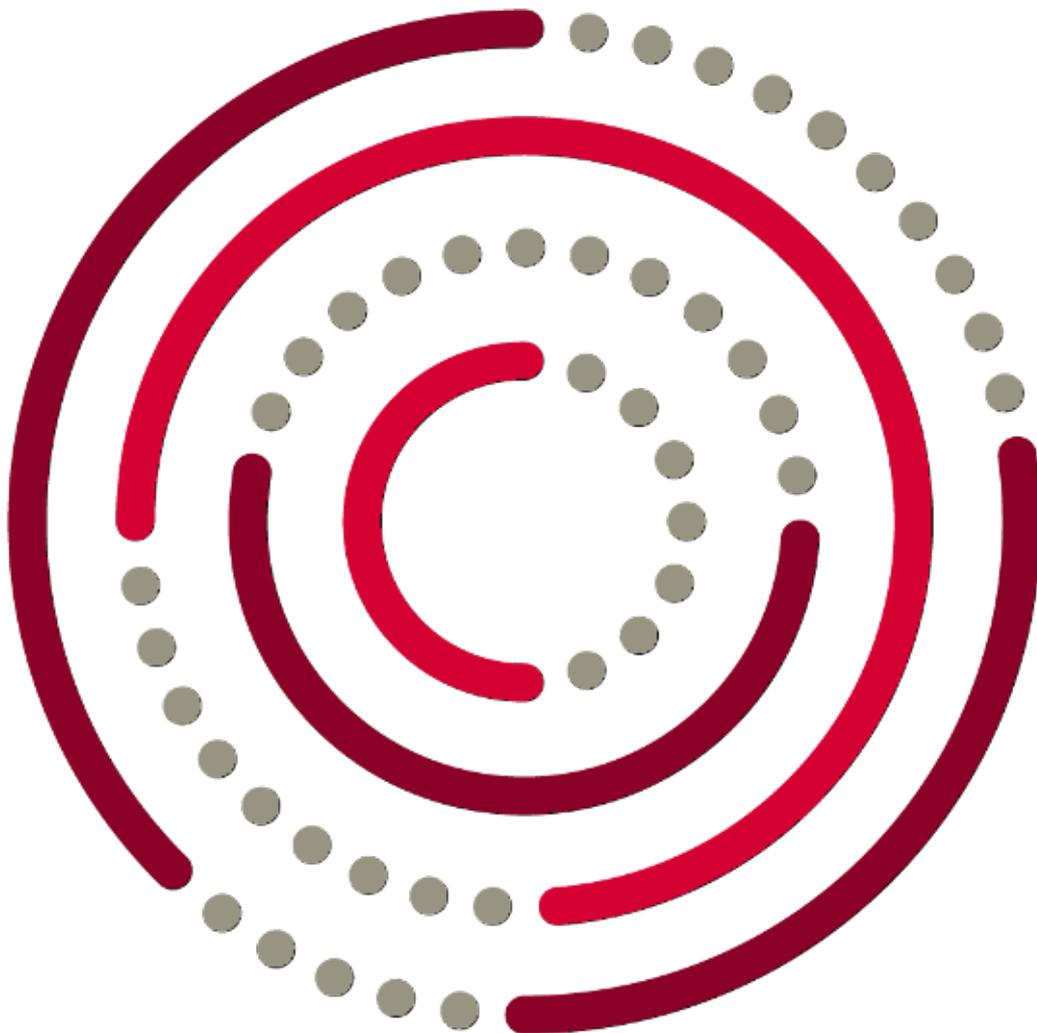




# UK NGO safeguarding definitions and reporting mechanisms

## Definition of key words



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## About Bond

Bond is the UK network for organisations working in international development. We connect, strengthen and champion a dynamic network of diverse civil society organisations to help eradicate global poverty, inequality and injustice. [bond.org.uk](http://bond.org.uk)

## Acknowledgements

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## Introduction

This set of definitions supports the Toolkit for developing an organisation-wide safeguarding report handling mechanism. This is not a comprehensive list of all vocabulary on the subject of safeguarding. Rather these are words that:

- Are used in the Toolkit for developing an organisation-wide safeguarding report handling mechanism and/or in the Safeguarding case studies prepared by Protekñôn for Bond.
- Have caused confusion in the way that they are being used.
- Have diverging definitions as presented by United Nations agencies, inter-agency groups, UK-based NGOs, or in the UK legal system.

For each term the document highlights:

- Any UN, inter-agency, UK legislative<sup>1</sup>, or UK agency-specific definitions identified by the authors.
- Considerations, concerns, and questions in relation to how the term is currently used or how the authors suggest the term should be used in the future.

Given the global influence of the United Nations, the Steering Group chose to prioritise their definitions.

Please note that all text cited is quoted as presented in the source document. These quotes may include spelling or grammatical errors or use American as opposed to British English that, for accuracy, cannot be altered when presented here.

## How to use these definitions

Terms used in safeguarding work may be understood in different ways by various agencies. When using terminology it is important to be clear how and in what way you are using a term.

- Agree how your organisation defines key terms related to safeguarding. You may wish to select from the definitions presented below, or prepare your own definition based on these definitions, taking into account the considerations presented.
- In any publications, reports, policies, procedures, or guidance prepared by your organisation, present an explanation of how your organisation is defining key terms used.
- Work with local offices, partners, and communities to agree the most appropriate terms to use in each context where you work. In certain settings, terms such as “complaint”, “report” or “feedback” may deter individuals from sharing information about incidents and concerns. The name you give your reporting mechanism can impact the number of reports you receive. Consider all options carefully with this in mind.
- Always use local languages, do not impose the use of English terms with groups and in contexts where English is not the native language, this may lead to confusion.
- Identify community language terms and agree and map out how the English terms you have chosen will be translated into these languages.
  - Agree the alternative terms in each context that are suitable for diverse audiences – for example, local sign language terms and child friendly vocabulary.
  - Set out locally appropriate options for visual representation of your terminology for groups with low literacy.

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<sup>1</sup> UK legislation definitions primarily relate to legislation applicable to England and Wales. Separate analysis has not been conducted on Scottish legislation.

- Never use language that blames the survivor. For example, speak about how a potential wrongdoer should not have behaved the way they did, do not state that the behaviour of the survivor(s) may have caused an incident to occur.
- Avoid technical and formal language in direct communications with affected communities. Many people will not understand terms like “safeguarding” and “whistleblowing”. There may be a locally developed terms to describe safeguarding incidents – seek to identify and use these terms – where they are not stigmatising.

# Definitions

## 1. Administrative actions

UN: “Measures taken by the United Nations against UN staff, police and military personnel, either as interim measures or final, within the authority of the United Nations (would include written or oral reprimand; recovery of monies owed to the Organization; placement on administrative leave, repatriation or financial measures).”<sup>2</sup>

- Administrative actions are those that take place at the point that a concern or incident is reported (eg temporary suspension) and/or once a fact-finding or enquiry process is completed and the concern or report is proven by evidence.
- These forms of sanctions are internal and should be distinguished from those actions imposed by legal authorities. Individual organisations need to decide what forms of action – for example financial penalties, contractual changes, or administrative leave – are applicable in relation to different forms of safeguarding incidents.

## 2. Adult at risk

See also entry for **Vulnerable**.

UK legislation: “An adult at risk is defined as someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs - is unable to protect themselves.”<sup>3</sup>

## 3. Allegation

See also entries for **Suspicion, Report, Incident** and **Wrongdoer or (potential) wrongdoer**.

UN: “Commonly understood as uncorroborated information pointing to the possible occurrence of misconduct or a crime....” When “involving a UN staff member, an ‘allegation of misconduct’ is a notification in writing, from the Administration to the staff member, setting out the facts alleged to have occurred and requesting the staff member to provide his or her comments thereon... In the context of reports of serious misconduct implicating military contingent personnel ... the term ‘allegation’ is used, to refer to a report that has been assessed as having been sufficiently credible to warrant referral for investigation.”<sup>4</sup>

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<sup>2</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>3</sup> Care Act 2014, s 42.

<sup>4</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

Inter-agency, CHS Alliance: “An assertion of facts that one intends to prove at trial or during an internal investigation procedure.”<sup>5</sup>

Inter-agency, Disasters Emergency Committee: “When it is confirmed that the concern will be investigated, the suspicion is referred to as an ‘allegation’.”<sup>6</sup>

British Council: “An oral or written declaration of wrong doing or an assertion of misconduct or criminal behaviour, the validity of which has not been established.”<sup>7</sup>

- An allegation is a claim that someone has done something wrong, but there is not yet evidence that proves the claim to be true.
- Amongst organisations there are conflicting perspectives as to whether an allegation is simply a declaration or report of wrongdoing, or a declaration or report of wrongdoing that is sufficiently credible to be investigated. If using this term your organisation must ensure that the meaning of the term is clearly defined.
- The term “potential wrongdoing” is used instead of “allegation” by some organisations.

## 4. Case closed/closure

UN: A case is considered closed when one of the following conditions is satisfied:

- (a) “A case was decided to be unsubstantiated or for which further investigation was not warranted and for which a closure report has been issued.
- (b) Alternatively, a case was concluded to be substantiated, accountability measures have been implemented and completed.
- (c) Where circumstances prevented a full investigation of the case.”<sup>8</sup>

Inter-agency, child protection: “The point at which work with the child ends. This can be for a variety of reasons – for example because the situation is resolved (ie the case plan has been completed and the individual no longer requires support).”<sup>9</sup>

- Typically organisations define case processing in relation to:
  - The way in which support is given to a survivor/victim.
  - The internal reporting and disciplinary actions against the potential wrongdoer.
- It is important that both these sets of actions are complete in order for a case to be considered closed.

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<sup>5</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, citing UNICEF Child Protection Information Sheet: What is Child Protection? <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>6</sup> Disasters Emergency Committee, 2018, Onward reporting of safeguarding incidents: A set of principles and related recommendations. DEC briefing note for closed circulation.

<sup>7</sup> British Council, November 2015, Every Child Matters Everywhere in The World: How we Safeguard Children: Child Protection Policy.

<sup>8</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>9</sup> Child Protection Working Group, January 2014, Inter Agency Guidelines for Case Management & Child Protection: The Role of Case Management in the Protection of Children: A Guide for Policy and Programme Managers and Caseworkers, available at: [http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM\\_guidelines\\_ENG\\_.pdf](http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf).

## 5. Charity/charitable organisation

UK legislation: “A charity is an institution that is established for charitable purposes only and must provide a public benefit.”<sup>10</sup>

- The terms charity, charitable organisation, NGO (non-government organisation) and INGO (international non-governmental organisation) and not-for profit are often used interchangeably within the humanitarian sector. Charity is defined in the same way across the UK. A charity must meet certain criteria in order to be officially called a charity. All charities have certain legal obligations – including reporting requirements – under UK charity law.

## 6. Child abuse (or maltreatment)

UN: “Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse [all sexual activity with a child is considered child abuse], neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”<sup>11</sup>

UK legislation: “[Cruelty to person’s under 16] wilfully assaults, ill-treats (whether physical or otherwise), neglects, abandons” or causes any of those things to occur “in a manner likely to cause [them] unnecessary suffering or injury to health (whether the suffering or injury is of a physical or psychological nature.”<sup>12</sup>

- Child abuse is a subset of abuse. It is one of many forms of child protection or safeguarding concerns.
- Whilst no definition of abuse applicable to adults was found in the safeguarding literature reviewed for this research, and as there is no specific definition in UK legislation, it is felt this definition of abuse may also be applicable to those over 18 years old.

## 7. Child exploitation

See also entry for **Exploitative relationship**.

UK agency: “Child exploitation refers to the use of children for someone else’s advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development.... It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.”<sup>13</sup>

- Child exploitation is a subset of abuse. It is one of many forms of child protection or safeguarding concerns.
- Whilst no definition of exploitation applicable to adults was found in the safeguarding literature reviewed for this research, and as there is no specific definition in UK legislation, it is felt this definition of exploitation may also be applicable to those over 18 years old.

<sup>10</sup> Charities Act 2011.

<sup>11</sup> World report on violence and health, Edited by Etienne G. Krug, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi and Rafael Lozano, WHO, 2002, available:

[http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf;jsessionid=8881243C8DE6E7CBD0D9E11E8E48F17A?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf;jsessionid=8881243C8DE6E7CBD0D9E11E8E48F17A?sequence=1).

<sup>12</sup> Children and Young Persons Act 1933, s1(1).

<sup>13</sup> Save the Children, December 2007, Save the Children and Child Protection, available at:

<https://resourcecentre.savethechildren.net/library/save-childrens-definition-child-protection>.

## 8. Child neglect

UN: “Neglect or negligent treatment means the failure to meet children’s physical and psychological needs, protect them from danger or obtain medical, birth registration or other services when those responsible for their care have the means, knowledge and access to services to do so. It includes:

- (a) Physical neglect: failure to protect a child from harm, including through lack of supervision, or to provide a child with basic necessities including adequate food, shelter, clothing and basic medical care.
- (b) Psychological or emotional neglect, including lack of any emotional support and love, chronic inattention, caregivers being ‘psychologically unavailable’ by overlooking young children’s cues and signals, and exposure to intimate partner violence or drug or alcohol abuse.
- (c) Neglect of a child’s physical or mental health: withholding essential medical care.
- (d) Educational neglect: failure to comply with laws requiring caregivers to secure their children’s education through attendance at school or otherwise.
- (e) Abandonment.”<sup>14</sup>

UK legislation: A person “shall be deemed to have neglected [the child] in a manner likely to cause injury to [the child’s] health if [they] have failed to provide adequate food, clothing, medical aid or lodging for [the child], or, if, having been unable to provide such food, clothing, medical aid or lodging, [they have] failed to take steps to provide under [the relevant legislation].”<sup>15</sup>

- Child protection organisations have stated that the UK legislation definition is “not fit for purpose” because of the focus on physical neglect, rather than emotional or psychological maltreatment.
- Child neglect is a subset of abuse. It is one of many forms of child protection concerns and may be a safeguarding concern or incident when the potential wrongdoer is a staff employee or associate.
- Whilst no definition of neglect applicable to adults was found in the safeguarding literature reviewed for this research, and as there is no specific definition in UK legislation, it is felt this definition of neglect may also be applicable to those over 18 years old.

## 9. Child protection

See also entries for **Child abuse (or maltreatment)**, **Child exploitation**, **Child neglect**, and **Violence/violence against children**.

Inter-agency, CHS Alliance citing UNICEF: “Preventing and responding to violence, exploitation and abuse against children – including [but not limited to] commercial sexual exploitation, trafficking, child labour and harmful traditional practices.”<sup>16</sup>

Inter-agency, Keeping Children Safe: “Whatever individuals, organisations, countries and communities do to protect children from abuse and exploitation. This abuse might include domestic violence, child labour, commercial and sexual exploitation and abuse, HIV/Aids, and physical violence.”<sup>17</sup>

UK legislation: “The right of the authorities to make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s

<sup>14</sup> UNICEF, 2014, Hidden in Plain Sight: A statistical analysis of violence against children, available at: [http://files.unicef.org/publications/files/Hidden\\_in\\_plain\\_sight\\_statistical\\_analysis\\_EN\\_3\\_Sept\\_2014.pdf](http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf).

<sup>15</sup> Children and Young Persons Act 1933, s1(2)(a).

<sup>16</sup> CHS Alliance, 2017, UNICEF Child Protection Information Sheet: What is Child Protection? cited in PSEA Implementation Quick Reference Handbook. <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>17</sup> Keeping Children Safe, 2006, Keeping Children Safe: A toolkit for Child Protection. Glossary.

welfare, where they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.”<sup>18</sup>

- The terms child protection and child safeguarding are used interchangeably by some agencies. Others define the terms differently. For example for some agencies child protection relates to caring for children at particular risk and child safeguarding relates to all children.
- Organisations working in the humanitarian sector commonly differentiate between child protection and child safeguarding by defining child protection as relating to actions to prevent, mitigate and respond to abuse, neglect, exploitation, and violence generally; and safeguarding as relating to abuse, neglect, exploitation, and violence as caused by an organisation’s staff and/or associates, operations, and programmes.

## 10. Child safeguarding

See also entries for **Child protection** and **Safeguarding**.

UNICEF: “Refers to all of the actions a company takes to keep all children they come into contact with safe – and includes the proactive measures put in place to ensure children do not come to harm as a result of any direct or indirect contact with the company. Child safeguarding encompasses the prevention of physical, sexual and emotional abuse, neglect and maltreatment of children by employees and other persons whom the company is responsible for, including contractors, business partners, visitors to premises and volunteers.”<sup>19</sup>

Inter-agency, Keeping Children Safe: “Child safeguarding is the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organization has about children’s safety within the communities in which they work, are reported to the appropriate authorities.”<sup>20</sup>

UK government: “Safeguarding and promoting the welfare of children is defined as:

- Protecting children from maltreatment.
  - Preventing impairment of children's health or development.
  - Ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
  - Taking action to enable all children to have the best outcomes.”<sup>21</sup>
- Child safeguarding is a term that is used by humanitarian organisations to distinguish between harm that is thought to have been caused by a staff member or associate, or the organisation’s operations or programmes, as opposed to by someone from the wider community.
  - Previously in the UK humanitarian and development sector this area of work was commonly covered by a child protection policy. The term child protection policy has been replaced by the use of the term child safeguarding policy. The use of the term safeguarding is intended to help staff better distinguish between concerns and incidents caused by the organisation, versus incidents caused by external actors.

<sup>18</sup> Childrens Act 1989, s 47

<sup>19</sup> UNICEF, 2018, Child Safeguarding Toolkit for Business: A step-by-step guide to identifying and preventing risks to children who interact with your business, available at: [https://www.unicef.org/csr/files/UNICEF\\_ChildSafeguardingToolkit\\_FINAL.PDF](https://www.unicef.org/csr/files/UNICEF_ChildSafeguardingToolkit_FINAL.PDF).

<sup>20</sup> Keeping Children Safe, 2014, Child Safeguarding Standards and how to implement them.

<sup>21</sup> HM Government, 2018, Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children, available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729914/Working\\_Together\\_to\\_Safeguard\\_Children-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf).

- Whilst for some organisations their safeguarding policies include requirements for staff and associates to report child protection concerns caused by community members, this is not common.
- Outside the international humanitarian sector this term may not be commonly used or widely understood.
- Safeguarding may be hard to translate to other languages. In such cases an appropriate term can be identified in consultation with the population in the context.

## 11. Complainant

See also entry for **Complaint**.

Inter-agency, CHS Alliance: “The person making the complaint, including the alleged survivor of the sexual exploitation and abuse or another person who becomes aware of the wrongdoing.”<sup>22</sup>

Inter-agency, International Council of Voluntary Agencies, definition specific to Protection from Sexual Exploitation and Abuse (PSEA): “A person who brings an allegation of SEA (sexual exploitation and abuse) to the CBCM (community based complaints mechanisms) in accordance with established procedures. This person may be an SEA survivor or another person who is aware of the wrongdoing.”<sup>23</sup>

UN Guidance: “Commonly understood, a person who brings an allegation of SEA to the attention of the UN in accordance with established procedures. This person may be a SEA survivor or another person who is aware of the wrongdoing.... In the implementation of General-Assembly mandated activities, a person who alleges, in accordance with established procedures, that he/she has been, or is alleged to have been, sexually exploited or abused by United Nations staff or related personnel and international forces acting under a Security Council mandate, but whose claim has not yet been established through a United Nations administrative process or Member States’ processes, as appropriate.”<sup>24</sup>

- A complainant is commonly understood as a person who files a complaint (see below).
- The term complainant may cause stigma for the person who raises a concern or shares details of an incident. Use of this word may stop people from reporting. The choice of a suitable term should be based on consultation with the population in the context.<sup>25</sup>
- Given that safeguarding issues include serious misconduct, criminal acts and human rights violations, and cannot simply be called complaints it may be better to use terms such as: person raising a concern or an incident; or reporter.

## 12. Complaint

See also entry for **Complainant**.

<sup>22</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, citing UNICEF Child Protection Information Sheet What is Child Protection? <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>23</sup> IASC, 2016, Best Practice Guide Inter-Agency Community-Based Complaint Mechanisms: Protection against Sexual Exploitation and Abuse, p.68. This is very similar to the definition set out in the guidance on ICVA guidance: Building Safer Organisations. Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers, International Council of Voluntary Agencies, 2007, p.14: “The person making the complaint, including the alleged survivor of the sexual exploitation and abuse or another person who becomes aware of the wrongdoing.”

<sup>24</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>25</sup> Victoria Schauerhammer for UK Aid from the Department for International Development, 24 September 2018, Reporting Complaints Mechanisms, Barriers to Reporting and Support in the Aid Sector for Sexual Exploitation, Abuse and Harassment, available at: [https://assets.publishing.service.gov.uk/media/5c59799fed915d045f3778a4/VAWG\\_Helpdesk\\_Report\\_207\\_Reporting\\_mechanisms\\_SEAH.pdf](https://assets.publishing.service.gov.uk/media/5c59799fed915d045f3778a4/VAWG_Helpdesk_Report_207_Reporting_mechanisms_SEAH.pdf).

UN: “Information provided, whether by a complainant or any other person (source), indicating conduct that may be in breach of the UN Standards of conduct but that has yet to be assessed.”<sup>26</sup>

Inter-agency, CHS Alliance: “Specific grievance of anyone who has been negatively affected by an organisation’s action or who believes that an organisation has failed to meet a stated commitment.”<sup>27</sup>

- The term complaint is used by many development and humanitarian organisations to describe safeguarding concerns, incidents, or reports. The word complaint infers a negative opinion, expression of discontent, or criticism. Given safeguarding violations include harassment, exploitation and abuse (including sexual), all of which are criminal acts and human rights violations, it may be better to use terms such as concern, incident and/or report.
- Referring to a complaint mechanism may deter people from reporting incidents or concerns to an organisation.<sup>28</sup> Consider finding more neutral and locally appropriate terminology that will encourage participation of staff and communities.

### 13. Concern

See also entry for **Suspicion**.

Dictionary definition: “A cause of anxiety or worry”.<sup>29</sup>

- A safeguarding concern is a feeling or worry that a child or adult may be at risk of harm, or may have been harmed, by the organisation’s staff, associates, programmes or operations.
- Concerns may relate to something directly seen or heard, or may relate to information which has come to the organisations through any means.
- A concern is not yet confirmed or fact-checked.
- Ensuring that organisations talk about their reporting mechanisms as receiving concerns, suspicions, and reports of incidents strengthens prevention and response.

### 14. Conclusion of an investigation

See also entries for **Investigation** and **Case closed/closure**.

UN: “The conclusion of an investigation is...the point where a decision is made that either:

- There is sufficient factual information to make recommendations about the reported possible misconduct; or

<sup>26</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>27</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, citing UNICEF Child Protection Information Sheet What is Child Protection?, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>28</sup> Victoria Schauerhammer for UK Aid from the Department for International Development, 24 September 2018, Reporting Complaints Mechanisms, Barriers to Reporting and Support in the Aid Sector for Sexual Exploitation, Abuse and Harassment, available at: [https://assets.publishing.service.gov.uk/media/5c59799fed915d045f3778a4/VAWG\\_Helpdesk\\_Report\\_207\\_Reporting\\_mechanisms\\_SEAH.pdf](https://assets.publishing.service.gov.uk/media/5c59799fed915d045f3778a4/VAWG_Helpdesk_Report_207_Reporting_mechanisms_SEAH.pdf).

<sup>29</sup> Lexico from Oxford University Press, 2019, available at: <https://www.lexico.com/en/definition/concern>.

- The matter can no longer be effectively pursued and must be closed.”<sup>30</sup>
- The conclusion of an investigation is not the same thing as the closure of a case. An individual survivor/victim as well as the potential wrongdoer may need ongoing support whether or not the investigation is complete. There will likely also be administrative actions, Human Resource actions and internal and external reporting requirements to be completed and documented prior to a case being closed.
- New evidence may come to light after a case is concluded. The case would then be reopened and further enquiries may be necessary.

## 15. Confidentiality

Inter-agency, IASC: “Confidentiality reflects the belief that people have the right to choose to whom they will, or will not, tell their story. Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned. Confidentiality promotes safety, trust and empowerment.”<sup>31</sup>

Inter-agency: “Maintaining confidentiality requires that service providers protect information gathered about clients and agree only to share information about a client’s case with their explicit permission. All written information is maintained in a confidential place in locked files and only non-identifying information is written down on case files. Maintaining confidentiality means service providers never discuss case details with family or friends, or with colleagues whose knowledge of the abuse is deemed unnecessary. There are limits to confidentiality while working with children.”<sup>32</sup>

- Confidentiality is a core principle of an effective safeguarding report-handling mechanism. Confidentiality must be maintained throughout all stages of the report-handling process.
- Organisations will need a clear context-specific position on the centrality of confidentiality and how to balance a survivor-centred approach against both internal and external mandatory reporting requirements.
- In the case of children and adults with disabilities it may be necessary to breach confidentiality when it is thought to be in the survivor’s best interests.

## 16. Disclosure

Inter-agency, GBV: “The process of revealing information. Disclosure...refers...to how a non-offending person (for example, a caregiver, teacher or helper) learns about a child’s [or adult’s] experience with...abuse. Disclosure is often a process rather than a single or specific event. Disclosure about...abuse can be directly or indirectly communicated, voluntarily or involuntarily.”<sup>33</sup>

- The term disclosure is preferred over identification as it indicates that the individual sharing details of an incident or concern (be they a survivor, advocate for the survivor, or witness) has chosen to discuss the

<sup>30</sup> Office of Internal Oversight Services (OIOS), 2015, Investigations Manual, Investigations Division, available at: <https://oios.un.org/resources/2015/12/7KKtL7Id.pdf>.

<sup>31</sup> Inter-Agency Standing Committee, 2015 Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

<sup>32</sup> IRC and UNICEF, 2012, Caring for Child Survivors of Sexual Abuse Guidelines for health and psychosocial service providers in humanitarian settings, available at: [https://www.unicef.org/pacificislands/IRC\\_CCSGuide\\_FullGuide\\_lowres.pdf](https://www.unicef.org/pacificislands/IRC_CCSGuide_FullGuide_lowres.pdf).

<sup>33</sup> USAID, Primero, IRC, IMC, UNHCR, and UNICEF, 2017, Interagency Gender-Based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings, available at: <https://gbvresponders.org/response/gbv-case-management/>.

incident with the organisation. Organisations may build trust and encourage staff and communities to share concerns through disclosure.

- Using the term identify may mislead staff to feel they have to go out and actively seek disclosures. If an organisation goes out and seeks reports by questioning community members to get information of concerns this can cause harm and/or compromise any subsequent fact-finding process.

## 17. Do No Harm principle

Inter-agency, Keeping Children Safe: “[Do No Harm] is a principle that has been used in the humanitarian sector but can equally be applied to the development field. It refers to organisations’ responsibility to minimise the harm they may be doing inadvertently as a result of their organisational activities.”<sup>34</sup>

Inter-agency, Sphere Guidelines: “[Do No Harm] warns humanitarian agencies to avoid unintended negative consequences in any situation in which they operate in order that the humanitarian response might not further endanger affected persons and might not undermine communities’ capacities for peace-building and reconstruction. In its broader sense, it stipulates that humanitarian agencies should have policies in place to guide them during planning, monitoring and evaluation on how to handle sensitive information that can directly harm people’s safety or dignity.”<sup>35</sup>

- The Do No Harm principle is taken from medical ethics. In the humanitarian sector, it was initially used in relation to aggravation of conflict. Now the term is used more broadly to ensure organisations consider and take steps to prevent any potential harm, or negative effects that may be caused by their staff, operations, or programmes.

## 18. Enquiry

See also entries for **Fact-finding** and **Investigation**.

UN: “An [internal] analytical process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons or entities [that are] responsible.”<sup>36</sup>

- Many organisations use the term investigation but most do not have staff members who are qualified to carry out a legal examination of the evidence, so here the term enquiry is used instead of investigation.

## 19. Exploitation

See instead entries for **Child exploitation**, **Exploitative relationship** and **Sexual exploitation**.

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<sup>34</sup> Keeping Children Safe, 2014, Child Safeguarding Standards and how to implement them.

<sup>35</sup> The Sphere Project, 2012, The Sphere Handbook Glossary, available at: <http://www.sphereproject.org/handbook/glossary/>, accessed 9 October 2018.

<sup>36</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataforce.org/uploads/tools/1501161761.pdf>; and CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

## 20. Exploitative relationship

See entries for **Child exploitation** and **Sexual exploitation**.

UN: “A relationship that constitutes sexual exploitation, ie any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.”<sup>37</sup>

- Whilst the UN definition presented here discusses only sexual exploitation, exploitation may also be emotional, physical, or economic.
- Organisations need to establish which forms of exploitation fall under their safeguarding policies and what forms relate to other types of misconduct. For example, financial exploitation may be classed as misconduct, but would not need to be handled in the same way as incidents of sexual exploitation.

## 21. Fact-finding

UN: “Ensuring the investigation of allegations of misconduct that involve people or entities with a direct contractual link.”<sup>38</sup>

- The word fact-finding is commonly used in the sector in one of two ways, either:
  - i. As a preliminary action to establish if there are grounds for further enquiry – this may include collection of written statements.
  - ii. As the term used in place of investigation, with a similar meaning and function.
- The terms inquiry and investigation cover formal legal proceedings, so the term fact-finding may be a better term for organisations that do not have internal legal staff capacity.
- Given the possible negative impact on the potential wrongdoer and/or the possibility that an internal process may compromise any subsequent legal investigation, it may be good for organisations to distinguish between an initial, less formal process of assessing a report (referred to as an initial assessment in the Toolkit) and a more formal fact-finding or enquiry process.

## 22. Feedback

Inter-agency, CHS Alliance: “The information sent to an entity (individual or a group) about its prior behaviour so that the entity may adjust its current and future behaviour to achieve the desired result.”<sup>39</sup>

Inter-agency, HAP: “Feedback can take the form of opinions, concerns, suggestions and complaints. Most feedback from disaster-affected people consists of opinions, concerns and suggestions which [sic.] agencies can adopt, challenge or disregard as appropriate. By contrast, a complaint contains the specific grievance of a stakeholder who is entitled to seek (safe) redress and receive a response.”<sup>40</sup>

<sup>37</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>38</sup> UNHCR, 8 March 2018, Tackling sexual exploitation and abuse, and sexual harassment at UNHCR: An information note..

<sup>39</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, citing UNICEF Child Protection Information Sheet What is Child Protection?, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>40</sup> Helen Baños Smith for the Humanitarian Accountability Partnership (HAP), March 2009, The right to a say and the duty to respond: The impact of complaints and response mechanisms on humanitarian action, available at: <https://www.chsalliance.org/files/files/the-right-to-a-say-and-the-duty-to-respond%2C-hap-commissioned-report.pdf>.

- The term feedback is used by some organisations in the place of the words report or complaint as a wider, more inclusive term. It may cover all of the following forms of issues raised with the organisation:
  - Programme critiques.
  - Safeguarding concerns or incidents.
  - Harassment or bullying by staff or associates.
  - Issues of financial or material corruption by staff or associates.
  - Issues of inappropriate alcohol or drug-use by staff or associates.
- In some contexts an individual may fear being identified as giving feedback as this may stigmatise them. In other contexts it may be a more neutral terms than complaining or reporting. Select the most suitable term based on your location, whilst recognising that safeguarding reports and concerns include serious misconduct, criminal acts and human rights violations.
- Feedback also refers to actions taken to keep all parties of a safeguarding concern – the potential wrongdoer, the survivor, the witnesses etc – informed of the progress of a concern as it moves through the report-handling process.

## 23. Focal point

Inter-agency, International Council of Voluntary Agencies: “A person designated to receive complaints of cases of sexual exploitation and abuse.”<sup>41</sup>

Inter-agency, Keeping Children Safe: “The term safeguarding focal point...usually means the regional designated person in a region or country that holds the regional child safeguarding role.”<sup>42</sup>

- The (safeguarding) focal point usually has responsibility for implementation of the safeguarding policy and procedures and provision of guidance and advice on this subject to other staff. This function may be filled at a local, national or regional level.
- A focal point may focus on sexual exploitation and abuse cases and thus be referred to as the Protection from Sexual Exploitation and Abuse (PSEA) focal point or they may address all safeguarding concerns, and thus be referred to as the safeguarding focal point.
- In many settings it is advisable that one individual, or even better, a group of individuals, is able to receive a range of forms of feedback so as to ensure those approaching them do not fear being stigmatised. It may be better to use a broader job title that would draw less attention to sexual exploitation and abuse issues and thus create less risk of stigma to those who are meeting with and seen with a focal point. Consider instead having a more general feedback focal point or mixed gender feedback team.

## 24. Gender-based violence (GBV)

Inter-agency, IASC: “Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (ie gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.”<sup>43</sup>

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<sup>41</sup> International Council of Voluntary Agencies, 2007, Building Safer Organisations Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers, p.14.

<sup>42</sup> Keeping Children Safe, 2016, Management of Child Safeguarding Allegations,.

<sup>43</sup> Inter-Agency Standing Committee, 2015, Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

UN, UNHCR: “Sexual and gender-based violence refers to any act that is perpetrated against a person’s will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services. It inflicts harm on women, girls, men and boys.”<sup>44</sup>

- Gender-based violence is an umbrella term covering many forms of violence. Many forms of gender-based violence, if caused by an organisation’s staff, programmes, or operations, would be considered safeguarding incidents.
- Many organisations deliver gender-based violence prevention, mitigation, and response programmes. These cover concerns and incidents where actors external to the organisation have caused harm.

## 25. Incident

Inter-agency: “An act or series of acts of violence or abuse by one perpetrator or group of perpetrators. May involve multiple types of violence (physical, sexual, emotional, economic, socio-cultural); and may involve repetition of violence over a period of minutes, hours, or days.”<sup>45</sup>

UK Charity Commission: “[For the purposes of reporting requirements] A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- Loss of your charity’s money or assets.
- Damage to your charity’s property.
- Harm to your charity’s work, beneficiaries or reputation.

The most common type of incidents are frauds, thefts, significant financial losses, criminal breaches, terrorism or extremism allegations, and safeguarding issues.”<sup>46</sup> This can include actions of partners, including partners based overseas.

- Safeguarding incidents are specifically those where: firstly the incident intentionally or unintentionally causes harm, or risk of harm, to staff, associates or members of the community – children or adults; and secondly harm is caused by the organisation’s staff, programmes, or operations.

## 26. Investigation (of an allegation)

See also entries for **Enquiry** and **Fact-finding**.

UN: “A legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons or entities responsible.”<sup>47</sup>

<sup>44</sup> <https://www.unhcr.org/sexual-and-gender-based-violence.html>

<sup>45</sup> UNFPA, UNHCR, and IRC, 2010, The Gender Based Violence Information Management System (GBVIMS): User Guide.

<sup>46</sup> The Charity Commission, 2 June 2014, How to report a serious incident in your charity: Guidance for charity trustees about serious incidents: how to spot them and how to report, available at: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>, accessed 9 October 2018.

<sup>47</sup> Office of Internal Oversight Services (OIOS), 2015, Investigations Manual, p. 2, <https://oios.un.org/resources/2015/12/7KKtL7ld.pdf>. This same definition is used in: United Nations, 24 July 2017, the Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataforce.org/uploads/tools/1501161761.pdf>.

Inter-agency, CHS Alliance: "Investigation of sexual exploitation or abuse – an internal administrative procedure, in which an organisation attempts to establish whether there has been a breach of SEA policy by a staff member or members."<sup>48</sup>

- Organisations that do not have internal legal capacity may find fact-finding a more suitable term to use given the term investigation infers formal legal proceedings.

## 27. Mandatory reporting

See also entry for **Referral to national or local law enforcement authorities**.

Inter-agency, GBV: "This refers to state laws and policies which mandate certain agencies and/or persons in helping professions (teachers, social workers, health staff, etc) to report actual or suspected forms of interpersonal violence (eg physical, sexual, neglect, emotional and psychological abuse, unlawful sexual intercourse)."<sup>49</sup>

Inter-agency, GBV: "Mandatory reporting is a responsibility for humanitarian actors who hear about and/or receive a report of sexual exploitation or abuse committed by a humanitarian actor against a member of the affected population."<sup>50</sup>

- Mandatory reporting may refer to either:
  - The contractual obligation to report safeguarding concerns or incidents internally, to an organisation.
  - The legal obligation to report certain concerns or incidents to local or national authorities, including police.
  - The obligation of organisations working outside their country of registration to report certain incidents or concerns to regulatory, legal, or other entities in their country of registration.
- Organisations need to be clear with their staff and associates and with the communities they work with on:
  - What mandatory reporting means for the organisation.
  - What concerns and incidents it covers.
  - How mandatory reporting works in each setting.

## 28. Perpetrator or (alleged) perpetrator

See also entries for **Subject of the complaint** and **Wrongdoer or (potential) wrongdoer**.

UN: "A person (or group of persons) who commits an act of SEA or other type of crime or offence."<sup>51</sup>

<sup>48</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, citing UNICEF Child Protection Information Sheet What is Child Protection?, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>49</sup> USAID, Primero, IRC, IMC, UNHCR, UNICEF, 2017, Interagency Gender-Based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings, available at: <https://gbvresponders.org/response/gbv-case-management/>.

<sup>50</sup> Inter-Agency Standing Committee, 2015, Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

<sup>51</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

- Potential wrongdoer is preferred over perpetrator and alleged perpetrator as it encompasses a wider range of behaviours relevant to safeguarding. Common understanding of the term perpetrator is that it describes a person who has committed a crime. Not all safeguarding concerns are criminal acts.

## 29. Positive safeguarding culture

Interagency, UK: "...what we mean is an 'explicit safeguarding culture and ethos with values and behaviours that are articulated and lived at each level of organisation.'" <sup>52</sup> "On a practical, day to day level this looks and feels like 'a culture of curiosity, scrutiny and constructive challenge, with processes to underpin these behaviours.'" <sup>53</sup>

## 30. Referral to national or local law enforcement authorities

UN: "External justice refers to legal action under local jurisdiction. It includes civil claims that may arise under a local court authority or through commercial arbitration, as well as criminal prosecution that may arise in connection with criminal acts including fraud, corruption and sexual abuse cases. External justice may be pursued in addition to, or as an alternative to, internal administrative justice." <sup>54</sup>

- The language organisations use to describe incidents should take into account the fact that certain concerns or incidents may be criminal in nature and thus require referral to legal authorities.
- Organisations should be clear about the point at which they refer concerns or reports to external agencies. In each context, the term used to describe an incident, concern, case, or report may need to change to clarify that it is now thought to be a criminal act.

## 31. Referral to local or national support services (referral pathways)

Inter-agency, child protection: "The process of formally requesting services for a child or their family from another agency (eg cash assistance, health care, etc) through an established procedure and/or form; caseworkers maintain overall responsibility for the case regardless of referrals." <sup>55</sup>

Inter-agency, IASC: "Assistance and support can comprise medical care, legal services, support to deal with the psychological and social effects of the experience, and immediate material care such as food, clothing, emergency and safe shelter, as necessary. Provision of assistance services is entirely independent from any additional procedure or action taken on the allegation." <sup>56</sup>

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<sup>52</sup> Serious Case Review: Southbank International School, Hammersmith & Fulham, Kensington & Chelsea and Westminster LSCB, Wonnacott, J. & Carmi, E, 2016 cited in "A tool to support leaders in the development and modelling of a positive safeguarding culture", BOND, forthcoming

<sup>53</sup> The report of the investigation into matters relating to Savile at Leeds Teaching Hospitals NHS Trust, Leeds, Leeds Teaching Hospitals NHS Trust, Proctor, S., Galloway, R., Chaloner, R., Jones, C. and Thompson, D., 2014, cited in "A tool to support leaders in the development and modelling of a positive safeguarding culture", BOND, forthcoming

<sup>54</sup> Office of Internal Oversight Services (OIOS), 2015, Investigations Manual, p. 32, available at: <https://oios.un.org/resources/2015/12/7KKtL7ld.pdf>

<sup>55</sup> Child Protection Working Group, January 2014, Inter-Agency Guidelines for Case Management & Child Protection: The Role of Case Management in the Protection of Children: A Guide for Policy and Programme Managers and Caseworkers, available at: [http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM\\_guidelines\\_ENG\\_.pdf](http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf).

<sup>56</sup> IASC, 2016, Best Practice Guide Inter-Agency Community-Based Complaint Mechanisms: Protection against Sexual Exploitation and Abuse, p.39.

- Referral also includes referral to informal community-based support.

## 32. Report (of safeguarding concerns or potential safeguarding incidents)

See also entries for **Incident**, **Complaint** and **Disclosure**.

UN: “A report of possible misconduct is any information that may lead to an investigation. This source information can come through means of either receipt or discovery. The receipt of source information usually comes from hotlines, direct reports to investigative personnel or general complaints sent by post, email or other means of communication. The discovery of source information, however, primarily occurs through other oversight functions monitored by investigators for red flags that suggest possible misconduct.”<sup>57</sup>

Inter-agency, CHS Alliance: “Where an individual or individuals report a concern regarding SEA.”<sup>58</sup>

- A report is the term used to describe any incident, concern, or suspicion being raised with an organisation, once the organisation receives information and logs the case for action.
- A report on the conduct of a staff member may cover a range of issues – including but not limited to: general programme feedback; concerns about general misconduct such as fraud, inappropriate use of organisational resources, and use of illicit substances; and disclosure of incidents of abuse, neglect, exploitation, violence, or harassment. Here we are concerned with reports relating to safeguarding alone. Systems for receiving safeguarding reports should sit within broader feedback receiving mechanisms to avoid stigmatising those disclosing incidents.

## 33. Safeguarding

Inter-agency, CHS Alliance: “Safeguarding – the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to children and vulnerable adults, and that they do not expose them to the risk of harm and abuse. PSEA and child protection come under this umbrella term.”<sup>59</sup>

Inter-agency, Disasters Emergency Committee: “Some donors are extending the established definition of what was understood to be protection from sexual exploitation and abuse (PSEA) with wider safeguarding definitions, by bringing cases of exploitation of aid recipients by aid workers together with instances of staff bullying and harassment.”<sup>60</sup>

UK legislation, adult safeguarding (applicable to adults at risk of abuse and neglect): “Safeguarding means protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time

<sup>57</sup> Office of Internal Oversight Services (OIOS), 2015, Investigations Manual, p. 36, available at: <https://oios.un.org/resources/2015/12/7KKtL7ld.pdf>.

<sup>58</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, citing UNICEF Child Protection Information Sheet What is Child Protection?, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>59</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>60</sup> Disasters Emergency Committee, 2018, Onward reporting of safeguarding incidents: A set of principles and related recommendations

making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.”<sup>61</sup>

The Charity Commission: “Safeguarding for these situations has specific meanings and certain legal requirements also apply:

- Protecting the rights of adults to live in safety, free from abuse and neglect.
- Protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.”<sup>62</sup>

The Charity Commission: “Safeguarding children duties apply to any charity working with, or coming into contact with, anyone under the age of 18.

Safeguarding children means to:

- Protect children from abuse and maltreatment.
- Prevent harm to children's health or development.
- Ensure children grow up with the provision of safe and effective care.
- Take action to enable all children and young people have the best outcomes.”<sup>63</sup>

The Charity Commission: “Safeguarding adults at risk means protecting their right to live in safety and free from abuse and neglect.

Safeguarding duties for adults at risk apply to any charity working with anyone aged 18 or over who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect.
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

An adult at risk of abuse may:

- Have an illness affecting their mental or physical health.
- Have a learning disability.
- Suffer from drug or alcohol problems.
- Be frail.”<sup>64</sup>

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<sup>61</sup> UK Department of Health & Social Care, 1 October 2018, Guidance Care and support statutory guidance, available at:

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>.

Note: In Wales, the Safeguarding Children: Working Together Under the Children Act 2004 (2007) defines safeguarding as: “Protecting children from abuse and neglect; preventing impairment of their health or development; and ensuring that they receive safe and effective care, to enable them to have optimum life chances.”

<sup>62</sup> The Charity Commission for England and Wales, 6 December 2017, Policy paper: Strategy for dealing with safeguarding issues in charities, available at: <https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities/strategy-for-dealing-with-safeguarding-issues-in-charities>.

<sup>63</sup> The Charity Commission, October 2018, Guidance: Safeguarding and protecting people for charities and trustees, available at: <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>.

<sup>64</sup> The Charity Commission, October 2018, Guidance: Safeguarding and protecting people for charities and trustees, available at: <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>.

The Charity Commission: “[Safeguarding incidents:]... allegations or incidents of abuse or mistreatment of people who come into contact with your charity through its work.”<sup>65</sup>

Scottish Charities Regulator: “Safeguarding is the action that an organisation takes to promote the welfare of children and vulnerable adults to protect them from harm including physical, emotional, sexual and financial harm and neglect. This includes making sure that the appropriate policies, practices and procedures are put in place.”<sup>66</sup>

- Safeguarding is an umbrella term that covers PSEA, sexual harassment and is increasingly used, in the international humanitarian community, as a broad term that covers all forms of maltreatment or harm caused by staff, associates, operations, or programmes, where survivors are affected populations and/or other staff members – either adults or children.
- It is not clear if all humanitarian actors understand the term as covering all forms of maltreatment or harm caused by staff and associates, operations or programmes, as it is a relatively new use of the term.
- Globally, safeguarding is not always a recognised term and can be difficult to translate.
- In the UK, conventionally the term safeguarding is related to children and adults at risk. Whilst there is now an understanding that safeguarding includes both children and adults, in recent years, among child protection actors, it has often been used purely to describe the safeguarding of children.

## 34. Sexual abuse

See also entry for **Sexual exploitation and abuse (SEA)**.

UN: “The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”<sup>67</sup>

Inter-agency, CHS Alliance and Inter-Agency Standing Committee: “An actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”<sup>68</sup>

- All sexual activity with a child is considered sexual abuse. Sexual abuse is a broad term, which includes a number of acts, including rape, sexual assault, sex with a minor, and sexual activity with a minor.<sup>69</sup>
- Whilst there is no UK legal definition, much of the UK guidance also includes non-physical abuse such as encouraging a child to watch pornography, grooming behaviour, etc.

<sup>65</sup> The Charity Commission, 14 June 2019, How to report a serious incident in your charity: Guidance for charity trustees about serious incidents: how to spot them and how to report., available at: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>.

<sup>66</sup> Scottish Charity Regulator, May 2018, Safeguarding Guidance: Keeping vulnerable beneficiaries safe, available at: <https://www.oscr.org.uk/media/3164/2019-01-23-latest-updated-safeguarding-booklet-design-pdf.pdf>.

<sup>67</sup> United Nations, 9 October 2003, Secretary-General’s Bulletin Special measures for protection from sexual exploitation and sexual abuse, available at: <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>; also used in United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>68</sup> CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>. Almost identical to the definition presented by the IASC in the Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery, Inter-Agency Standing Committee, 2015.

<sup>69</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

## 35. Sexual exploitation

See also entries for **Sexual exploitation and abuse (SEA)** and **Sexual harassment**.

UN: “Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.”<sup>70</sup>

Inter-agency, GBV: “Some types of forced and/or coerced prostitution can fall under this category.”<sup>71</sup>

Inter-agency UK, Disasters Emergency Committee (DEC): “The actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes. This includes any sexual relationship with beneficiaries and/or any the exchange of money, offers of employment, employment, goods or services for sex or sexual favours, or any forms of humiliating, degrading or exploitative behaviour. It can also include undeclared or unbalanced sexual relationships between staff, particularly those in the line of management.”<sup>72</sup>

- The Disasters Emergency Committee extends the definition of sexual exploitation to include relationships between staff where the two staff have unequal power relations. Whereas, for example, the UN addresses exploitative relationships between staff under their sexual harassment policies.

## 36. Sexual exploitation and abuse (SEA)

See also entries for **Sexual exploitation** and **Sexual abuse**.

UN: “A breach of the provisions of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse), or the same definitions, as adopted for military, police and other United Nations personnel.”<sup>73</sup>

“Conduct or behaviour of a sexual nature is considered SEA when this conduct or behaviour amounts to either sexual exploitation or sexual abuse as defined in ST/SGB/2003/13.”<sup>74</sup>

Where the obligations outlined in the Secretary-General’s Bulletin, ST/SGB/2003/13, UN, 9 October 2003 are:

- “(a) “Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.

<sup>70</sup> United Nations, 9 October 2013, Secretary-General’s Bulletin Special measures for protection from sexual exploitation and sexual abuse, available at: <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>; also used in United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>. This definition forms the basis for the definition presented in CHS Alliance, 2017, PSEA Implementation Quick Reference Handbook, <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf> and in the IASC GBV Case Management Guidelines.

<sup>71</sup> USAID, Primero, IRC, IMC, UNHCR, and UNICEF, 2017, Interagency Gender-Based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings, available at: <https://gbvresponders.org/response/gbv-case-management/>

<sup>72</sup> Disasters Emergency Committee, 2018, Onward reporting of safeguarding incidents: A set of principles and related recommendations. DEC briefing note for closed circulation.

<sup>73</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>74</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

- (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
- (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance.
- (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
- (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms.
- (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.”<sup>75</sup>

Inter-agency, CHS Alliance: “The term used by the UN and NGO community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel.”<sup>76</sup>

British Council: “Forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening or gives consent. The activities may involve physical contact, including penetrative (eg rape) or non-penetrative acts. They may also include non-contact activities, such as involving children in looking at pornography, in making indecent images of children, or encouraging children to behave in sexually inappropriate ways.”<sup>77</sup>

- Some organisations use the term sexual exploitation and abuse only in reference to protection of vulnerable people from sexual exploitation and abuse by their own staff and associates. Organisations need to clarify in their own definitions of sexual exploitation and abuse if this includes any abusive or exploitative relationships between two or more staff members.

## 37. Sexual harassment

See also entry for **Sexual exploitation and abuse (SEA)**.

UN: “Sexual harassment is not SEA. Sexual harassment refers to prohibited conduct in the work context and can be committed against UN staff and related personnel. In context of the United Nations, sexual harassment primarily describes prohibited behaviour against another UN staff or related personnel, which may also include nationals of the host state. It...involves any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Beyond UN regulations, the definition of sexual harassment is broader and does not require a link to the work environment. It is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or

<sup>75</sup> United Nations, 9 October 2003, Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, available at: <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>.

<sup>76</sup> CHS Alliance, 2017 PSEA Implementation Quick Reference Handbook, available at: <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>.

<sup>77</sup> British Council, November 2015, Every Child Matters Everywhere in The World: How we Safeguard Children: Child Protection Policy.

effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.”<sup>78</sup>

UNHCR: “Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment is particularly serious when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. Sexual harassment may be unintentional and may occur outside the workplace and/or outside working hours. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between or amongst persons of the opposite or same sex.”<sup>79</sup>

Inter-agency UK, Disasters Emergency Committee: “Sexual harassment is unwanted conduct of a sexual nature. It can happen to any gender, and can be physical (eg touching), verbal (eg offensive comments or phone calls), or non-verbal (eg display of offensive materials).”<sup>80</sup>

UK legislation: “Harassment

- (1) A person (A) harasses another (B) if:
  - (a) A engages in unwanted conduct related to a relevant protected characteristic; and
  - (b) The conduct has the purpose or effect of—(i) violating B's dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (2) A also harasses B if:
  - (a) A engages in unwanted conduct of a sexual nature; and
  - (b) The conduct has the purpose or effect referred to in subsection (1)(b).
- (3) A also harasses B if:
  - (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex.
  - (b) The conduct has the purpose or effect referred to in subsection (1)(b); and
  - (c) Because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
  - (a) The perception of B.
  - (b) The other circumstances of the case.
  - (c) Whether it is reasonable for the conduct to have that effect.

<sup>78</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>79</sup> UNHCR, 1 September 2014, Policy on Discrimination, Harassment, Sexual Harassment and Abuse of Authority. Ombudsman Office, Inspector General's Office, Ethics Office and Staff Welfare Section.

<sup>80</sup> Disasters Emergency Committee, 2018, Onward reporting of safeguarding incidents: A set of principles and related recommendations. DEC briefing note for closed circulation.

- (5) The relevant protected characteristics are— age; disability; gender reassignment; race; religion or belief; sex; sexual orientation.”<sup>81</sup>
- Use of the term sexual harassment (as opposed to sexual abuse and exploitation) may be perceived to reduce the gravity of certain incidents that are classed as criminal acts. In the UK sexual harassment is a criminal act. Analysis of local legislation should be undertaken to determine the status of the term sexual harassment in each context.
  - In UN agencies the term sexual harassment is used to distinguish between harm caused to staff and associates as opposed to harm caused to those outside the organisation. Concerns and incidents involving survivors outside the organisation are addressed under the term sexual exploitation and abuse. Given that, firstly staff may also be abused or exploited by fellow staff, and secondly community members may also be subjected to unwanted sexual conduct by staff or associates, this distinction may be unclear and unhelpful to many.

### 38. Sexual misconduct

Sexual exploitation and abuse and sexual harassment are two categories of misconduct defined under UN Staff Regulations and Staff Rules and Standards of Conduct: “Sexual exploitation and abuse constitutes serious misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures.”<sup>82</sup>

Inter-agency UK, Disasters Emergency Committee: “Child abuse, vulnerable adult abuse, sexual assault, sexual harassment, and sexual exploitation, and other PSEA, safeguarding children or adults policy violation, breach of safeguarding policy and practice, female genital mutilation (FGM), forced labour, bonded labour, trafficking in persons, forced marriage, domestic slavery.”<sup>83</sup>

- Sexual misconduct covers an array of inappropriate and illegal sexual behaviour including sexual harassment, sexual assault and sexual abuse. The word misconduct lacks precision — it can be used as a catchall for all kinds of behaviour, often obscuring what actually happened.
- The word misconduct does not appropriately describe the possible seriousness of the harm caused. Any language that minimises the gravity of alleged sexual assault, harassment and other kinds of gender-based violence is not appropriate.
- Consider instead choosing between more specific terms such as sexual violence, sexual harassment, sexual exploitation or sexual assault. These all convey the nature of the concern or incident.

### 39. Staff member

Inter-agency, International Council of Voluntary Agencies: “A person who works for or represents an organisation,

<sup>81</sup> Equality Act 2010: Part 2, c.2, Section 26, available at: <https://www.legislation.gov.uk/ukpga/2010/15/section/26>, accessed 10 October 2018.

<sup>82</sup> Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, United Nations, 24 July 2017, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>

<sup>83</sup> Onward reporting of safeguarding incidents: A set of principles and related recommendations. DEC briefing note for closed circulation, Disasters Emergency Committee, 2018

whether or not s/he is compensated.”<sup>84</sup>

- This is taken to mean anyone associated with an organisation, whether they are a paid contracted staff member, trustee, consultant, volunteer, intern, or other appointed or temporary representative such as a journalist, celebrity, or translator. If they function in any of those capacities with an organisation, an organisation’s partner agencies, suppliers, or contractors.
- Some organisations also/alternatively use the term personnel.

## 40. Subject of the complaint

See also entries for **Complaint** and **Wrongdoer or (potential) wrongdoer**.

UN: “A person or entity who/that is the focus of an investigation.”<sup>85</sup>

Inter-agency, International Council of Voluntary Agencies: “The person alleged to have perpetrated the misconduct in the complaint.”<sup>86</sup>

Inter-Agency Standing Committee: “Once a complaint has been filed, the alleged perpetrator of SEA is referred to under these terms.”<sup>87</sup>

- The term complaint is used by many organisations and agencies in relation to reports of safeguarding concerns or incidents. In general, use the word complaint infers a negative opinion, expression of discontent, or criticism. Given that at its most serious a safeguarding incident may be a criminal act and/or a human rights violation, it is worth considering the use of other terms such as potential wrongdoer.

## 41. Survivor

Inter-Agency Standing Committee: “The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors. ‘Survivor’ is the term generally preferred in the psychological and social support sectors because it implies resiliency.”<sup>88</sup>

- In international development and humanitarian work, those working on sexual and gender-based violence or child protection concerns have most often used the term survivor. It is applicable to any individual who has experienced or been targeted by abuse, violence, exploitation, or neglect.
- The term survivor infers the individual has resilience and, with support, will recover from the incident.
- Whilst organisations should have a position on the term they use, the individual themselves must also be able to choose whether they are referred to as a survivor or a victim.

<sup>84</sup> Building Safer Organisations Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers, International Council of Voluntary Agencies, 2007: p.14

<sup>85</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>86</sup> International Council of Voluntary Agencies, 2007, Building Safer Organisations Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers, p.14.

<sup>87</sup> IASC, 2016, Best Practice Guide Inter-Agency Community-Based Complaint Mechanisms: Protection against Sexual Exploitation and Abuse, p.59.

<sup>88</sup> Inter-Agency Standing Committee, 2015, Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

## 42. Survivor-centred

Inter-Agency Standing Committee: “A survivor-centred approach means that the survivor’s rights, needs and wishes are prioritized.[...Where the individual has rights:]

- To be treated with dignity and respect.
- To choose.
- To privacy and confidentiality.
- To non-discrimination.
- To information.<sup>89</sup>

Using a survivor-centred approach means that you:

- Validate the person’s experience.
  - Seek to empower the person.
  - Emphasize the person’s strengths.
  - Value the helping relationship.”<sup>90</sup>
- A survivor-centred approach puts the safety, wishes and interest of the survivor first, above all other considerations.
  - Taking a survivor-centred approach requires that an organisation talks to and listens to the survivor in ways adapted to each and every single survivor.
  - A survivor-centred approach indicates that the survivor’s wellbeing should be prioritised over and above other actions such as internal reporting requirements, protecting an organisation’s reputation, completing a fact-finding process or reporting a concern or incident to legal authorities.
  - Where a survivor is a child the best interests of the child are also a part of taking a survivor-centred approach.<sup>91</sup>

## 43. Suspicion

Inter-agency UK, Disasters Emergency Committee: “A concern that has been raised through any of the implementing agencies’ reporting pathways.”<sup>92</sup>

- A suspicion is a concern or reported incident that is, as yet, not proven by evidence to be true.
- Talking about your reporting mechanisms as receiving suspicions, concerns, and reports of incidents that have already occurred strengthens prevention and response.

<sup>89</sup> Inter-Agency Standing Committee, 2015, Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

<sup>90</sup> USAID, GBVIMS, PRIMERO, IRC, IMC, UNHCR, UNFPA, and UNICEF, 2017, Interagency Gender-based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings.

<sup>91</sup> For further details on applying 1) A survivor-centred approach see: USAID, GBVIMS, PRIMERO, IRC, IMC, UNHCR, UNFPA, and UNICEF, 2017, Interagency Gender-based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings, available at: [https://gbvresponders.org/wp-content/uploads/2017/04/Interagency-GBV-Case-Management-Guidelines\\_Final\\_2017\\_Low-Res.pdf](https://gbvresponders.org/wp-content/uploads/2017/04/Interagency-GBV-Case-Management-Guidelines_Final_2017_Low-Res.pdf); and 2) A survivor-centred approach for children see: IRC and UNICEF, 2012, Caring for Child Survivors of Sexual Abuse Guidelines for health and psychosocial service providers in humanitarian settings, available at: [https://www.unicef.org/pacificislands/IRC\\_CCSGuide\\_FullGuide\\_lowres.pdf](https://www.unicef.org/pacificislands/IRC_CCSGuide_FullGuide_lowres.pdf).

<sup>92</sup> Disasters Emergency Committee, 2018, Onward reporting of safeguarding incidents: A set of principles and related recommendations. DEC briefing note for closed circulation.

## 44. Unsubstantiated

UN: “The available evidence was insufficient to allow for an investigation to be completed or the investigation concluded that there was insufficient evidence to establish the occurrence of SEA, for a variety of reasons and does not necessarily mean that the allegation was necessarily false.”<sup>93</sup>

- Unsubstantiated claims are not the same as closed cases. A case can be unproven, but firstly further action for the survivor may be required, and secondly further information may still come to light that indicates a need to sanction the potential wrongdoer.

## 45. Violence/violence against children

UN: “Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.”<sup>94</sup>

- Violence is classified as a safeguarding concern or incident when the wrongdoer or potential wrongdoer is a staff member or person otherwise associated with an organisation against a fellow staff member or a member of the community.

## 46. Vulnerable

See also entry for **Adult at risk**.

Inter-agency Child Protection: “Physical, social, economic and environmental factors that increase the susceptibility of a community or individuals to difficulties and hazards and that put them at risk as a result of loss, damage, insecurity, suffering and death.”<sup>95</sup>

Inter-Agency Standing Committee: Individuals who “hold less power in society, are more dependent on others for survival, are less visible to relief workers, or are otherwise marginalized.”<sup>96</sup>

- There are no commonly agreed, inter-agency criteria for who is vulnerable. This makes the term unspecific and causes debate between organisations as to who should be classified as vulnerable.
- Some actors prefer to use the term at-risk.

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<sup>93</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>94</sup> World Health Organization 2016, INSPIRE: Seven Strategies for Ending Violence Against Children, available at: [http://www.who.int/violence\\_injury\\_prevention/violence/child/en/](http://www.who.int/violence_injury_prevention/violence/child/en/).

<sup>95</sup> Child Protection Working Group, January 2014, Inter Agency Guidelines for Case Management & Child Protection: The Role of Case Management in the Protection of Children: A Guide for Policy and Programme Managers and Caseworkers, available at: [http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM\\_guidelines\\_ENG\\_.pdf](http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf).

<sup>96</sup> Inter-Agency Standing Committee, 2015, Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

## 47. Whistleblower

UN: “Any UN staff or related personnel who reports sexual exploitation or abuse.”<sup>97</sup>

Inter-Agency Standing Committee: “A whistleblower is a type of complainant, not the survivor, who is a humanitarian aid worker making a report of SEA.”<sup>98</sup>

- A whistle-blower is someone who shares details of a concern or incident. They may be a witness or advocate or they may have heard about the concern or incident by some other means. They themselves are not the survivor. An advocate is a person selected by the survivor to share details of a concern or incident on their behalf.
- In the UK a whistleblower is a worker that reports certain types of wrongdoing. The wrongdoing disclosed must impact upon the public interest, ie it must affect others. In the UK whistleblowers are protected by law.

## 48. Wrongdoer or (potential) wrongdoer

See also entry for **Perpetrator or (alleged) perpetrator** and **Subject of the complaint**.

Dictionary definition of wrongdoer: “A wrongdoer is a person who does things that are immoral or illegal.”<sup>99</sup>

Dictionary definition of potential: “The possibility of something happening or of someone doing something in the future.”<sup>100</sup>

- The terms potential wrongdoer and wrongdoer are widely used in the UK, including by the Charities Commission and other government bodies in guidance and legislation.
- The term wrongdoer is more easily understood as the person who is thought to have caused harm compared to alternatives such as subject of the complaint/report. Subject of the complaint may be misunderstood as the survivor.
- Potential wrongdoer is preferred over perpetrator and alleged perpetrator as it encompasses a wider range of behaviours relevant to safeguarding. Common understanding of the term perpetrator is that it describes a person who has committed a crime. Not all safeguarding concerns are criminal acts.

<sup>97</sup> United Nations, 24 July 2017, Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations, Second Edition, available at: <http://pseataaskforce.org/uploads/tools/1501161761.pdf>.

<sup>98</sup> Inter-Agency Standing Committee, 2016, Best Practice Guide Interagency Community Based Complaint Mechanisms Prevention of Sexual Exploitation and Abuse, available at: <http://www.pseataaskforce.org/uploads/tools/1490964201.pdf>.

<sup>99</sup> Collins English Dictionary – Complete and Unabridged, Harper Collins Publishers, 2014, available at: <https://www.collinsdictionary.com/dictionary/english/wrongdoer>

<sup>100</sup> Lexico from Oxford University Press, 2019, available at: <https://www.lexico.com/en/definition/concern>.

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