

Prevention of Sexual Exploitation & Abuse (PSEA) Policy

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1.0	Final Draft	21/03/2019	Nina von Stebut	Board	New Policy

Related Policies

- Code of Conduct
- Complaints Policy & Procedure
- Child Safeguarding Policy & Procedures
- Whistleblowing Policy & Procedure
- Workplace Discrimination & Harassment Policy
- Recruitment Policy

Introduction

ChildFund's People operate in a privileged position of trust and are often working with children and other community members who are in less powerful and vulnerable situations. ChildFund Australia (ChildFund) recognises the serious obligation it holds to do everything possible to respect and protect the children and adults with whom it works. Sexual exploitation and abuse of the very children we aim to protect, or vulnerable adults in communities, are among the most grievous ways that ChildFund can fail in its mission. This policy sets out the expectations, systems and processes aimed at preventing sexual exploitation and abuse of children and other community members, as well as the actions that will ensue if incidents of sexual exploitation or abuse are identified.

Policy Statement

ChildFund categorically prohibits, and has zero tolerance for, any actions by its People that constitute sexual exploitation or abuse of children and adults. ChildFund's People have a strict obligation to take all possible steps to strengthen protection, prevent sexual exploitation and abuse, and to promote the rights of children and other community members with whom we work. If a ChildFund Person acts in a way that is sexually exploitative or abusive, immediate steps will be taken to protect and support those affected, and to impose disciplinary action as outlined in this Policy and the related Procedure, including referral to law enforcement agencies as appropriate.

This Policy should be read in conjunction with the ChildFund Child Safeguarding Policy and related Procedure.

Scope

This Policy and Procedure applies to All People.

Exclusions

Nil.

Objectives

This Policy outlines:

- What is defined as sexual exploitation and abuse;
- ChildFund's approach to preventing sexual exploitation and abuse and our commitment to the safety of children and adults with whom we work;
- ChildFund's expectations of Our People;
- The consequences in the case of identified policy breaches.

Definitions

People/Person refers to all employees, interns, volunteers, Board members, contractors, consultants, partners, suppliers and service providers.

Partners refers to organisations that ChildFund works with in the delivery of project or country services.

Staff refers to permanent or contract employees of ChildFund.

Child/Children (sometimes referred to as ChildFund “beneficiaries”). A child is any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Vulnerable Adults are defined as:

- those aged over 18 years
- who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

Sexual Exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, included but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another (*from the United Nations Secretary General’s Bulletin: Special measures for the protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*).

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (*from the United Nations Secretary General’s Bulletin: Special measures for the protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*).

Sexual Exploitation and Abuse incorporates the definitions of “Sexual Exploitation” and “Sexual Abuse” as defined above and refers to Children as well as to Vulnerable Adults.

Child Exploitation and Abuse involves one or more of the following:

- a) **Physical Abuse** – the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling or poisoning;
- b) **Emotional Abuse** – a continuing pattern of inappropriate verbal or symbolic acts toward a child or failure over time to provide a child with adequate nurturing and emotional availability. Emotionally abusive behaviour includes threats, rejection, isolation, belittling, and name calling.
- c) **Neglect** – the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for the child’s physical and emotional development and well-being.
- d) **Child Sexual Abuse** – the use of power or authority to involve a child in sexual activity by an adult or significantly older child or adolescent. Sexually abusive behaviours can include touching genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, and exposing the child to sex or pornography.
- e) **Grooming** – generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. This can occur in person or through electronic equipment. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship by encouraging romantic feelings or exposing the child to sexual concepts through pornography.

Workplace is the business location where the Staff usually undertake work activities, or where they are working remotely undertaking work activities (for example, undertaking a field visit or overseeing a program at a partner’s location). This includes working outside usual business hours and any work-related events including conferences and social events either at the usual business location or an external location.

Policy Principles

ChildFund adapts and applies the core principles as defined by the UN Secretary-General (ST/SGB/2003/13):

1. Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
2. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance/program participants.
3. ChildFund People are typically in a position of power in relation to beneficiaries of assistance/program participants. Any actual or attempted abuse of this power for sexual purposes is exploitative, undermines the credibility and integrity of the work of ChildFund, and is prohibited.
4. Where a ChildFund Person develops concerns or suspicions regarding Sexual Exploitation or Abuse by someone, whether in the same agency or not and whether or not within ChildFund, he or she must immediately report such concerns via established reporting mechanisms.
5. ChildFund People are obliged to help create and maintain an environment that prevents Sexual Exploitation and Abuse. ChildFund managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

Sexual Exploitation and Abuse by ChildFund People constitute acts of serious misconduct and are therefore grounds for termination of employment, or professional relationship severing in the case of non-employees, and may require referral to law enforcement agencies.

Policy in Action

Reporting incidents or concerns

Any ChildFund Person having reasonable grounds to suspect that Sexual Exploitation or Abuse has occurred has an obligation to report the matter immediately to their Manager, Country Director, Head of POD or an Executive Team Member.

Children, vulnerable adults, other community members or any other external person is strongly encouraged to immediately notify a ChildFund Person if they, or someone they know, is thought to have been the victim of Sexual Exploitation or Abuse perpetrated by a ChildFund Person.

The process for receiving and managing allegations and concerns under this Policy will be according to ChildFund's Complaints Policy and Procedure.

Confidentiality

Sexual Exploitation and Abuse instances raised under this Policy will be treated confidentially. However, when an incident is identified it may be necessary to reveal its substance to people such as other ChildFund personnel, external persons involved in the investigation process or law enforcement agencies.

Where there is a suspicion of criminal offence, the matter should be immediately reported to the appropriate law enforcement agency and any action by ChildFund will be guided by such an agency.

ChildFund will take reasonable precautions to store any records or files relating to a matter of Sexual Exploitation and Abuse securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to a matter will be taken seriously and may result in disciplinary action, which may include dismissal.

Governance and management responsibilities

1. Management will include in the organisational risk review process, identification of risks relating to PSEA and actions to mitigate such risks.
2. ChildFund's standards on Sexual Exploitation and Abuse are to be included in induction materials and related training courses for ChildFund's People. Heads of Sydney Departments and Country Directors are responsible for ensuring that our Partners are aware of our expectations in regards to this policy and will highlight that any failure on their part to report or take action where Sexual Exploitation or Abuse has occurred shall constitute grounds for the termination of any Agreement or partnership with ChildFund. Contracts and Agreements with Partners will reflect this expectation in compliance with our commitment to PSEA.
3. People and Organisational Development (POD) managers are responsible for implementing robust recruitment and hiring practices to screen candidates and such screening will be especially rigorous for any roles that have direct or indirect contact with Children. This includes use of background and criminal reference checks along with targeted and objective reference checking.
4. The Executive Team and Country/ Regional Directors are responsible for implementing ChildFund's Complaints Policy and Procedure and ensuring this is accessible for reporting any instances of Sexual Exploitation and Abuse.
5. The Executive Team is responsible for reporting all incidents arising under this Policy to the ChildFund Australia Board.
6. All ChildFund managers are responsible for taking appropriate action to ensure that retaliatory actions are not taken against the victim or reporter.
7. The Executive Team and Head of POD are responsible for managing organisational investigations of allegations of Sexual Exploitation and Abuse. All investigations will be conducted in a timely and professional manner. ChildFund may utilise the services of external experts to support any such investigation.
8. The Executive Team and Head of POD will take swift and appropriate action in relation to People who commit Sexual Exploitation and Abuse. This may include suspension while investigations are conducted; disciplinary action including dismissal; and/or referral to relevant external authorities including referral to law enforcement agencies in the event of suspected criminal action.
9. Wherever possible Heads of Sydney Departments and Country Directors will provide or arrange support to victims of Sexual Exploitation and Abuse. This may include assistance with medical/health treatment, counselling, referral or legal support.
10. The Executive Team and Country Directors are responsible for regularly informing our People, Partners and communities on measures taken to prevent and respond to Sexual Exploitation and Abuse. Such information should be developed and disseminated in country in cooperation with other relevant agencies and should include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.
11. The ChildFund Australia Board has overall responsibility for this Policy. The Board will review reported incidents and will periodically review the systems and processes in order to continually strengthen the organisation's approach to the prevention of sexual exploitation and abuse.

Conduct of ChildFund's People

ChildFund's Code of Conduct sets out core expectations of ChildFund's People including respectful relationships, non-exploitative behaviour and child safeguarding. More detailed expectations on child safeguarding are included in the Child Safeguarding Policy and related procedures.

The PSEA Policy provides below more detail about the expectations of our People concerning the prevention and reporting of Sexual Exploitation and Abuse.

Any violation of these expectations is a serious breach of policy and may result in disciplinary action, including termination for our Staff, interns, volunteers, directors, contractors and consultants, and could lead to the cessation of any partnership agreement with our Partners. Criminal behaviour will be reported to law enforcement agencies.

ChildFund People:

- Will not request any service or sexual favour from Children or Vulnerable Adults in return for protection or assistance and will not engage in sexually exploitative or abusive relationships.
- Will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Will not engage in sexual activity with any Child regardless of the local age of consent in the country in which the Person works. Ignorance or mistaken belief of the Child's age is not a defence.
- Will not participate in or support any form of Sexual Exploitation or Abuse activity including, for example, child pornography or people trafficking.
- Will treat all beneficiaries with respect and not use language or behave towards them in an inappropriate way, harassing, abusing, sexually provocative, demeaning or culturally inappropriate manner.
- Will not hire Children for domestic labour or other work which is inappropriate given their age or mental capability, which interferes with their time available for education and recreational activities or which places them at risk of injury.
- Will immediately report any concerns or suspicions regarding possible violations of this Policy via the defined reporting approach within the Child Safeguarding Procedures, Complaints Policy and Procedure or the Whistleblower Policy and Procedure. Failure to report such conduct could lead to disciplinary action.
- Will take all reasonable steps commensurate with their role to prevent, oppose and combat all Sexual Exploitation and Abuse.
- Will, wherever possible, work with another adult present when working directly with Children.
- Will immediately disclose charges, convictions and other outcomes of an offence that relates to Sexual Exploitation or Abuse including those that may be acceptable under traditional law.
- Will always strive to create and maintain an environment that promotes adherence to and implementation of this Policy.

Summary of roles and responsibilities

Heads of Sydney Departments and Country Directors will:

- Ensure child safe recruitment, including screening of all Staff.
- Monitor and ensure compliance with this Policy, Staff Code of Conduct, Child Safeguarding Policy and all other Policies.
- Induct new staff, including information and training on Sexual Exploitation and Abuse prevention.
- Arrange regular Sexual Exploitation and Abuse prevention refresher training.
- Conduct screening and risk assessment of partners.
- Ensure monitoring and supervision of interactions between supporters and children/communities.
- Undertake Sexual Exploitation and Abuse risk assessment as part of program design.
- Monitor Sexual Exploitation and Abuse risks during program implementation.
- Undertake humanitarian response in accordance with the UN Global Protection Cluster's Minimum Standards for Sexual Exploitation and Abuse prevention in Emergencies.
- Ensure information held about Children and Vulnerable Adults is safely stored.
- Report to authorities suspected or known instances of Sexual Exploitation and Abuse in line with our procedures.

All ChildFund People will:

- Ensure compliance with this Policy, Staff Code of Conduct, Child Safeguarding Policy and all other applicable Policies.
- Follow the Sexual Exploitation and Abuse prevention Procedures.
- Be alert to Sexual Exploitation and Abuse risks and incidents in their work and activities.
- Identify and seek continued understanding of Sexual Exploitation and Abuse prevention through training.
- For our Partners, ensure that staff and associated personnel are aware of ChildFund's Policy and uphold this Policy and Procedures.

Our Country Directors will, in addition to the above:

- Ensure this Policy is easily accessible to Staff, Children and Vulnerable Adults in the local applicable language/s.
- Ensure that culturally appropriate community-based complaint and reporting mechanisms are in place and any such complaint is immediately acted upon in accordance with ChildFund procedures.
- Ensure that appropriate support actions are initiated for any victims in accordance with this Policy.

Raising concerns and incidents

The process for receiving and managing allegations and concerns under this Policy will be guided by ChildFund's Complaints Policy & Procedure, with the following additional considerations:

- All ChildFund People have an obligation to immediately report incidents of Sexual Exploitation or Abuse to their Manager, Country Director, Head of POD or an Executive Team Member.
- The Executive Team and/or Head of POD will manage organisational investigations of allegations of Sexual Exploitation and Abuse.
- Matters that involve suspected criminal behaviour will be referred to appropriate law enforcement agencies.
- Swift and appropriate action will be taken in relation to ChildFund People who commit Sexual Exploitation and Abuse. This may include suspension while investigations are conducted; disciplinary action including dismissal; and/or referral to relevant external authorities.
- Incidents will be reported to the ChildFund Australia Board; DFAT and other external agency if required.
- Wherever possible, Heads of Sydney Departments and Country Directors will provide or arrange support to victims of Sexual Exploitation and Abuse.