

	Policy Family PROGRAMMES
	Policy Name Safeguarding Policy
Effective Date 22 November 2019	Approved By HFHNZ New Zealand Board of Directors
Scope This policy applies to Habitat for Humanity New Zealand and its sub-contracted partner agencies.	

1. Background/Context:

In accordance with its foundational mission principles, Habitat for Humanity New Zealand (HFHNZ) is committed to the highest ethical standards and opposes all forms of discrimination, exploitation and abuse. Our intent is to create and maintain a work and life environment that is safe, productive and respectful for our colleagues and for all we serve.

2. Purpose:

- Recognise the harm caused by physical or sexual abuse or exploitation, harassment or bullying both within and outside the workplace and in the communities that we serve.
- Increase understanding of safeguarding risks and define responsibilities for appropriate safeguarding behaviour by all HFHNZ representatives, including but not limited to board members, staff members and volunteers.
- Confirm our commitment to include safeguarding principles during strategic and project planning, monitoring and evaluation in order to assess and address the potential safeguarding risks associated with HFHNZ's overall operations and project activities.
- Establish processes for:
 - required safeguarding protocols during recruitment and training of HFHNZ representatives; HFHNZ representatives to report concerns regarding suspected safeguarding misconduct to promote a culture of accountability, transparency and safety; investigating and managing reported allegations of safeguarding misconduct.
- Reinforcing HFHNZ's zero-tolerance for any HFHNZ representative who violates safeguarding principles by:
 - Recognising the prevalence of safeguarding misconduct;

- Establishing a culture of reporting such misconduct, where discussion about preventing and handling of Safeguarding issues is normalised and encouraged;
- Appropriately addressing instances of Safeguarding misconduct with an ultimate goal of zero instances of such misconduct.
- Recognising and comply with all relevant New Zealand legislation.

3. Definitions:

- Safeguarding: Preventing and responding to harm caused by physical or sexual abuse or exploitation, harassment, or bullying of the people in the communities we serve (especially vulnerable adults and children) and also the people we work or partner with;
- MySafeWorkplace: HFHNZ's anonymous incident reporting system, accessible 24/7 at MySafeWorkplace.com or by calling 0800 002 341 (within New Zealand) or 1 (720) 514 4400 (international)
- Sexual exploitation: 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.
- Sexual abuse: Any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal power dynamics or otherwise coercive conditions.
- SEA: Sexual Exploitation and Abuse
- Prostitution: Any exchange of money, employment, goods or services (including assistance that is due to beneficiaries) for sex, sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Pornography: Accessing, viewing or storing sexually explicit content of any type. This includes sharing of emails or group texts (including jokes) containing explicit images with HFHNZ colleagues.
- Human Trafficking and Forced Labour: Any labour or services obtained through the use of force, fraud, or other forms of coercion. These tactics include:
 - Destroying, confiscating, or otherwise denying staff access to their identity or immigration documents; Failing to offer transportation for staff to return to their home country where appropriate (such as when they were recruited by HFHNZ to work outside of their home country and where return transportation was agreed in their benefits or contract); Soliciting a person for employment using materially false or fraudulent pretences, representations, or promises regarding that employment; Charging staff recruitment fees; or Providing or arranging housing for a staff that fails to meet reasonable local housing and safety standards.
- Survivor: Any person who is alleged to have been subjected to any form of safeguarding misconduct.
- Respondent: The person who is accused of Safeguarding Misconduct. This person is not considered guilty or innocent until any relevant investigations have been concluded.

4. Policy:

HFHNZ's Safeguarding Behaviour Commitments

HFHNZ is opposed to any form of discrimination, exploitation and abuse, including slavery, coerced conscription, prostitution, trafficking of persons for any purpose, vulnerable adult or child abuse, and dangerous or exploitative child labour. In the design and implementation of programs and policies, we seek always to work without bias, to do no harm and to reduce (rather than contribute to) the consequences of discrimination, exploitation and abuse. As described in our Ethics Covenant, all HFHNZ representatives commit to respecting and safeguarding the rights and dignities of all people, and protecting our staff members, volunteers, partners, beneficiaries, research participants, and community members (especially vulnerable adults and children) from exploitation and abuse. This includes the following general standards of behaviour:

- We will respect, promote and safeguard the rights and dignities of all people (with particular attention to beneficiaries, vulnerable adults and children) without discrimination or bullying of any kind.
- We will not engage in any abuse of authority, position or influence by withholding humanitarian assistance or manipulating selection or targeting processes for beneficiaries.
- We will help to create and maintain an environment that prevents sexual exploitation and abuse, safeguards the rights of beneficiaries, research participants, and community members (especially vulnerable adults and children), and promotes the implementation of HFHNZ's Ethic.
- We will ensure that in all prevention and response activities, the safety, welfare, needs and wishes of survivors of physical or sexual abuse or exploitation, harassment or bullying remain paramount.

HFHNZ will develop and implement policies, procedures, training and other tools as necessary to support adherence to these commitments and this policy.

HFHNZ will appoint a Safeguarding Officer who, with support from the HFHI cross-functional safeguarding team, will be responsible for monitoring the appropriate implementation of HFHNZ's Safeguarding Policy and overall safeguarding framework.

A. Prevention of Sexual Exploitation and Abuse

- Sexual exploitation and abuse (SEA) occurs when people in power exploit or abuse vulnerable populations for sexual purposes. All HFHNZ representatives are prohibited from engaging in sexual exploitation or abuse. In alignment with the HFHNZ Ethics Covenant, all HFHNZ representatives commit to the following safeguarding principles and SEA prevention standards (as established by the United Nations) both at work and away from work: We will never engage in sexual exploitation or abuse.

- We will never engage in sexual activity with a child (person under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
- We will never exchange money, employment, goods or services (including assistance that is due to beneficiaries) for sex, sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- We will not engage in a sexual relationship with a beneficiary, since it is based on inherently unequal power dynamics and undermines the credibility and integrity of HFHNZ's charitable mission.

Such activities constitute serious misconduct and are grounds for termination of the individual's employment or relationship with HFHNZ. In addition, HFHNZ will actively support the prosecution of individuals in cases of proven misconduct.

B. Child Protection

HFHNZ believes that all children, in all circumstances, have the right to feel and be safe and to live free from harm, exploitation and abuse. HFHNZ strives to be a child-safe organization and to reduce the risk of child abuse in all aspects of our operations. A full list of HFHNZ's Child Protection commitments and procedures can be found in the HFHNZ Child Protection Policy, which supersedes this policy where a Safeguarding Incident involves a child.

C. Prohibition of Prostitution, Trafficking and Forced Labour

1. Prostitution: HFHNZ expressly prohibits sex trafficking and the procurement of commercial sex acts by any HFHNZ representative. These standards apply at all times (including when on leave or off duty) and even when commercial sex acts are legal in the local context.
2. Pornography: HFHNZ expressly prohibits all HFHNZ representatives from accessing, possessing, or circulating pornographic content using HFHNZ computers, HFHNZ email accounts, HFH-related electronic distribution lists, or an internet connection paid for by HFHNZ. These standards apply at all times, even when on leave or off duty. Such actions violate HFHNZ's commitment to create and maintain an environment that prevents harassment and sexual exploitation or abuse, and therefore will result in disciplinary consequences, up to and including termination, against the individuals involved.
3. Human Trafficking and Forced Labour: HFHNZ expressly prohibits human trafficking (sometimes referred to as "modern slavery") and the use of forced labour by any HFHNZ representative. HFHNZ representatives will not engage in any of the tactics commonly associated with either of these types of misconduct as defined above.
4. Dangerous or Exploitative Child Labour: While HFHNZ actively welcomes volunteers, HFHNZ New Zealand's Child Labour policy is designed to safeguard the labour provided by children. These standards are designed not only to prevent the economic exploitation of children, but also to protect their health, safety and morals. Parental or guardian permission is required for any child under the age of 18 to work at a HFHNZ job site.

HFHNZ's Required Reporting Protocols for Potential Safeguarding Misconduct

A. Expectations for reporting

All HFHNZ representatives have a responsibility to report potential safeguarding misconduct where this involves HFHNZ or other partner NGO personnel.

1. HFHNZ representatives are expected to be able to recognize and be alert for the signs of potential safeguarding misconduct, such as abuse or exploitation
2. HFHNZ's Whistle-blower Policy expressly prohibits retaliation and protects individuals – including their anonymity and safety – who share good faith concerns of misconduct from retaliation or any threat of retaliation by any other HFHNZ representative. Full guidance related to Whistleblowers can be found in that policy.
3. Significant failure to adequately report potential safeguarding misconduct will be subject to discipline, up to and including termination of employment.

B. Protocols for reporting

Any HFHNZ representative who receives a safeguarding complaint or who has knowledge or reasonable suspicion of safeguarding misconduct (whether by an HFHNZ representative or the representative of any partner organisation) must:

1. Immediately: Notify his or her direct supervisor via established reporting protocols. If the individual has reason to believe that his or her direct supervisor may be involved in the misconduct (or feels significantly uncomfortable raising such concerns to his or her supervisor), he or she must immediately notify:
 - A higher-level supervisor in his or her reporting line; or
 - The HFHNZ Safeguarding Officer, the HFHI Safeguarding Team, or use the MySafeWorkplace reporting tool.
2. Within 48 hours: Also ensure that the concerns of safeguarding misconduct are entered into the MySafeWorkplace reporting tool, HFHNZ's confidential, anonymous reporting hotline and central tracking repository for allegations of serious misconduct.
3. Due to the sensitivity of such situations, the individual who receives a safeguarding complaint **SHOULD NOT START ANY INVESTIGATIONS** (including gathering preliminary evidence or questioning the survivor, the accused or any potential witnesses after the initial complaint is received), but rather report the concerns appropriately.

If you are not sure whether an incident is a Safeguarding incident, the HFHNZ Safeguarding Officer can advise. If no HFHNZ or partner NGO personnel are involved in the incident, the HFHNZ Safeguarding Officer can still provide advice, though this is generally not a Safeguarding incident.

Protocols for Survivor Assistance

HFHNZ's support to survivors will be provided regardless of the status or outcome of an investigation. Furthermore, the HFHNZ Whistle-blower Policy expressly prohibits retaliation and protects individuals who share good faith concerns of misconduct from retaliation or any threat of retaliation by any other HFHNZ representative. Upon receipt of an allegation of safeguarding misconduct, HFHNZ will consider providing any or all of the following forms of survivor assistance, as appropriate depending on the nature of the allegations, the circumstances involved, and the informed consent of the survivor:

- A. Immediate material care: Direct and/or funding support to provide for temporary needs such as trauma-informed medical care, food, clothing, or emergency and safe shelter as necessary.
- B. Psychosocial support: Referrals and funding support to obtain appropriate psychosocial services through a local counselling organization. Comparable services or alternative culturally sensitive psychosocial support will be made available to survivors through appropriate local service providers.
- C. Legal and advocacy support: Support to obtain survivor advocacy services or legal counselling in order to make an informed decision about whether to pursue legal recourse.

In considering any of the above forms of support, HFHNZ will consult with both the survivor and with appropriate local specialists. All decisions related to survivor assistance will be documented.

Investigation Protocols

Above all else, HFHNZ's investigation protocols for potential safeguarding misconduct will be focused on keeping the survivor safe, minimizing harm, and conducting a thorough, impartial investigation. Safeguarding investigations will be performed only by qualified individuals who are:

- Independent from the allegations received;
- Free from the appearance or existence of bias; and
- Specifically trained in appropriate safeguarding investigation procedures.

To ensure all safeguarding investigations are handled with appropriate due diligence and professional care, HFHNZ establishes a Safeguarding Investigation Committee to oversee all such investigations comprised of key stakeholders, including individuals who have been specifically trained in SEA investigation protocols. Where necessary, the HFHNZ Safeguarding Investigation Committee may seek advice or further input from the HFHI Safeguarding Investigation Committee. The basic processes that must occur during a safeguarding investigation include the following items.

- A. Complaint assessment: Upon receiving an allegation, the HFHNZ Safeguarding Investigation Committee (in consultation with management) will assess the appropriateness of an investigation based on the severity and

information provided. In considering this response, HFHNZ will assess factors such as: whether there is an allegation of a criminal offense, the immediate safety concerns of the survivor and other individuals involved, and risks such as loss of evidence and damage of property.

As there may be circumstances where the performance of an investigation would increase the harm to the survivor, any such actions will be taken only after full consideration of the safety and the informed consent of the survivor, as well as HFHNZ's overall duty of care to the community. The basis for all decisions related to investigation performance or non-performance will be documented.

- B. Investigation process: After assessment of the allegations, as well as the needs, wishes and preferences of the survivor, reports of safeguarding misconduct will be either:
1. Investigated promptly by, or under the supervision of the HFHNZ Safeguarding Investigation Committee. Where appropriate during the investigation, HFHNZ will consult with both the survivor and with appropriate local specialists, especially related to ensuring the safety of the survivor during and after the investigation process.
 2. Referred to the appropriate local governmental authority for investigation or inquiry regarding the potential misconduct or violations of law.

While an investigation is going on and after an investigation, HFHNZ will take appropriate steps to ensure that the survivor is provided with an environment free of exploitation, abuse, harassment or bullying. This may include reassignment of the respondent to a comparable work assignment on a temporary or permanent basis.

- C. Confidentiality: All investigations will be performed in a manner designed to protect confidentiality and will not be disclosed or discussed with anyone other than those who have a legitimate need to know the details of the case. Information may be shared in New Zealand with external agencies where New Zealand legislation, in particular the Family Violence Act 2018 and the 2019 amendments to the Oranga Tamariki Act 1989, requires or allows it. Where consideration is given to sharing information, the following must be taken into account:
- a. whether the requesting agency is authorized to receive such information and
 - b. whether the information is being requested for an approved reason and
 - c. whether the best interests and safety of the survivor are being served by the information release

In addition, care must be taken to:

- d. ensure that information provided is up to date and accurate
- e. ensure that sufficient information is given, including background or related information to help achieve the desired outcome, but
- f. to ensure that information given does not include anything that is not relevant to the purpose for which it was requested

Notwithstanding these provisions, it is mandatory to provide personal information requested to officials from Oranga Tamariki or the NZ Police unless legal privilege applies.

In recognition of the complexities relating to the release of personal information as briefly summarized above, all such requests must be referred in the first instance to the Child Protection Officer who will in turn consult with the CEO. The CPO and the CEO will jointly make a decision having full regard to the provisions of the Family Violence Act 2018, the Oranga Tamariki Act 1989 and the Privacy Act 1993.

- D. Documentation: Where the investigation is performed by HFHNZ investigators, all investigation procedures, findings and recommendations will be thoroughly documented in accordance with HFHNZ's policies.
1. Documentation of investigation procedures will be retained in a central repository at HFHNZ and kept in alignment with the HFHNZ Privacy Policy and relevant New Zealand legislation as discussed above. To protect confidentiality, access to the information will be restricted as discussed above.
 2. A written report or memo summarizing the investigation findings and recommendations will be prepared and provided to management for their use in initiating any appropriate remedial actions. Investigation recommendations will specifically include, but are not limited to, any recommendations related to necessary discipline of HFHNZ representatives, any potential requirements to report findings to local authorities, and necessary improvements to any processes or controls to prevent or reduce future occurrences of the safeguarding misconduct.
 3. Within 48 hours after the investigation finalization, a copy of the report should be uploaded to the case previously created to track the incident in HFHNZ's MySafeWorkplace reporting tool.
- E. Communications with the survivor: HFHNZ will provide the survivor with periodic updates on the status of the investigation. In addition, HFHNZ will provide the survivor with a summary of the investigation findings when the investigation is completed. At any time, the survivor has the right to request the investigation be terminated. If this request is received, investigation should be ceased immediately and assurance should be sought that the request was not made under any duress.
- F. Management remedial actions: Upon receipt of the investigation report or memo, management will promptly initiate any necessary remedial actions related to investigation findings, including but not limited to:
1. Internal disciplinary procedures: If the investigation confirms the allegations of safeguarding misconduct, HFHNZ will discipline the person who engaged in the safeguarding violation in accordance with the organization's normal disciplinary procedures. For staff members, disciplinary actions will be based upon the seriousness of the offense and could range from a written warning to termination of employment. For other HFHNZ representatives (donors, board members, volunteers,

implementing partners, suppliers, etc.), the disciplinary actions will also depend on the seriousness of the offense and may result in the termination of their relationship with HFHNZ.

2. Pursuing legal recourse: In addition to internal discipline, if the investigation confirms the allegations of safeguarding misconduct, HFHNZ is committed to supporting and/or pursuing appropriate legal recourse in instances where a crime may have been committed. Since local laws vary on the definitions and illegality of certain behaviours (e.g. abuse, harassment, etc.), HFHNZ will consult with both the survivor and with appropriate local legal counsel, in considering whether to pursue legal recourse. The basis for all such decisions will be documented.
3. Other internal remediating activities: HFHNZ's senior management (and Board where applicable) will be responsible for ensuring HFHNZ promptly implements all necessary improvements to any processes or controls to prevent or reduce future occurrences of the safeguarding misconduct.

Reporting of Safeguarding Incidents

HFHNZ is a global network and no incident happens in isolation. To increase awareness of risks and decrease the possibility of such incidents, HFHNZ is committed to ensuring consistent, transparent reporting of confirmed safeguarding misconduct within the following parameters:

- A. Where required in accordance with New Zealand Legislation: Reporting requirements related to suspected or confirmed Safeguarding incidents that involve children are outlined in HFHNZ's Child Protection Policy. In addition, relevant local authorities will always be notified where a legal obligation to report exists. Where no obligation to report exists, reporting to local authorities will occur only with the consent of any survivor(s).
- B. Where required or appropriate due to a contractual, legal or other donor obligation: There are circumstances where it is required or appropriate for HFHNZ to report alleged or confirmed safeguarding misconduct to external parties such as donors, regulators, or other governing bodies. Decisions related to "whether and what" to report externally under such circumstances will be guided by:
 1. Any requirements defined in HFHNZ's contractual commitments to external parties (e.g. reporting requirements based on a grant agreement, etc.); and
 2. Any requirements for mandatory reporting of "serious incidents" that are established by charity watchdogs or other governing bodies in the relevant jurisdiction, such as the New Zealand Charities Commission.
- C. As appropriate in order to raise awareness and demonstrate public accountability: HFHNZ's approach for voluntary sharing of information related to safeguarding misconduct allegations and investigations is guided by the parallel philosophies of transparency (to donors, regulators and the public) and confidentiality (for the protection of survivors).

1. HFHNZ may choose to report certain issues to donors or governing bodies where no clear contractual or legal requirement exists but where HFHNZ determines the disclosure to be in the best interest of the public trust.
2. HFHNZ will ensure that the HFHNZ Board of Directors receives regular updates on safeguarding allegations and investigations to facilitate effective process oversight.

Wherever possible, information will be presented in a way that protects the survivor's anonymity for confidentiality and safety reasons (except where relevant law might require disclosure).

Safeguarding Protocols during Recruitment

To uphold the principles of Safeguarding the following steps will be taken during HFHNZ's recruitment processes: **Interview and selection process**

- i. Job descriptions will contain reference to the HFHNZ Ethics Covenant and HFHNZ's expectations for ethical behaviour (including safeguarding).
- ii. Applicants are notified about required background and reference checks during selection processes.
- iii. Background Checks will be conducted in compliance with New Zealand legislation and the Background Screening Policy.
- iv. The HFHNZ Child Protection Policy has further details about requirements relating to personnel who may have contact with children.
- v. Other recruitment procedures including reference checking are outlined in the HFHNZ Recruitment Policy.

Safeguarding training

A. Onboarding

At the time of onboarding, all HFHNZ Board members, staff, volunteers, contractors, and implementing partners will be required to read and acknowledge the HFHNZ Ethics Covenant, Child Protection Policy and Safeguarding Policy. In addition, all HFHNZ staff will complete training related to ethics, safeguarding principles and appropriate behaviour for HFHNZ representatives, for example through the training modules available online through MyHabitat.

B. Periodic training

Refresher and supplementary training will be provided on a periodic basis through HFHNZ's standard methods for training and behaviour reinforcement, such as staff meetings, in-person training sessions and online training. In addition, for positions that involve direct contact with beneficiaries, children or child related-projects, additional in-depth training may be required. (Note: As part of their responsibilities for creating and maintaining a safeguarding environment, managers are responsible for ensuring that the staff reporting to them complete all required training.)

5. Related Policies/other Documents

1. **Ethics Covenant**
2. Child Protection Policy
3. Child Labour Policy
4. Complaints and Complaints Handling Policy
5. Child Complaints Process
6. Vulnerable Children's Act (2014)
7. Employment Relations Act (2000)
8. Family Violence Act (2018)
9. Recruitment Policy
10. Background Checking Policy

6. Change History

Date Created	Last Updated	Next Review Date
June 2019	November 2019	November 2020