

# Introduction to safeguarding

South Sudan Hub webinar 30 June 2021

Q&A write up

## **Signing a consent form is not common practice in South Sudan. Is it acceptable to publish a success story with pictures of beneficiaries with only verbal consent?**

A success story with pictures of beneficiaries can often be published with verbal consent as long as there was a witness present when the consent was granted. This is because the practice of signing consent forms, especially among the communities, is not common due to high illiteracy levels. Some countries do require signed consent as part of their data protection legislation. This is not the case as yet in South Sudan.

## **How do you manage issues when local authorities are threatening to block the organisations' access to the affected population if the case is not managed according to their expectation?**

Cases of safeguarding that are criminal in nature should be reported to the local authorities, if it is safe to do so for all involved. If the case is not criminal, but still represents a potential breach of the organisation's safeguarding policy, the organisation should undertake an internal administrative investigation to find out if policy was breached. If the local authorities are threatening to block access, we should first explain that this is an internal process – obviously without giving any confidential information on individual cases.

If the organisation is still not granted access, it is still possible to proceed with an internal investigation. They would need to decide on the balance of probability from the evidence they can gather whether the abuse or exploitation was likely to have taken place and take the organisational action they can take within their remit.

## **How do we handle cases where the safeguarding procedures of the ministry (government) conflicts with that of the donor, for example around reporting pathways?**

Donors (where they stipulate reporting) require organisations to report using the reporting/referral mechanisms that are in place in a given country as well as reporting through to the donor organisation itself. Conflicts can arise where expectations by donors on how reports are dealt with formally are not realised or where organisations may be reporting to donors but have not reported through the formal mechanism for one reason or another. Organisations need to understand well both the requirements by donors as well as the formal reporting mechanisms so they can manage any potential challenges that might arise.

## **Does RSH provide direct support for referred cases that we do not have the capacity to manage? If not, do you have a list of service providers who do?**

We have [Safeguarding Consultants](#) listed on the website, who can be contracted to help with case management. We also have [links](#) to support services for survivors.

## **Can we include the contact details of RSH in our complaints and feedback mechanisms?**

RSH provides, or offers through e.g. the Safeguarding Consultants, technical support to civil society organizations on a number of things; increase their knowledge, build a good safeguarding culture and leadership, adopt disability inclusive safeguarding, increase capacity to safeguard in partnerships, integrate safeguarding into human resources and develop own safeguarding reporting and investigation mechanisms. The RSH is not part of a reporting or referral mechanism and should not be included as such in any complaints/feedback mechanisms.

## **What is the best way to handle sexual harassment cases when both parties are married?**

Sexual harassment cases in the organisation should be handled in accordance with the organisation's sexual harassment policy and procedures, regardless of who the parties are.

## **How can we deal with the challenges of reporting someone who is very senior, such as receiving threats and even more harassment? Can we rely on support from the highest authorities in the country?**

Organisations reporting mechanisms should include the opportunity to report senior management to the Director of the organisation or the Board of Trustees, without the fear of retaliation. There are instances where staff have felt that appropriate action has not been taken and 'whistleblow' outside the organisation to regulatory bodies or even the media.

## **Is it necessary for organisations to deliver safeguarding training to community volunteers?**

Yes, it is necessary that organisations include safeguarding measures into all relevant human resources processes which includes volunteer management. This helps in creating awareness amongst employees and volunteers to know what they should and should not do.<sup>1</sup>

## **Is there a standard self-assessment tool that organisations can use or should each organisation develop its own depending on their structure?**

There are various self-assessment tools that organizations can adapt to assess their safeguarding practices and monitor progress with safeguarding implementation e.g. the Keeping Children Safe [self-audit tool](#).

## **What do you do if you have reports that a child is being abused but the family of that child refuse to cooperate when you try to deal with cases. What should we do?**

If the case concerns a child being abused by someone unconnected to your organisation this would normally be referred and/or reported to the formal authorities or services (safely) to deal with.

If the case concerns e.g. a staff member abusing a child, there are a series of steps that the organisation needs to go through which include assessing the risk of action for the child. If the case is criminal in nature then this should be reported to the formal authorities. Organisations will determine how to do this safely.

If the case is not criminal in nature, but represents a breach of policy, then the organisation should conduct its own internal administrative investigation. The

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<sup>1</sup> See more guidance in the RSH Tip Sheet on volunteer recruitment and management:

<https://safeguardingsupporthub.org/documents/safeguarding-practices-recruiting-and-managing-volunteers-ethiopia-0>

investigation will need to determine the balance of probability from the evidence they can gather whether the abuse or exploitation was likely to have taken place and take the organisational action they can take with regard to the subject of complaint (staff member against whom the complaint was made).

Deciding on the balance of probability does not always require talking to the child involved and sometimes this is not a preferred option anyway if it is likely to traumatise the child further or put him/her at risk in their family or community.

### **Is safeguarding reporting confidential if I use the channels recommended?**

They should be. It is essential that organisations reporting mechanisms ensure that safeguarding incidents are kept confidential to protect the survivor as well as others involved in the incident.

### **What support does RSH offer in terms of policy development for other organisations?**

RSH has in its resource library examples of policy templates. Our [Ask An Expert](#) service can provide support on policy development. Our Safeguarding Consultants also offer this service.

### **How should we approach a case that involves a perpetrator who works in a legal service or government?**

Organisations should not be investigating cases where the perpetrator is employed by another organisation – it is that organisation to whom the case should be reported and they should investigate it. If that organisation refuses to investigate or otherwise respond appropriately, it is challenging to seek alternative redress unless there is a regulatory body that can be approached on the matter.

### **What are appropriate approaches that consider the needs of the survivor?**

A survivor-focused approach is one in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures.

This means:

1. Respect: all actions you take are guided by respect for the survivor's choices, wishes, rights and dignity.
2. Safety: the safety of the survivor is the number one priority.

3. Confidentiality: people have the right to choose to whom they will or will not tell their story. Maintaining confidentiality means not sharing any information to anyone without consent.
4. Non-discrimination: providing equal and fair treatment to anyone in need of support.
5. If health services exist, always provide information on what is available. Share what you know, and most importantly explain what you do not. Let the survivor decide if s/he wants to access them.<sup>2</sup>

Note that for children under 18, actions will be taken in the best interests of the child.<sup>3</sup>

### **Does South Sudan have a Whistle-blower Protection Act. If not, what law is applied to protect whistle-blowers in the country?**

South Sudan does not have a legal framework for protection of whistle blowers (Whistle blower Protection Act). Although the Code Criminal Procedure gives citizens the obligation to report cases including safeguarding, it does not guarantee protection.

Organisations should have their own Disclosure of Malpractice, or 'whistleblower' policy, to protect staff who report in good faith from reprisal by the organisation

### **What should we do if a member of staff commits sexual exploitation but the survivor is not willing to report?**

If a survivor raises such a concern, or a staff member observes something of this nature, the person with whom the survivor raises the concern, or the staff member observing the behaviour, has a duty to report this to the focal point or other reporting mechanism established in the organisation. The survivor also has the option of it being reported on their behalf and they remain anonymous in the report that is made. It is important that concerns are reported as there is the possibility that a member of their staff is a risk to the communities they serve.

Organisations then need to respond, following very clear procedures for response which includes ensuring confidentiality, protection for the survivor, person reporting, witnesses etc. and the Do No Harm principle. This means considering at all steps of the response the risk of investigating for those concerned and making good decisions on how to move an investigation forward as safely as possible. The organisation needs to determine

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<sup>22</sup> This information is taken from this resource: <https://safeguardingsupporthub.org/documents/pocket-resource-supporting-survivors-when-gbv-actor-not-available-your-area>

<sup>3</sup> Refer to this Tip Sheet for more information: <https://southsudan.safeguardingsupporthub.org/documents/tip-sheet-engaging-survivors-sexual-exploitation-abuse-and-harassment-seah>

balance of probability that the incident took place. If this is established the organisation then needs to decide what action to take.

This is why it is essential that organisations have confidential, safe and effective mechanisms for reporting and responding – and skills within the organisation to manage this. Organisations should seek expert help if the situation is complex.