

# Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH) Policy

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## Document Control

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|--------------------|-------------|
| Version number     | 2.1         |
| Date               | August 2021 |
| Next Revision Date | August 2024 |
| File Path          | Bamboo HR   |

## Revision History

| Version Number | Status | Date       | Author          | Authorised By | Remarks       |
|----------------|--------|------------|-----------------|---------------|---------------|
| 1.0            | Policy | 21/3/2019  | Nina von Stebut | Board         | New Policy    |
| 2.0            | Policy | 26/7/2019  | Nina von Stebut | Board         | Review (DFAT) |
| 2.1            | Policy | 20/08/2021 | Nina von Stebut | CEO           | Review        |

## Related Policies

- Organisational Code of Conduct
- Complaints Policy & Procedure
- Child Safeguarding Policy & Procedures
- Whistleblowing Policy & Procedure
- Organisational Inclusion Policy
- Recruitment Practices (Employee Handbook)

## 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.

The Child Safeguarding Policy and Procedures sets out expectations, systems and processes aimed at preventing all abuse of children, including sexual exploitation, abuse, and harassment. The Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy sets out the expectations, systems and processes aimed at preventing sexual exploitation of other people we work with such as vulnerable adults and community members, as well as the actions that will ensue if incidents of sexual exploitation, abuse and harassment are identified.

The Organisational Inclusion Policy relates to harassment within the workplace, between staff. The Harassment in this policy relates to people outside the organisation who may be the target of harassment by staff of the organisation.

## Policy Statement

ChildFund categorically prohibits, and has zero tolerance for, any actions by its People that constitute sexual exploitation, abuse or harassment 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. Action will include referral to law enforcement agencies, while considering risks to those who have been affected.

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

## Scope

This Policy applies to all People as defined below and meaning all those engaged with ChildFund's work including employees, interns, volunteers, Board members, contractors, consultants, partners, suppliers and service providers.

## Exclusions

Nil.

## Objectives

This Policy outlines:

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

## Definitions

**People/Person** refers to all employees, interns, volunteers, Board members, contractors, consultants, partners, ambassadors, 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.

**Fraternisation** refers to any relationship occurring while conducting ChildFund business, that involves — or appears to involve — partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

**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 Harassment** means the unwelcome sexual advance, or an unwelcome request for sexual favours, from one person to another, or the engagement in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical, or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel (*from Australian Government Department of Foreign Affairs and Trade, Prevention of Sexual Exploitation, Abuse and Harassment Policy, 2019*). The sexual harassment of staff and personnel within ChildFund is covered in the Workplace Discrimination and Assessment Policy.

**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 (further details are in the Child Safeguarding Policy).
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, Abuse or Harassment by someone, whether in the same agency or not and whether within ChildFund, he or she must immediately report such concerns via established reporting mechanisms.
5. Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility. ChildFund People are obliged to help create and maintain an environment that prevents Sexual Exploitation, Abuse and Harassment. ChildFund managers at all levels have a particular responsibility to support and develop systems that maintain this environment.
6. Zero tolerance of inaction of incidents of Sexual Exploitation, Abuse and Harassment is core to ChildFund.
7. Sexual Exploitation, Abuse and Harassment by ChildFund People is never acceptable and 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

1. Any ChildFund Person having reasonable grounds to suspect that Sexual Exploitation, Abuse or Harassment has occurred is mandated to report the matter immediately (within 24 hours) to their Manager, Country/ Regional Director, Head of POD or an Executive Team Member. This includes any notifications received from partners and any alleged incidents that pose a significant reputational risk to ChildFund. Any ChildFund Person requiring advice can contact the Director – People & Culture who serves as ChildFund Australia’s PSEAH focal person.
2. Community members or any other external person are strongly encouraged to immediately notify a ChildFund Person if they, or someone they know, is thought to have been the victim/ survivor of Sexual Exploitation, Abuse or Harassment perpetrated by a ChildFund Person. Community members or other external persons can notify a concern or incident using any of the following mechanism:
  - a. Inform any ChildFund representative at any time in person or via phone, text, email or other communication;
  - b. Via the contact details contained in the ChildFund Complaints procedure or Whistleblowing policy published in local language in the respective country of operation;
  - c. Via the anonymous third party [Whistleblowing mechanism](#);
  - d. Via the Sydney Complaints mechanism as published on the website (Tel: 1800 023 600 or +61 2 9264 8333 if outside Australia; Email: [info@childfund.org.au](mailto:info@childfund.org.au))
3. The process for receiving and managing allegations and concerns under this Policy will be according to ChildFund’s Complaints Policy and Procedure.

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, Abuse and Harassment.
5. The Executive Team and Country/ Regional Directors are responsible for regularly informing our People, Partners and communities on measures taken to prevent and respond to Sexual Exploitation, Abuse and Harassment. Such information should be developed and disseminated in country in cooperation with other relevant agencies (e.g., ACFID, DFAT) 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 survivors.
6. The Executive Team is responsible for reporting all incidents arising under this Policy to the ChildFund Australia Board.
7. The Executive Team is responsible for reporting all incidents arising under this Policy to relevant donors in line with contractual and partnership obligations. Reports of abuse or exploitation of individuals under the age of 18 years must follow ChildFund's Child Safeguarding Policy.

### **Confidentiality**

Instances of Sexual Exploitation, Abuse and Harassment raised under this Policy will be treated confidentially. However, when an incident is identified it may be necessary for those managing the incident (Executive Team) 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 reasonable belief that a criminal offence has occurred, the matter will be reported to the appropriate law enforcement agency while considering risks to those who have been affected. When a referral is made to law enforcement, any action by ChildFund will be guided by such an agency. Any decision not to refer to law enforcement requires the approval of the Executive Team and will be documented to record the reasons for the decision.

ChildFund will take reasonable precautions to store any records or files relating to a matter of Sexual Exploitation, Abuse and Harassment 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.

### **Awareness**

- ChildFund will publish this PSEAH Policy on its websites.
- This policy will be translated into the relevant local languages to ensure it is understood by all our People and the communities we work with. Heads of Sydney Departments and Country/Regional Directors are responsible for developing communications materials about PSEAH, expected staff behaviours, and accessible complaints processes for communities in appropriate languages and media.

## Risk Assessment & Risk Management

- Management will include in the organisational **risk review process**, identification of risks relating to PSEAH and actions to mitigate such risks.
- Heads of Sydney Departments and Country/Regional Directors are responsible for undertaking SEAH **risk assessment** as part of project and program design. PSEAH risks and mitigation are assessed, documented, and monitored throughout the life of a project/program.
- Heads of Sydney Departments and Country/Regional Directors are responsible for ensuring that partner due diligence and/or capacity assessments include an assessment of partner implementation of key safeguarding and risk policies including PSEAH.
- Heads of Sydney Departments and Country/Regional Directors are responsible for ensuring that local complaints mechanisms are developed in consultation with the communities we work with.
- The ChildFund Australia Board has overall responsibility for all policies including Risk Management and PSEAH Policies. The Head of POD will provide a quarterly incident report to the audit, risk and governance committee summarising all instances of PSEAH and actions taken by management. Should a significant instance occur, that may have significant risk to the affected individual or the organisation, this will be directly reported to the audit, risk, and governance committee at the earliest opportunity and outside the normal reporting timelines.
- The Board will review the systems and processes every two years to continually strengthen the organisation's approach to the prevention of sexual exploitation, abuse, and harassment.

## HR practices, training, and investigations

- People & Culture managers are responsible for implementing robust recruitment and hiring practices to screen candidates. This includes use of background and criminal reference checks along with targeted and objective reference checking.
- P&D managers are responsible for including ChildFund's standards on PSEAH in induction materials and related training courses for ChildFund's People. Training will be conducted across ChildFund offices at least every two years.
- P&C managers are responsible for ensuring ChildFund's People know how to report allegations and concerns related to SEAH.
- The Executive Team are responsible for managing **organisational investigations** of allegations of Sexual Exploitation, Abuse and Harassment. All investigations will be conducted in a timely and professional manner. ChildFund may utilise the services of external experts to support any such investigation.
- The Executive Team will take swift and appropriate disciplinary action in relation to People who commit acts of Sexual Exploitation, Abuse and Harassment. This will usually include suspension while investigations are conducted. Substantiated acts of SEAH are regarded as serious misconduct and will result in disciplinary action including dismissal and/or referral to relevant external authorities including referral to law enforcement agencies in the event of suspected criminal action.
- The Executive Team and Country/ Regional Directors will transparently share misconduct information with other organisations who make a request as part of their own due diligence and integrity checks on their people and partners.

## Partners

- Heads of Sydney Departments and Country/ Regional Directors are responsible for ensuring that our Partners are aware of ChildFund's expectations regarding this policy and will highlight that any failure on their part to report or take action where Sexual Exploitation, Abuse and Harassment 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.

### **Support for survivors and non-retaliation**

- All ChildFund managers are responsible for taking appropriate action to ensure that retaliatory actions are not taken against the survivor or reporter. ChildFund Whistleblowing Policy assists with how to ensure this occurs.
- Wherever possible Heads of Sydney Departments and Country/ Regional Directors will provide or arrange support to survivors of Sexual Exploitation, Abuse and Harassment. This may include assistance with medical/health treatment, counselling, referral, or legal support.

### **Conduct of ChildFund's People**

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

The PSEAH Policy provides detail about the expectations of our People concerning the prevention and reporting of Sexual Exploitation, Abuse and Harassment.

ChildFund People:

- 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 exchange money, employment, goods or services, protection, or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Will not engage in transactional sex during ChildFund business.
- Non-national staff are prohibited from fraternisation while engaged in ChildFund business.
- Will not participate in or support any form of Sexual Exploitation, Abuse or Harassment activity including, for example, people trafficking, or pornography.
- Will immediately (within 48 hours) report any concerns or suspicions regarding possible violations of this Policy via the defined reporting approach within the Complaints Policy and Procedure, the Whistleblower Policy and Procedure or in the case of those under 18 years of age, the Child Safeguarding Policy and Procedures. 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, Abuse and Harassment.
- Will immediately disclose charges, convictions and other outcomes of an offence that relates to Sexual Exploitation, Abuse and Harassment, 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.

Any substantiated violation of these expectations is regarded as a serious breach of policy and will result in disciplinary action which may include termination for our Staff, interns, volunteers, Board members, 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.