



HOSPITALLER ORDER'S FUNDRAISING ORGANIZATIONS
AND THEIR COUNTERPARTS (HOFOC)
CODE OF CONDUCT
PROTOCOL



1. INTRODUCTION

In 2021, Hospitaller Order's Fundraising Organizations and their counterparts (HOFOC, in advanced) decided to create a Code of Conduct in order to set up the ethical principles, behaviors, attitudes and actions that the entities, its members and all the people and institutions which contribute -directly or indirectly- to achieve their goals must observe for improving their performance and the relationships that establish between them and with their stakeholders.

Especially, the Code of Conduct focus on strengthening the efficiency, transparency and accountability of working processes among the entities -including fundraising, management and spending of donations- and enhancing the relations between them and with beneficiaries and/or service-users -always safeguarding their interests and rights, over all the children and vulnerable adults' ones-.

Beyond this, the present Protocol of application indicates how to apply the HOFOC Code of Conduct.

2. PURPOSE

The purpose of this Protocol is to establish clear guidelines to apply the HOFOC Code of Conduct, including:

- the standars allowed for HOFOC regarding to entities' performance, relationships with stakeholders and between entities, terms of transparency, efficiency and accountability, managing ethical questions, fundraising, management and spending of donations
- the processes for reporting, responding and monitoring the Code of Conduct
- the steps to apply the Code of Conduct
- the roles and responsibility of whoever/whichever participates in these processes, especially the Code of Conduct Commission, main responsible of monitoring, responding and reporting the Code
- the mechanisms to denounce collision or potential collision with the Code (Whistleblower Channel)
- the interpretation of the terms included in the Code of Conduct

Along this document, it is pointed how to act and behave in all the circumstances that can occur in the action of HOFOC by itself, its members and all the related organizations, regarding to entities' performance, relationships with stakeholders, managing ethical questions, fundraising, management and spending of donations.

3. SCOPE OF APPLICATION

This Protocol of application has the same scope of the Code of Conduct.

Firstly, it applies to HOFOC's members and the staff and volunteers who work for them. Actually, HOFOC of is made up for the following entities:

- JUAN CIUDAD ONGD. JUAN CIUDAD ONGD. Madrid (España). www.juanciudad.org
- HOSPITAALBROEDERS
- IRELAND PROVINCE
- SAINT AUGUSTINE PROVINCE-AFRICA (SAPA)
- UFFICIO MISSIONI E COOPERAZIONE INTERNAZIONALE (UMICOI). General Curia Hospital Order of San Juan de Dios. Rome Italy)
- AFMAL. Roma (Italia). www.afmal.org



- FUNDAÇÃO SAO JOAO DE DEUS. Lisboa (Portugal). <https://fsjd.pt/>
- ST. JOHN OF GOD DEVELOPMENT CO LTD. Dublin-Amsterdam.
www.sjog.ie, www.hospitaalbroeders.nl

Secondly, it applies to all people and institutions who contribute to the achievement of HOFOC's goals and participate directly or indirectly in their activities, especially the ones that involve contact with children, adolescents and people in a situation of vulnerability. All the provinces, delegations and socio-sanitary centres of the Order are included.

Whoever/whichever subscribes to the Code of Conduct, people or entity, must comply it, notify the actions that can violate it and understanding that it is an ethical and legal obligation.

4. LEGAL FRAMEWORK

This Code of Conduct respects the regulatory framework in force in the countries in which HOFOC develops its activities in relation to:

- human and labor rights
- corruption, fraud and economic crimes
- migrant workers and their families
- racism, xenophobia and misogyny
- international development cooperation and emergency response
- protection of children, adolescents and people in a situation of vulnerability
- data and image protection
- penal and civil legislation

The countries in which HOFOC develops its activities are:

- Spain
- Portugal
- Netherlands
- Ireland
- Italy
- France
- Ghana
- Liberia
- Sierra Leone
- Senegal
- Cameroon
- Kenya
- Mozambique
- Zambia

Without limiting effects, this Code considers, specially, the following laws and regulations:

- Universal Declaration of Human Rights (UDHR, 1948)
- UN Convention on the Rights of the Child (UNCRC, 1989)
- UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW, 1979)
- Human Rights ILO Conventions
- African Charter on the Rights and Welfare of the Child (1990)
- UN Convention on the Rights of Persons with Disabilities (CPRD, 2006)
- UN Guiding Principles for Business and Human Rights



- Saint John of God Foundation (SJOGF) Policy on Child and Vulnerable Adult Safeguarding and Protection
- Saint Augustine Province-África Policy for Safeguarding Children and Other Vulnerable Persons
- Hospitaalbroeders Gedragscode
- Ethic Code of Spanish Coordinator of Development NGO
- Porticus Code of Conduct
- Fundraising Regulators
- The Global Compact
- World Association of Non Governmental Organizations (WANGO)

Beyond the proper Code of Conduct, all this legislation will be respected by people and institutions adhering to the Code and affected by its Protocol. In addition, if any law of the countries of application is more restricted than the Code or the Protocol, it will be applied main and firstly.

In order to update the Code of Conduct and its Protocol, entities adhering to them must know, compile, share and make available to HOFOC the legislation in force in their countries and in the territories where they intervene, through the Code of Conduct Commission.

5. DEFINITIONS

The following glossary establishes the meaning of the terms that are included in the Code of Conduct and in this Protocol and how they must be interpreted. This is a no limitative list that can be expanded in successive reviews:

Abuse: It includes physical, sexual, emotional, neglect, child labor and family violence. Abuse can be committed by any adult, including parents, teachers, strangers, or any person working with children and other vulnerable persons in a position of trust. Abuse can also be committed by other children.

Aggression and violence: This is understood to mean bullying, psychological or physical harassment, threatening or attacking others.

Beneficiary: Someone who directly receives a benefit (goods or services) from HOFOC programs or projects. Beneficiaries of HOFOC's programmes use to become service-users and, for all of them, respectful and safeguarding must be an obligation.

Bribery and corruption: Granting or obtaining unauthorized favors in exchange for remuneration, money or otherwise.

Bullying: It is the inappropriate use of power by an individual or group, with intent to injure either physically or emotionally. It is usually deliberate and repetitive. The bullying may be physical or psychological (verbal and non-verbal). Bullying can involve humiliation, domination, intimidation, victimization and all forms of harassment including that based on sex, race, disability, homosexuality or transgender. Physically, bullying includes pushing, hitting, punching, kicking or any other action causing hurt or injury. Verbal bullying includes insults, taunts, threats and ridicules. Psychological bullying includes physical intimidation and ostracism.

Child: According to the UNCRC, a child is defined as any individual below the age of 18.

Child abuse: According to the World Health Organizations (WHO) it is all forms of physical and/or emotional ill- treatment, sexual abuse, neglect or negligent treatment, resulting in actual or potential harm. Child abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. The following should not be regarded as a comprehensive list, nor should any indicator on this list be regarded, when taken alone, as being a definitive



sign of abuse: fear of medical help; fear of parents being contacted; fear of returning home; self-destructive tendencies; desire to look as nonsexual and unattractive as possible; aggression towards others; dislike of being touched or touching others; chronic running away, dirty, torn or threadbare clothing; inappropriate clothing for the season or context (sign of neglect); unwashed hair, dirty appearance, unclean smell; excessive or uncontrollable tearfulness; feeling of shame or guilt; feeling that he/she is dirty or degraded; embarrassment; a desire to talk about a topic frequently (betraying a need for reassurance and a desire to get it out of the system); nightmares or trouble with sleeping; compulsive stealing; neurotic behavior; inappropriately adult or sexualized behavior.

Child labor: Child labor is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Whether or not particular forms of "work" can be called "child labor" depends on the child's age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school by obliging children to leave school early (International Labor Organization).

Child protection: Programs, measures and structures to prevent and respond to abuse, exploitation, neglect and violence affecting children in all sectors, contexts and environments.

Child safeguarding: The duty of care and responsibility of private and public organizations to adopt preventative and responsive systems, policies and practices to safeguard from harm and abuse all the children they come into direct and indirect contact within their daily operations and work.

Cyberbullying: It refers to bullying through information and communication technologies, such as, online chat rooms, sexting, Facebook or other social media.

Discrimination: This is understood to mean making statements about, performing acts against or taking decisions about persons, which are offensive to those persons, based on their race, religion, gender, belief or sexual orientation, or making any distinction based on these factors, such as race, religion, etc.

Discriminatory abuse: It includes abuse based on an individual race, gender, disability, faith, sexual orientation, or age; and other forms of harassment, slurs or similar treatment or hate crime. This includes: racist behavior, sexist behavior, harassment based on a person ethnicity, race, culture, sexual orientation, age or disability, other forms of harassment, slurs or similar treatment.

Domestic violence: The term domestic violence is used to include any form of physical, sexual or emotional abuse between people in a close relationship. It can take a number of forms such as physical assault, sexual abuse, rape, threats and intimidation. It may be accompanied by other kinds of intimidation such as degradation, mental and verbal abuse, humiliation, deprivation, systematic criticism and belittling. The term domestic violence includes the term domestic abuse.

Emotional abuse: It occurs when a child, adolescent or vulnerable adult develop need for affection, approval, consistency and security are not met. Examples may include: conditional caring; exposure to violence; inappropriate or abusive material, under or over-protection. It involves harm done by persistent or severe emotional ill-treatment or rejection, such as degrading punishments, threats, bullying, and not giving care and affection. Some level of emotional abuse is involved in all types of maltreatment, though it may occur alone. Emotional abuse can be threats of harm or abandonment; depriving the person of contact; humiliating; blaming; controlling; intimidating; coercing; harassing; verbally abusing; isolating; withdrawing a person from services or support networks.

Exploitation: Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others that are to the detriment of the beneficiaries' physical and mental health,



education, or moral and social-emotional development. It includes, but is not limited to child labor, child trafficking and child sexual exploitation.

Employees: All persons who are employed by HOFOC (full time, part time, international and national and also those engaged on short term contracts, such as, consultants and contractors).

Fraud: The misuse, in any form whatsoever, of data, resources or services that you have in your possession or have access to by virtue of the performance of your duties.

Fundraising: Activities clearly organized and promoted primarily to raise money for the beneficiaries or service-users.

HOFOC: The Hospitaller Order's Fundraising Organizations and Their Counterparts. Any person engaged in their mission including (but not limited to) brothers, employees, volunteers, directors, trustees, consultants, contractors, agency workers, program visitors including journalists/media, celebrities and politicians.

Institutional Abuse: Any system, program, policy, procedure or individual interaction with a person in a service that abuses, neglects or is detrimental to their physical and/or psychological wellbeing. Issues of power/powerlessness are central to institutional abuse. In institutions and residential settings, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the inappropriate use of medications or physical restraints (to hold down or to tie someone), financial abuse/exploitation.

Local counterparts: They are third parties that can execute projects and programmes in cooperation with Hospitaller Order's Fundraising Organizations, in the accomplishment of their mission.

Lotteries: A lottery is a type of game you must pay to enter, in which there is at least one prize and in which prizes are awarded purely by chance.

Minor: It means any person under the age of eighteen, or who is considered by to be the equivalent of a minor.

Neglect: It can be defined in terms of an omission, where a child or vulnerable adult suffers significant harm by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and the failure to access appropriate medical care or treatment or physical and /or psychological needs. Neglect is the failure to the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. This includes: failure to provide adequate food, shelter and clothing; failure to protect a child from physical harm or danger; failure to ensure adequate supervision including the use of inadequate care-givers; failure to ensure access to appropriate medical care or treatment.; ignoring medical or physical care needs; failing to provide access to appropriate health care, social care or education services; misusing medication; inadequate nutrition or heating.

Official visitors: Visitors such as supporters/donors/journalists, who must be required to be familiar with those standards and fulfill the HOFOC Code of Conduct.

Partner: Any external organization or entity working with HOFOC for a specific project/program.

Physical abuse: It is actual or likely physical injury to a child or vulnerable adult such as hitting, kicking or shaking, throwing, burning, scalding, or otherwise causing physical harm. Physical harm may also be caused when a worker or volunteer or any concerned by the HOFOC Code of Conduct fabricates the symptoms of, or deliberately induces illness in a child or vulnerable adult. Physical abuse, as well as being a result of an act can also be caused through omission or the failure to act to protect. The use of physical force against a child that results in harm to the child.

Physically abusive behavior: It includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.



Public collections: It is considered public collections to collect money or sale articles on the public areas, house-to-house or on private lands.

Service-user: Any person attended in HOFOC institutions through programs or services.

Sexual abuse: They occur when an individual uses a child or vulnerable adult for his or her gratification or sexual arousal, or for that of others. Examples of sexual abuse include sexual intercourse with a child or vulnerable adult; intentional touching or molesting of a child or vulnerable adult; exposure of the sexual organs or any sexual act for the purpose of sexual arousal or gratification in the presence of a child or vulnerable adult; forcing; encouraging; requiring or permitting a child or vulnerable adult. The activities may involve physical contact, including assault by penetration (e.g. rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. Sexually abusive behaviors can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography.

Sexual activity: That occurs between an individual and a child or vulnerable adult is not acceptable in any circumstance, regardless of whether he/she may consent or, in the case of a child, if the individual is unaware of the child's age. It includes the inappropriate use of technology and social media; e.g., the storage or dissemination of pornography, the recording or sharing abusive images using technology such as via mobile phone texting, audio, video, images, podcasts, social networking websites and other multimedia or communications platforms.

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including (but not limited to) profiting monetarily (such as pornography), socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

Sexual harassment: This refers to an unwelcome approach in the form of requests for sexual favors or other verbal, non-verbal or physical behavior (including the unsolicited sending or deliberately consulting, in a manner that they are visible to others, of pornographic images or texts, for example through the Internet).

Trafficking: Any child who is recruited, transported, transferred, harbored or received for exploitative reasons is considered to be a victim of trafficking, whether or not they have been forced or deceived. This is because it is not considered possible for children in this situation to give informed consent. Children are trafficked for many reasons, including sexual exploitation, domestic servitude, labor, benefit fraud, forced marriage, begging and involvement in criminal activity such as pick pocketing, theft and working on cannabis farms. They are likely to be subjected to other forms of abuse, as a means of coercing and controlling them. Trafficking is carried out by individual adults and organized crime groups.

Volunteers: They are defined as those who make themselves available free of charge and on a voluntary basis for activities for HOFOC to help to achieve their goals.

Vulnerable person: It means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, even occasionally, limits their ability to understand or to want or otherwise resist the offence.

Vulnerable adult: Vulnerable adult is defined as someone aged 18 years and above, but has been determined by experts to be in need of constant or part-time care due to age, illness or a mental or physical disability.

6. PRINCIPLES FOR ACTION

This Protocol of application tries to offer the way of materializing the solid standard of behaviors that the Code of Conduct establishes, assuring whoever/whichever participates in these processes knows what is



expected of them, monitoring the action of HOFOC and developing a culture of integrity, loyalty, collaboration, respect, transparency and efficiency.

HOFOC are especially committed to collaborating among their stakeholders to get the highest level of ethic and transparency in their actions and the highest level of safeguarding and protection of the beneficiaries and/or service-users they work for, especially children and vulnerable adults.

On the other hand, this policy prevents the possibility of abuse occurring and contain a clear and comprehensive written standars to know what to do in the chance of bad practices. As well, this Protocol of application is committed to the safest possible work practices, providing information about the meaning of the terms that are used, the boundaries of the actions and how to inform, report and respond in case of collision or potential collision with it.

HOFOC work in a variety of geographical and cultural locations with great different in understandings and arrangements for substantial aspects as accountability, transparency or data protection. There are even different understandings of what can constitute forbidden conducts as discrimination, respect, abuse or corruption. This Protocol of application tries to give clear guidance for acting, in ways that are sensitive to different cultures but without condoning practices that can be harmful to the beneficiaries, who must always be safeguarded and protected, or to the own entities.

This Protocol of application establishes a catalogue of mandatory behaviors that allow to apply concretely to the Code of Conduct. In order to clarify them, it will be classified regarding to the main stakeholders affected.

6.1. BEHAVIORS REGARDING TO ENTITIES

- Competition between HOFOC organizations: entities must work in a coordinated way and in a spirit of collaboration, avoiding isolated work and duplication of tasks.
- HOFOC avoid any public criticism or complaint against other organizations without explaining the reasons and indicating the specific institutions or circumstance to which they refer.
- All entities have a duty of accountability, collaboration, efficiency and loyalty. They must provide all kind of information to other members, both financial and non financial one.

6.2. BEHAVIORS REGARDING TO LOCAL COUNTERPARTS

- HOFOC will establish relationships with the local counterparts based on estimation and equity.
- HOFOC will respect the goals of the projects and programmes developed by partner organizations, local counterparts or third parties.
- HOFOC will never attribute to the different legal framework the lack of information about queries, complaints or questions communicated to the Whistleblower Channel, as well as lack of information to the annual report.
- HOFOC will not carry out any public criticism or complaint against other organizations without explaining the reasons and indicating the specific institutions or circumstance to which they refer.

6.3. BEHAVIORS REGARDING TO LOCAL COMMUNITIES AND ITS VARIOUS AGENTS

- HOFOC must respect in all directions local communities in which they develop their projects.
- HOFOC mustn't attack any way cultural and legal standards and values of these societies.
- Strengthening and reinforcing the citizenship will include the fulfill of the laws.



- Mobilizing citizens to denounce, exert pressure, seek and propose alternatives to the injustices that affect the disadvantaged peoples all over the world can't ever suppose that perpetrate any kind of crime.
- Entities can't force anyone to take part in voluntary activities.

6.4. BEHAVIORS REGARDING TO PRIVATE DONORS

- HOFOC will provide donors a complete, correct and accessible explanation of the fundraising purposes, entities, beneficiaries...
- HOFOC will respect the will of donors regarding the final destination of their funds.
- HOFOC can't work with donors whose aims and working methods collide with the Code of Conduct.
- Donors must demonstrate their commitment against rights violations, corruption and bribery.
- Fundraisers mustn't offer financial advices, which are out of their competences.
- Fundraisers must not take donations if believe the donor lacks capacity to make the decision to donate, or it is in vulnerable circumstances in which they can't make an informed decision (learning difficulties stress or anxiety, being under the influence of alcohol or drugs...).
- HOFOC will use donors' personal data only for fundraising purposes, according to the Code of Conduct.
- Fundraising will communicate the goals of the funds and respect the locations they are using for fundraising initiatives.
- For any kind of fundraising activity, all the licenses and permission must be obtained, being completely forbidden to develop activities without this kind of legal documentation.
- It is completely avoided to act dishonestly or manipulatively, to be aggressive, to pressure or to block the public.
- It is completely avoided to criticize or insult other people or organizations.
- Fundraising must respect people's privacy.
- It is completely avoided to mislead anyone, by leaving out information or by being inaccurate, ambiguous or exaggerating details.
- It is completely avoided that fundraising communications contain anything that can offence or distress, particularly taking care of race, age, religion, sex, sexual orientation or disability factors.
- Fundraisers must respect existing donations in favor of others charitable institutions.
- Fundraisers must use phone number easily identified by people receiving fundraising calls.



- HOFOC can develop fundraising lotteries following the gambling regulations, including laws relating to the process of allocating prizes fairly.
- Fundraisers and entities must respect the wishes of the testator and they will never offer financial information, which is not under their competence.
- Fundraisers avoid get involved in drafting an individual's will or accept a personal donation without reporting the situation.
- This Protocol encourage against the money laundering issues.
- Events that incidentally make a profit can't be considered fundraising events.
- To organize fundraising activities or collaborate with external agents for fundraising, campaigns... it will be needed the authorization of the HOFOC's entity which promote them. Only in case of doubt, the Code of Conduct Commission will be consulted.

6.5. BEHAVIORS REGARDING TO PRIVATE COMPANIES

HOFOC will not be associated with any company that encourages and/or promotes the following attitudes:

- consumption of harmful health products such as tobacco or distilled alcohol, with special conditions applicable to contributions in kind in the context of fundraising events targeting adults
- manufacturing of tobacco, having a product base and/or brand identity focused on tobacco and/or smoking-related products (electronic cigarettes, tobacco-branded merchandise...)
- manufacturing or trafficking conventional, nuclear or chemical/biological weapons
- manufacturing or distributing anti-personnel landmines, cluster bombs, missiles, or rockets
- companies directly engaged in gambling operations, excluding national lotteries or other games of chance with charitable objectives
- promoting contents suitable only for individuals aged 18 and up
- companies responsible for human and labor rights violations, environmental abuses or corruption practices

HOFOC, in short, will not be able to collaborate with those companies whose aims and working methods collide with our values.

To collaborate with a private company it will be needed the authorization of the HOFOC's entity which promote them. Only in case of doubt, the Code of Conduct Commission will be consulted.

6.6. BEHAVIORS REGARDING TO PUBLIC BODIES

- HOFOC won't establish any kind of collaboration with the public bodies involved in incidents in relation to human rights, protected of children and vulnerable people, cooperation, corruption or bribery.
- Funding received by public bodies can't suppose a lack of independence and autonomy of HOFOC.
- To collaborate with a private company it will be needed the authorization of the HOFOC's entity which promote them. Only in case of doubt, the Code of Conduct Commission will be consulted.
- To access to public grants is needed to do a prudent risk and dependency model and fill in all the formal documentation that is shall be need in each case.



- All fund or project, public and private, must be included in the HOFOC's annual report.

6.7. BEHAVIORS REGARDING TO STAFF AND VOLUNTEERS

- HOFOC's staff must have contract or the documentation corresponding to support a labor relationship, in each different ways: full time, part time, international and national and also those engaged on short term contracts, such as, consultants and contractors.
- Diverse situations, context and legislation won't ever justify the lack of labor documentation regarding to staff, documentation that must be available for audits and the annual report.
- HOFOC must offer advantageous employment terms and conditions. Salaries and labor conditions must be dignified and according to the law and local situations.
- Staff mustn't be offered compensations based on percentages of contributions and can't accept finder's fees or contingent fees.
- Volunteers can't develop professional positions, substituting staff.
- Volunteers will have the same working conditions regarding to health and safety.
- Under no circumstances are allowed behaviors such as sexual harassment, aggression, violence, discrimination, bribery or corruption.
- It is completely avoided any discrimination or exclusion due to race, sex, nationality or religion or sexual identity and orientation not only above the staff and volunteers but also from them to beneficiaries and/or service-users.
- No abusive, hostile or offensive conduct, whether verbal or physical, shall be tolerated.
- HOFOC must preserve equal access to work, guaranteeing an effective gender equality and that favor the participation of minorities in the institutions.
- All collaborators, both workers or volunteers, will enter in HOFOC through a selection processes. HOFOC must conserve the documentation regarding to all selection processes for the case of audits and the annual report.
- HOFOC must fulfill all the appropriate steps established for recruitment and selection of employees and volunteers.
- It is completely avoided to be staff or volunteer if the person is involved in any incident about human rights, safeguard children or vulnerable people, bribery or any behavior included in the Code of Conduct.
- HOFOC must provide effective supervision, support and training of any staff or volunteer.
- Job advertisements, job descriptions and interviews must include HOFOC's mission, and specially, the safeguarding of vulnerable people and children.



- It is mandatory to provide, at least, one training to all collaborators in the Code of Conduct, main HOFOC policies regarding to vulnerable people and children safeguarding and the legal framework that affect their work.

6.8. BEHAVIORS REGARDING TO BENEFICIARIES AND SERVICE-USERS

- Under no circumstances any beneficiary should be the object of practices of physical and humiliating punishment, behaviors that cause harm of any kind or any form of psychological or emotional abuse.
- HOFOC will not tolerate exploitative or abusive behaviors by anyone associated with the implementation of the work they support.
- The entities will not tolerate exploitative or abusive behavior by anyone associated with the implementation of the supported work.
- It is completely avoided to violate the rights of beneficiaries and service-users attended, specially minors, people with intellectual disability or mental health must be protected.

The entities recognize that the children, women and men to whom they offer their services may be considered more vulnerable to exploitation and abuse than others because of the impact of previous experiences, their level of dependency, structural situation of exclusion, communication needs or other issues, so they must make efforts to eliminate such risks from the programmes, activities and actions managed by them. Beneficiaries of HOFOC's programmes use to become service-users of the Order's socio-sanitary centres and, for all of them, respectful and safeguarding must be an obligation.

For the paramount importance of this point, consecutively it will be described the behaviors completely avoided. No beneficiary, under any circumstances, should be the object of:

- Practices of physical and humiliating punishment, behaviors that cause harm of any kind or any form of psychological or emotional abuse or of the modalities described in the Coded of Conduct and this Protocol.
- Threats related to the possibility of being the object of any of these behaviors.
- Exclusive personal relationships with other children, understanding as exclusive relationship all those activities that are carried out only with a specific minor and that are not carried out with the rest without there being an educational cause for it and that has been agreed upon by the intervening team.
- Inappropriate physical contact, understanding as inappropriate physical contact behaviors such as:
 - Contact with intimate body parts: rear, genitals.
 - Those provided surreptitiously and in a hidden way from the rest of the participants.
 - Maintaining physical contact for longer than required by the situation or activity.
 - Any contact that makes you feel uncomfortable or is liable to be misinterpreted by the recipient or by the rest of the participants.
- Consume in the presence of beneficiaries and/or service-users, specially children, adolescents and people in situation of vulnerability children, during the activities or the permanence in the scope of the activities of the entity or incite the consumption of psychoactive substances, alcohol and/or tobacco.



- Sexualized, erotic or sexually provocative behavior in the presence of children, adolescents and people in a situation of vulnerability
- Sexual relations of any kind with children, adolescents and people in a situation of vulnerability under 18 years of age, including voluntary ones, remunerated in money or in kind or derived from situations of sexual exploitation.
- Sexual relations with people over 18 years of age who are beneficiaries or users of the entity's action. The difference in status between beneficiaries and those responsible for the action is a situation of inequality that can condition relationships. In addition to modifying the perception of the rest of the beneficiaries with respect to both the person responsible and the beneficiary involved.
- Insults, inappropriate or aggressive words in the presence of children, adolescents and people in a situation of vulnerability.
- In different cultural contexts, it is forbidden to use a disrespectful, reckless or unkind language.
- Behaviors, attitudes and/or comments that may incite hatred or stigmatize people who are different for any reason.
- Violent, hostile or threatening behavior, on a physical and verbal level.
- Acceptance, encouragement and/or tolerated violent behaviors between beneficiaries and/or service-users, specially children, adolescents or people in a situation of vulnerability (between equals) or ascending or descending (adult-child / child-adult) and dynamics based on the imbalance of physical, mental and / or emotional.
- Permission, promotion and/or encouragement the consumption, access and/or exposure to live and/or multimedia content that is potentially or really harmful and that may cause harm to beneficiaries and/or service-users, specially children, adolescents and people in situation of vulnerability.
- Insult, humiliate, ridicule, put nicknames, yell.
- Threatening physically and / or verbally.
- Hit, shake, pinch.
- Blackmailing with tangible (goals, toys, food ...) or intangible (activities) or emotional compensation; handle.
- Isolate (physically and socially).
- Hazing and / or initiation rites.
- Use of violence (physical, psychological or emotional) as a behavioral control strategy.
- Do not invite unaccompanied beneficiaries and/or service-users, specially children, adolescents and people in situation of vulnerability home, unless they are in imminent risk of injury or physical risk. In this case, and once the safety has been guaranteed, immediately notify the Security Forces and Bodies.



- Personal contact with beneficiaries and/or service-users, specially children, adolescents and people in situation of vulnerability outside the entity's activities unless it coincides with them coincidentally, by residence or daily issues.
- Labor relations will not be established with the beneficiaries or their families and / or caregivers.
- Imposing and threatening behavior as much as possible to get beneficiaries and/or service-users to do what we want him to do.
- Any relationship likely to interfere with the proper development of beneficiaries and/or service-users, specially children, adolescents and people in situation of vulnerability children and/or the activities carried out by the entity.
- Not providing contact information with children, adolescents, people in a situation of vulnerability and/or their families to third parties without their authorization.
- Other manifestations of abuse:
 - Denigrating treatment.
 - Ignore, reject, ignore.
 - Slavery, servility.
 - Not respecting their right to privacy and to their own image.
 - Not adequately attending to the specific needs of the person.
 - Exercise against her any form of sexual violence and sexual abuse.
 - Coercion to exercise prostitution.
 - Coercion for the production of multimedia content of sexual abuse (child pornography).
 - Exposure to inappropriate sexual content.
 - Induction to prostitution and inappropriate sexual practices.

7. GUIDELINES TO IMPLEMENT THE CODE OF CONDUCT

As it is said in **3. SCOPE OF APPLICATION**, the HOFOC Code of Conduct is mandatory for

- HOFOC's members
- staff and volunteers who work for them
- all people and institutions who contribute to the achievement of HOFOC's goals and participate directly or indirectly in their activities
- all provinces, delegations and socio-sanitary centres of the Order

Whoever/whichever subscribes to the Code of Conduct, people or entity, must comply it and notify the actions that can violate it, understanding both behaviors are an ethical and legal obligation.

HOFOC establish five tools to implement the Code of Conduct and prevent of misconducts:

- Selection procedures of collaborators
- Training in the HOFOC standards of conduct
- Communication channels
- Whistleblower Channel
- Code of Conduct Commission



7.1. SELECTION PROCEDURES OF COLLABORATORS

Specially important for HOFOC are the selection processes of staff and volunteers because of the vulnerable condition of people there are going to work with or for. HOFOC will ensure that appropriate steps are taken during recruitment and selection of employees and volunteers, to secure that issues relating to these ethical principles and values and to safeguarding children and vulnerable adults are particularly considered and addressed.

The entities must have comprehensive recruitment and selection procedures that reflect best practices and ensure that staff who are being recruited have the required skills and attributes to satisfactorily discharge the responsibilities of the job. Staff and volunteers must be provided with effective supervision, support and training.

In all job advertisements, job descriptions and interviews must be highlighted the aims of HOFOC to collect funds that improve the quality of the life of vulnerable people and to intervene with them for protecting against risks of exploitation and abuse.

In order to ensure all people is aware of the sensitive people and cause they are going to work or collaborate for, in the recruitment processes, the candidates to be hire or volunteers must be given, must read and must sign, at least, the main ethics policies of the HOFOC's entity, the Code of Conduct and the Whistleblower Channel Procedure, assuming the commitment to fulfill them.

All collaborators must adhere to the principles and requirements contained in the Code of Conduct and procure that other individuals or groups that act on behalf of HOFOC do likewise.

The selection procedures are responsible of each HOFOC's entity but they must guarantee that the abovementioned policies are included and signed, reporting semiannually the relation of collaborator's signatures' forms.

7.2. TRAINING IN THE HOFOC STANDARDS OF CONDUCT

Beyond this, motivation and continuous training of their collaborators, whether they are contracted people or volunteers is basic to assure all of them understand the responsibility of their work. It is crucial that all involved recognize forbidden conducts as exploitation and abuse in any form (physical, sexual, emotional or neglect), as well as bad practices in fundraising, so they must be formed in training programmes. It is essential that all collaborators be aware of the child and vulnerable adult safeguarding standards and ethical criteria of the entities' performance, and their obligations to implement them.

Depending on the role of each collaborator, different levels of training will be provided. Basically, the Code of Conduct Commission will be responsible of offering the guidelines of two kind of training:

- For people who already work and collaborate with HOFOC's entities, counterparts and third parties, the Code of Commission will offered a basic online training focus on the Code of Conduct, this Protocol, the Whistleblower Channel Procedure and the safeguarding beneficiaries and service-users HOFOC's policies.
- For all new collaborators, beyond the obligation of reading and signing the Code of Conduct and the Whistleblower Channel Procedure abovementioned, the entities must have an holistic Induction Programme to ensure that they are fully aware of the standards of ethic they have to maintain, the kind of care expected from them, national and local policies in relation to the Code and the developed of its work, HOFOC's structures and main policies.



This training could be online or presential depending on the context and needs. As it is said, the Code of Conduct Commission will offer the guidelines and basic material for the training and any HOFOC's entity must guarantee all their collaborators do the training, reporting semiannually the relation of people formed.

HOFOC is responsible for making conscious all collaborators about its Code of Conduct and the existing mechanisms to report incidents, for knowing the actions to be taken if any kind of conduct against this Code is suspected or alleged.

Collaborators must have a good understanding of this Code and the Protocol that develops it, procedures, regulation and other requirements that apply to their work, and must ask their superior for help whenever necessary.

7.3. COMMUNICATION CHANNELS

This Code is written in a clear and easily understandable way. It must be published, promoted and widely distributed, using all the communication channels than the organizations have.

All relevant documentation, as the Code and this Protocol, accompanying guides and forms, will be accessible for all stakeholders through the different communication channels that the entities have:

- Webs
- Physical blackboards in hospitals and work centres
- Physical blackboards in public and common areas in HOFOC's offices

It is mandatory for the HOFOC's entities to translate the Code of Conduct, this Protocol of application and the Whistleblower Channel Procedure in the languages used in countries concerned by them, as well as try to make all involved known them properly.

7.4. WHISTLEBLOWER CHANNEL

The Whistleblower Channel is the mechanism for HOFOC's stakeholders to communicate legitimate incidents, suggestions, complaints, concerns or queries that can collision with the Code of Conduct or reflected behaviors and/or actions against the ethical principles it establishes.

The Code of Conduct Commission is responsible of managing, monitoring, responding and reporting the Whistleblower Channel's activity.

The Whistleblower Channel will be:

- Physical mailboxes easily accessible for all stakeholders, specially staff, volunteers, beneficiaries and customer-users in sociosanitary centres, HOFOC's offices, Sant John of Gods centres... The Whistleblower form must be deposit in it in order to open the Whistleblower Channel Procedure. SAPA Curia will appoint a person in each centre to manage the mailboxes, and this person will be the same that helps illiterate people to can understand and apply the Code. The responsible of the physical mailbox in each centre can be the Hospital Matron, the superior of the brothers community the Designated Safeguarding Person (DSP).

It is important to highlight that the responsible of the physical mailbox in each center must not only attend the mailbox but also being the reference for those illiterate or those who want to report an incident directly. Because of that it must be a person with interpersonal skills, respected in the SJG center and the community and with in-depth knowledge of the local context.



- An email address, cochofoc@hofoc.org, a secure communication channel to report questions, complaints and/or concerns that are related to the principles and commitments set forth in the Code of Conduct, as well as any irregular situation and unethical behavior or conduct.

Any stakeholders who knows or has a well-founded suspicion of any failure to comply with the Code of Conduct must report it to the Code of Conduct Commission through the Whistleblower Channel. Third parties such as visitors or consultants are equally obliged to report anything of concern that comes to their knowledge.

Failure to report such matters may result in disciplinary action. That incident can be recent or historical. There are no time constraints for reporting of not recent complaints and allegations. To gather information can't be an excuse not to denounce the incident to the Code of Conduct Commission.

No member, coworker or concerned by this Code shall be penalized for reporting a suspected incident if it is later discovered to be false, if the reporting is done in good faith. The sender may remain anonymous and will be protected against any retaliation. On the other hand, disciplinary measures will be taken against any person who reports an incident falsely.

In a no limitative way, it must be reported:

- violations of this Code and the law including issues relating to bribery and corruption, fraud, financial crime, harassment and discrimination, protection of personal data, rights and protection of children and vulnerable adults
- all conduct included in this Code as forbidden conducts
- misappropriation or diversion of resources
- fraudulent diversion of goods or properties belonging to HOFOC
- discriminatory behavior based on race, national origin, religion, alienage, sex, sexual orientation or disability
- lack of accounting
- commercial and financial transaction contrary to generally accepted accounting practices
- abusive, hostile or offensive behavior
- falsification of documents
- conflict of interests
- breach of agreements with third parties

All communications incidents, suggestions, complaints, concerns or queries received through the Whistleblower Channel, including any relevant documents, shall be confidential. Additionally, all the processes, from the beginning to the end, will be absolutely confidential and safe.

Of paramount importance is to include in the annual report the incidents happened for conducts against the Code of Conduct, safeguarding the personal data protection.

The Whistleblower Channel is exhaustively described in the Whistleblower Channel Procedure.

7.5. CODE OF CONDUCT COMMISSION

The Code of Conduct Commission is an advisory body whose purpose is to safeguard compliance with the ethical principles set up in the Code of Conduct and to point out ways forward.

Main duties of the Code of Conduct Commission are:

- Solve the questions communicated through the Whistleblower Channel
- Investigate and resolve the incidents, suggestions, complaints and concerns and establish



disciplinary measures

- Interpret the Code in case of doubts
- Review the annual HOFOC report on compliance with the standards of conduct and values included in the Code
- Propose measures and actions to enhance an ethical culture in HOFOC, as the mandatory training
- Make recommendations for improving the Code and the Protocol
- Boost the transparency and accountability in HOFOC
- Update the Code of Conduct, the Code of Conduct Protocol and the Whistleblower Channel Procedure
- Monitoring, responding and reporting the KPI of the Whistleblower Channel

The Code of Conduct Commission is formed by five members, but each member should nominate a deputy in case of absence. These five members will be:

1. The Provincial of St. Augustine Province (SAPA)
2. HospitaalBroeders Director / Saint John of God Foundation Director / Juan Ciudad ONGD Director rotative (1 year each one, beginning the first year HospitaalBroeders representant)
3. Secular staff member of St. Augustine Province (SAPA) with experience and understanding of safeguarding issues
4. UMICOI Director
5. A safeguarding external advisor, expert in understanding safeguarding in the context of the projects and with a strength previous relationship with SAPA Institutions

It must be ensured a balanced participation by the different entities and a great representation of all realities, cultures, geographies, professions, genders, labor seniority and ages that live together in HOFOC. In this way, it is paramount to comply with gender equality policies, therefore Commission should be balanced between men and women. At least there has to be 2 or 3 women.

It must be ensured a balanced participation by the different entities and a great representation of all realities, cultures, geographies, professions, genders, labor seniority and ages that live together in HOFOC.

Committee members may lose their status for any of the following causes:

- At the request of the interested
- Due to cessation of professional activity
- By final resolution that entails the disqualification or suspension functions, for the duration of the disqualification or suspension
- By decision of the Committee

In that case, the member will be replaced in a period of two months.

The meetings will be formally shaped with five of the seven members.

One of these members must be the secretary of the Commission, with the following duties:

- convene the meetings
- collect the documentation
- do the meeting reports
- communicate, in charge of the Commission, the decisions.

Their work shall not be remunerated, except in respect of any expenses incurred.

The members of the Code of Conduct Commission shall maintain the strict secrecy of the information to



which they have access in order to exercise their duties: examined documentation, content of investigations and discussions and decisions taken. In addition, they have a specially strong commitment to the duty of confidentiality of the personal data involved in the processes, continuing to observe it after the end of their period.

Upon receiving their appointment, each member of the Code of Conduct Commission will provide a signed declaration assuming the duty of discretion and confidentiality.

The Code of Conduct Commission must be created within a maximum of three months since the adoption of the Code.

Its members shall be appointed by HOFOC for a three-year period and can only be re-elected once.

The Code of Conduct Commission will meet up once every two months telematically. Anyway, if any circumstance demands to gather the Commission, that can be applied for any of the members.

The members can't delegate their votes to other members. All of them worth the same.

The processes must be solved in a maximum of six month.

The decisions can be adopted by the positive vote of two-thirds of the members.

Each meeting will have, mandatory, a meeting reported, approved and signed for all the members.

Violations of the Code of Conduct constitute a work-related offence, which will be appropriately treated, irrespective of other liabilities that people involved may have assumed. Collaborators with knowledge or a well-founded suspicion of any failure to comply the Code of Conduct must notify directly reporting it to the Code of Conduct Commission through the Whistleblower Channel. The Commission will take the actions necessary to solve incidents and to prevent conducts against the ethical and the values of the Code.

Additionally, if a person who provides services to the entity as an employee, volunteer or collaborator is accused by third parties of any conduct that violates the Code of Conduct, the Code of Conduct Commission must immediately be informed.

Different kind of measures for prevention, control, action and reparation that make possible to fight against abuse, harassment, fraud, exploitation, sexual, any form of threat, punishment or intimidation and any other nature, not only above the beneficiaries and/or service-users but also above the collaborators will be established and adopted by the Code of Conduct Commission depending on the seriousness of the behavior.

Any action aimed at modifying or extinguishing inappropriate behavior or establishing a limit must be carried out by the Code of Conduct Commission in a pedagogical way:

- explaining the reasons
- establishing the maximum possible agreement with the affected person
- must be aimed at understanding and facilitating appropriate conduct

It is needed to clearly state when and how the measures will be extinguished and the situation prior to the inappropriate behavior will be restored.

Disciplinary measures, depending on the level of gravity of the misconduct, can be:

- Small faults
 - written communication
 - change of the functions



- Serious misconducts
 - change of the position
 - change of the working team
 - change of the functions
 - work stoppage during a period established in the resolution of the Code of Conduct Commission
- Very serious faults
 - change of the position
 - change of the working team
 - change of the functions
 - work stoppage during a period established in the resolution of the Code of Conduct Commission
 - dismissal

These measures must be:

- Appropriate
- Necessary
- Proportional
- Possible
- According to the law
- Confidential
- Respectful of the rights of the person or people involved
- Focus on improving and repaired

In relation to the annual report and the performance of the Whistleblower Channel, the Code of Conduct Commission establish some KPI to evaluate their own performance and how the ethic, accountability and collaboration culture is permeating the HOFOC's organizations and behaviors. These KPI are:

- Number of incidents, suggestions, complaints, concerns or queries received
- Number of incidents, suggestions, complaints, concerns or queries solved
- Number of small faults
- Number of serious misconducts
- Number of very serious faults
- Duration for solving the processes
- People formed in Code of Conduct

8. ROLES AND RESPONSIBILITY

All concerned by this Code of Conduct have a shared responsibility to fulfill it, follow the ethics lines that it establishes and safeguard and protect the rights and dignity of all beneficiaries and service-users, especially children and vulnerable adults.

Main obligations in relation to the Code are:

- Duty of fulfillment the Code, the Code of Conduct Protocol and the Whistleblower Channel Procedure
- Duty of communicate the Code whoever/whichever could be in relation to HOFOC's work
- Duty of communicate any changes in legislations and laws that can affected the Code, the Protocol that develops it and/or the Whistleblower Channel Procedure
- Duty of reporting, responding and monitoring the fulfillment of the Code



- Duty to report any suspected bad practices or incident against this Code through the Whistleblower Channel Procedure
- Duty of identify, analyze and evaluate hazards and risk factors that have the potential to cause harm and determine appropriate ways to eliminate or control them when they cannot be eliminated
- Duty of preparing and providing the necessary information and training for the Code compliance

However, different roles in HOFOC have diverse levels of accountability, responsibility, monitoring, reporting and responding, levels here below described and established:

Role	Responsibility
All employees & representatives HOFOC	To know the Code of Conduct, Protocol of application and Whistleblower Channel Procedure. To ensure the Code of Conduct, Protocol of application and Whistleblower Channel are implemented and that best practices described in them are incorporated into their work.
All managers HOFOC	To communicate properly, using different channels adapted to diverse stakeholders, the Code of Conduct, Protocol of application and Whistleblower Channel Procedure. To monitor the work in organizations in order to ensure the Code of Conduct, Protocol of application and Whistleblower Channel are fulfilled. To promote awareness and good practice in preventing sexual exploitation and abuse of children perpetrated by employees, volunteers, consultants, partners or other representatives in the course of their work and to be first point of contact in relation to safeguarding issues.
Human Resources HOFOC and any staff involved in recruitment	To ensure that the recruitment of all new HOFOC staff involves strict adherence to the Code of Conduct, Protocol of application and Whistleblower Channel Procedure and that all new staff understand and sign up the Code as part of induction.
HOFOC Board of Directors	To monitor the implementation of the Code of Conduct Protocol. To provide reasonable measures to make the teams know the Code of Conduct, Protocol of application and Whistleblower Channel. To support the development of systems and procedures to meet safeguarding and ethical standards. To manage and preliminary investigation of a sensitive issue. To communicate the Code of Conduct Commission the incidents. To stop inadequate behaviors while investigations are developed. To adopt transitory disciplinary measures while investigations are developed. To enhance the confidentiality of the processes. To inform about changes in legislation that can affect the Code of Conduct, Protocol of application and Whistleblower Channel Procedure.



These roles have to be congruent with the different positions that exist in some HOFOC as Designated Safeguarding Person (DSP) or Safeguarding Oversight Committee (SOC), that supposed a reinforcement of the abovementioned ones.

Beyond this, all employees and voluntaries have a duty to report any suspected incident of exploitation or abuse of any beneficiary and/or service-user, specially child, adolescent and vulnerable people.

9. HANDLING AND ETHICAL COMMUNICATION

This Code is written in a clear and easily understandable way. It must be published, promoted and widely distributed, using all the communication channels than the organizations have: a short physical extract of it will be shown in all Sant John of God centres, in an accessible space that facilitate the reading and comprehension. In HOFOC's entities with online channels as web, it will be a special space to divulgate this Code and the Code of Conduct Procedure, as well as the Whistleblower Channel Procedure.

It is mandatory for all involved by this Code to know it, so HOFOC's organizations, staff and volunteers must do everything possible to divulgate it. In the case of people who can't read, any HOFOC's personal must read and make possible the comprehension of its contents. As well, the Code of Conduct must be translated in the most popular languages of each country involved.

This Code must be approved and signed by the relevant management/governance bodies of HOFOC, all workers and voluntaries and each new collaborator incorporated. The Code will be signed in the mandatory course of Code of Conduct that all the collaborators must done.

Regarding to the beneficiaries, in case of images or recording stories of the beneficiaries, written consent and permission must be sought from them, parent or guardian if they are minors, in particular, before children and vulnerable adults are photographed or interviewed. National and international regulations of data protection must be followed.

All fundraising activities must be truthful and avoid misleading messages, correctly describe the identity of the organization, not request donations for those actions to which the organization will not be able to respond adequately and avoid the use of pressure or blaming tactics.

If any recorded story or image of the beneficiaries or service-users is going to be used for marketing, fundraising or information purpose, they must be used representing a broad range of people, gender, age groups, abilities and ethnic groups, being careful not to reveal too much detail such as a person's address, their interests, etc.

Positive approach to HOFOC's goals must be given in case of photograph or record the beneficiaries and/or service-users. Entities will follow, additionally, the images and messages corporate policies.

10. VALIDITY

This Code of Conduct Protocol will be updated when needs, by the Code of Conduct Commission, and at minimum, annually.

At most, it can be in force three years. Every three years, it must be reviewed by the Code of Conduct Commission, in order to update it according to the current regulation or the situations and needs of people and institutions affected by it.