

Safeguarding and Prevention of Sexual Exploitation and Abuse Policy



Policy number:	24	Version:	2 - 4/09/2021
Drafted by:	Finance, Audit and Risk Committee	Approved by Board on:	27/04/2020
Responsible person:	Board of Directors	Scheduled review date	27/04/2022

0. Introduction

Central to the operation and values of **Educating The Future Australia Limited (ETF)** is respect for the dignity and basic human rights of all peoples, aiming to empower children and adults to reach their full potential. Sexual exploitation and abuse is a violation of basic human rights. This policy aims to safeguard all people involved with ETF's development activities through the prevention of sexual exploitation and abuse.

ETF is committed to assuring that volunteers, directors, and related personnel are not subject to any form of sexual harassment, sexual abuse and/or sexual exploitation. We recognise our development work involves collaboration with vulnerable adults and children. In alignment with ETF's Code of Conduct, volunteers have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse any position of authority in order to exploit or abuse another person.

ETF will actively prevent and respond to sexual exploitation and abuse to maintain an organisational culture that prioritises safeguarding our volunteers and the communities we collaborate with. We will ensure it is safe for those affected to come forward and report incidents and concerns with the assurance that they will be handled appropriately and sensitively.

ETF Future has prioritised a survivor centered approach, that emphasises the rights, needs, wishes and empowerment of survivors of sexual exploitation and abuse in both the prevention and response to sexual exploitation and abuse.

1. Purpose

The purpose of this policy is to safeguard all people involved with ETF's development activities and prevent any form of sexual exploitation and abuse. This zero tolerance policy aims to guide ETF volunteers, directors, and related personnel in their approach to the prevention of sexual exploitation and abuse. It includes the following:

- The principles upon which decision making and actions should be made;
- Our expectations of persons representing ETF; and

- Our plan of effective action in response to sexual exploitation and abuse.

2. Scope

This policy applies to all ETF activities and the following people:

- ETF volunteers;
- ETF directors;
- ETF related personnel such as partners and associated implementing organisations.

This policy applies at all times, during and outside volunteering hours and during periods of leave or travel for ETF, with no exceptions.

3. Definitions

3.1. Child

In accordance with the United Nations Convention of the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier.

3.1.1 Under Timorese Laws, a child in Timor is defined as someone under 17 years of age.

3.2. Child Exploitation and Abuse (involves one or more of the following)

Physical abuse: occurs when a person purposefully injures or threatens to injure a child or young person.

Emotional abuse: 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.

Child sexual abuse: occurs when an adult, adolescent or child use their power or authority to involve a child in sexual activity. This can be physical, verbal or emotional..

3.3. 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 touching). All sexual activity with someone under the age of consent is considered to be sexual abuse.

3.4. 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.

3.5. 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 beneficiaries, community members, citizens, as well as staff and personnel.

4. Principles

At ETF, we believe everyone has a right to live their lives free from sexual harassment and abuse, sexual violence, bullying, exploitation and any abuse of power regardless of age, gender, sexuality, disability, religion or ethnic origin.

The following principles will guide ETF in upholding its responsibility to safeguard and prevent sexual exploitation and abuse:

ETF commits to:

- Create a safe working culture for all those whom ETF serves and those volunteering for and representing the organisation.
- Ensure that all concerns or allegations of sexual harassment, abuse or exploitation are responded to in a timely, sensitive and appropriate manner and there are multiple channels through which staff and other stakeholders can raise concerns.
- Uphold a zero tolerance approach towards sexual exploitation and abuse and ensure those responsible are held accountable.
- Support survivors and victims and always adopt an approach that respects the confidentiality and decision making rights of survivors where possible and appropriate to do so.
- Support survivors and victims are provided with the necessary means for protection and rehabilitation, such as being referred to another organisation to address specific issues and needs.
- Build a culture where all those whom ETF serves and who volunteer for ETF feel empowered to insist on non-discriminatory and respectful behaviour from each other, where poor behaviour is not accepted, and where power is not abused.

ETF adopts the following principles to guide our safeguarding work:

- *Non-directive:* We aim to empower survivors and complainants by helping them explore their options in safe ways without imposing our own opinions
- *Non-judgemental:* We never judge survivors or complainants for their actions or decisions

Policies can be established or altered only by the Board; **Procedures** may be altered by the MD.

Confidentiality: We are committed to confidentiality when carrying out our work. Information will not be shared outside the team or the organisation unless we believe that someone is in danger or a child has been or may be harmed

- *Commitment to good practice:* We always strive to offer the best supports and systems possible, and are open to feedback and continual learning.

ETF will ensure that:

- All volunteers, directors, partners and related personnel will have access to information about how to report concerns or allegations of sexual harassment, abuse and exploitation.
- Concerns or allegations of sexual harassment, abuse or exploitation will always be taken seriously, investigated and acted on if appropriate, in line with our safeguarding principles set out above.
- Volunteers, directors, and related personnel will have access to, and be familiar with this policy and know their responsibilities within it.

5. Policy

All ETF volunteers, directors, partners and related personnel are expected to conduct themselves in accordance with the following policies relating to their sexual and personal conduct.

5.1. Sexual activity with children

ETF strictly prohibits volunteers, directors, and related personnel from having sexual relationships with children, which is defined as anyone under the age of 18 years. Mistaken belief in the age does not qualify as defence.

5.2. Sexual activity with ETF beneficiaries

ETF strictly prohibits volunteers and directors from engaging in any form of sexual activity with ETF's beneficiaries.

5.3. Sexual activity with staff from ETF's related personnel (Donors and Partners)

ETF is clear that any partnerships we go into with others are based on mutual respect for values and beliefs. ETF strictly prohibits volunteers and directors from engaging in sexual activity with staff from its partners and associated implementing organisations where this is an abuse of power. All volunteers and directors engaged in relationships with partners and donors of ETF must:

- Declare their relationships as soon as possible to a Director. As long as relationships are conducted appropriately such disclosures will be treated confidentially.
- Behave professionally and conduct their relationships in a way that does not impact on ETF activity.
- Ensure they do not make work decisions based on that relationship.
- Ensure that their relationship does not lead to fraudulent or corrupt behaviours.

5.4. Buying sex

ETF's Code of Conduct strictly prohibits volunteers, directors, and related personnel from buying sex.

- ETF does not make a judgement against individuals who participate in selling sex in exchange for money or something else such as gifts or material support (“transactional sex”).

5.5. Failure to act upon suspected or reported sexual harassment, abuse or exploitation

It is the duty and the responsibility of all volunteers and directors to report in line with this policy any suspicions or incidences of inappropriate behaviour. This can be done without sharing details of cases where information has been shared in confidence. Failure to report to a relevant person suspected exploitation or abuse relating to someone else is a breach of ETF's policy and could lead to disciplinary action being taken. For the avoidance of doubt, there is no obligation placed on any individual to report any incident that has happened to them.

6. Policy review

ETF recognises the importance of reviewing our safeguarding and protection from sexual exploitation and abuse policy and procedures in order to meet with sector best practice. ETF agrees to review this policy and procedures every two years to ensure they are operating effectively.

This policy shall be disseminated through an appropriate directive to all internal ETF stakeholders and necessary persons.

Safeguarding and Prevention of Sexual Exploitation and Abuse Procedures



RESPONSIBILITIES

Creating a safe working environment at ETF is everyone's responsibility. We have a zero tolerance policy for the failure to act on concerns or disclosures relating to sexual harassment, abuse and exploitation.

ETF directors hold overall accountability for this policy and its implementation.

ETF directors and Board are responsible for reviewing and updating this policy every two years and in line with legislative and organisational developments. They hold overall accountability for managing and maintaining ETF's PSEA policy and procedures.

All Volunteer members of the Leadership Team are accountable for ensuring that their functional teams understand and adhere to this policy. Where compliance issues are surfaced, directors and Team Leaders will work with volunteers to address these issues promptly.

All volunteers, directors, and related personnel are required to adhere to this Policy and ETF's Code of Conduct at all times.

All volunteers, directors, and related personnel are obliged to report any suspicions of sexual exploitation, abuse or harassment of others. This can be done without sharing details of cases where information has been shared in confidence. Failure to report to a relevant person suspected of abuse relating to someone else is a breach of ETF's policy and could lead to disciplinary action being taken. For the avoidance of doubt, there is no obligation placed on any individual to report any incident that has happened to them.

PROCEDURES

1. Recruitment and performance management

ETF will apply robust recruitment and screening procedures for all ETF volunteers to reduce the risk of engaging a person who poses a risk with a background of unacceptable behaviour.

These procedures include:

- Include safeguarding and prevention of sexual exploitation and abuse commitments in advertisements for new Volunteer positions
- Ask questions related to safeguarding and prevention of sexual exploitation and abuse during a recruitment interview

- Verbal referee checks from an applicant's last place of employment or volunteer position, which will include a question regarding any concerns of sexual misconduct
- New volunteers sign an agreement to uphold this policy and ETF's code of conduct
- A Working With Children Check is essential before joining Educating the Future.
- Include an assessment of understanding of this policy and procedures and the opportunity to raise concerns in performance management discussions

2. Induction and training

ETF's safeguarding and prevention of sexual exploitation and abuse policy and procedures will be included in all induction sessions for new volunteers. Existing volunteers will be provided with annual refresher training opportunities. A training opportunity will also be provided for new partners, where our policy and practises will be communicated and the partners obligations under this policy made clear.

Any revisions to this policy or procedures will be followed with an information session to inform and educate volunteers, directors, and related personnel of the changes.

3. Whistleblowing

As outlined in ETF's Whistleblower Policy, all disclosures will be treated in confidence and will be addressed sensitively and appropriately. ETF is committed to a culture where volunteers, directors, and related personnel are encouraged to report wrongdoing that is of legitimate concern by providing protection. This means a person who makes serious wrongdoing disclosures will be empowered to do so without fear of reprisals.

For more information refer to Educating the Futures [Whistleblower's Policy](#) and to the nominated Whistleblower focal person.

4. Discipline and grievance

Sexual exploitation and abuse by ETF volunteers, directors, and related personnel are viewed as acts of gross misconduct and abuse of basic human rights. Such acts are therefore grounds for disciplinary action, up to and including termination of Volunteer position and involvement in ETF activities.

Disciplinary actions/possible outcomes for the violation of the safeguarding and prevention of sexual exploitation and abuse policy include:

- Referral to local statutory authorities, where appropriate
- ETF internal investigation
- Suspension of Volunteer activity pending investigation
- Performance management
- Formal warning and monitoring
- Termination of Volunteer position and involvement in ETF activities.

5. Programming guidelines

ETF is committed to identifying and mitigating risks in relation to sexual exploitation and abuse in programmes in order to make them safer.

All programs must have a risk assessment conducted before initiation, any programs that have a risk involved with this policy must organise a meeting with the PSEAH Focal person before continuing. The PSEAH Focal Person's details can be found within the Policy Register.

6. Partnership arrangements

ETF will ensure all partnership arrangements include an understanding of safeguarding and prevention of sexual exploitation and abuse. Reviews of these partnerships will include an assessment of the prevention of sexual exploitation measures.

If ETF receives a complaint about a partner organisation, ETF will expect the partner to respond quickly and appropriately. Where appropriate, ETF should work with the partner to address the issue through an independent investigation. If the outcome is that abuse has occurred, ongoing work with the partner cannot involve the individual(s) concerned.

If there is reason to believe that an allegation of abuse has been dealt with inappropriately by a partner then they risk withdrawal of funding or ending the relationship (including networks and consortia).

7. Handling complaints and concerns

ETF is committed to providing a safe, supportive and secure environment to report sexual exploitation and abuse. ETF will take all concerns seriously and respond immediately. Concerns should be initially raised to the PSEAH Focal person, whose details can be found within the Policy Register. When a complaint or concern has been raised, it must be referred within 48 hours to ETF's directors. This can be done on behalf of somebody else, and may only involve a suspicion.

If the concern involves reports of abuse or exploitation of individuals under the age of 18 (in Australia) or 17 (in Timor-Leste) the concern must be reported following the procedures in the [Child Protection Policy](#).

7.1. Reporting process

Within 72 hours of receiving a complaint or concern, ETF's directors must convene a case conference. An email must be sent to the complainant acknowledging the complaint as soon as possible. ETF must refer suspected cases of child or vulnerable adult abuse to local statutory authorities where appropriate. The decision about whether to refer to local police or statutory authorities in other cases is made by the person who it is alleged has been the subject of abuse ("the victim/survivor" - who may or may not be the complainant). The Managing Director and PSEAH Focal Person will work to support the victim/survivor and/or complainant regardless of whether they wish to report to local police/statutory authorities or not. Our approach will always be to comply with reporting obligations under local law, as long as we have the victim's consent to do so.

Confidentiality must be maintained throughout the complaints process by all directors, volunteers and witnesses. Directors, volunteers and witnesses who breach confidentiality will be subject to disciplinary action, up to and including termination of Volunteer position and involvement in ETF activities. In some cases, such breaches constitute breaking the law.

There are two types of incident reporting which include:

- **Mandatory and Immediate:** (within two working days of becoming aware of an alleged incident) reporting by all staff and ETF partners of any alleged incident of sexual exploitation, abuse or harassment related to the delivery of ETF business. This includes any alleged incident that poses a significant reputational risk to ETF. For example, an allegation against a senior staff member of a partner organisation.
- **Mandatory reporting:** (within five working days) by all staff and ETF partners of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.

7.2 False allegations

If an ETF volunteer or director is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of involvement in ETF activities.

7.3 Receiving external complaints and concerns

Complaints raised from outside the organisation must be referred to ETF's directors. These must adhere to ETF's policy and procedures as outlined in this document.

7.4 Managing Reports

An incident report must be lodged for each complaint or concern of SAE that has been brought to the attention of the PSEAH Focal Person, Managing Director or other member of the organisation. Reports lodged in the incident register will be recorded subject to confidentiality and kept for 7 years.

8. Survivor support and assistance

ETF is committed to a survivor-centred approach in which the survivor's wishes, safety and wellbeing remain a priority in all matters and procedures. All actions in the safeguarding and prevention of sexual exploitation and abuse procedure should be guided by respect for choices, wishes, rights and dignity of the survivor. If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide.

Support will be offered to survivors and victims, regardless of whether a formal internal response is carried out (such as an internal investigation). Support can include assistance in connecting with specialist services and ongoing psycho-social support.

Survivors will be provided with information on the progression of an investigation and final outcomes.