



## TARSHI'S SAFEGUARDING POLICY

2023

This policy focuses specifically on Safeguarding and it is to be read in conjunction with other policies at TARSHI as may be appropriate.

TARSHI has policies and provisions for mitigating risks and keeping people safe by safeguarding the organisation, our team members, associates, and the people we work with, from harm. Harm may take many forms that include exploitation, harassment, abuse and various kinds of misconduct and/or fraud.

Any issues related to safeguarding may be brought to the notice of a Safeguarding Lead, unless otherwise specified, or as per legal requirement, such as laid out in particular policies, such as in the Anti-Sexual Harassment Policy. Two individuals are designated Safeguarding Leads so that in the absence of either, or in the case that either individual is the subject of, or involved in, a safeguarding issue, the other may be contacted.

A copy of this policy is to be made available to all employees, (whether part-time or full-time), volunteers, interns, and consultants of TARSHI. In the case of staff / ancillary staff members who may not be literate / comfortable with English, key points of policy may be discussed with them by a Safeguarding Lead or a senior team member of TARSHI's Programmes or Administration, Finance and Human Resources department.

**As of June 2023, the Safeguarding Leads at TARSHI are:**

**Veronica George, Chairperson, TARSHI's Board of Directors**  
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**Prabha Nagaraja, Executive Director, TARSHI**  
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### **1. Objective and Applicability**

TARSHI seeks to create a safe environment and to provide a secure avenue to raise concerns regarding any attitudes, behaviours or activity that may threaten or endanger the safety and security of TARSHI staff and team members, or be otherwise harmful to TARSHI or any of its stakeholders, and to prohibit those in managerial positions from taking any adverse action against those employees who report such in good faith. Therefore, this Safeguarding Policy is applicable to all employees (whether part-time or full-time), volunteers, interns, and consultants of TARSHI, regardless of the nature of their contract, duration of employment or position in the organisation.

The vision and intent behind this policy is to promote an affirmative approach and implement this policy with sensitivity to the issues that are faced by those from marginalised communities, and with an openness to understanding the specific personal circumstances of individuals as appropriate.

This policy strives to expand the scope of understanding concepts of safety and safeguarding in diverse contexts, to include protection to all individuals, and therefore includes all gender and sexual identities.

Integral to our safeguarding mandate is the awareness and inclusion of intersectionality, and issues particular to intersecting identities, in the reading, and in the implementation of this policy.

All TARSHI policy and implementation is in compliance with the laws as applicable to the organisation. It must be kept in mind that no internal policy can override the law. If there is any contradiction between law and this policy, or if the provisions of this policy do not cover a specific circumstance or case, then the legal provisions that apply will prevail.

TARSHI's efforts in any space come from the intention of achieving an atmosphere of non-judgmental, rights-based and sexuality-affirming attitudes, where people's sexuality, identities, choices, and self-care needs are respected and given importance. This we have called 'SISA' (Safe, Inclusive, Self-Affirming) spaces. Our work so far has revolved around putting together a context within which to understand the operation and unfolding of this for people, communities and organisations. In this context, over the past few years at TARSHI, we have been documenting and processing our own interactions internally and externally, with peer organisations, programme participants and communities through our programmes, desk reviews and primary qualitative research.

The experiential learning, thought and dialogue that have helped create this policy take a rights based approach, and TARSHI considers this policy a living, evolving presence, integral to the organisation.

## **2. Definitions**

TARSHI approaches the definition of safeguarding from the perspective of empowerment and self-affirming capacity, of the individual, child and adult, as well as community. We assume that while some individuals may be perceived as being vulnerable due to contexts that are visible or familiar to the common understanding, this may not always be a reliable guide to assess, identify and address risk, threat and vulnerability to harm. In TARSHI's work on issues of safety and inclusion, we have also observed stress that is neither verbalised nor expressed by those who may not appear to be at risk or vulnerable using the lenses of identity, organisational hierarchy, disability, and other such. To acknowledge the existence of this complexity this policy attempts to give a broader definition to each of the concepts below.

While being aware of these definitions, it is important to note that this safeguarding policy does not extend to spaces outside of TARSHI's work environment or outside of work-related interactions. TARSHI's work itself does however address issues of Safe, Inclusive and Self-affirming (SISA) spaces in the larger environment within which we function.

**2.1. Safeguarding:** Creating a protective environment with the sensibilities, tools and processes required for all people, children and adults, as individuals and as communities, to feel and to be safe from harm, that may be caused to themselves, or harm that may be caused by them to others, inadvertently or otherwise. While safeguarding therefore protects people, it is protection through empowerment, accountability, and an environment that promotes equity. Safeguarding is not an external imposition either from higher levels of hierarchy in an organisation, or from stereotypical assumptions made about power dynamics and vulnerability. Safeguarding is rights based, a respectful readiness to understand, support and uphold to the greatest extent possible, the health, well-being, safety, security, agency and self-affirming expression and capacity of an individual or a group / community. In the context of an organisation, safeguarding refers to ensuring that the people we work with are not harmed by our work, and our staff are safe from harm that might arise from any interactions, internal or external, that they do as part of work. This concept extends to organisations as well, and the organisation too requires to be safeguarded from risks to its existence, functioning and well-being.

**2.2. Harm:** Harm is an umbrella term under which various conceptual terms may be covered, to include for example, hurt, endangerment, threat, risk, harassment, abuse, exploitation, bullying, hostility, intimidation, detrimental treatment. Some of these terms have definitions under various laws and legal provisions, such as for example, under India's Sexual Harassment law. Such harm may occur online, or in-person and on-site. It may affect an individual or a group or community, as well as an environment, such as a workplace. Harm may be understood as having a negative impact on any aspect of rights and wellbeing of an individual or community, including physical, mental, emotional, spiritual, social, economic, developmental and other such. Harm may be the result of multiple factors, and when considering and implementing safeguarding at the level of our workplace environment or organisation, it may not extend to other / all aspects and spaces that an individual or a community traverses or inhabits.

**2.3. Community:** While this word refers to a group that shares a common identity, such as for example LGBTQIA+, or the Disability community, or the sex workers community, for the purposes of this policy, it also refers to groups of individuals who directly interact with TARSHI as part of its work, whether online or in-person - this includes parents, concerned adults, teachers, educators, counsellors, people in helping professions, young adults, and so on. Individuals may have intersecting identities and these intersections are reflected in the experience of belonging, or not, to communities. Navigating these intersections between identities that may be based on gender, sexuality, religion, caste, ethnicity, age, disability amongst others, is often complex and cannot be ignored.

### **3. Policy**

This section outlines key policy provisions outlining a Safeguarding Framework that is inseparable from a daily, aware, ground-level practice of safety and inclusion. Roles and responsibilities of the organisation, staff and Safeguarding Leads are also outlined in this section.

For any issues with regard to safeguarding - whether it is on workplace harassment, child protection, protection of whistleblowers, fraud prevention and/ or management - staff members may reach out to the Safeguarding Lead/s to make a report and to initiate action as may be needed. For issues related to sexual harassment at the workplace, staff members may reach out to Internal Committee members formed as part of legal provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

This framework is based on the understanding that there are aspects integral to safeguarding such as prevention of discrimination, of harassment, of sexual harassment and of abuse, and child protection. TARSHI also has available separate policies specific to sexual harassment, preventing and addressing fraud, on child protection and the protection of whistleblowers, as well as a risk register, as integral to the scope of Safeguarding concerns. A list of related policies is mentioned in section 9 towards the end of this document.

Procedures for raising a safeguarding concern and the investigation process are outlined in the sections ahead.

A Safeguarding log is to be maintained online by the Safeguarding Lead(s). All safeguarding concerns raised, as well as follow up undertaken for these concerns, are to be recorded in this log. This log is to be treated as confidential, comes under TARSHI's administrative data protection provisions, and may only be accessed by the Safeguarding Lead(s), the ED, and/or members of the Governing Board.

**The Safeguarding log is to be reviewed for updation of the Risk register:**

- If there has been a concern raised about Safeguarding, after this concern is resolved, either through informal processes or Safeguarding Committee processes.
- Once, annually, for updation of this policy, and review of the Safeguarding log and Risk Register.

**3.1 Safeguarding framework**

Every manager, supervisor and staff member is collectively responsible for ensuring that no staff member, or any community member that they interact with in the course of their work at TARSHI, is subjected to conduct that causes or threatens harm or violates their right to safety and protection.

**3.1.1. Inclusion at the workplace and in TARSHI's activities with community members**

TARSHI believes that no individual should be discriminated against because of their actual or perceived age, caste, class, disability, marital status, religion, HIV status, gender or sexual identity. TARSHI strives to be an Equal Opportunity Employer affording all employees and applicants for employment fair and equal treatment. We welcome people with different skills and pay particular attention to the vulnerability to discrimination on account of actual or perceived age, caste, class, disability, marital

status, religion, HIV status, gender and sexual identity. This is a key element of our Safeguarding Framework.

**Our experiences of living through the COVID-19 pandemic, have underlined our focus on issues that have traditionally taken a backseat, around mental and emotional health, community support systems, disability, inclusion, and certainly sexuality.** This is mostly because of the impact on relationships, and the challenges that significant populations, (for example, children, women, LGBTQIA+ persons, people living with illnesses that require ongoing care and medication, people who experience multiple forms of discrimination), face in even accessing the limited, if evolving, support and resources.

In alignment with inbuilt safeguards that have evolved organically and been institutionalised over the years as a part of the TARSHI culture, reflecting in its internal practices and external engagements:

- TARSHI encourages all staff to participate in trainings as well as to educate themselves using an intersectional approach, on issues related to gender, gender identity and expression, sexual orientation, disability, health conditions, including HIV and AIDS, and challenges related to the invisibility of some of these.
- TARSHI has resource materials that can be accessed for staff to be equipped with sensitive, accurate and up-to-date information so that we may collaboratively ensure an inclusive workplace.
- Disclosure of gender identity, sexual orientation, disability status, mental and physical health conditions etc. is purely voluntary and is the prerogative of the individual, whether a staff member or any community member that TARSHI staff may interact with. No other person has the right to 'out' anyone else. Discriminatory behaviour, remarks, disparaging comments, jokes, etc will not be tolerated.
- However, it is often necessary for some information sharing and disclosure by any individual for the (i) possibility and purposes of specific support, reasonable accommodation and work role / tasks / participation in our activities (in case of community members), and for team related adjustments, as well as (ii) for the safety and ease of all in such cases where particular precautions may need to be taken. In such cases the individual may speak and discuss things in confidence with their supervisor, or other senior staff member, for further follow-up as appropriate. In the case the individual is a community member participating in TARSHI's activities, they can speak with any TARSHI staff members organising the activity.
- Staff members and community members may have identity, health or other personal circumstances they wish to keep confidential and in the case of particular disclosure by any individual of such a factor, confidentiality will be sought to be maintained, as appropriate and mutually discussed.

More details about this can be found in the organisation policies given to all staff members with their employment contract.

TARSHI team members, including regular and part time employees, consultants, interns and volunteers are expected to practise a basic code of professional conduct and behaviour both within the team and in interactions with others outside TARSHI. Aspects of this guidance for conduct include, as relevant and appropriate,

- maintaining confidentiality
- enabling safety, inclusion and self-affirming space as the framework of interactions
- taking care to respect differences
- practice wisdom and restraint in challenging or unfamiliar circumstances
- awareness of and focus on one's own self-care and boundary setting in such interactions.

We understand that conduct is influenced by situations and circumstances, and often a matter of reflection and discussion. In case of clarification required, this may be discussed with supervisors and peers, or a Safeguarding Lead, before going into interactions within and outside TARSHI.

During interactions where conduct related discussion may not be possible, we advise all team members to use their discretion and take decisions in the best interests of TARSHI as an organisation, in the spirit of TARSHI's values. We understand that this includes self-care and self-affirming conduct along with respecting the diversity we engage with in our work and interactions.

### **3.1.2. Workplace Harassment**

The organisation will not tolerate any form of harassment based upon real or perceived age, caste, class, disability, gender, marital status, religion and/or sexual preference by one or more staff member/s against another person at the workplace or in a work-related environment or event.

The organisation will not tolerate verbal or physical conduct by a staff member that has the purpose or effect of (i) disrupting or interfering with another person's work; or (ii) creating an intimidating, offensive or hostile work environment.

In a case of harassment involving clients or associates or project team members, or community members involved in a TARSHI activity / programme / event, who are not from TARSHI, the matter will be taken up for redressal with all individuals and the organisations concerned.

### **3.1.3. Sexual Harassment**

TARSHI has available a separate anti-sexual harassment policy in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (the POSH Act) and the Rules made by the Central Government in exercise of the powers conferred under the Act.

Sexual harassment is defined in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013), as: any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

We have a zero-tolerance policy on sexual harassment. Our policy strives to expand the scope of understanding sexual harassment in diverse contexts, to include protection to all individuals, and therefore includes all gender and sexual identities. It outlines procedures for complaints and investigation, redressal and disciplinary action, as well as processes for implementing this policy.

For more details on the scope and provisions for prevention and protection from sexual harassment, staff members may refer to TARSHI's Anti-Sexual Harassment Policy.

### **3.1.4. Child Protection**

TARSHI has a zero-tolerance policy to disrespect of children, to child abuse, to violence against children in any form, and to discrimination and inequality in the treatment of children on the basis of factors such as perceived age, caste, class, disability, domestic circumstances / family background, religion, HIV status, gender and sexual identity.

In the regular course of work, TARSHI does not have direct contact with children. Our work impacts children as we do engage with individuals, institutions and organisations that work directly with children. Some of our publications include outreach, awareness and informational materials that address gender, sexuality and reproductive health issues across age-groups. In case of clarifications of any kind for working with children or in an environment online or on site where children may be present, discussions are required in advance with supervisors and senior team members.

To ensure that all children working with or associated with TARSHI have a safe and protected environment, free of stigma and discrimination and of any kind of abuse or/and violence, all members and associates of TARSHI are required to uphold and safeguard the dignity, freedom and liberty of each child (who by Indian law is anyone under the age of 18). Examples of how this is done include not engaging in any behaviour that could harm a child in any way whatsoever, and specifically physically, mentally or emotionally, not taking photos or filming children without the child's assent and parental or guardian's consent/approval and respecting confidentiality, but clearly and only to the extent that such confidentiality is not in conflict with the legal provisions of laws related to children, such as POCSO, etc.

This is applicable to:

- All staff members, consultants, interns, volunteers and peer educators working with TARSHI, regardless of the nature of their contract, duration of employment or position in the organisation.
- All external professionals, partner organisations, trainers, visitors working with the organisation.
- Anyone documenting events, workshops, interviews or any activity, on behalf of TARSHI, directly or indirectly related to children.

For more details on the scope and provisions for child protection, staff members may refer to TARSHI's Child Protection Policy.

### **3.2. Requirements from Safeguarding Leads and senior team members**

The Safeguarding Leads as well as senior team members of TARSHI are expected to:

- foster an environment, where at-risk individuals feel safe enough to share confidential, personal information about the risks they face and their safeguarding support requirements - with senior team members or the safeguarding lead;
- upon receiving a complaint, discuss safeguarding support requirements with the individuals concerned and agree upon a redressal mechanism, as well as measures of confidentiality and disclosure as may be appropriate and that do not violate any legal or compliance requirements;
- ensure that TARSHI staff members, in all interactions with community members, facilitate all participants to jointly agree on and arrive upon the principles, actions and behaviour that will make their space (insofar as the interaction with TARSHI is concerned) safe, inclusive and self-affirming

Every staff member of TARSHI is expected to promptly report to the Safeguarding Lead/s any concern of harm:

- to an individual within the organisation, or associated with the organisation on any activity (online or in-person), including to themselves;
- to a group or community associated with the organisation on any activity (online or in-person), that may be due to some aspect of the activity;
- to a child or individual at-risk, or particularly vulnerable, associated with the organisation on any activity, that may be due to some aspect of the activity;

### **3.3. TARSHI's responsibilities in maintaining a safe working environment**

TARSHI shall endeavour to maintain a safe working environment that:

- shall include safety of all staff members, interns, volunteers, community members etc. However, this responsibility is limited in other on-site, off-site, remote work (where not sanctioned by TARSHI but is done at the individual's discretion), commute or travel situations, as well as online, where safety and safeguarding are influenced by a number of factors outside the monitoring capacity or control of the organisation.
- A staff member or community member who reports a concern of harm will not be subject to any adverse action, i.e., any retaliation or victimisation in any manner for making any disclosure.
- No manager, director, department head, or any other staff member with authority to make or materially influence significant employment decisions shall take or recommend an adverse action against a staff member knowingly in retaliation for a disclosure of information, made in good faith, about a possible safeguarding concern.



- The details of the policy, along with names and contact information of the Safeguarding Leads, will be provided to all staff members.

#### **4. Procedures for raising a safeguarding concern**

4.1. It is preferred that the employee report the harassment / harm / risk / safeguarding concern, to one of the Safeguarding Leads as soon after the incident as they can.

- If the employee prefers to speak to their direct supervisor(s) instead, the supervisor is required to discuss confidentiality / other issues with the employee and agree upon what is to be reported by them to the Safeguarding Lead. This is crucial and must be handled carefully as there may be legal compliance issues involved as well. Therefore, it may not be possible / desirable to keep certain information confidential.
- **The Safeguarding Lead is to be informed by the supervisor who receives information of the concern, within two days.** However, if the supervisor perceives the concern to be related to a high risk or high threat, or an urgency, they are to report this to the Safeguarding Lead immediately.

4.2. If the nature and scope of applicability of harassment and / or harm / risk / threat is unclear, the Safeguarding Lead is to include this in the scope of investigation by the Safeguarding Committee (details below) and immediate measures are to be taken as per the policies and / or laws that may be applicable on a case by case basis.

4.3. All safeguarding complaints will be treated with the utmost confidentiality.

4.4. In case of a report to a Safeguarding Lead, an informal process of dialogue, sensitisation and resolution may be attempted. This involves discussions with the second Safeguarding Lead, the person who raised the concern as well as those involved in the concern raised. **This must be done within three working days of the concern being brought to the Safeguarding Lead.** All such informal processes are to be recorded in the Safeguarding log.

4.5. If the informal process is not deemed appropriate, all further processes of investigation will be handled by a Safeguarding Committee which is to be constituted at the time of such requirement.

Allegations related to safeguarding concerns will be taken seriously by the organisation. If substantiated, they may be considered as *prima facie* grounds for initiating disciplinary proceedings against the offending staff member and may give rise to immediate dismissal from the services of the organisation.

Harassment, harm, risk or threat to a TARSHI team member by a non-TARSHI person who is directly associated with TARSHI in their individual capacity, and/or, through their organisation, in the course of any work activity, will be taken up upon discussion between the concerned team member, their supervisor, the ED, and anyone else, as deemed appropriate under the circumstances.

## **5. Safeguarding Committee**

The Safeguarding Committee members will be decided in discussion with Governing Board members and senior team members who are not involved, or named, as per the initial report, within three days of the safeguarding concern being brought to a Safeguarding Lead. This may be extended to six days, only if an informal process has been attempted in the first three days, or if other unforeseen urgent circumstances have stood in the way of doing this. If this time period is extended beyond six days, this in itself is to be treated as a Safeguarding issue to be brought for discussion and decisions between all involved, as well as the Board.

The Safeguarding Committee shall comprise of the following personnel and is to include the Safeguarding Lead to whom the report was first made.

A – Board Chair

B – A member of the Governing Board

C – One Member from Senior Management Team

D – Executive Director

(Any of these may also be the Safeguarding lead/s, combining role responsibilities)

A Safeguarding Lead is designated to represent the committee in all communications. However, the committee may also decide to designate another committee member for this purpose. A Minimum quorum of three people will be required to constitute a meeting of the Safeguarding Committee, whether online or in-person.

## **6. Investigation process, Confidentiality and Data Protection**

6.1. While investigating a report of a safeguarding concern, the Safeguarding Committee may examine the office records, including the Risk Register, of TARSHI. They may also speak to employees or consultants who may be connected to the report or have knowledge or expertise on Safeguarding and on the subject of the concerns raised.

In cases involving guardianship / limited guardianship, further advice may be taken that may include legal and subject expertise.

6.2. The Safeguarding Committee shall complete its enquiry, and submit a written report with its findings and reasons for its findings to the Governing Board. A copy of the said report would also be given to the person who reported the safeguarding concern, and to those others who may be involved or named in the report.

6.3. The Safeguarding Committee and all those involved with a report of a safeguarding concern will be aware of and respect confidentiality, and follow the provisions of TARSHI's organisational policies with regard to data protection concerns; however, this is to be read and implemented using the law to guide compliance as and if the case so requires.

For any staff member to set aside the commitment to confidentiality, a written report / email with the rationale for doing so should be shared, with the Safeguarding Leads, and/ or any other member of the Board.

This should be done in advance unless an urgency or emergency, or immediate threat or risk perception is felt, either online or in-person.

In such case where urgency or immediate requirement is perceived, the employee is advised to connect as soon as possible either with those mentioned here for the written report, or any other member of TARSHI's senior team who can provide support and guidance.

## **7. Corrective steps and disciplinary action**

7.1. Where it is found that a Safeguarding concern or report requires corrective action, the Safeguarding Lead and / or Committee shall recommend the corrective action to be taken.

7.2. Where a criminal offence has been found to have occurred, the Safeguarding Committee shall recommend further action in accordance with law.

7.3. Where any employees have been found to be in non-compliance of TARSHI's Safeguarding Framework, they shall be subject to disciplinary action, up to and including termination, in accordance with the organisational policy or specific policies mentioned in section 9 below.

## **8. Amendment**

TARSHI reserves its right to amend or modify this Policy in whole or in part, at any time.

## **9. Associated policies**

TARSHI has the following specific policies that are related to and support our safeguarding policy. All staff members (full-time, part-time, volunteers, interns, consultants) receive these policies and manual when they sign a contract with TARSHI and these are saved online with access provided to all staff. Staff members' induction and orientation processes include a debrief of these policies as well.

- Anti-Fraud, Antibribery, Anti-Corruption Policy
- Anti-Sexual Harassment Policy
- Protection Of Whistleblowers
- Child Protection Policy
- Risk Register
- Organisation Manual

## **10. Safeguarding Log**

A template for the Safeguarding Log is given below:

**Complaint-related:**

- Date and time when the complaint was raised
- Who raised the complaint
- To whom the complaint was made
- Date and time of the complaint being sent to all Safeguarding Leads
- Name of the Safeguarding Lead completing the log entry

**Incident details:**

- Date and time of the incident:
- Location of the incident:
- Description of the incident (including any relevant information such as individuals involved, witnesses, and any actions taken):

**Action taken:**

- Immediate actions taken (any immediate actions taken to ensure the safety and wellbeing of individuals involved):
- Internal investigation (including interviewing relevant parties):
- External reporting, if required (in accordance with other policies):

**Follow-up actions:**

- Safeguarding measures (any additional safeguarding measures put in place as a result of the incident, such as staff training, policy reviews, or changes in procedures):
- Communication of the incident within the organisation and externally, ensuring confidentiality and privacy:

**Review and lessons learned:**

- Review process:
- Recommendations:
- Additions to the organisational risk register and organisational policies as relevant