

Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy

Introduction

Anglican Overseas Aid (AOA) is committed to protecting the dignity, safety and human rights of all people affected by its work. AOA has an obligation to prevent misconduct and harm to children and adults. AOA advocates and strongly fosters a culture of awareness, prevention and response that is empowering to vulnerable persons affected by sexual exploitation, abuse and harassment (SEAH). All AOA parties are expected to uphold and promote the organisation's values, display behaviour and reflect attitudes that nurture a strong safeguarding culture.

Purpose and Scope of the application

The purpose of the PSEAH policy is to:

- Protect all AOA parties as well as community members involved in AOA's work from sexual exploitation, abuse and harassment.
- State and affirm AOA's commitment to protecting and responding to SEAH through development and humanitarian work and all internal policies, procedures and operations
- Ensure AOA's Board and senior leaders lead by example, driving behaviours and attitudes that enhance safeguarding

This Policy applies to Board members, staff, partners, contractors and volunteers of AOA. The Policy also applies to supporters and prospective supporters visiting AOA programs.

International and National Frameworks

- *The Australian Council for International Development (ACFID) Code of Conduct*
- *Commonwealth Criminal Code Act 1995*
- *United Nations Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" ST/SGB/2003/13 (9 October 2003)*
- *BOND - 12 Commitments to PSEA*
- *IASC Minimum Operating Standards on PSEA*
- *Core Humanitarian Standard*

Guiding Principles¹

- Zero tolerance of inaction. AOA has a commitment to zero tolerance of inaction with respect to alleged incidents of SEAH.
- Firm but fair. AOA is committed to act on every allegation in a just and reasonable way with due regard for procedural fairness. No human being should have their dignity or freedom compromised: we reject SEAH.
- Clarity and simplicity. Development of PSEAH policies, procedures, standards and guidance will be accessible, clear and use plain English. When necessary policies will be translated and made accessible to staff who may not speak English as a first language.
- Prevention. Investment in the prevention of SEAH.
- Survivor support. A “do no harm” approach, prioritising the rights, needs, and wishes of the survivor while ensuring procedural fairness to all parties.
- Sector minimum standards. Staying up to date with sector minimum standards as they relate to PSEAH and reviewing their policies and procedures regularly.
- Localisation. Using and strengthening local mechanisms, including their partner mechanisms, for prevention and response to SEAH to meet minimum standards.

Implementation

Accountability and culture

- AOA acknowledges the intersecting vulnerabilities that perpetuate the abuse and exploitation of children, women and persons with a disability and the different approaches to safeguarding these vulnerable groups require.
- AOA will be transparent about our activities. AOA will monitor progress and will demonstrate continuous improvements in safeguarding practices.
- AOA will work with all parties, partners and communities with the aim of eliminating attitudes which permit or excuse sexual misconduct both internally and in programmatic activities.
- All parties commit to build an environment which aims to prevent SEAH and which promotes the implementation of the AOA Safeguarding Code of Conduct (SCoC). Managers have a particular responsibility to affirm this environment.
- Policy non-compliance and/or breach of the Safeguarding Code of Conduct is a serious matter that may give rise to disciplinary action including suspension, dismissal or legal action. Sexual exploitation and abuse by any party constitutes an act of gross misconduct and is therefore grounds for termination of employment. AOA may suspend or stand down an employee, volunteer or contractor while a complaint is under investigation.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of local definitions or local customary understandings of the age of majority or age of consent. Mistaken belief regarding the age of a child is not a defence.
- All parties commit to obtain informed consent from children and their care giver/guardian before photographing or filming a child.
- AOA prohibits all form of transactional sex for all personnel, while on and off duty. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.

Partnership agreements

An equivalent of the AOA CoC will be agreed upon and signed by each AOA partner organisation containing a specific statement about child protection, SEAH and incident reporting. This will be

¹ As per the CAN DO Safeguarding Standard Operating Manual.

completed and implemented before July 2020.

Safeguarding Focal Point

- A program team staff member will be a dedicated focal point and have the responsibility for the further development and implementation of this PSEAH policy and related activities across AOA.
- The focal point is responsible for initiating, overseeing and coordinating PSEAH activities for joint program design, and key joint awareness-raising initiatives such as training.

Community-based complaints mechanisms

- Safe and confidential community-based complaint mechanisms will be developed by AOA and partners and implemented in communities by no later than July 2020.

Recruitment

- All new appointments must sign the CoC before signing their contract or taking up a position with AOA.
- Employment contracts will prohibit fraternisation (as defined below) while on field deployment and engaged in the delivery of AOA business.
- AOA will collaborate within and beyond our sector to improve employment practices, including background checking, to minimise opportunities for perpetrators to gain access to our programs and to reduce their ability to move between organisations.
- All new appointments are requested to provide a working with children's or relevant vulnerable persons check, and dependent upon specific duties, may be requested to provide a police check.

Performance management and review

- Performance management processes include an individual's adherence to the PSEAH policy and AOA CoC, including adoption of acceptable standards of behaviour.

Training

- PSEAH training will be conducted annually with all AOA staff required to participate.
- PSEAH training will be conducted biannually for all Board members.
- Training during induction and prior to deployment on first field visit is mandatory.
- AOA will work with partners to contextualise training for their location, and provide partners with access to safeguarding training annually.

Program Design and Implementation

- AOA commit to mainstreaming protection and safeguarding in a gender-sensitive way throughout the project cycle and develop 'specialised' activities, where required.
- Inherent SEAH risks, due to the delivery of project activities and partners' systems, controls and capacity to mitigate those risks are assessed and inform project risk assessments. In collaboration with partners, AOA will develop contextual risk assessments, including identifying SEAH related risks, classifying inherent risks and developing mitigation strategies to reduce or remove SEAH risks. Risk assessments and mitigation strategies are subject to ongoing review, adaptation and effective risk management strategies.
- AOA undertakes policy audits of implementing partners' PSEAH policies and practices, to ensure policies, and codes of conduct meet DFAT PSEAH minimum standards, maintaining a continuous reflection and learning practice.
- Periodic assessments of AOA's own and partners' PSEAH practices are also undertaken. The collaborative process is a systematic assessment of PSEAH culture, practice, and

- the quality of policy implementation.
- All work undertaken as part of the Church Agencies Network Disaster Operations (CAN DO) consortium will follow the CAN DO Standard Operating Procedure including PSEAH obligations.

Reporting

It is mandatory for all parties to immediately report concerns, suspicions or allegations of SEAH by anyone within scope of this policy in connection with official duties or business of AOA. Alleged victims'/survivors' safety and wellbeing is paramount, and their information will be treated professionally and sensitively. Disclosure of personal information will be no more than is necessary. It should be noted, however, that some level of disclosure may be required to afford natural justice to other persons, or to conduct an investigation, or to brief an external investigator, or to report criminal matters to law enforcement authorities, or for other good reason in the particular circumstances.

In Australia, reports should be made in person or writing to either the AOA CEO, AOA Board Chair, the Safeguarding Focal Point, or for personnel working at the AOA office, reports can be placed in the AOA Safeguarding Letter Box. Note the Safeguarding Letter Box or mail options can allow the reporter to remain anonymous to AOA.

- Overseas reports should be made to either the AOA International Program Manager, AOA CEO or AOA Board Chair. Note mail and phone options can allow the reporter to remain anonymous to AOA.

Key Contacts:

- Phone: Toll free number (within Australia): 1800 249 880, telephone: (03) 9495 6100 and ask for the Safeguarding Focal Point, AOA CEO or AOA Board Chair
- Physical address: 1/165 Victoria Parade, Collingwood VIC, 3066
- Postal address: Anglican Overseas Aid, PO Box 389, Abbotsford, VIC 3067, Australia
- AOA's dedicated safeguarding email address: complaints@anglicanoverseasaid.org.au
- Online: <https://anglicanoverseasaid.org.au/>
- The [Gov 8A Complaints & Incident Reporting Form](#) can be accessed and used to make a report. The purpose of the Report Form is to report all complaints to assess and determine the next course of action. An anonymous complaint, (a complaint that is lodged without revealing the identity of the complainant) will be accepted, however AOA encourages complainants to disclose their identity in order for a thorough investigation to be undertaken.

DFAT Reporting Requirements:

- Mandatory and immediate (within two working days of becoming aware of an alleged incident) reporting by all personnel within scope of this policy of any alleged incident of SEAH. This includes any alleged incident that poses a significant reputational risk to AOA.
- Mandatory reporting (within five working days) by all personnel within scope of this policy of any alleged policy non-compliance.
- Reporting is necessary for any suspected or alleged cases of SEAH perpetrated by anyone within the scope of this policy.
- All allegations of SEAH incidents should be made using the DFAT SEAH Incident Notification Form (www.dfat.gov.au/pseah) and emailed to seah.reports@dfat.gov.au.
- All allegations concerning any form of abuse, exploitation or harassment by AOA personnel in Australia or during field visits, will trigger an investigation. Personnel under investigation may be suspended or transferred to other duties during an investigation. All

investigations will be undertaken by an independent, external investigator. In-country reports (not related to AOA personnel) will trigger a risk assessment facilitated by AOA and the partner. The DFAT Post may be contacted for advice on preferred investigation options. This could be the police (if safe) or in-country consultants. AOA will ensure the partner's complaints handling system is activated upon receipt of the allegation or report, with regular updates from the partner on the investigation process and outcome to ensure consistency with AOA's due processes and complaint handling principles.

Any person making such a report should NOT:

- Notify the person to whom the claim or allegation relates
- Seek to independently investigate or substantiate the claim prior to making any notification.

The emphasis is on immediate and mandatory reporting. If the alleged victim/survivor states within their complaint, that dissemination of the reports' contents be restricted, their wishes will be respected subject to the limitations or disclosures outlined above.

Where safe to do so, all alleged SEAH incidents that involve a criminal aspect should be reported to the relevant law enforcement channels. AOA in collaboration with partners will initiate a victim centred assistance process relevant to the local context. The alleged victim/survivor's needs will be prioritised, including the consideration of referrals to mental and physical health services, where available.

Definitions

- **Fraternisation:** Any relationship 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 could include 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.
- **Protection.** Measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel.²
- **Transactional sex.** The exchange of money, employment, goods or services for sex, including sexual favours.
- **Safeguarding.** The responsibility that organisations have to make sure their staff, operations, and programs do no harm to children and vulnerable adults, and that they do not expose them to the risk of harm or abuse. PSEAH and child protection come under this umbrella term.
- **Sexual abuse.** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and unwelcome touching of a sexual nature). All sexual activity with someone under the age of consent³ is considered to be sexual abuse.
- **Sexual exploitation.** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
- **Sexual harassment.** A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable

² CHS Alliance, PSEA Implementation Quick Reference Handbook, 2017.

³ Refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age.

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.

- Victim/survivor. A person who is, or has been, sexually exploited, harassed or abused.
- Whistle-blower. A type of complainant, not the survivor, who is making a report of SEAH.⁴

⁴ Australian Government, Preventing Sexual Exploitation, Abuse and Harassment Policy, Department of Foreign Affairs and Trade, 4 April 2019. <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf>