



SAFEGUARDING POLICY

Kenya Hospices and Palliative Care Association (KEHPCA)

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@ 2023

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1. INTRODUCTION

1.1 Palliative Care

Palliative care is a service that focuses on improving the quality of life of patients (and their families) who face the challenges associated with a life-threatening illness and serious health-related suffering, which includes, but is not limited to, end-of-life care. Palliative care is a human right, and every Kenyan in need should have access to it in line with the global, regional, and national frameworks the Country ascribes to. The Kenyan Constitution, the patient's rights charter, The National Palliative Care Policy 2020-2030, and The National Kenya UHC 2020-2030 Policy provide some guiding frameworks within which holistic and well-coordinated palliative care services are available and accessible to all in need in Kenya.

1.2 About KEHPCA

The Kenya Hospices and Palliative Care Association (KEHPCA) was registered in October 2005 as a non-profit organization representing all hospice and palliative care service providers in Kenya, with a Vision of Quality Palliative Care for all in Kenya. Palliative care is an integrated service that improves the quality of life for people with life-threatening conditions throughout their life journey. The increasing burden of non-communicable diseases, the prevalence of communicable diseases, and late diagnosis and treatment of cancers make palliative care an essential part of health care services. The Kenya frameworks, like the Health Law and the Kenya National Patients' Rights Charter, include palliative care and patient support.

KEHPCA's Mission is to promote and support acceptable, accessible, and affordable quality Palliative Care for individuals and families through member revitalization and development, education and awareness creation, and multi-sectoral advocacy for palliative care advancement in Kenya.

Values: Excellence, Accountability, Compassion, and Teamwork

KEHPCA's key Guiding Principles are:

- Palliative care is a human right
- Palliative care is person-centred
- Palliative care requires a multi-pronged approach – everyone has a role
- Care is accessible and evidence-based

Through its work, KEHPCA is nurturing a community of actors practising compassionate care and reaching out to anyone with serious health-related suffering regardless of their conditions and without discrimination based on age, gender, tribe, financial, or other statuses in society. Of utmost focus, KEHPCA is the protection of these constituents from harm, abuse, neglect, and exploitation of any form.

1.3 Definition of Terms

This section defines various terms used in this policy.

- a) **Vulnerable**– refers to a human being (child or an adult) who may be unable to protect themselves against harm or exploitation because of age, illness, trauma, disability, or any other reason.

- b) **Safeguarding - Actions** taken to promote the well-being of children and vulnerable adults and protect them from harm.
- c) **Safeguarding concern** – A situation that presents a risk to children or vulnerable adults.
- d) **Risk** – The probability that a person will be harmed, abused, or exploited based on their personal attributes, circumstances, age, or health condition
- e) **Harm** - Conduct that causes physical or psychological harm causing fear, alarm, or distress to a person
- f) **Abuse** - Harmful or injurious treatment of another human being that may include physical, sexual, verbal, psychological/emotional, intellectual, or spiritual maltreatment
- g) **Exploitation** – The act of using someone unfairly taking advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under 18 or a vulnerable person into any activity. Exploitation is a form of abuse and may be in different dimensions, including sexual or financial.
- h) **Child** – A person aged below 18 years old.
- i) **Adult** - A person aged above 18 years old.

2 KEHPCA SAFEGUARDING POLICY

This policy provides guidance to safeguard KEHPCA staff, its members, and constituents. Palliative care work exposes KEHPCA to situations or persons who are vulnerable and need to be safeguarded and protected against further vulnerability. This policy cuts across all KEHPCA and all its constituents (staff, Board, members, and People Living with Palliative Care Needs (Persons living with palliative care needs)). It covers all aspects of KEHPCA's work that exposes to or encounters vulnerable people or situations that lead to vulnerability, which can be physical, social, economic, psychological, or spiritual. The users of this policy are KEHPCA staff and volunteers, KEHPCA board members, and KEHPCA's paid-up member organizations.

It is the responsibility of each user to adhere to the terms and requirements of this policy. The users must also use appropriately the forms attached to this document whenever needed. Each KEHPCA staff should sign that they have read and understand the content and their role in adhering to the safeguarding principles outlined in the document. They should consult the Executive Director or their line manager for clarity. Noncompliance with the safeguarding policy will be considered misconduct, and appropriate disciplinary measures will be followed as outlined in the staff manual.

2.1 Purpose and Scope of the Safeguarding Policy

This safeguarding policy aims to guide the creation of a safe space and working environment for staff to safeguard KEHPCA staff and its constituents. The document provides the relevant information for staff to safeguard themselves and KEHPCA's constituents against harm, abuse, or exploitation.

The organization will observe safeguarding practices acceptable to the international safeguarding principles and, where appropriate, specific clauses and requirements set out in grant agreements of developmental partners to ensure that:

1. KEHPCA's work and support are in line with the ethical principles and do not harm the association's work

2. KEHPCA adheres to standards of safeguarding its people, and its Mission and work do not harm KEHPCA constituents - including staff, volunteers, paid-up members, patients, and other ally stakeholders;

2.2 Principles Guiding KEHPCA's Safeguarding Practice

The principles outline to guide the implementation of the KEHPCA safeguarding policy. These principles are in context with the Country's ethical and legal frameworks, KEHPCA values, and core values.

These are:

1. **Safeguarding is everyone's responsibility:** Safeguarding is not limited to specific individuals or departments but is a shared responsibility across an organization or community. It requires the commitment and involvement of all stakeholders, including staff, volunteers, parents, and the broader community.
2. **Promoting the welfare of individuals:** The primary objective of safeguarding is to promote the welfare and well-being of individuals, particularly those who may be vulnerable or at risk of harm. The focus should be on their safety, health, development, and overall quality of life.
3. **Person-centred approach:** Palliative care provides person-centred care that is culturally appropriate to the context and condition. Safeguarding efforts should be centred on the individuals' needs, preferences, and best interests. Their voices and wishes should be considered and respected throughout the safeguarding process.
4. **Prevention:** A proactive approach to safeguarding is essential. Measures should be implemented to identify and address potential risks, vulnerabilities, and harm before they occur. This includes promoting awareness, education, and training to prevent abuse or neglect.
5. **Risk assessment and management:** Regular risk assessments should be conducted to identify potential risks and hazards within the organization or community. Appropriate strategies and safeguards should be implemented to manage and mitigate these risks effectively.
6. **Confidentiality and information sharing:** Confidentiality is crucial. Information sharing should be handled per applicable laws and guidelines to ensure the safety and well-being of at-risk individuals.
7. **Prompt response and action:** Safeguarding concerns should be taken seriously and responded to promptly. The response and action should follow a transparent process, ensuring appropriate action is taken to address and resolve them.
8. **Support and empowerment:** Individuals who have experienced or are at risk of harm should be provided with appropriate support, care, and guidance in line with KEHPCA's policies and within the Country's legal and ethical guidelines. This may involve access to counselling, medical services, advocacy, or other forms of assistance. Empowering individuals to participate in decisions about their safety is also essential.

3 IMPLEMENTATION OF THE SAFEGUARDING POLICY

3.1 Risk Assessment and Safeguarding Scenarios

KEHPCA's constituents include institutions that work with people with palliative care needs, who most often are diagnosed with life-threatening or life-limiting conditions. These people may present with vulnerabilities; thus, risk assessment and discretion should be made before engaging or involving them in KEHPCA's activities. The safeguarding policy and ethical principles will guide KEHPCA's work that involves vulnerable persons in line with the Country's legal frameworks. In all its work and interactions, KEHPCA will carefully examine situations that could cause harm to its constituents, especially those with a high risk of being vulnerable, and take precautions to prevent harm.

Such Safeguarding scenarios include (but are not limited to):

- **Collection of personal data for education and advocacy** – informed consent should be sought, including photo and voice consent to use data (including photos) from Persons living with palliative care needs, caregivers, and other vulnerable persons
- **Research with children and vulnerable adults** – ensures ethical approval is undertaken and research undertaken does not harm the patients and other vulnerable persons. The principles of beneficence, non-maleficence, equity, and justice are to be applied to prevent exposure to further harm or exploitation. Each participant should provide consent, and the children assented to the guardian's consent.
- **Staff at work and on work assignment** –
 - a. The focus is to keep staff in a safe environment free of emotional, physical, and sexual abuse through open communication and reporting channels.
 - b. Staff should conduct themselves with integrity in line with the organization's values and principles, whether at the workplace or outside working hours.
 - c. Ensuring the safety and fair compensation of members engaging with KEHPCA in advocacy activities to prevent exploitation

3.1 General safeguarding obligations for users (KEHPCA staff, volunteers, and Board and paid-up members)

- Respecting and non-discriminating others regardless of one's health, social, sexual, and economic status
- Refraining from anticipated harm and abuse to others of any form when performing their work
- Refraining from any form of sexual abuse, exploitation, or discrimination.
- Reporting any forms of abuse, harm, or exploitation using channels such as an open door approach or in line with the safeguarding of whistleblowing policy
- Protection against sexual exploitation and abuse
 - a. KEHPCA staff, Board, and paid-up members are expected to maintain zero tolerance for sexual abuse of any form with the aim of discrimination or gaining favours
 - b. There should be no exchange of money, employment, goods, or services for sexual activity.
 - c. Users should not take advantage of power dynamics to enter into any sexual relationships with beneficiaries of palliative care. There should be no exchange of

assistance due to Persons living with palliative care needs with sexual favour beneficiaries.

3.2 Safeguarding of KEHPCA staff and Board

This policy will ensure that KEHPCA's employees feel safe and have a forum and structure for addressing their concerns about harm, abuse, or anything threatening their safety.

- KEHPCA should ensure and provide a safe space and environment to work, needed work tools and materials, and fair compensation
- The staff remuneration should be to the local market standard, and review should be taken periodically to compensate staff effectively for the work done.
- As the KEHPCA board is voluntary, KEHPCA should ensure that the Board is facilitated with the necessary tools to perform their duties and undergo fair recruiting, dismissal, the retirement of board members, and recognition for their contribution to the organization a
- Open door approach or whistleblowing policy for reporting safety issues such as abuse of any form or exploitation
- Provision for a fair hearing of both parties involved in cases of abuse, harm, or exploitation

3.3 Safeguarding members

As a membership organization, KEHPCA obtains details of members, which are accessed through the organization's database, social media platform, and website. The information collected is used to develop tailored engagement products with the members in developing palliative care in Kenya.

3.4 Safeguarding People Living with Palliative Care Needs (Persons living with palliative care needs) (adults and children)

People Living with Palliative Care Needs are essential in advancing KEHPCA's work. KEHPCA involves Persons living with palliative care needs directly through feedback, testimonies, and advocacy for palliative care. They are also directly engaged through data collected from the KEHPCA members who provide palliative care services. KEHPCA must protect Persons living with palliative care needs from further vulnerability, abuse, or exploitation

4. PROCEDURES FOR REPORTING SAFEGUARDING CONCERNS

This section guides reporting safeguarding concerns, including abuse, neglect, exploitation, or harm.

4.1 Safeguarding scenarios when reporting a concern:

1. Ensure you have captured the essential details when reporting a concern. Although you are encouraged to get as many details of a concern as possible, it is ok to use available information promptly to avoid further harm
2. Collect as much correct information as possible about the subject matter to increase the chances of correctly identifying the person. This could include names in terms of names and other demographic details.

3. Clarification of the role and relationship with the subject matter of concern. This includes the circumstance that made the relationship become a matter of safeguarding concern.
4. Clarify the matter of concern: abuse, neglect, harm or anticipated harm, or exploitation, including what evidence is needed to back the claim.
5. Be transparent and explain the situation of safeguarding concern, the actions taken or not taken, and the current situation.
6. Give details of other people who may be at risk from the safeguarding concern and how they may be at risk.

4.2 Reporting Mechanisms

- 4.2.1 Reporting a KEHPCA constituent may undertake a safeguarding concern or any other person associated with KEHPCA as outlined under the section.
- 4.2.2 KEHPCA provides multiple reporting channels to encourage individuals to report concerns. Reporting may be done in writing, through email, orally to the designated lead, who is Executive Director Mackuline Atieno, email: ed@kehpc.org Tel: +25472184020 or any delegated officer in writing.
- 4.2.3 If the person is not comfortable reporting to the designated lead, they can undertake In-person reporting to their immediate supervisor, Internal line managers, or any other person that one is comfortable with. The person will then redirect the report to the above contacts
- 4.2.4 All reports should include specific details of the concern, including dates, times, locations, individuals involved, and any supporting evidence, if available.
- 4.2.5 Anonymous reports will also be accepted and investigated accordingly in line with the gravity of the issue raised and the likelihood of gathering evidence to support the information given.
- 4.2.6 KEHPCA will acknowledge receipt of the report and provide information on the investigation process and expected timelines.
- 4.2.7 All the reported safeguarding cases will be filed in the Safeguarding log incident register for future reference when needed. This register will be kept securely and accessed by the Executive Director or another officer approved by the Executive Director or the Board Chair.
- 4.2.8 No staff or any other KEHCPA constituent shall threaten or victimize another for reporting or exposing an illegal act or a violation of ethics, even if they bypass the formal chain of command.

4.3 Investigation and Resolution of Safeguarding Concerns

- 4.3.4 All reports will be promptly and thoroughly investigated by competent individuals designated by the management team or the Board of directors. The investigation will be conducted fairly, impartially, and with due regard for all individuals' rights.
- 4.3.5 Any KEHPCA constituent found guilty of causing harm and violating safeguarding principles will face appropriate corrective actions, including disciplinary measures, training, or legal acts in line with KEHPCA's Policies.
- 4.3.6 Victims of safeguarding will be informed and involved in the investigation to the extent possible while respecting the privacy and confidentiality of all parties involved.
- 4.3.7 Suppose the agent of safeguarding concern is a KEHPCA employee reporting in line with the policy. In that case, the employee's employment rights, such as dismissal, promotion, or discrimination, will not be infringed upon.

- 4.3.8 Disciplinary measures will be applied according to the staff manual if it is proven beyond doubt that the employee knowingly does not safeguard a vulnerable person.

4.4 Confidentiality and Protection

- 4.4.4 All reports made under this policy will be treated with strict confidentiality to the fullest extent possible, considering the need to conduct a thorough investigation.
- 4.4.5 KEHPCA will make efforts to maintain confidentiality throughout the process.

5. HANDLING SAFEGUARDING CONCERNS

5.1 Before Investigation

- 5.1.1 Ensure the person accused of safeguarding concern is not one of the people to address the concern.
- 5.1.2 The subject matter would not influence the team addressing the concern.

5.2 During Investigation

- 5.2.1 The person (s) affected will be provided with a fair hearing and privacy as needed to ensure trust and a safe environment to present their concerns.
- 5.2.2 The team addressing the concern should provide a fair hearing to the concern and the person reported in a separate hearing and review the circumstances with impartiality.

5.3 After Investigation

- 5.3.1 The decision to handle the concern should align with KEHPCA's policies.
- 5.3.2 The decision or action should be communicated officially to the person (s) affected promptly at the end of the investigation.
- 5.3.3 Retaliation against the victim of safeguarding is strictly prohibited. Any form of retaliation, including but not limited to intimidation and harassment, will be subject to disciplinary measures, up to and including termination.

5.4 External Reporting

- 5.4.1 If an individual believes their concerns have not been addressed internally, or if there is evidence of a cover-up, they have the right to report the matter to external parties, such as regulatory authorities or law enforcement agencies, by applicable laws and regulations of the Country.
- 5.4.2 Likewise, if the person (s) reported feels they have been unfairly accused or unfair decision made, they can report to the Board of Directors, to external parties, such as regulatory authorities or law enforcement agencies, by applicable laws and regulations of the Country.

5.5 Safeguarding Concerns in Children and Minors

- 5.5.1 When addressing safeguarding concerns, children and minors should be protected from further anxiety and exposure.

- 5.5.2 They should be linked with relevant therapy providers for health, psychological and physical support, for example, in such cases of sexual, emotional, or physical abuse and neglect.
- 5.5.3 Ensure the person accused of safeguarding concern is not one of the people to address the concern.
- 5.5.4 The team addressing the concern would not be influenced by the accused on the subject matter the team is addressing.
- 5.5.5 The decision to handle the concern should be in line with the Child protection laws of Kenya.

6. TRAINING AND AWARENESS

To keep up to date with safeguarding principles, KEHPCA will seek opportunities for training and update of the policy at least every five years. KEHPCA staff will also have access to the safeguarding policy.

- Each new staff will be oriented on the safeguarding and other policies
- Any engagement with KEHPCA and its activities will be in line with safeguarding principles
- Engagement with KEHPCA and its constituents will be subject to safeguarding principles.

7. ROLE OF KEHPCA STAFF IN IMPLEMENTING THE SAFEGUARDING POLICY

7.1 Obligations of KEHPCA's staff in safeguarding members

- 7.1.1 Ensuring membership selection and acceptance and maintenance criteria do not contradict or conflict with our Mission and values
- 7.1.2 Adhering to the Data Protection Act when using members' Data
- 7.1.3 Identifying and addressing members' Interests in an ethical way
- 7.1.4 Ensuring KEHPCA paid-up members safeguard other members' data and interests
- 7.1.5 Objectivity in dealing with partner conflicts to ensure the fair provision of mutual support and benefits in line with the membership strategy
- 7.1.6 Safe communication channel provision for addressing disputes, challenges, and grievances
- 7.1.7 Engagement of members in a considerate but firm way that does not deprive them of the rights and responsibilities

7.2 Obligations of KEHPCA's staff in safeguarding Persons living with palliative care needs

- 7.2.1 Obtaining informed consent from Persons living with palliative care needs for the use of data, photos, or any identifying information for specific purposes, such as advocacy and education, without infringing on the right to privacy.
- 7.2.2 Prioritizing health and well-being when engaging vulnerable Persons living with palliative care needs in advocacy and other palliative care activities.
- 7.2.3 Availing and making use of distress protocol when engaging with vulnerable people
- 7.2.4 Data Protection of People's Identities

- 7.2.5 Provision of highest quality care to Persons living with palliative care needs in line with one's ability and avoiding neglect or favouritism.

8 MONITORING AND EVALUATION OF THE SAFEGUARDING POLICY

- 8.1 Developing a framework for monitoring the implementation of the policy, collecting feedback, and assessing its effectiveness can help identify areas for improvement and ensure ongoing compliance.
- 8.2 **Data protection:** KEHPCA will maintain accurate and confidential records of safeguarding concerns, investigations, and actions taken to help ensure accountability and facilitate monitoring and review processes. Provision of a clear reporting template for abuse, exploitation, or harm
- 8.3 Ensuring adherence to the processes for addressing cases of abuse, harm, or exploitation of users or Persons living with palliative care needs
- 8.4 Inclusion of safeguarding as part of KEHPCA's risk register and monitoring of the
- 8.5 The document will be reviewed periodically, at least every Five years. However, it may be reviewed earlier if significant areas need to be updated or included in line with KEHPCA's work. The staff should initiate the review under the leadership of the Executive Director with the guidance of the KEHPCA Board.

APPENDIX 1: DISTRESS PROTOCOL

Your safety is paramount at all times. If any issues arise during our engagement with Persons living with palliative care needs or any user and they become distressed (e.g., they show solid emotions or start to cry), the engagement will be stopped. The engager will be expected to be compassionate, patient, and respectful and will use the following distress protocol as appropriate:

- a) If the engaged person shows distress (e.g., if they show solid emotions or start to cry), then the interviewer will say the following:

I understand that what we are discussing/ engaging in is emotionally challenging for you.
[Wait, and if the participant is still distressed, proceed to the following sentence; otherwise, continue asking the questions.]

We can stop this activity if you wish.

[Wait, and if the participant says they wish to stop, proceed to the following sentence; otherwise, continue asking the questions.]

If it helps, I have the contact number of a counsellor [NAME OF COUNSELLING SERVICE], which you may call to talk through any of the issues or else you may talk through them with me if that would help *[TELEPHONE NUMBER - provide if the participant requests]*

You are free to withdraw the information you gave me up to this point (or withdraw from the engagement). Would you like to do this? *[Wait and record answer]*

If this engagement has harmed you in any way, I do apologize, and you can contact [KEHPCA at 254 721 840 270 for further advice and information.

Thank you very much for your time and effort.

APPENDIX 2: CONSENT FORM TO USE PHOTOS AND PERSONAL DATA / STORY FOR EDUCATIONAL PURPOSES AND ADVOCACY



By signing this form, I give Kenya Hospices and Palliative Care Association (KEHPCA) the right to use photographs and video (images) of me for education, research, and other non-commercial purposes. I understand that I will not be paid and may not have the chance to review the images before they are used. I have not been coerced or pressured to give this consent.

I understand that these images will be used appropriately and respectfully. I confirm that these images were taken with my knowledge and consent. I understand that I can change my mind and inform KEHPCA to stop using the images of me. I also understand that once the images are published on the KEHPCA website, in print, or in other communications, others may copy them. KEHPCA is not responsible for use by others and may not be able to stop all use. I confirm that the photographer has given me information on contacting KEHPCA about using my image.

Photo Subject

Name: _____

(Adult - Above 18 years)

Signature/ Thumbprint _____ Date _____

Name of Parent/ Guardian

(If the subject is a minor)

Signature /Thumbprint _____ Date _____

KEHPCA/ Photographer Name _____ **Signature** _____

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APPENDIX 3: LOG INCIDENT REGISTER



SAFEGUARDING INCIDENT LOG

Please record all the reported safeguarding cases in this Log. This log register will be kept securely and accessed by the Executive Director or another officer approved by the Executive Director or the Board Chair.

DATE (dd/ mm/yy)	INCIDENT	ACTION TAKEN	STATUS	COMMENTS	SIGNATURE