

Definitions of safeguarding

1 Introduction

- 1.1 The following definitions explain the meaning behind activities and actions relating to safeguarding assets and people as referenced in the Global Code of Conduct and Global procedure for reporting malpractice and breaches to the Global Code of Conduct which can be found at www.wateraid.org/uk/safeguarding

2 Safeguarding people

- 2.1 Safeguarding people includes but is not limited to safeguarding against harassment, sexual harassment, bullying or cyber bullying, discrimination, exploitation or abuse, safeguarding children, safeguarding vulnerable adults, and health, welfare, safety and security.

3 Harassment

- 3.1 Harassment is verbal, non-verbal or physical conduct related to a person's actual or perceived characteristics. These include race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as disability, age, marital and family status, sexual orientation and gender identity, health status, place of resident, economic and social situation.
- 3.2 This conduct is unwanted and uninvited and has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive work environment for that person.
- 3.3 A single incident of unwanted or offensive behaviour to one individual can amount to harassment and can be a criminal offence.
- 3.4 Harassment is not only unacceptable on moral grounds but creates an environment of poor morale, loss of respect, poor performance, lost productivity, issues of absence and retention and damage to reputation.
- 3.5 Harassment does not include instances where a line manager raises performance issues in a fair and reasonable way and/or is following the correct and appropriate stages of a performance management, disciplinary procedures or change management processes as set out in global guidelines or local policy.

- 3.6 Establishing whether harassment has taken place requires a certain amount of judgment. It is not the intention of the perpetrator that is key in an investigation, but the impact of the behaviour on the individual and whether the behaviour would be reasonable in most circumstances. There is a distinction between harassment, which is unwanted attention, and attention that is desired by an individual, i.e. consensual behaviour.
- 3.7 Harassment is not just unlawful during working hours or in the workplace itself. The behaviour is unlawful in any work-related context, including conferences, work functions, office social events and parties, and business or field trips.
- 3.8 Examples include but are not limited to:
- Spoken or written words of abuse
 - Jokes, banter, insults, taunts or gibes, which focus on personal or physical characteristics, as defined above
 - The general use of racist language or terminology, sexually explicit or provocative language, offensive or homophobic language
 - Insulting or ridiculing the way someone dresses, speaks or behaves
 - Unwelcome or offensive questions, remarks or suggestive comments about a protected characteristic
 - Display or circulation of offensive or pornographic material, graffiti or racist literature; or sexually suggestive pictures, objects or written materials. This includes material and pictures disseminated by interactive and digital technologies such as email, text messages, film clips and photographs taken on cameras or mobile phones or content uploaded to websites
 - Isolation and or non-cooperation at work and exclusion from social activities
 - Physical gestures, facial expressions, persistent or unwanted attention, physical contact or assault, mimicry and pranks
 - Seeking to obtain consent to a sexual relationship through the inappropriate use of power or influence. Excluding a person because of a personal characteristic.

4 Sexual harassment

- 4.1 Sexual harassment is unwelcome and unwanted verbal, non-verbal or physical conduct of a sexual nature ranging from mild transgressions to sexual abuse or assault.
- 4.2 Conduct of this nature has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive work environment for that person.
- 4.3 A single incident of unwanted or offensive behaviour of a sexual nature to one individual can amount to sexual harassment and can be a criminal offence.
- 4.4 Examples include but are not limited to:
 - Verbal conduct of sexually derogatory remarks, comments about an individual's body or dress, sexually degrading words used to describe an individual, sexually suggestive or obscene letters, notes, emails, text messages or invitations, demeaning or inappropriate comments, name-calling, innuendos, slurs, jokes, sexual advances or propositions
 - Visual conduct of leering, sexual gestures, displaying or distributing sexually suggestive objects or pictures, cartoons, graffiti posters or magazines
 - Actual or threatened physical contact or conduct such as patting, pinching, or any other offensive touching
 - unnecessary or unwanted physical contact, which the offender might perceive to be harmless fun, and which can include the invasion of personal space, touching or brushing against another employee's body, as well as assault or coercing sexual relations
 - unwelcome sexual behaviour, which might be perceived by the offender to be harmless flirting and may involve suggestions, advances, propositions or pressure for sexual activity
 - suggestions that sexual favours may further an employee's career or that refusal of sexual favours may hinder it
 - continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome
 - inappropriate behaviour, whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks

- the display or circulation of offensive pictures, objects or written materials which, for example, may be considered pornographic or offensive to particular ethnic or religious groups
- Ignoring or shunning an employee by deliberately excluding them from a conversation or a workplace social activity.

5 Bullying or cyber bullying

- 5.1 Bullying is offensive, intimidating, malicious or insulting behaviour directed against an individual or a group of individuals that, through the abuse or misuse of power, creates a threatening or intimidating environment undermining the confidence and self-esteem of the recipient. Bullying can take the form of physical, verbal and non-verbal conduct.
- 5.2 Bullying involves a real or perceived abuse or misuse of power that humiliates or injures the recipient. Power includes both personal strength and the power to coerce others through fear or intimidation.
- 5.3 Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. Bullying behaviour makes the recipient feel vulnerable, upset, humiliated and threatened.
- 5.4 Bullying behaviour may be directed to a more junior person, more senior person or to a peer.
- 5.5 Establishing whether bullying has taken place requires a certain amount of judgment. It is not the intention of the perpetrator that is key in an investigation, but the impact of the behaviour on the individual and whether the behaviour would be reasonable in most circumstances.
- 5.6 Bullying does not include legitimate and constructive criticism of an employee's performance or behaviour, or reasonable requests made of employees. It does not include instances where a line manager raises performance issues in a fair and reasonable way and/or is following the correct and appropriate stages of a performance management, disciplinary procedures or change management processes as set out in global guidelines or local policy.
- 5.7 Bullying is not just unlawful during working hours or in the workplace itself. The behaviour is unlawful in any work-related context, including conferences, work functions, office social events and parties, and business or field trips.
- 5.8 Examples include but are not limited to:

- Abuse of authority by a line manager or their acting in such a way that the employee feels threatened or coerced. Making unreasonable or intimidating demands of an employee to deliver beyond the responsibilities of their role
- Aggressive or intimidating behaviour towards an individual including shouting or unreasonable anger, making physical or psychological threats
- Repeated unfair criticism or destructive and negative criticism along with lack of reasonable support for future improvement
- Criticism in front of others that humiliates and undermines them including by email
- Criticism that focuses on a personal characteristic rather than work performance
- Ostracising or excluding someone e.g. refusing to speak to them, blatantly ignoring their views or comments, or deliberately excluding them from work related or social activities
- Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee
- Unjustified micromanagement that may undermine confidence or disempower an individual
- Coercion or pressure to perform social favours or participate in religious or political activity
- Withholding vital work-related information in order to embarrass someone or make them look foolish
- Making threats or comments about job security without foundation
- Being sarcastic towards, ridiculing or demeaning others.

6 Discrimination

6.1 Discrimination may be direct, indirect, by victimisation or through harassment and it may occur intentionally or unintentionally.

6.2 **Direct discrimination** is less favourable treatment of a person compared with another person due to a particular characteristic.

- 6.3 **Indirect discrimination** is the use of a particular practice, criteria or provision that applies to everyone but which, intentionally or unintentionally, disadvantages people with a particular characteristic without objective justification.
- 6.4 Discrimination also includes **victimisation**, which is less favourable treatment of a person because of action taken to complain about discrimination or to help someone who has been the victim of discrimination.

7 **Exploitation or abuse**

- 7.1 Any actual or attempted abuse of those who may be more vulnerable, such as children and vulnerable adults. Abuse of any privileged position, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the exploitation of another.

8 **Safeguarding children**

- 8.1 Safeguarding children refers to ensuring that children are safe and protected and includes measures to prevent or minimise the potential for all forms of violence and abuse to occur.
- 8.2 Children have a right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse as enshrined in Article 19 of the United Nations Convention on the Right of the Child (UNCRC).
- 8.3 We must ensure that those benefitting from or working with WaterAid are not harmed in any way through contact with us. Adopting the appropriate level of duty of care to safeguard children is vital for the organisation. WaterAid adopts the UNCRC definition of a child as anyone under the age of 18.
- 8.4 Safeguarding protects the rights of all children, including those who have a disability, from minority ethnic / faith groups and regardless of gender, sexuality or status. Children have the right to be protected from all forms of violence and abuse including but not limited to:
- **Physical abuse:** when a child is hurt or injured by an adult or another child
 - **Emotional abuse:** the persistent emotional maltreatment of a child
 - **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs

- **Sexual abuse:** when a child or young person is used, forced or enticed into taking part in sexual activities
- **Bullying:** will usually include one or all of the above defined categories of abuse and used as deliberately hurtful behaviour, usually repeated over a period of time
- **Exploitation:** this refers to the abuse of children and their rights
- **Racism and other types of discrimination** are also considered by WaterAid as forms of child abuse. Like other kinds of abuse, they can harm a child physically and emotionally.

9 Safeguarding vulnerable adults

- 9.1 A vulnerable adult is any person aged 18 years or over who is, or may be, in need of assistance due to: age, illness or a mental or physical disability, unable to take care of themselves, unable to protect themselves against significant harm or exploitation.
- 9.2 Those categorised as vulnerable adults might be older people, people with mental health problems, disabled people, people with learning difficulties, or people with acquired brain damage or people who misuse substances.

10 Health, welfare, safety and security

- 10.1 Health, welfare, safety and secure refers to safe and healthy working practices and work environments.
- 10.2 All WaterAid staff, trustees, consultants, volunteers and representatives are entitled to work in environments where risks to health and safety are properly controlled. WaterAid has a duty of care for all staff, trustees, consultants, volunteers and representatives of WaterAid to protect the health and safety for everyone in the workplace, and ensure that adequate welfare facilities are provided for people at work.
- 10.3 Security arrangements are in place to protect people and property under the care of WaterAid. WaterAid staff and representatives are required to exercise due care and attention to protect the organisation and its assets, but most not place their wellbeing at risk in doing so. WaterAid will always place the security of its staff before that of its programmes and property.

11 Safeguarding assets

11.1 Safeguarding assets includes but is not limited to: fraud, bribery, corruption, negligence, money laundering, criminal activity, serious malpractice, data protection and right to privacy,

12 Fraud

12.1 Fraud is a knowing act of deception intended for personal gain or to cause a loss to another party. Fraud diverts vital resources, breaches our ethics and values and damages our reputation with supporters and the public.

12.2 **Fraud by false representation** is when someone dishonestly makes a misrepresentation with the intent of making a gain for themselves or another, or to cause loss to another. A representation is false if it is untrue or misleading, and the person making it knows that it is.

12.2.1 Examples include but are not limited to:

- Stealing money and making false entries in a cash book to conceal the theft
- Providing false references in order that someone can get a job
- Falsifying a project progress report in order that a partner can obtain further funds
- Stealing funds by creating dummy employees or fictitious invoices
- Unauthorised use of the name WaterAid for personal benefit

12.3 **Fraud by failing to disclose information** is when someone dishonestly fails to disclose information that they are under a duty to disclose, with the intent of making a gain for themselves or another, or to cause loss to another.

12.3.1 Examples include but are not limited to:

- A Director not disclosing an interest in a company when they are involved in awarding a contract to that same company
- Not disclosing health problems when applying for life insurance, or previous accidents when applying for motor insurance
- A member of staff not declaring a bribe or gift received in return for a specific favour (e.g. awarding a contract)
- A company not disclosing information in their annual accounts in order to influence others to invest in the company

12.4 **Fraud by abuse of position** is when someone occupies a position in which they are expected to safeguard the financial interests of another, and dishonestly abuses that position with the intent of making a gain for themselves or another, or causing loss to another.

12.4.1 Examples include but are not limited to:

- A manager or budget holder who has authority to spend, purchases goods for their own personal use
- A manager abuses their position in order to grant contracts to their friends or family
- An IT Manager abuses their computer access privileges in order to amend payroll records for their own benefit

13 **Bribery**

13.1 Bribery refers to the offering, giving, requesting, or receiving of any item of value as a way of influencing the actions of an individual.

14 **Corruption**

14.1 Corruption is a form of dishonesty undertaken by a person entrusted with a position of authority, often to acquire personal benefit.

15 **Negligence**

15.1 Negligence is the failure to exercise the degree of care considered reasonable or expected under the circumstances, resulting in an unintended injury or loss to another party.

15.2 All staff have a general duty of care to WaterAid and special responsibilities arising from their roles. For example, drivers have duties in relation to looking after vehicles; managers have responsibilities for ensuring that budgets are spent effectively.

15.3 **Examples include but are not limited to:**

- Approval of expenditure which is clearly inconsistent with financial procedures
- Failure to establish or adhere to basic financial controls when this is a requirement of the job

- Leaving a vehicle, office or storeroom unoccupied and unlocked

16 Money laundering

16.1 Money laundering is the activity of covering up the transformation of profits from illegal activities into what seem legitimate assets.

17 Criminal activity

17.1 Criminal activity is an act or offence committed in violation of law where the consequence of conviction by a court is punishment. Criminal activity is any unlawful activity or conduct that is a violation of law.

18 Serious malpractice

18.1 Serious malpractice includes but is not exhaustive of criminal activity, negligence, breach of contract or administrative law, serious breach of the Global Code of Conduct, miscarriage of justice, danger to health and safety, fraud, corruption, bribery or blackmail, or any attempt to cover up any of the above.

18.2 WaterAid takes very seriously any acts of serious malpractice that could seriously affect our reputation, divert resources from where they are most needed and impede the achievement of our global objectives.

19 Data protection

19.1 Data protection refers to how we ensure personal data and sensitive personal data relating to staff and supporters is adequately collected, stored, used and managed.

19.2 Personal data is any information that can be used to identify a living individual, directly or indirectly. Examples include name, address, date of birth, telephone number, email, GPS coordinates, photographs and IP addresses.

19.3 Sensitive personal data includes data relating to race or ethnicity, data revealing political opinions, religious or philosophical beliefs, data concerning health or relating to the person's sexual orientation, and genetic or biometric data.

20 Right to privacy

20.1 Right to privacy refers to the concept that one's personal information should be protected from public scrutiny. It can also be referred to as the right to be left alone.