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

Case Study Focus: Risk management and governance and accountability – FCDO Due Diligence.

This is the third 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.
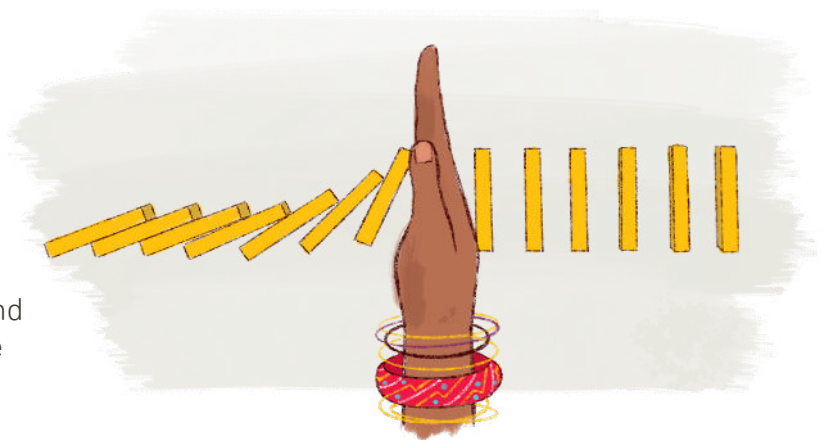
Figure 1: A summary of the six areas of SEAH due diligence[1]

SEAH approach	Complaints & whistle-blowing	Recruitment & training	Risk management	Code of conduct	Governance & account-ability
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/image_data/file/143790/Summary-6-areas-SEAH-due-dilligence.png accessed 18 May 2022].

Context

A small INGO based in the UK, which is an FCDO implementing partner and receives funding of £300k over a two-year period. The INGO works with one local downstream partner, which receives half of this funding.

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

Below are the FCDO's indicative questions on risk management and governance and accountability which are used during the 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.
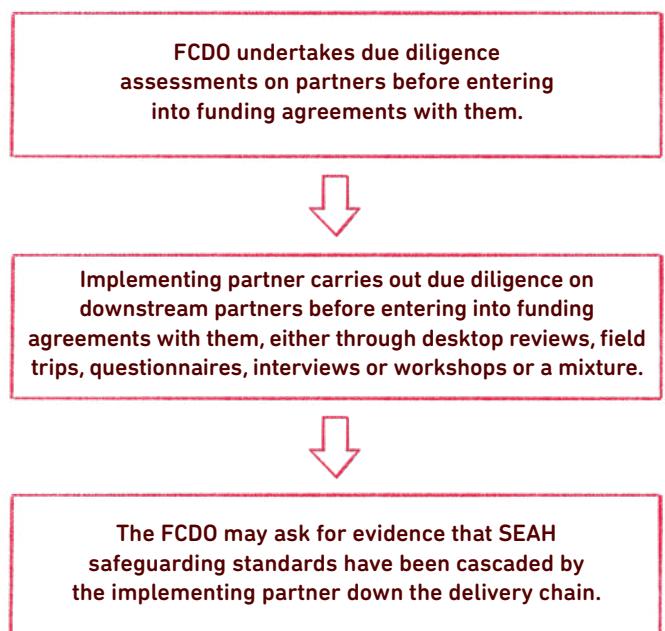
Risk management

- Do you have a risk management policy or framework capturing risk appetite and risk categories including safeguarding?
- Do you share your risk management policy where it relates to safeguarding risks with your downstream partners i.e., are downstream partners advised on escalation procedures around safeguarding issues?
- Do you have risk registers for all programmes that feed into an overall organisational risk framework?
- Is there regular senior oversight of your risk register?
- If applicable are fundraising ideas and external communications risk assessed to ensure no harm is done by the activity? E.g., Fundraising is delivered in the context of safeguarding e.g. 'sponsorship'

Governance & accountability

- Do you have a designated senior safeguarding officer who reports regularly to the senior leadership and board?
- Does the governance structure reflect regular review of management of safeguarding issues internally and externally?
- For larger organisations operating in multiple locations are there local SEAH focal points and is there a good network for linking them with the designated organisation safeguarding lead?
- Do you share your safeguarding policy with your downstream partners, and do they have in place procedures to ensure safeguarding issues are escalated and shared with you?

What does the FCDO due diligence process look like?

FCDO undertakes due diligence assessments on partners before entering into funding agreements with them.

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Implementing partner carries out due diligence on downstream partners before entering into funding agreements with them, either through desktop reviews, field trips, questionnaires, interviews or workshops or a mixture.

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The FCDO may ask for evidence that SEAH safeguarding standards have been cascaded by the implementing partner down the delivery chain.

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 to 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.

SEAH risk management

The implementing partner should prioritise open and honest communication and developing a positive relationship with downstream partners, as this will create space for a frank discussion about risks. These communications can enable the implementing partner to document the risks faced by the downstream partner better if the downstream partner does not have its own risk register. For partners where this language is less familiar, it may help to frame the discussion in terms of "what are you most worried about happening in this project?" rather than discussion of risks.

It is the responsibility of the implementing partner's board to define the level of risk it is prepared to accept at an organisational level. For example, the board can set its risk appetite, and this should inform whether the risk in relation to each downstream partner is accepted by the project management team within the implementing partner organisation.

As part of its risk register, the implementing partner identifies what due diligence assurances it needs to seek from its downstream partners and how often this needs to be reviewed.

The implementing partner should have a risk policy in place to sit alongside the risk register. This policy should include how often the risks (see below) are reviewed and how risks will be recorded and mitigated.

A risk register should be compiled when the implementing partner undertakes its own due diligence on downstream partners. The register should include all residual risks that the implementing partner deems there to be with the downstream partners' current practice (not exclusive to preventing SEAH). Safeguarding/prevention of SEAH should be its own risk category on the risk register.

Downstream partners' risks

The implementing partner expects the downstream partner to commit to safeguarding risk management throughout the life cycle of the programme. This level of commitment should be viewed as being equal to financial management, monitoring, evaluation and learning. The implementing partner, which designs the programme, will ensure that the downstream partner is fully briefed on the level of commitment to safeguarding when the partnership is formed. This should include sharing of the implementing partner's SEAH policy.

The downstream partner is asked to identify a member of its team who can commit time to co-create a safeguarding risk assessment, risk register and safeguarding management plan. The downstream partner is expected to have technical knowledge of its organisations safeguarding systems and be available to participate in embedding safeguarding in new programme design. The implementing partner makes it clear that if an organisation cannot make this commitment, it will affect its ability to work with them.

Regular review

Once all safeguarding risks are identified and recorded on a register/risk management plan, the risks should be reviewed on a regular basis (risks should have review dates throughout the programme, which may differ depending on the risk). The identification of risks should also be on-going throughout the programme and should not be limited to when the initial due diligence is undertaken.

Each risk management plan is designed around the needs of the programme and identifies how a safeguarding risk may manifest in the context of the work. Considerations include the location, the identity of the people and communities, the travel required to access or deliver the service, communication pathways and ethical working practices. This approach requires a safeguarding plan to be developed, based on evidence and the expertise of the delivery partners. To this end, it is important for the implementing partner and donor to seriously consider contextualised mitigation measures that they may be less familiar with.

This contextual approach helps to avoid making overly cautious choices or developing safeguarding approaches based on assumptions. From the beginning and throughout the programme cycle, it is important to remain reflective and engage the views and leadership of the people being supported. Contextual safeguarding means being committed to learning and adapting as the programme develops. For medium and larger organisations, each programme should have a safeguarding working group to monitor implementation of the programme workplan, in synch with the wider programme management cycle.

During the review of the risks, the implementing partner may be asked to provide input as evidence on how it is mitigating a particular risk. A sub-review should be undertaken at this point to establish if the methods used to mitigate individual risks are still working. Spot checks, in which a range of staff are asked informally about their awareness of the risks and mitigation measures, can be a useful tool in assessing risk awareness.

The Designated Board Safeguarding Lead

It is essential for an implementing partner to have a Designated Board Safeguarding Lead (DBSL). The Charity Commission England & Wales (CCEW) deems this lead to be responsible for all safeguarding matters within the organisation – safeguarding practitioners in the organisation who report to the CCEW do this on behalf of the DBSL.

The DBSL has a responsibility to help ensure that the implementing partner's safeguarding practitioners are undertaking their role as required.

The implementing partner should have an appointed trustee for safeguarding (A DBSL). Their responsibilities include:

- working closely with the CEO and Senior Safeguarding Advisor to ensure the organisation's plans reflect safeguarding legislation and statutory guidance
- making sure safeguarding policies and procedures are regularly reviewed
- creating the right culture by championing safeguarding throughout the organisation
- supporting other trustees in developing their individual and collective understanding of safeguarding
- attending relevant training events and conferences
- creating ways of gathering the views of staff and beneficiaries in relation to safeguarding and sharing these with the board.

In addition to the DBSL, the chair of the board also has responsibility for safeguarding. They ensure the DBSL is allocated enough time at meetings to provide full and detailed reports on safeguarding and encourage the DBSL to take part in global initiatives to help promote compliance and positive culture change. The chair should also support the wider board of trustees to understand their collective safeguarding responsibility.

Downstream partners' safeguarding focal points should be able to communicate with or access the implementing partner's DBSL in the event that that downstream partner is not satisfied with the support it is receiving with safeguarding.

Board handling of SEAH

The implementing partner asks the downstream partner about the role its board plays when handling SEAH, if the downstream partner has a board. If it does not have a board, the implementing partner asks about the role of the director or a nominated external trusted person with a responsibility for safeguarding.

The implementing partner produces a quarterly report of safeguarding incidents from the information provided by the downstream partner which is shared with the DBSL who will oversee the integrity of safeguarding case management, reporting to regulators and sharing lessons learned. The role includes formal decision-making authority in respect to sharing reports of serious incidents to the Charity Commission and donors. The DBSL is also the main point of contact in cases where a critical or crisis incident is reported. They will escalate the matter to the chair and work closely with the senior management team to implement the serious incident policy.

Possible risks

Fundraising risks

From the start to the end of the programme, safeguarding should be central to the partnership and its funding. The implementing partner expects all partners that it works with to share the same ambition to make the work they do safe for everyone. The implementing partner approaches safeguarding in its programmes deliberately and with purpose by designing protection into the work it is planning to do. This approach makes sure the welfare of all stakeholders linked to the work is paramount, and the downstream partner has the right resources in place to keep people safe.

To achieve this, the implementing partner uses a safeguarding risk management planning tool, which is a live document co-created between the implementing and downstream partner. This is reviewed on a quarterly basis and used to continually strengthening the downstream partner's systems. The risk management planning tool includes a risk assessment, risk register and risk management plan for the programme. The first version is produced as part of the design and bidding process, which allows any financial resources that need to be included in the programme budget to be identified. This also helps identify any efficiency savings through streamlining safeguarding costs (e.g. a central budget for technical support for partners).

Online risks

The implementing partner's approach to minimising risk of harm online is managed by assessing risks associated with digital communication pathways proposed in programmes. A component of the safeguarding risk management plan identifies the risks posed by the communications methods planned for the programme (e.g. using social media, using mobile phones, distributing digital devices to staff and service users, storage of data). A typical approach would anticipate which digital methods will be used to share information and communicate with staff teams, programme teams and service users then identify ways in which this could create a risk of harm or exploitation. Examples of actions include a best practice guide for acceptable use of digital and mobile technology, made available to staff and service users alike. Data protection protocols should also be made clear to service users.

Local focal points risks

When downstream partners do not have a local focal point, they are encouraged to appoint a focal point within their organisation. This individual could be a manager, rather than the director, to minimise the power dynamics involved in approaching this individual to report an incident. A manager's proximity to project implementation may also make them a more suitable person to manage safeguarding risks day-to-day. The implementing partner can also offer support by having a nominated person within its organisation to whom downstream partner staff can report. This person can record a short video or voice recording to introduce themselves to the staff of the downstream partner.

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.

Top tips...

To be mindful of...

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As implementing partner, supporting the downstream partner to build a safeguarding culture from the beginning of the partnership can mitigate poor handling of SEAH. The policies and practices agreed will be the sort used in an organisation with a positive safeguarding culture. Bond's leadership and culture tools can support the process of building an organisation's safeguarding culture.	Downstream partners may not have the same board structure, and this means they may not have a Designated Board Safeguarding Lead. The implementing partner may have to discuss with the downstream partner the importance of having a DBSL. Alternatively, the director or a nominated external trusted person may be listed as having responsibility for safeguarding.
If the implementing partner develops a positive relationship with downstream partners, it will be easier to have an open and honest conversation about risks. For partners where safeguarding language is less familiar, it may help to frame the discussion in terms of "what are you most worried about happening in this project?" rather than discussion of risks.	FCDO due diligence questions specifically ask about risk registers/frameworks. Capturing conversations in a written format about risks, or what downstream partners are worried about, may be necessary.
Ensure that your risk register is a live document which is overseen by all levels of staff involved in the programme, including senior staff.	Implementing partners should be led by the downstream partners in relation to risk on the activities they are conducting as they know about the activities in more detail.
When building the partnership with the downstream partner, the implementing partner should be sure to build a positive working relationship with any SEAH local focal points. This breaks potential barriers to reporting.	Risks may continue to manifest or change throughout the programme. The downstream partner should be open and transparent about any potential risks or challenges it identifies throughout the delivery of the programme Risk escalation may occur throughout a programme which should be identified during a risk review and the increased risk should be managed accordingly.
While a downstream partner is likely to have its own safeguarding policy, the implementing partner should still share its own policy to support downstream partners to understand its safeguarding process and how to report to the implementing partner.	Where a downstream partner doesn't have a risk register or framework, the implementing partner needs to be aware that needing to have more senior involvement to manage risks (i.e. downstream partner director) may have an impact on finances due to the need to fund senior members staff time, which would be more costly.

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