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**SHEA and Safeguarding Stakeholder Panel**

**Terms of Reference (ToR)**

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**1. Purpose**

The SHEA and SafeguardingStakeholder Panel is responsible for:

* Leading the AA entities’ work on SHEA and Safeguarding, working collaboratively to ensure a holistic approach to SHEA and Safeguarding across the entity and reporting regularly to the SMT who have overall responsibility over SHEA and Safeguarding
* Receiving, triaging and managing SHEA and Safeguarding concerns and complaints

**2. Membership**

The SHEA and Safeguarding Stakeholder Panel must include at a minimum:

* The SHEA and Safeguarding Focal Point
* An HR representative
* The Country/Executive Director

Each entity can decide who should be in the panel on top of the above members. For example, entities could consider staff from: programmes, child sponsorship and governance etc.

It is recommended that the panel not include more than 6 people, in order to ensure that the group is manageable and effective.

For the management of cases this group may decrease so that only a small number are aware of the case. For case management it is recommended that the panel is initially limited to the three core roles named above.

## *Panel Membership for small organisations*

The Case Management Process requires a three-person Decision Making Panel, separate from the Stakeholder Panel, who have responsibility for deciding the outcome of a case based on the information presented in the Investigation Report. Beyond that, there may also be a need for a further appeal panel. Composing these panels can pose a challenge for smaller entities, where there may not be enough staff to make up panels without compromising confidentiality or the integrity of the process, or there may be a shortage of qualified staff.In these cases, the smaller entity may wish to identify outside individuals in advance who can support with Decision Making or Stakeholder Panels should the need arise. The Global SHEA and Safeguarding Team can support in identifying potential panel members, who could include:

* Board members
* Country Support Staff in AAI
* Audit or HR Staff in AAI (particularly if the case cross-cuts across areas, for instance if it includes elements of fraud/conflict of interest/harassment etc)
* Safeguarding Leads or Senior Managers at Partner Organisations
* External consultants with relevant SHEA, PSEA, Safeguarding, or Legal experience (this requires a procurement process and budget)

The Global SHEA and Safeguarding Team cannot join Decision Making or Appeal Panels as this would compromise their independent advisory role. They may join Stakeholder Panels on a case by case basis to support incident management.

**3. Embedding SHEA and Safeguarding**

The Stakeholder Panel is responsible for coordinating each AA entity’s work on SHEA and Safeguarding. Overall accountability for SHEA and Safeguarding sits with SMT and the Director, and ultimately with the Board (where a Board exists). The Panel is entrusted to work collaboratively within and outside the entity to implement the global SHEA and Safeguarding policies and establish context-specific SHEA and Safeguarding practices. This work includes:

1. Assess SHEA and Safeguarding risks for the entity
2. Engage with all teams/roles to ensure that SHEA and Safeguarding is embedded everywhere; support all teams/roles to embed SHEA and Safeguarding through identifying risks and gaps as well as strengths; receive regular updates from teams/roles so the panel is confident that everyone is embedding SHEA and Safeguarding
3. Oversee the creation and implementation of a local SHEA and Safeguarding strategy
4. Ensure that regular training on SHEA and Safeguarding is delivered for staff and partners, led by the Focal Point
5. Coordinate responses to global activities relating to SHEA and Safeguarding (e.g Mapping Exercise, Assurance processes); final response is signed off by SMT/CD
6. Regularly reporting on SHEA and Safeguarding activities, risks, and approaches to the SMT and Director, and wider Board as appropriate so they can fulfil their overall accountability over SHEA and Safeguarding.

It is recommended that the Stakeholder Panel meet quarterly at a minimum, to ensure that wider activities on SHEA and Safeguarding can be taken forward and monitored.

**4. Case Management**

*4.1 Purpose*

In case management, the role of the Panel is to meet and for all complaints received:

* to decide what action will be taken;
* to document all decisions taken; and
* to ensure that all decisions and actions taken by the Panel and others are in line with ActionAid’s values and SHEA and Safeguarding commitments.
* to communicate the concern/complaint at the appropriate time to stakeholders who need to know about the case. It is essential that any communication only contains the details that are required to meet the stakeholders needs.

Members of the panel will work closely with the complainant/survivor to ensure their voice is central to the process, and that their wishes and concerns are addressed.

*4.2 Scope*

The SHEA and Safeguarding Stakeholder Panel will manage any complaints received within the ActionAid entity that include allegation of inappropriate behaviour that may breach one or more safeguarding policy (Child Safeguarding, Anti-Sexual Harassment, Protection from Sexual Exploitation and Abuse) or the ActionAid Code of Conduct. Complaints of breaches of other ActionAid policies will be handled through a different process.

*4.3 Membership for case management*

For case management, the SHEA and Safeguarding Stakeholder Panel must include at a minimum:

* The SHEA and Safeguarding Focal Point
* An HR representative
* The Country/Executive Director

For case management it is recommended that only this core group is involved and not the members who support on wider embedding of SHEA and Safeguarding but do not have a role relating to case management.

If any member of the SHEA and Safeguarding Stakeholder Panel is implicated in a complaint this should be escalated to the Global SHEA and Safeguarding Team, for advice on how to proceed.

Each ActionAid entity is encouraged to consider what other roles may be brought onto the Panel to help manage the case, always keeping in mind the overriding importance of maintaining confidentiality and sharing information on a need to know basis only.

The members of the Panel must ensure that there is no conflict of interest in the management of any SHEA and Safeguarding case. It is the responsibility of every member to report any conflict of interest to the other Panel members as soon as this becomes known.

*4.4 Responsibilities over case management*

The SHEA and Safeguarding Stakeholder Panel will:

* Meet regularly to discuss the case and monitor actions.
* Ensure the Global SHEA and Safeguarding Team is informed of any/all concerns
* Establish and maintain communication with the complainant/survivor to understand their concerns and what they want to happen to resolve the complaint
* Decide if an investigation into the concern/complaint is possible. An investigation may not be possible if there is insufficient detail available or the complainant/survivor does not want this to happen; in this case, the panel will document the decision to close the case without an investigation and communicate this to the complainant/survivor. There may be alternative actions possible (e.g. awareness training or enhanced communication for an entire programme/office)
* Create the Terms of Reference (TOR) for the investigation if it is decided this will take place
* Appoint an Investigation Team who will carry out an investigation and produce a report
* Appoint a Decision Making panel who will have responsibility for receiving the report, deciding if AA policies or principles have been breached, and deciding the actions required to resolve the situation. The SHEA and Safeguarding Stakeholder Panel must ensure that there are no conflicts of interest for the Panel members, and that the Panel members have the training and awareness to meet the respective responsibilities (e.g. trained on Safeguarding investigations, gender justice)
* Participate in the lessons learnt discussions that will follow the closure of every case to ensure that best practice is developed, shared and learnings are applied on future cases
* Ensure that the importance of confidentiality is understood by all participants in managing safeguarding cases, including full awareness of expectations and the possible consequences should confidentiality not be maintained.
* Manage security and risk considerations throughout a SHEA and Safeguarding incident management response. This includes identifying risks and agreeing a mitigation plan for the incident, with clear lines of communication in the case of an emergency (e.g a threat to life). The Panel should engage with the Security Focal Point as required.
* Oversee the investigation process from start to end and ensure that all investigations are carried out in line with ActionAid’s principles and values and that the right of all participants in the investigation are fully respected. The Stakeholder Panel has the authority to challenge actions/decisions taken by anyone in the incident management process if they have concerns this goes against ActionAid’s SHEA and Safeguarding approach, feminist principles, or values as an organisation.

The SHEA and Safeguarding Focal Point is responsible for ensuring that each case is documented in its entirety, records are retained securely and confidentially and that all activities are undertaken in line with ActionAid’s SHEA and Safeguarding approach, and for updating the Global SHEA and Safeguarding Team on the case and outcomes.

*4.5 Criteria for Decision Making/Actions in case management*

All complaints will be reviewed and addressed, but not all will require a formal investigation process. The SHEA and Safeguarding Stakeholder Panel will need to determine:

* Does this concern constitute a potential breach of ActionAid policy?
* Is there an identified survivor/complainant and Subject of Concern?
* Is there sufficient information to follow up (ie is there an email address to respond to, a specific allegation?)

The decision is usually made to undertake an investigation when:

1. the survivor/complainant wants the incident(s) to be investigated
2. there is sufficient information available for an investigation to proceed with a reasonable chance of reaching an outcome

If there is uncertainty that an investigation is possible, a fact gathering exercise can be undertaken. This needs to be done extremely carefully, following the same principles as an investigation. Fact gathering should be done in a way that does not jeopardise a potential investigation (for example by making the potential Subject of Concern or other stakeholders aware that a complaint has been made before the appropriate time) or present a protection risk to anyone concerned.

*For any questions about this TOR please contact the Global SHEA and Safeguarding Team on* *safeguarding@actionaid.org*