

PREVENTING SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH) POLICY

Last Updated 16 Nov 2021

This policy is based on the Caritas Australia's Preventing Sexual Exploitation, Abuse and Harassment Policy. The REACH for Nepal foundation expresses its thanks to Caritas Australia for making this resource available.

Purpose of this Policy

The Purpose of the policy is to:

- Outline REACH for Nepal's (RFN) commitment and approach to the prevention of sexual exploitation, abuse and harassment (PSEAH) and how we address concerns if they arise.
- Provide clear guidance to all our personnel and our Delivery Partner on our commitments and expectations relating to PSEAH, including expectations of behaviour and obligations to report concerns.
- Ensure we meets our legal obligations in Australia and overseas in respect sexual exploitation, abuse and harassment.
- Ensure we meet and align with good practice in the aid and development sector, including the following guidance:
 - DFAT Prevention of Sexual Exploitation, Abuse and Harassment (SEAH) Policy
 - DFAT Guidance on assessing the risk of SEAH
 - Australian Council for International Development (ACFID) Code of Conduct

Key Elements of this Policy

- Sexual exploitation, abuse or harassment is never acceptable
- We are committed to preventing and addressing sexual exploitation, abuse or harassment of any person, especially children and vulnerable adults
- If you know or suspect anything, you must speak up



To Whom does this Policy apply?

This policy applies to all RFN personnel (as defined the next section) at all times, including when representing RFN either within Australia or internationally. This policy applies to conduct by RFN personnel in relation to people with whom RFN deals, especially vulnerable persons and participants in projects and activities.

Our Delivery Partner is required to adhere to this policy through demonstrated alignment within their own policies and procedures.

Definitions used in this Policy

Term	Definition
Sexual exploitation	Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. This includes profiting monetarily, socially, or politically from the sexual exploitation of another.
Sexual abuse	The term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse. "Sexual abuse" is a broad term, which includes a number of acts, including "rape", "sexual assault", "sex with a minor", and "sexual activity with a minor".
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 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 program participants, community members, as well as well as RFN workers.
Personnel	Any person doing paid or unpaid work for, or on behalf, of RFN including Australian-based staff, in-country employees, Board of Directors, volunteers, contractors, sub-contractors and consultants.
Reporter	A person who makes a complaint.
Leadership Team	Includes the CEO, Manager Finance and Nepal Operations, and other Managers.



Complaint	Any grievance, suspicion, allegation, concern or report about an incident or someone's behaviour. Complaints may be general, sensitive or whistleblower complaints.
Delivery Partner	The Delivery Partner is REACH for Nepal in Nepal, which is a separately registered company and charity in Nepal that has been established to plan and deliver humanitarian and development projects or activities on behalf of RFN in Australia.
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.
Downstream partners	Organisations, contractors or others engaged by our partners to deliver development and or humanitarian projects or activities.
We, us, our	Refers to the RFN Foundation

Policy commitments

Professional Behaviour Standards

We ensure all personnel understand, sign and adhere to Professional Behaviour Standards for Protecting Children and Vulnerable People as outlined in the RFN Code of Conduct. These standards incorporate the standards of conduct from the Interagency Standing Committee Six Core Principles Relating to Sexual Exploitation and Abuse. This includes the prohibition of any form of transactional sex.

We reject fraternisation where a relationship involves, or appears to involve, partiality, preferential treatment or improper use of rank or position.

Our personnel must immediately inform their direct manager if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. RFN personnel who are unsure if their relationship falls into this category should discuss the situation with their direct manager and/or the Manager Communications and Company Secretary.

Working with partners

Our Delivery Partner is required to abide by our safeguarding policies and procedures, and our Code of Conduct including Professional Behaviour Standards. These align to RFN's and international good practice, including DFAT Minimum Standards as outlined in Appendix 1.



PSEAH training and tools for the Delivery Partner will be developed in a consultative manner and be practical and contextually appropriate. Training will be coordinated through the Director Finance and Nepal Operations and include scenario-based discussions about power imbalances, status and workplace cultures and how these impact work and personal relationships.

Safe programming and active Risk Management

RFN is committed to ensuring no harm and promoting the safety and dignity of participants during the delivery of our projects and activities. We uphold this commitment in person.

RFN is committed to actively managing the risk of harm in the course of our work and encourage and support partners to do the same in delivering aid and development projects.

We ensure that risk management is an ongoing part of all of our and our partner's work, by:

- Conducting thorough risk assessments that include the risk of SEAH for all our projects and activities to identify risks and develop mitigation strategies to reduce and manage the risk of SEAH.
- Conducting partner checks to ensure policies and procedures are in place and identify safeguarding capacity building activities to support partners and program delivery.
- Monitoring risks to ensure assessment-identified risks are reviewed, emerging risks are incorporated and that mitigation strategies put in place are being implemented and are effective through the program cycle, and
- Ensuring that partners and projects have strong feedback and complaints mechanisms so that any concerns can be reported and acted upon.

We acknowledge that during humanitarian emergencies, there may be a higher level of risk for SEAH to occur, and we manage these risks appropriately.

Recruitment and employment practices

RFN implements and maintains recruitment and screening processes which aim to prevent the recruitment or engagement of anyone who possesses values or standards of behaviour that are incompatible with those outlined in our policies. This includes:

- Acknowledging RFN's commitment to safeguarding in position descriptions
- Verbal referee checks, safeguarding interview processes and a Working With Vulnerable People (WWVP) Pass (according to RFN's Child and Vulnerable People Policy) for all personnel. The WWVP check in the ACT includes a national check for any criminal record
- Including relevant clauses regarding PSEAH expectations of personnel in RFN's contracts, including that personnel can be suspended or transferred to other duties if they are under investigation or dismissed if it is found that they have breached this Policy and/or the Professional Behaviour Standards, and



• Ensure all new employee undergo induction on PSEAH.

Reporting and responding

It is mandatory for all RFN personnel and the Delivery Partner to immediately report any concerns, suspicions, alleged incidents of sexual exploitation, abuse and harassment or breaches of the Code of Conduct or this Policy. If in doubt, personnel should report an alleged incident in line with the guiding principle of zero tolerance of inaction.

In line with Complaint and Whistleblower Policy, and to support and enable the reporting and effective response to reports, RFN will:

- Maintain appropriate, accessible and safe procedures and mechanisms for reporting of concerns, suspicions or allegations of incidents of SEAH, and/or breaches of this Policy or the Professional Behaviour Standards.
 - How to make a report including key contact points are summarised in Appendix 2.
 - SEAH Incident Reporting Form is at Appendix 5.
- Always immediately act upon and escalate reports that allege or suspect incidents of SEAH, maintaining at all times a victim/survivor centred approach.

When working with the Delivery Partner and across RFN's projects we will:

- Ensure that the Delivery Partner (and their sub-contractors), communities and people we work with are proactively informed about RFN's commitments to PSEAH and reporting procedures in place for raising any concerns relating to SEAH.
- Support the Delivery Partner to develop SEAH reporting procedures, as part of our accompaniment and capacity building initiatives.

Ensure the appointment of RFN Safeguarding roles, including a Safeguarding Focal Point in the Leadership Team (Maddi?) with clearly articulated responsibilities to coordinate and lead safeguarding work. The Safeguarding Focal Point is responsible for taking prompt and appropriate action in relation to SEAH reports including determining the most appropriate investigation process which may involve external legal, mediation or expert advice as required.

RFN's Manager Communications and Company Secretary is the delegated RFN staff member with portfolio responsibility for the prevention of sexual exploitation and abuse for the Foundation. This person has overall responsibility for the development and implementation of PSEA Policy and activities across RFN.

At all times the safety and wellbeing of the victim/survivor and/or the reporter must be paramount and information treated confidentially. Whistleblowers are also protected and supported throughout the reporting and investigation processes according to the RFN Complaints and Whistleblower Policy.



The RFN Board will be informed of any PSEAH issues raised.

External reporting:

- Where safe to do so, and when in accordance to the wishes of the victims, survivors and whistleblowers, all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels regardless of whether it is mandated or not.
- RFN upholds its obligation to report any incidents of alleged SEAH to DFAT and it is the responsibility of the Safeguarding Focal Point to ensure reporting is in accordance with DFAT requirements and timeframes (see Appendix 4).

Accessing and communicating the policy

This Policy will be available on our website and disseminated to all our personnel and project partners.

We will ensure that all personnel and the Delivery Partner are notified of and made aware that they are required to comply with the policy.

Policy review

We are committed to continuous improvement to our PSEAH policy, procedures and practices. This policy will be reviewed at a minimum of every three years to ensure it is working in practice reflects current legislative principles.

Roles and responsibilities

The Board of Directors is responsible for:

- Ultimate accountability for our organisational policies
- Guiding governance and culture of RFN through strategic leadership, and
- Approving this Policy and holding the CEO accountable to how effectively this policy is implemented

The Chief Executive Officer is responsible for:

- Ensuring this Policy is upheld
- Ensuring all senior employees are accountable to this Policy
- Reporting to the Board on PSEAH matters



Executive Team is responsible for:

- Leading by example
- Ensuring our procedures, practices, plans and operations align with this Policy
- Ensuring their team is aware of this Policy and understand their responsibilities
- Coordinate delivery partner's PSEAH training and tools

Safeguarding Focal Point

Manager Communications and Company Secretary is the RFN employee identified as the point of contact for PSEAH. The position is responsible for:

- Ensuring that RFN meets its obligations to Safeguarding (Child Protection and preventing SEAH).
- Implementing the PSEAH policies and procedures
- Receiving and managing reports and investigations
- Reporting to the CEO and other stakeholders
- Ensuring this policy is accessible via the RFN website

Delivery Partner Managers are responsible for:

- Communicating this Policy and related procedures to personnel.
- Regularly including safeguarding as an agenda item at team meetings.
- Engaging their teams in an open, honest and meaningful way to ensure they understand what is expected of them.
- Ensuring in-country procedures for safeguarding are consistent with this Policy.

Personnel (including you) are responsible for:

- Understanding and following this policy and related procedures.
- Ensuring that your actions are in line with this Policy, and that your work reflects the Policy Commitments above.
- Not encouraging others (directly or indirectly) to breach this policy.
- Reporting any breach to your manager.
- Any concerns, allegations or breaches must also be reported to the <u>Safeguarding</u> <u>Focal Point</u>.

We have a shared responsibility to ensure preventing sexual exploitation, abuse and harassment is at the forefront of all decisions and interactions of our work.



Minimum Standards

The Policy takes a risk-based, proportional approach to PSEAH. DFAT staff and partners must assess the level of risk for SEAH occurring, and apply minimum standards accordingly. Guidance on assessing the risk of SEAH is provided to assist DFAT partners determine the level of risk. The PSEAH Minimum Standards are then applied commensurate with the level of risk identified.

Whilst RFN is not obliged to apply with this approach, we have chosen to use this framework to guide our own policies and practices to ensure we're maintaining the highest standard of compliance as recommended by the Australian government.



DFAT PSEAH Minimum Standards						
	Obligation		Applies to			
Minimum standard	Organisations	Individuals	Low Risk	Med Risk	High Risk	Very High Risk
1. Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.	Must have a PSEAH policy or other documented policies and procedures in place, which clearly meet the expectations of this Policy.	Sign a document outlining appropriate and enforceable standards of conduct, compliant with the requirements of this Policy	1	J	\$	J
2. Have reporting and investigation procedures in place.	The PSEAH policy, or equivalent, documents how SEAH incidents will be managed, reported and investigated. Reporting and investigation processes must include engagement of and reporting to senior management and executive boards.	Through a document which outlines appropriate and enforceable standards of conduct, confirm awareness of DFAT's PSEAH reporting requirements for concerns or incidents and policy non- compliance.	✓	✓	5	✓



3. Have risk management processes that include the risk of SEAH.	Have effective risk management processes that include consideration of the risk of SEAH. The process must document the controls already in place or to be implemented to reduce or remove risks.	Must meet the reporting requirements under their agreement, aligned to DFAT's PSEAH Policy.	X	J	J	✓
4. Effective PSEAH training in place.	PSEAH training for personnel, including downstream partners and individuals that deliver DFAT business.	Complete PSEAH training and provide evidence of this.	X	x	\$	✓
5. Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Can demonstrate robust PSEAH recruitment and screening processes for all personnel/consultants including having in place appropriate and enforceable standards of conduct.	Based on a risk assessment, assurances could include providing a recent police check, working with vulnerable people check or location specific equivalent that provides assurance reasonable SEAH precautions have been taken. Local requirements must also be followed.	x	x	✓	✓
6. Prohibit transactional sex for all personnel, while engaged in the direct delivery of DFAT business	Prohibits transactional sex in the field for all staff and downstream partners while engaged in the delivery of DFAT business	Employment agreements include clauses prohibiting transactional sex while engaged in the delivery of DFAT business.	X	x	x	✓



7. Prohibit fraternisation for all non-national personnel, while engaged in the direct delivery of the DFAT business	Prohibits fraternisation for all non- national personnel in the field while engaged in the delivery of DFAT business	Employment agreements include clauses prohibiting fraternisation for all non-national individuals while engaged in the delivery of DFAT business	X	X	x	\$
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How to Report

If you alleged, witnessed or suspected cases of child abuse and exploitation or policy noncompliance you have a mandatory obligation to speak up. This can be done:

- a) In person/verbally:
 - Project participants, community members or any person can speak to our personnel or Delivery Partner in the field who will complete the required forms and forward them to the Safeguarding Focal Point
 - The Delivery Partner can verbally report directly to the RFN in-country Director, the Safeguarding Focal Point, or any RFN personnel
 - Our personnel can speak with their manager, a fellow RFN personnel, or the Safeguarding Focal Point
- b) By phone:

If a concern is received by phone, the receiving officer will identify who they are and their role, listen to the complainant, and record details including:

- The complainants name, address and contact details and the date on which the complaint is received
- If an anonymous complaint is received, whether the complainant wishes to receive updates through that service
- The name of the receiving RFN officer or external service provider
- The details of the matter including the nature of the issue, the location of the issue, and who is alleged to be involved
- The receiving officer will confirm the relevant details and advise the complainant of what the next step will be (see also, Appendix 5 'Child Protection Incident Reporting Form' for details on information to collect over the phone).
- c) In writing:
 - If a concern is received in writing the receiving officer may, where contact details are supplied, contact the complainant and confirm the relevant details as well as any additional information. Written incident reports or concerns regarding alleged, witnessed or suspected cases of child abuse and exploitation or policy non-compliance can be made by email or post.
 - If you are making a complaint by writing, you can complete the 'Child Protection Incident Reporting Form' (Appendix 5)



Key Contact Points:

Safeguarding Focal Point

- Phone: +61 2 8405 7950
- Email: Safeguarding Focal Point
- Mail: PO Box 76, Calwell, ACT, Australia 2905



Professional Behaviour Standards for Protecting Children and Vulnerable People

The Professional Behaviour Standards for Protecting Children and Vulnerable People forms part of the Code of Conduct and is included here as an Appendix.

Professional Behaviour Standards reflect RFN's commitment to protecting the safety and wellbeing of everyone, especially children and vulnerable people, and preventing all forms of abuse, exploitation and harassment.

The commitments below capture the essence of professional behaviour expected by RFN but may not cover all potential situations.

I commit to protecting the rights of everyone, especially children and vulnerable adults

- I treat everyone, especially children and vulnerable people, with respect.
- I am aware that I have a privileged position being associated with RFN. I am aware of unequal power relationships (such as between adult and child) and will not take advantage of my position. I prioritise the safety and wellbeing of children and vulnerable people.
- I am aware of situations and behaviours that may be perceived as exploitative or abusive (such as giving gifts, paying extra attention or developing 'special' friendships).
- I will avoid these situations or take extra measures to keep everyone safe.
- I will not use physical punishment or threats of physical punishment.
- I will not do things for children that they can do for themselves.
- I will not give alcohol, cigarettes or drugs to children.
- I will not speak or act in a way that is inappropriate, exploitative, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Wherever possible, I ensure that another adult is present when I'm having contact with children.
- I will not sleep close to unsupervised children unless absolutely necessary; if it is unavoidable, I will have my supervisor's permission, and have another adult present if possible.
- I will not invite unaccompanied children into my home or vehicle, unless they are at immediate risk of danger.
- These behaviours are not intended to interfere with normal family interactions.

I help to create a culture that empowers and protects children

- I create an environment which prevents all forms of exploitation, abuse and harassment (including sexual, physical and emotional).
- I develop strategies for listening to the needs and interests of children.



• If I am a manager at any level, I am responsible for supporting and developing the culture and systems that maintain a safe environment.

I prevent all forms of sexual exploitation, abuse and harassment

- In line with international standards, I will not have sexual activity with anyone under the age of 18 (regardless of local law). I understand that not knowing a person's age is not a defence or excuse.
- I will not engage in any sexual activity or relationship with those who are benefiting from our work. I will not improperly use my position or power for sexual purposes. Such relationships put the integrity of our work at risk.
- I will also make sure that no harm (including sexual exploitation, abuse or harassment) occurs during delivery of our programs or activities.
- I will not exchange money, employment, goods, assistance or services for sex including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes exchange of assistance that is due to our program participants.
- I will not engage in the trafficking of human beings, in any form.

I act responsibly when I work with photos or videos

- I respect local traditions or restrictions when taking photos or videos of children.
- I get informed consent prior to taking a photo or video of a child. I will explain how the photo or video will be used. I will keep written records of the permission obtained.
- I make sure that photos and videos show children in a dignified and respectful way. I make sure they do not appear submissive or vulnerable. They should be adequately clothed and not appear in poses that could be seen as sexually suggestive.
- I make sure that images are honest representations of the context and the facts. I do not exaggerate the truth to make the story more compelling.
- I will not use any technology (such as computers, mobile phones, cameras or social media) to exploit or harass children.
- I will not access exploitative material, such as child pornography, in any way.

I act within the law. I disclose offences

- I immediately disclose any investigations or offences (including charges, convictions, allegations and other outcomes) that relate to child exploitation and abuse including those under traditional law. I will disclose them whether they occurred before, or during, my association with RFN
- I comply with all relevant legislation (both Australian and local) including child labour laws.

I report immediately, even if I'm just concerned, suspicious or unsure



- I immediately inform my direct manager if I become involved in a personal relationship which may be perceived as inappropriate or exploitative, or where unequal power dynamics (real or perceived) exist. If I am unsure if my relationship falls into this category, I will discuss the situation with the CEO or Manager HR and Planning.
- I must immediately report if I have concerns, suspicions or allegations of:
 - sexual exploitation, abuse or harassment by a fellow worker, whether in the same agency or not;
 - a sexual relationship that involves a power imbalance (for example, between a personnel member from RFN or another agency and a program participant or community member);
 - a child being abused, exploited or at risk of harm, and
 - breaches of RFN's policies, Code of Conduct or this Professional Behaviour Standards for Protecting Children and Vulnerable People
- I understand that I can make a report via email to RFN <u>CEO</u>.
- I understand that RFN will take all reports seriously, elevate issues quickly and respond appropriately. RFN will take a 'do no harm' approach and prioritise the rights of the victim/survivor while ensuring procedural fairness to all parties.
- I take responsibility for reporting. I must not assume that someone else will report a situation relating to the safety of children or people experiencing sexual exploitation, abuse or harassment.



DFAT Reporting Requirements

- a) Mandatory and immediate (within two working days of becoming aware of an alleged incident) we must report any alleged incident of sexual exploitation, abuse or harassment related to the delivery of DFAT business. This includes any alleged incident that poses a significant reputational risk to DFAT. For example, an allegation against a senior employee of a partner organisation.
- b) Mandatory reporting (within five working days) we must report any alleged Policy noncompliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.

Where an individual or organisation has already reported, but becomes aware of additional information, the individual or organisation must also report that information.



Incident Reporting Form

Safeguarding Reporting Form

Notification Details

In line with our PSEAH and Child Protection and Vulnerable People Policies, RFN takes a victim/survivor centred approach to the reporting of safeguarding issues. Where it is safe to do so, please provide as much information as possible, and in line with the wishes of the victim/survivor.

If you do not know any answers to the questions below, please write do not know. You do not need to seek further information to submit the form.

If you have any concerns about completing this form please contact the <u>Safeguarding</u> <u>Focal Point</u>. All Information in this form will be treated confidentially.

You can lodge this form at aus.office@reachfornepal.org

1. Information about the person completing this form

Please consider the privacy and protection of any individuals reporting. Only provide details of any individuals if permission has been granted to share this information.

Name	
Organisation	
Position or relationship to REACH for Nepal Australia	
Phone	



Email	
Date	
Location (country/province/city etc)	
2. Information about the victim/survivor If more than one person was affected, please include all. Please consider the privacy and protection of any individuals reporting. Only provide details of any individuals if permission has been granted to share this information.	
Name	
Age	
Gender	
Current location of the victim/survivor (include who the person lives with if applicable)	
Any additional information about the victim/survivor, such as injuries, disability, general impressions.	



What actions have been taken to ensure the victim/survivor's safety at present?		
Have referrals been made to support services such as a medical facility or counselling services? <i>(if yes, please provide details)</i>		
Location (country/province/city etc)		
Does the victim/survivor know that you are reporting this concern?		
3 Information on the suspected concern		
What Happened?		
When did it take place? (date(s) and time(s)		
Where did it take place? (country, province, city/village/town etc. Please provide as much detail as possible)		



Were there witnesses? If yes – who are they and how can they be contacted?		
Date incident report was received by you?		
4 Project/program details related to th	e incident	
In which Project or Program?		
Location of Project or Program (country, province, city/village/town etc. Please provide as much detail as possible)		
Name of partner(s) associated with the project/program: (e.g. name of organisation(s); include downstream partners)	with the project/program: (e.g. name of organisation(s);	
5. Reporting to others		
Are local police aware of the incident/allegation? If yes, please provide details		



Who else has been informed about this Safeguarding Concern

(include both internal and external e.g. police / doctors)

6 If applicable: Information about the suspected perpetrator/person(s) involved

If safe to do so

Name	
Gender	
Suspected perpetrators relationship to victim/survivor	
Suspected perpetrators relationship to REACH for Nepal Australia	
Is the suspected perpetrator Australian or living in Australia?	
Current Location	
Contact details	

7. Other information



please provide any other relevant information here that has not already been mentioned above