









How to apply FCDO's Safeguarding Against Sexual Exploitation, Abuse and Harassment (SEAH) Due Diligence Guidance in International Organisations.

Case Study Focus: Code of conduct, recruitment, and training – Foreign Commonwealth and Development Office (FCDO) due diligence

This is the second of three case studies which show how to actively apply 'Safeguarding against Sexual Exploitation and Abuse and Sexual Harassment (SEAH) Due Diligence Guidance for FCDO implementing partners' within organisations. These case studies share clear and concise examples of how the guidance has been applied in organisations and works alongside the six areas of how to tackle SEAH, as illustrated in Figure 1.



Figure 1: A summary of the six areas of SEAH due diligence¹

 SEAH approach	 Complaints & whistle-blowing	 Recruitment & training	 Risk management	 Code of conduct	 Governance & accountability
Policy	Policy	Job Descriptions & Risk	SEAH Risk Category	Code of Conduct	Designated Board
Standards	Training	Selection & Interview	Regular Review	IASC Six Principles	Safeguarding Lead
Children & Vulnerable Adults	Internal Complaints	References & Vetting	Fundraising	Staff Signature	Board Handing of SEAH
Beneficiary Engagement	External Complaints	Induction & Refresher Training	Online Risks		Local Focal Points
Survivor Support	Case Register		Downstream Partners		Requirement of others

1. The UK Foreign, Commonwealth & Development Office (2022), *A summary of the six areas of SEAH due diligence*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/143790/Summary-6-areas-SEAH-due-diligence.png accessed 18 May 2022).

Context

A large INGO working across over 20 country programmes. The organisation delivers most of its programmes through partner organisations and is the lead implementing partner on an FCDO grant.

The project involves supporting women with sexual and reproductive health and stress management and connecting women to local healthcare providers. The majority (80%) of the funding received by the INGO goes to downstream partners.

The examples set out below are optimal ambitions and may be adjusted in relation to the overall risk to ensure that proportionality is taken into account.

Below are the FCDO's indicative questions ** on 'recruitment and training' and 'code of conduct' which are used during FCDO's assessment of its partners organisations. The INGO referred to these questions when conducting due diligence of its partners to ensure appropriate SEAH safeguarding processes are in place and standards are adhered to.

Recruitment and training

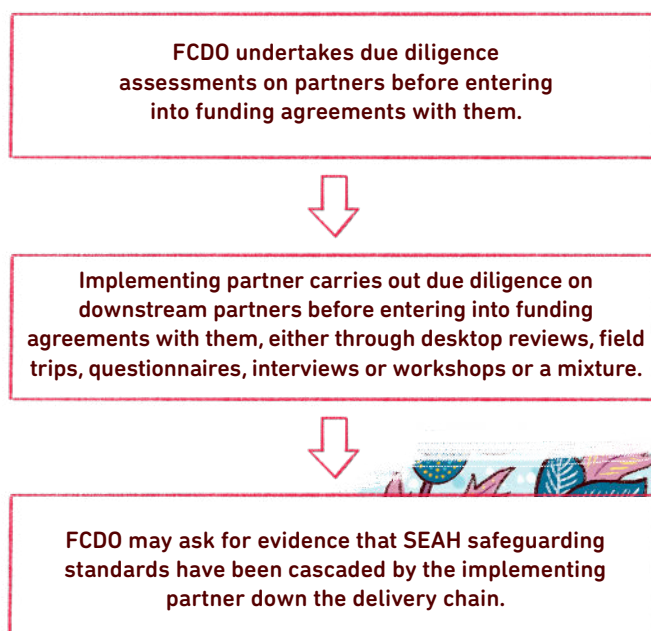
- Are SEAH risks factored into job adverts and related interview processes, including the requirement for references, the type of questions asked and the level of safeguarding expertise of the interviewers?
- Do you provide mandatory training on safeguarding, including on complaints and whistleblowing, to new trustees/staff/volunteers within a suitable and appropriate timeframe of them joining your organisation?
- Do you provide regular refresher training on safeguarding to staff/volunteers?
- Do you have different levels of security and reference checks commensurate with safeguarding requirements of the role?
- Are you using the Misconduct Disclosure Scheme and if not do you plan to sign up?
- Do you make use of probationary periods of employment to ensure suitability once in post?



Code of conduct

- Does the organisation have in place a code of conduct for staff and volunteers that explicitly prohibits SEAH and sets out clear expectations of behaviours – inside and outside the workplace – and what will happen in the event of non-compliance or breach of these standards?
- Does the code of conduct prioritise the wellbeing and care of all people including beneficiaries?
- Are all staff and volunteers provided with training on the code of conduct as part of their induction?
- Are there policies and practices for the management of downstream partners and affiliates aligned to the code of conduct?
- Are the expected behaviours set out in the code of conduct influencing and reflected in the organisation's culture?

What does the FCDO due diligence process look like?



How FCDO's safeguarding due diligence guidance has been applied by the INGO to its downstream partners.

Before signing the Partnership Agreement, the implementing partner conducts a due diligence assessment with the downstream partners, to understand what the programme specific safeguarding risks are, and establish how safeguarding policies and processes mitigate against those risks. The implementing partner will use the information gathered to establish if sufficient assurance is in place to proceed with funding or not.

Selection and interview

As part of this project, a downstream partner may or may not recruit staff. If a downstream partner does recruit specifically for this programme, both the implementing partner and the downstream partner should ensure that preventing SEAH and the importance of safeguarding are addressed in the recruitment and interview process.

This could include making clear statements in job adverts about safeguarding culture and expectations of preventing SEAH, asking applicants about their experience of safeguarding and preventing SEAH during the interview process, getting clarity on any gaps in employment history and clarifying previous safeguarding training.

The implementing partner should consider the wider recruitment processes of the downstream partner as part of the implementing partner's due diligence processes, as existing staff would have been selected according to these processes. This would help to better understand risks in working with this partner.



Applicants should be questioned on their previous experience of safeguarding/preventing SEAH. This is an opportunity for recruiters to understand what (if any) qualifications applicants hold. As part of its due diligence assessment, the implementing partner asks the downstream partner what evidence it seeks on any qualifications applicants claim to have (safeguarding or otherwise).

As part of the due diligence assessment, the implementing partner and the downstream partner also develop a process for recruitment during an emergency response, including agreeing a 'rapid recruitment checklist' which avoids a possible influx of unregistered workers. This process includes the downstream partner researching all registration requirements for aid workers in the country and sharing these with the implementing partner to ensure that this is in line with the partnership agreement.

The implementing partner records as a residual risk that it is relying on a downstream partner to safely recruit programme workers and agrees with the downstream partner a process for reviewing recruitment practices as part of its due diligence process.

References and vetting

The legislation around criminal background checks and availability of relevant data is one of the biggest barriers to safe recruitment. In addition, complying with relevant data protection laws can be complex to manage and navigate.

The implementing partner works with the downstream partner to understand what criminal background checks are available in the local context, noting that in some countries no criminal records are available or receiving relevant data may take a long time.

Emergency responses can be problematic when it comes to references and vetting as there is not an abundance of time to safely recruit. The rapid recruitment checklist (see above) should include a process in which the essential safe recruitment steps are followed (e.g. seeking references from previous employer, requesting previous safeguarding training certificates, asking about employment gaps) but a member of staff is allowed to start work while final checks are being actioned (for example, additional references or police checks). Where a staff member has started work without all checks being completed, staff contracts should be dependent on satisfactory vetting/references so that the individual can be removed from the role if required. The implementing partner trustees should have documented the decision to work with staff/volunteers who have not had the required by way of a risk assessment.

The downstream partner should aim to implement safe recruitment methods, such as joining the [Misconduct Disclosure Scheme \(MDS\)](#). If the downstream partner is not already part of the scheme, the implementing partner should run a learning session on the benefits of the MDS. Although the implementing partner understands that the downstream partner may have limited time or resources for this, this should still be included in the action plan.

The MDS provides guidance to both the implementing and downstream partner on what can and cannot be shared in references.

The implementing and downstream partners, should additionally consider using INTERPOL's – [Project Soteria](#) as a method of safer recruitment.

How staff obtain their referees should be recorded as a residual risk – understanding that new staff choose their own referees, and it can be challenging for recruitment teams to authenticate the referees and the references they provide. If an employee's previous organisation provides only a factual reference, and does not comment on the new staff's behaviours, the downstream partner should request an additional personal referee.



Code of conduct

If the downstream partner does not have a code of conduct, it can sign up to the implementing partner's code of conduct (ensuring that the code is shared and understood by all relevant staff). It must be made clear to all involved that the downstream partner is bound by the implementing partner's relevant code of conduct in the interim, until it has developed its own code of conduct. Steps to mitigate the risk and upskill the downstream partner could then be recorded and included as part of the implementing partner's ongoing risk management process.

If adopting the implementing partner's code of conduct, the implementing partner takes care to ensure this is fully understood by the downstream partner. Where possible, the implementing partner should work with the downstream partner to translate the code of conduct into relevant local languages. The downstream partner should aim to have developed its own code of conduct by the end of the project, as part of an action plan. The downstream partner should also agree to use the action plan for other areas of development.

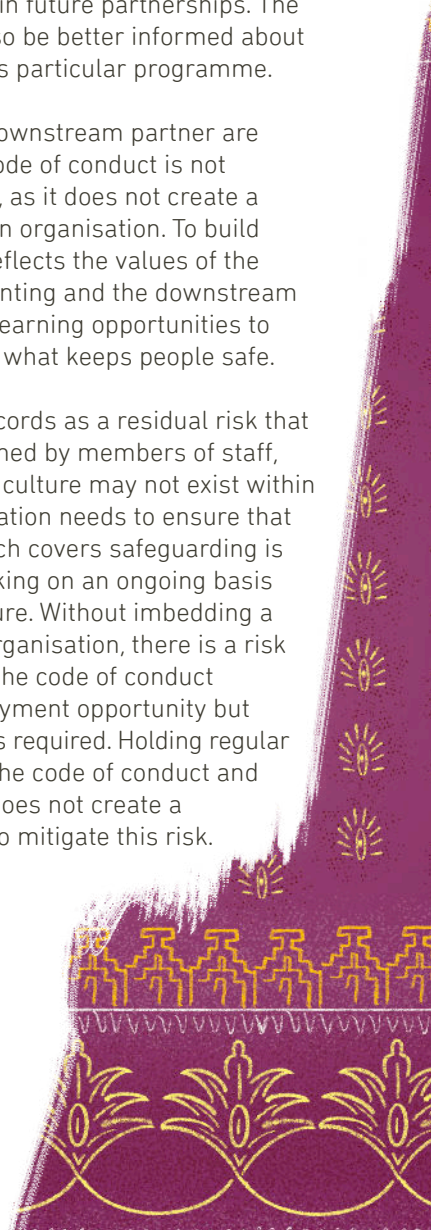
Either at the start of the partnership or once created, the downstream partner's code of conduct should be reviewed by the implementing partner and approved through the downstream partner's governance structures.

Time should also be allowed for the implementing partner to undertake workshops on how to create a code of conduct. The implementing partner should be prepared to review drafts of the downstream partner's code of conduct to ensure that it adequately reflects the downstream partner's structure and ways of working rather than following a previously created template.

During the development of the code of conduct, the implementing partner takes care to ensure that the knowledge and experience of the partners on safeguarding issues drives the creation of the code of conduct, even if specific terminology is not used (challenge with preventing sexual exploitation & abuse, child protection and safeguarding). Valuing this knowledge will support the partnership and give the downstream partner an opportunity to learn widely-used westernised language for keeping people safe, which will support the organisation in future partnerships. The implementing partner will also be better informed about what keeps people safe in this particular programme.

Both the implementing and downstream partner are aware that simply having a code of conduct is not sufficient to keep people safe, as it does not create a safeguarding culture within an organisation. To build a safeguarding culture that reflects the values of the code of conduct, the implementing and the downstream partner should have regular learning opportunities to maintain the conversation on what keeps people safe.

The implementing partner records as a residual risk that the code of conduct gets signed by members of staff, but an in-depth safeguarding culture may not exist within the organisation. The organisation needs to ensure that having a code of conduct which covers safeguarding is not seen as the same as working on an ongoing basis to imbed a safeguarding culture. Without imbedding a safeguarding culture in the organisation, there is a risk that staff members will sign the code of conduct because they want the employment opportunity but do not live and breathe what is required. Holding regular learning sessions to explain the code of conduct and how it, as a standalone tool, does not create a safeguarding culture is how to mitigate this risk.



Induction and refresher training

A common challenge in partnerships is ensuring that all training and resources are translated so they are understood by all staff relevant to the project.

The implementing partner must ensure all the resources it provides are appropriate for the context and can be understood, working alongside the downstream partner to ensure that the resources are specific and relevant to the project activities and risks. It may be necessary for the implementing partner to financially support translation. Resources may also need to be made accessible in ways other than language, i.e. to support those with disabilities. This is something for the downstream partner to consider and for the implementing partner to financially support if required.

In the training, the implementing partner includes a section on reporting/whistleblowing which covers all reporting methods and how whistleblowers will be supported, including maintaining anonymity.

The downstream partner is encouraged to source and create resources that support local staff knowledge of safeguarding. Implementing partners can support downstream partners by directing organisations to local hubs for local resources and sharing their knowledge of the local context and social norms.

Training should be provided as part of staff on-boarding and this must enhance awareness of, complement and not contradict the code of conduct.

There must be a regular review period for mandatory staff training. This can consist of formal training, or more informal learning sessions/discussions based on any internal learning opportunities that have taken place since the original training. A record of when this training should be held to ensure that training is completed in within the review periods.

The implementing partner should ensure that any local focal points are delivering training to the required standard, ensuring that all staff training is consistent (factoring in staff turnover). The implementing partner could seek to collaborate with other INGOs working in the country to share relevant training resources. This avoids duplication and ensures efficient use of resources with the partner, given limited time.



The Inter-Agency Standing Committee's Six Core Principles

The downstream partner's code of conduct must align or reference the [Inter-Agency Standing Committee's \(IASC\) Six Core Principles](#). It may be possible to tweak the downstream partner's existing code of conduct to align with these principles. The implementing partner should run a workshop on the principles with the downstream partner. Collectively, the implementing and downstream partner must allow the time to explore and learn how international standards could conflict with local law. (For example, how to implement the principle that staff should not have relationships with community members, based on improper use of rank or position, when local staff live in the community.) To ensure buy-in, there is a need to discuss this with all staff and in-country senior management.

The implementing partner records as a residual risk if the local law conflicts with the IASC's principles. It should do all it can to mitigate this risk by ensuring that the six principles are clearly visible around project offices, a clear disciplinary process is in place for breaches of the code of conduct and local staff are provided with a clear explanation as to why certain behaviours are prohibited in their work.

When looking at the IASC Six Core Principles, the downstream partner should also consider the IASC Minimum Operating Standards on PSEA and the PSEAH elements of the Core Humanitarian Standard on Quality and Accountability: FCDO expects partners to adhere to one or both of them.

Bond's language guide which tackles to 'take British politics and colonialism out of our language' which can be found here is recommend by Bond to be used when undertaking due diligence. FCDO however does not recognise the use of British politics or colonialism as behind the use of the word 'beneficiary' (or other wording in its guidance) – this word beneficiary was used by FCDO to be consistent with the terminology used in key international safeguarding documents.



Key points to look out for above for best practice with your organisation's due diligence.



Note that in some countries, the downstream partner will need to have registered its code of conduct with the government. This gives it greater weight for implementation.

There may only be one or two opportunities in a year to review a downstream partner's code of conduct, but there may be a requirement in the governance structures for the code to be reviewed by the board.

Remember that in both implementing and downstream partner organisations, having a code of conduct and undertaking training is not sufficient to keep people safe. Following minimum standards does not create a safeguarding culture within an organisation. Safeguarding should be lived in an organisation.

Funding should not only cover the development of policies but extend to implementation.

When working to identify risks or discuss acceptable behaviours for the code of conduct, use examples of situations that occur within the cultural context.

It may not be possible for partners to have everything in place immediately. This is a journey for both the INGO and its partner organisations. Action plans must be realistic without risking harm to the community or staff.

Implementing partners must ensure that any training or resources they provide is contextualised to highlight that code-of-conduct clauses are stricter than national law. For example, based on the IASC Principles local staff cannot have sex with under-18's.

Local NGOs are not a homogeneous group and have very different organisational structures. Safeguarding systems must respond to these differences.

There could be complexities in getting senior management buy-in for some elements of the code of conduct, specifically those from IASC's principles. Implementing partners should ensure they clearly share the reasoning behind these principles.

The downstream partner may be working on different projects with other implementing partners and may have already undertaken safeguarding training. The implementing and downstream partner should assess existing knowledge and decide together what training is necessary.

Reliable vetting or criminal record checks may not be available in some local contexts. Implementing partners should consult with downstream partners to establish what is available locally. Both partners should consider Project Soteria as a vetting resource.

The downstream partner may not recruit new staff to work on this project. The implementing and downstream partner should assess and decide together what training is necessary based on the appropriate safeguarding training that they may have already undertaken.