



PREVENTION OF SEXUAL EXPLOITATION & ABUSE POLICY

APPLICABILITY: ACCI Missions & Relief Staff, Volunteers, Field Workers, Associates, Strategic Partners & Board Members (See Scope)

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AUTHORISED BY: ACCIR and ACCIM Boards

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PREAMBLE

There is no higher standard of just human interaction than that required of us by God and laid out for us in the Bible. God in his nature embodies love and justice, and expects our relationships and interactions with others to be based on the same principles. In fulfilling our responsibilities, we protect each other's rights. This is captured today in what we call Human Rights.

Human rights are based on an understanding that all people are created equally and have equal value and equal dignity before God, affirmed not just in creation but also in redemption. All humans, regardless of age, race, gender, social background, religion, disability and/or belief, hold human rights equally.

Sexual exploitation and abuse is a violation of basic human rights. ACCI Missions and Relief recognise that vulnerable adults and children are particularly at risk of sexual abuse and exploitation. Sexual harassment, violence, exploitation and abuse, as well as a range of non-sexual abuses of power, take various forms and can happen to anybody at any time during their lives, but are more likely when one person is in a position of power over another. Therefore, this policy has been developed to outline our commitment and strategies to prevent and limit the risk of sexual abuse or exploitation occurring within our programs or perpetrated by our stakeholders.

PURPOSE

The purpose of this Prevention of Sexual Exploitation and Abuse Policy (PSEA) is to outline the preventative and responsive measures ACCI has in place to safeguard people against sexual exploitation and abuse. This policy aims to achieve this by:

- Demonstrating ACCI's commitment and approaches to prevention of sexual exploitation and abuse;
- Outlining the expectations and responsibilities of ACCI stakeholders;
- Providing guidance on how to respond to concerns and allegations; and
- Setting high standards around personal behaviour that must be adhered to by all ACCI stakeholders.

SCOPE

This policy applies to all **ACCI Stakeholders** defined below.

- All ACCI **Staff** including but not limited to employees, contractors and consultants.
- All ACCI **Volunteers** including but not limited to office and event based volunteers.
- All ACCI **Field Workers**.
- All ACCI **Associates**.
- All ACCI **Strategic Partners** including any organisation receiving ACCI funding in Australia or abroad to implement activities including but not limited to community development, disaster response or non-development activities.
- All ACCI **Board Members**.

DEFINITIONS

Sexual exploitation and abuse (SEA) occurs against a child or an adult and can occur between people of the same or different genders. It includes situations such as:

- Sexual exploitation and abuse;
- Sexual harassment;
- Child sexual abuse and exploitation;
- Women and men sexually exploited through sex work;

- Possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and children.¹

Sexual Exploitation - 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 another².

Sexual Abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions².

Sexual Harassment - includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect¹.

Child Abuse - Abuse as defined by the Child Protection Act 1993 can be physical, emotional, sexual or in the form of neglect. Intervention is required where the child has suffered, or is likely to suffer neglect or abuse which is detrimental to the child's wellbeing.

- **Physical abuse** is commonly characterised by physical injury resulting from practices such as punching, beating, shaking, biting, burning or otherwise harming a child.
- **Sexual abuse** occurs when an adult or older child, uses their power or authority over the child or takes advantage of the child's trust to involve them in sexual activity. This sexual activity does not just mean sexual intercourse; it means any sexual activity including flashing, fondling, masturbating and oral sex.
- **Emotional abuse** tends to be a chronic behavioural pattern directed at the child/young person whereby their self-esteem and social competence is undermined or eroded over time.
- **Neglect** is characterised by the failure to provide for the child/young person's basic needs. This can occur through direct and deliberate action or by omission or deliberate inaction to care for the child/young person.
- Abuse happens to both male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Abuse can be inflicted on a child by both men and women, as well as by young people themselves. In some cases, professionals and other adults working with children in a position of trust also abuse children.

Child Exploitation - Child exploitation includes one or more of the following:

- Committing or coercing another person to commit an act or acts of abuse against a child.
- Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material.
- Committing or coercing another person to commit an act or acts of grooming or online grooming³.

¹ AVI, Prevention of Sexual Exploitation and Abuse Policy, 2018, <https://www.australianvolunteers.com/assets/Uploads/ResourceFiles/09c9a5056f/Prevention-of-Sexual-Exploitation-and-Abuse-PSEA-Policy-FINAL-September-2018.pdf>.

² UN Secretariat, Secretary General Bulletin: Special measures for protection from sexual exploitation and sexual abuse, 2003, <https://www.unhcr.org/en-au/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>

³ AIFS, CFCA Resource Sheet, 2018, [aifs.gov.au/cfca/publications/australian-child-protection-legislation](https://www.aifs.gov.au/cfca/publications/australian-child-protection-legislation).

OUR COMMITMENT

ACCI Missions & Relief (ACCI) is committed to:

- Develop organisation-specific strategies to prevent and respond to sexual exploitation and abuse;
- Create a safe working culture for all ACCI stakeholders;
- Undertake risk assessments to identify areas of risks and mitigation strategies;
- Ensure ACCI stakeholders are informed regarding the commitments and policies outlined in this document including how to report concerns or allegations;
- Investigate **ALL** reports of sexual harassment, abuse or exploitation linked to our stakeholders or ACCI funded activities. Concerns or allegation of sexual harassment, abuse or exploitation will always be taken seriously, investigated and acted on.
- Take immediate and appropriate action against ACCI stakeholders who commit sexual exploitation and abuse.

ACCI STAKEHOLDER STANDARDS

All ACCI Stakeholders must uphold and promote the highest standards of ethical and professional conduct and abide by ACCI policies.

ACCI Stakeholders will not:

- request any service or sexual favour from beneficiaries of ACCI funded programs, children or others in the communities in which ACCI works, in return for protection or assistance, and will not engage in sexually exploitative or abusive relationships.
- exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means ACCI Stakeholders may not engage the services of sex workers.
- have sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the stakeholder works. Ignorance or mistaken belief of the child's age is not a defence.
- support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography.

ACCI Stakeholders are strongly discouraged from:

- having sex or engaging in sexual activities with program beneficiaries because there is an inherent conflict of interest and potential for abuse of power in such a relationship. Such relationships undermine the credibility and integrity ACCI's work. ACCI stakeholders must seek counsel from ACCI staff before entering into a relationship of this nature.

ACCI Stakeholders must:

- Undertake to create and maintain an environment that promotes implementation of this policy.
- Immediately report any concerns or suspicions they have regarding possible violations of this Policy by other ACCI Stakeholders.
- Be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- Ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation.

- Immediately inform their ACCI Field 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. Workers who are unsure if their relationships falls into this category should discuss the situation with ACCI Staff.

BREACH OF POLICY

Sexual exploitation and abuse constitute acts of gross misconduct and are therefore grounds for termination of employment or association with ACCI. Disciplinary actions/possible outcomes for breach of this policy include:

- Referral to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate
- Referral to Australian Federal Police, where appropriate
- ACCI internal investigation
- Suspension pending investigation
- Performance management
- Formal warning and monitoring
- Termination of employment for workers or assignment for program participant

RECRUITMENT AND PERFORMANCE MANAGEMENT

ACCI recruitment practices aim to recruit the safest and most suitable staff, field workers and volunteers and deter those who wish to cause harm to people from seeking engagement with ACCI. The following screening measures are required for all short-listed candidates or applicants:

- **Police Check.**
- **Working with Children Check** (or equivalent for the state/territory). Successful applicants must keep this check renewed throughout their employment, volunteering or time as a field worker.
- **Reference Checks.** A minimum of two non-related referees will be contacted verbally and asked specific questions regarding any concerns of sexual misconduct.

REPORTING

ACCI provides a safe, supportive and secure environment to report SEA. ACCI will take all concerns seriously and respond immediately. All reports of SEA will be recorded, regardless of whether substantiated or full investigation required.

ACCI stakeholders must immediately report any concerns, suspicions or allegations of SEA or breach of the ACCI Prevention of Sexual Exploitation and Abuse Policy. This includes any concerns, suspicions or allegations involving an employee or volunteer of an ACCI fieldworker or partner or any incident occurring within an ACCI funded activity.

A report should be made to ACCI's General Manager:

Email: complaints@acci.org.au

Phone: +61 3 8516 9600 or 1300 997 502

Post: 5/2 Sarton Rd, Clayton, Victoria, Australia

INVESTIGATION

When a belief or suspicion of SEA is reported, ACCI's General Manager will act immediately by launching an investigation and developing an investigation plan based on established procedures and in accordance with the ACCI Complaints Handling Procedure. If the incident involves a child, ACCI's Child Safeguarding Policy will be followed.

All reports will be appropriately investigated no matter who the alleged perpetrator is. When applicable, the incident is reported to the police, government agencies or other relevant organisations.

During the investigation:

- The GM will lead the investigation with other members of senior management and if deemed appropriate an ACCI board member or ACC representative.
- The GM will ensure relevant laws and legislative procures are followed (external legal advice will be sought when required).
- The reporter, victim and person subject to an allegation will be treated with respect from the start of the process until the case is closed.
- External counselling will be provided if necessary to those involved.
- Person subjected to an allegation may be stood down or partnership suspended. This process does not indicate guilt or innocence. If the individual is an employee or field worker they will continue to receive full pay and other entitlements.
- If the allegation is organisational; involves an ACCI strategic partner; if it is considered in the best interests of children/adult involved; or if the organisation is non-cooperative, then ACCI may suspend the partnership (including discontinuing accepting or disbursing funds) until the investigation has concluded and an acceptable resolution has been achieved.
- The investigation will be considered top priority until closed.

What happens if the incident is proven or suspicion credible?

In the event that an incident has been proven or there is credible suspicion, ACCI will automatically terminate a staff member, Field Worker or any other representative's association with the organisation. A Strategic Partner Organisation, which according to ACCI, does not respond adequately to a proven incident or credible suspicion (e.g. this may include terminating staff or appropriately addressing risks) will have its partnership terminated.

SURVIVOR SUPPORT AND ASSISTANCE

ACCI will ensure survivors of SEA are offered support and assistance such as referral to safe health/medical, psychosocial and legal/justice response where appropriate and where required to specialised children's or women's services.

REVIEWING THE POLICY

This policy will be reviewed **every three years**. ACCI General Managers and members of the field team will manage the review and stakeholders will be consulted during this process.

APPENDIX 3: CONFIDENTIAL INCIDENT REPORTING FORM



In accordance with ACCI’s reporting procedures, any incident, belief or suspicion of sexual exploitation and abuse violation is to be reported and the information passed on to the ACCI General Manager. This includes sexual harassment, sexual exploitation, abuse or non-compliance with ACCI Prevention of Sexual Exploitation and Abuse Policy. Activities or practices in ACCI projects that do not protect the best interests of the child or do not meet applicable local laws or standards must also be reported.

Please note:

- In no way, nor under any circumstances, is anyone on the field or in Australia to attempt to persuade someone not to notify, or even to delay notifying, authorities in the case of a sexual exploitation and abuse concern.
- It is not your responsibility to investigate even for the purpose of gathering information for this form. It is sufficient to just report on what you observed, aware of or were told.

PART ONE: ABOUT YOU (Note: This form is to be filled out by the person making the report)

Name: _____

Contact Details (e.g. phone, email, address): _____

Relationship with ACCI (e.g. Field Worker, Employee, Volunteer etc): _____

Relationship with person: _____

PART TWO: DETAILS

Name (s): _____ Age: _____ Gender: F / M

Any other relevant details or issues to be aware of (e.g. cultural issue, disability, ethnicity, religion etc):

Who does the individual live with (include address and contact details)? _____

Is the individual aware of this referral? Yes/No Is the parent/guardian aware of this referral? Yes/No

Where is the individual now? Is s/he in a place of safety and are there any immediate medical issues?

PART THREE: YOUR CONCERN

Sexual Exploitation and Abuse concern:

- Observed/suspected by yourself
- Disclosure by the person
- Allegation made by (name & details) _____

Date(s), time(s) and location(s) of incident(s): _____

Who is the person suspected?

- ACCI Staff, Field worker or other representative
- Staff of an ACCI Strategic Partner
- Someone in the community

Name and other relevant details of person suspected (e.g. address, job position, relationship with person, etc):

Details of Report

Please include the following:

- Details of the sexual exploitation and abuse concern or incident (Include what is alleged to have happened? What were the circumstances etc)
- Write down exactly what the child or other person has said (in his/her own words) and what you said (NB: Do not ask the child leading question-record actual details)
- Observations made by you (e.g. observed injures, persons perceived emotional state etc. Mark which observations are fact or opinion)

Have local authorities/external agencies been notified? Yes/No Date of notification: _____

Explain (e.g. name of authorities/agency, advice received, actions etc):

Signature: _____ Date: _____

PART FOUR: TO BE FILLED OUT BY ACCI MISSIONS & RELIEF CSO

Date matter was referred: _____ Date responded to complainant: _____

Investigation: How was the investigation conducted? Who was involved in the investigation, roles and responsibilities? Include key dates of investigation.

Findings & Comments:

Actions: Include action taken and any continued follow-up needed.

Lessons Learned: Strengths and weaknesses in areas such as the Prevention of Sexual Exploitation and Abuse Policy and its implementation and management etc.

Recommendations: To prevent possible sexual exploitation and abuse violations and improve the investigation process in the future.

Report prepared by: _____

Signed: _____ Date: _____

General Manager Name: _____

Signed: _____ Date: _____