

PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (PSEA) POLICY

Vision:

For all people to transcend the injustice, indignity, and inequality of entrenched poverty.

Mission:

To empower local changemakers to break the cycle of poverty in their communities.

1. Purpose

At Action on Poverty, upholding the dignity and human rights of every individual is central to our values and development work. Every person who represents Action on Poverty (AOP) is expected to reflect these values in their professional conduct wherever and with whomever they work. This is particularly important when engaging with marginalised communities and with children and vulnerable adults.

Sexual exploitation and abuse (SEA) is a violation of human dignity and rights, and children and vulnerable adults are at particular risk of SEA. We recognise that the nature of AOPs work places our staff, partners, consultants, and volunteers in positions of trust and authority in relation to the communities and individuals they work with. We have an obligation to uphold the highest standards of personal and professional conduct at all times, and must not abuse this trust to exploit or abuse another person.

AOP has a zero tolerance toward SEA of vulnerable adults and, and zero tolerance of any form of child abuse. AOP takes seriously all concerns and complaints about sexual exploitation and abuse involving AOP staff, partners, consultants, and volunteers, and we promise to handle all reported incidents and concerns appropriately and with sensitivity.

This policy is accompanied by a Code of Conduct, which outlines requirements and procedures to assist staff and associated personnel to plan for and manage safeguarding and protection across all areas of AOPs work. It is a requirement that all staff demonstrate their commitment to the Code by signing it prior to commencement.

2. Scope

- 2.1 This policy applies to all AOP activities.
- 2.2 This policy applies to all board members, staff, consultants, and associated personnel, as well as visitors, volunteers and interns, referred to in this policy as AOP Personnel.
- 2.3 This policy applies at all times when AOP Personnel can be considered to be representing the organization, whether during working hours or not.

- 2.4 This policy cascades and applies to AOP partners and contractors and is built into AOP contracts and agreements.

3. Associated Policies

This policy should be read in conjunction with AOP's Fraud policy, AOP's Child Protection Policy, AOP's Safe Workplace Policy, Values Ethics and Corporate Conduct Policy, and AOP's Staff Code of Conduct.

4. Principles

- 4.1 Upholding human rights and dignity is central to AOP's values and work, and all AOP Personnel are to reflect these values in their conduct as representatives of AOP.
- 4.2 Sexual exploitation, abuse, and any form of children abuse is gross misconduct and will be treated accordingly including termination of employment and reporting to authorities.
- 4.3 Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of majority or age of consent. Mistaken belief in the age of a child is not a defense.
- 4.4 Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior by AOP Personnel is prohibited. This includes the exchange of assistance that is due to program participants.
- 4.5 Sexual relationships between AOP Personnel and program participants are discouraged since an unequal power dynamics exists.
- 4.6 Program participants, partners, and colleagues should expect the highest levels of professional conduct from AOP Personnel. Trust forms the basis of successful development work and must be protected.
- 4.7 AOP Personnel are obliged to create and maintain an environment and culture that prevents sexual exploitation and abuse and all forms of child abuse, and promotes the implementation of this policy. Managers at all levels have particular responsibility to develop and enhance systems, practices and communications that maintains this environment and culture.
- 4.8 AOP Personnel must immediately report concerns or suspicions regarding sexual exploitation and abuse, and child abuse by a fellow worker, whether in AOP or not.
- 4.9 AOP has a zero tolerance towards sexual exploitation and abuse and all forms of child abuse. All concerns and complaints will be investigated.

5. Policy Commitment

Action on Poverty commits to:

- 5.1 Create a healthy, safe and trusted workplace culture that is representative of our values
- 5.2 Develop strategies that prevent and respond to sexual exploitation and abuse, in particular recruitment and training practices, complaints mechanisms, and reporting
- 5.3 Ensure that partners incorporate this policy into their own policies and practices and abide by them
- 5.4 Inform staff and partners of the measures taken to prevent sexual exploitation and abuse, including information on making complaints, how complaints are handled, the status of investigations (while maintaining confidentiality), follow up measures taken, and assistance available to complainants and survivors.
- 5.5 Ensure that complaints mechanisms are available to communities, staff, and partners, including providing information in an appropriate language and format.
- 5.6 Provide support and assistance to survivors and complainants, including medical treatment, psychosocial support, and legal assistance as appropriate and according to the desires and needs of the survivor
- 5.7 Undertake robust recruitment processes that, in compliance with applicable laws, prevent

those with a history of sexual exploitation and abuse from being hired or deployed. This may include criminal history checks, working with children checks, verbal referees, and behavioral-based interview questions

- 5.8 Report suspected criminal activity promptly to relevant authorities for appropriate action, both in the country where the abuse occurred, and in the abuser's country of origin.
- 5.9 Protect from retaliation, to the best of AOP's ability, a person making an allegation of sexual exploitation or abuse
- 5.10 Maintain information on allegations, investigations, and outcomes of sexual exploitation and abuse in order to monitor effectiveness of strategies, report to relevant stakeholders and improve efforts to prevent and respond to sexual exploitation and abuse.

6. AOP Personnel Standards and Conduct (incorporated into Code of Conduct)

These standards are intended to provide guidance to employees, consultants, and volunteers, on the standard of conduct expected personally and professionally as a representative of AOP. These standards should help guide decision making that exemplifies AOP's core values. Breaches of the Code of Conduct are grounds for disciplinary action, up to and including dismissal.

AOP Employees, Volunteers, and Contractors will:

- 6.1 Not engage in sexual relationships with program participants or beneficiaries. These relationships are inherently based on unequal power dynamics. Such relationships undermine the credibility and integrity of AOPs programs.
- 6.2 Not exchange money, employment, goods or services for sex, including sexual favours while working or volunteering with AOP. This includes a prohibition on engaging the services of sex workers even when it is legal to do so, and further prohibits the procurement of sex for others or the use of a third party to do so.
- 6.3 Inform their Manager or Director if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative
- 6.4 Not use AOP or partner organization facilities, vehicles, personnel, or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to AOP or partner offices or programs
- 6.5 Not use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass, or access and disseminate exploitative material through any medium including social media.

7. Policy Implementation

- 7.1 **Training and awareness:** AOP will ensure that all AOP Personnel are aware of this Policy and the Code of Conduct. The following steps will be taken to ensure proper educational support is provided:
 - We will ensure that all AOP Personnel are aware of the problem of sexual exploitation, abuse and harassment in the international development sector and the steps being taken to end it.
 - All AOP Personnel will sign and abide by the Code of Conduct.
 - All AOP Personnel will have access to a copy of this Policy in a language and form that is easily accessible to them, and the policy will be made publicly available to all through the website and in every AOP office and partner organisation.
 - All AOP Personnel will receive training on this policy, their obligations, and the reporting and complaints handling process.
 - Additional training and support will be provided by AOP as required, to ensure

commitments are met.

- We will ensure that all programs/offices select a Sexual Exploitation and Abuse Focal Point to support the implementation of the Policy and be the first point of contact to receive reports on complaints and incidents.
- We will ensure that AOP Personnel are aware of their relevant Sexual Exploitation and Abuse Focal Point for the purposes of reporting a breach of this Policy or Code of Conduct.

7.2 **Recruitment:** AOP is committed to ensuring that no one is recruited to work with AOP who may pose a potential risk:

- AOP has put in place recruitment, screening and selection processes to reduce this risk. These recruitment guidelines can be found in the AOP Operations Manual.
- AOP requires all AOP Personnel to comply with this Policy and Code of Conduct throughout their period of employment. Failure to do so may result in a transfer to other duties, suspension or dismissal, depending on the nature of the offense. Criminal behaviour will be reported to the relevant authorities.
- Contracts clearly state that adherence to the Sexual Exploitation and Abuse Policy is required, and failure to do so will lead to disciplinary consequences.

7.3 **Reporting and Response:** AOP will implement the following Reporting Process for breaches of the SEA Policy or the Code of Conduct, or when reporting a concern:

- **Mandatory Reporting:** It is mandatory for all AOP Personnel to report incidents, concerns or allegations of sexual exploitation and abuse, any form of child abuse, and any breach of this Policy or Code of Conduct, without exception, within 24 hours of becoming aware of the concern. These reports should be made directly to the Sexual Exploitation and Abuse Focal Point (SEAFP) or the line manager of the person making the report in the relevant office or program¹. In the case a report is received by a line manager, the line manager will immediately make a report to the Sexual Exploitation and Abuse Focal Point. The in-country SEAFP will immediately inform the AOP SEAFP in Sydney, in addition to taking the necessary measures in country.
- **Best Interest of the Survivor:** The best interests of the survivor is the primary consideration in any response. The first step is always to ensure the survivor is safe and any immediate needs are taken care of.
- **Confidentiality:** Confidentiality of reporting is ensured to protect the identity of the survivor, the whistle-blowers, and alleged perpetrators. All details of the reporting process and investigation process must be kept confidential, and only shared with relevant parties if required. Provisions will be made for the protection of the person reporting an issue or concern if they have a fear for their wellbeing, but the case must still be reported.
- **Notification:** The AOP Sexual Exploitation and Abuse Focal Point in Head Office is responsible for informing relevant stakeholders in accordance with any requirements.²
- **Integrity of Reporting Process:** Upon reporting, an investigating committee consisting of the Sexual Exploitation and Abuse Focal Point and HR in country, as well as the AOP

¹ Details on how to report are included in the Child Protection Implementation Guidelines.

² Under the DFAT Child Protection Policy, it is mandatory for concerns that have been reported to the Child Protection Focal Point or their relevant delegated authority, to then be communicated to DFAT within 24 hours. It is at this stage, that AOP will discuss a schedule for provision of regular updates on progress and deadline for completing the investigation. It is important to note that the failure to notify DFAT of a reported incident within 24 hours of becoming aware of an incident, constitutes a breach of the Head Funding Agreement and may result in AOP losing its accreditation status.

Sexual Exploitation and Abuse Focal Point in Sydney will be called to review the report and plan the investigation.

- **Outcomes of the Investigation:** There are four potential outcomes of an investigation:
 - The incident is a **substantiated case of sexual exploitation and abuse**, as well as a **criminal behaviour**, and will be reported to the authorities and will lead to dismissal or end of contract.
 - The incident is a **substantiated case of exploitation or abuse**, as well as a breach of the AOP code of conduct, **but not a breach of the law**, and will lead to disciplinary measures ranging from further training to dismissal.
 - The case of abuse **cannot be substantiated**, upon which further action will be decided
 - The allegation or suspicion is **proven to be untrue**. All those involved will be informed and if there is a suspicion the report was made with malicious intent, this will be investigated.

7.4 **Working with partners:** Most of AOP's work is carried out in collaboration with partners, therefore it is vital to ensure partners commit to the same standards and take all necessary measures to ensure sexual exploitation and abuse, and any form of child abuse does not occur. To this end, AOP will:

- Require that partners read and acknowledge the AOP Sexual Exploitation and Abuse Policy, sign the AOP Code of Conduct, and commit to put appropriate safeguarding measures in place. If a partner does not have their own policy, AOP requires that the partner develop a Sexual Exploitation and Abuse Policy or incorporate this within a safeguarding policy as part of their collaboration with AOP;
- Require all partners, from the day of signing the Contract and the Code of Conduct, without exception, to report any suspected Sexual Exploitation and Abuse incidents to AOP within 24 hours, in addition to responding to the incident. Failure to do so, will result in suspension and potentially termination of any Project Agreement.
- Provide assistance and resources to partners to develop their own Policy in line with international standards and specific donor requirements.

7.5 **Risk Management:** AOP will proactively manage risks to children and vulnerable adults in our programs (and the communities where we work) to reduce the risk of harm, by:

- Examining each program and its potential contact with and impact on children and vulnerable adults. Programs that involve direct work with children or vulnerable adults are considered a higher risk, and therefore require more stringent and regular risk assessments and oversight, which are integrated in project development, budgeting, implementation, monitoring and evaluation.
- AOP staff will conduct a risk assessment/audit of partners and projects at the start of the collaboration and on a regular basis from then on. Partners and projects will be classified into high, medium or low risk categories, based on the level of contact they have with children or vulnerable adults and the nature of their program/context activities or location.

7.6 **Monitoring and Evaluation:** This Policy and its implementation will be monitored on an ongoing basis. Reports on implementation are included in program reports, as well as reports to the AOP Board. The policy will be reviewed at least every 3 years to ensure that it remains relevant to the needs of AOP and its partners.

Annex 1: Definitions

Children and vulnerable adults: In accordance with the United Nations Convention on the Rights of the Child and for the purpose of this Policy (as well as the Child Protection Guidelines and Code of Conduct), AOP defines a child as ‘any person under the age of 18 years, regardless of whether a country’s laws recognise adulthood earlier.’

Vulnerable adults are defined as:

- Those aged over 18 and who identify themselves as unable to take care of themselves or protect themselves from harm or exploitation; or
- Those 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

Child Abuse: Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Abuse includes physical, sexual, emotional, neglect, child labour and family violence. In some cases, professionals and other adults working with children in a position of trust also abuse children.

- **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 and poisoning.
- **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 their physical and emotional development and well-being.
- **Emotional abuse:** refers to a parent or caregiver’s inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non---physical nurture and emotional availability. Such acts have a high probability of damaging a child’s self---esteem or social competence.
- **Sexual abuse:** the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals, masturbation, and oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, and exhibitionism and exposing the child to, or involving the child in, pornography. (Australian Government/AusAID Child Protection Policy, January 2013).
- **Grooming Behaviour:** behavior that makes it easier for an offender to procure a child for sexual activity. For example, an offender may build a relationship of trust or intimacy with the child, and then seek to sexualize that relationship. Examples include: favouring a child, isolating a child, giving excessive attention or gifts, using sexualised language or physical contact, exposing a child to sexual concepts, or providing a child with drugs or alcohol.

Sexual Exploitation and Abuse: Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

AOP Personnel: The term “AOP Personnel” includes all employees of AOP, board members, interns, consultants, and associated personnel, as well as visitors, volunteers, and individual or corporate contractors. This includes non-AOP entities and their employees and individuals who have entered into partnerships, sub-grant or sub-recipient agreements with AOP.

Duty of Care: is a common law concept that refers to the responsibility of the organisation to provide vulnerable people with an adequate level of protection against harm. It is the duty of the organisation to protect children and vulnerable adults from all reasonably foreseeable risk of harm.

Partners: For the purposes of this policy, partner(s) refers to any organisation or person that AOP works with to deliver services in Australia or in specific countries and has a formal Implementation Agreement in existence with AOP.

Staff: People employed by AOP on a permanent or temporary basis in Australia or overseas.

Volunteer: is a person who engages in an activity with AOP or its partners for no financial payment and is of the volunteer’s own free will and without coercion. For the purpose of this Policy, volunteer includes board members and interns as well as any visitor to one of AOP’s or its partner’s projects (including study tours, donors, and media personnel).