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CR 000 749 Preventing Sexual Exploitation, Abuse and Harassment (SEAH) Policy

1. INTRODUCTION AND PURPOSE

The elements of this policy are inherent within ADRA Australia’s core identity, values and beliefs:

The Adventist Development and Relief Agency (ADRA) Australia is the official humanitarian agency of the Seventh-day Adventist Church and “demonstrates God’s love and compassion”.

ADRA Australia believes “that all people, in particular women and children, have the right to protection and a life free from violence, sexual exploitation, and all other forms of abuse”

This policy exists so that

- Ultimately, there is no sexual exploitation, abuse and harassment (SEAH) of children or any vulnerable adults who interact/engage with ADRA Australia Personnel during our humanitarian and development work.
- ADRA Australia continuously strengthens an organisational wide culture of increasing love, compassion and respect in which there is no place for SEAH in any form.
- Internally, ADRA Australia Personnel know clearly that any form of SEAH is unacceptable.
- Externally, all ADRA Australia Personnel, Partners and communities ADRA Australia works with, know ADRA Australia’s standards of behaviour relative to sexual relationships.
- All ADRA Australia Personnel know how to report and make a complaint relative to SEAH incidents, and mechanisms for this are clear, accessible, sensitive to gender and culture, and confidential.
- Responses to SEAH allegations are people-focused and the comprehensive needs of those involved is prioritised.

2. DEFINITIONS

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 another¹.


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 children (under the age of 18) is considered to be sexual abuse.

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 ADRA personnel.²

Adsafe: is an entity established for the purpose of providing a service for the protection of children and vulnerable adults for the Seventh-day Adventist Church across the South Pacific Division. Adsafe implements

¹ Australian Government, Preventing Sexual Exploitation, Abuse and Harassment Policy, Department of Foreign Affairs and Trade <https://www.dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Pages/default> .

² Ibid

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prevention strategies to mitigate against the risk of sexual and physical abuse against children and vulnerable adults.

Please see ANNEX 3 for a detailed Glossary.

3. SCOPE

This policy is applicable to all

- ‘ADRA Australia Personnel’, which includes all ADRA Australia’s employees (including Conference ADRA Directors), interns, volunteers, contractors and Company Board Directors engaged by or representing ADRA Australia in a short or long-term capacity.
- ‘ADRA Australia Partners’, which in the context of this policy specifically refers to external entities, often, but not exclusively, other ADRA offices, with which ADRA Australia has documented partnership agreements for the implementation of development or relief activities and who ADRA Australia supports through programming resources. This includes their full time staff, volunteers and contractors who work with them.

This policy applies to all ADRA Australia Personnel while in and outside of the workplace during working and non-working hours while working on assignments with or representing ADRA Australia. Engaging in the delivery of ADRA Australia’s work means that one must comply with ADRA Australia’s standards of preventing SEAH, even if the standards are higher than one’s local context or governing laws.

4. PRINCIPLES

This policy is developed upon the following six principles [which are based on the Australian Government Department of Foreign Affairs and Trade’s (DFAT)³ and the Church Agency Network Disaster Operation’s (CAN DO) prevention of SEAH principles]:

Principle 1: Zero tolerance of inaction

Sexual exploitation, abuse and harassment are never acceptable. ADRA Australia recognises that achieving a significant reduction in SEAH is a long-term endeavour that needs a significant investment in prevention and that will result in increased reporting. Zero tolerance means acting on every allegation in a fair and reasonable way with due regard for procedural fairness. Zero tolerance does not mean that there will be zero incidents. However, inaction under any circumstances is not acceptable.

Principle 2: Strong leadership accelerates culture change


ADRA Australia recognises that strong leadership is essential for diminishing the risk of SEAH. Leaders set organisational culture through setting clear expectations, modelling respectful behaviour in their interactions at work, taking measures to improve diversity, inclusion and gender balance; encouraging scrutiny of their own behaviour and that of senior management; ensuring strong, actionable human resource procedures that embed gender equality; the inclusion of the prevention of SEAH discussions on board meeting agendas; and having senior champions responsible for the prevention of SEAH.

Principle 3: Survivor needs are prioritised

Action to address SEAH should be underpinned by a “do no harm” approach prioritising the rights, needs, and wishes of the victim/survivor, while ensuring procedural fairness to all parties. This approach:

- treats the victim/survivor with dignity and respect

³ Ibid

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- involves the victim/survivor in decision making
- provides the victim/survivor with comprehensive information
- protects privacy and confidentiality
- does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics
- considers the need and provides for counselling and health services to assist the victim/survivor with their recovery

Principle 4: Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility

Preventing sexual exploitation, abuse and harassment is everyone’s responsibility. ADRA Australia will do its best to support its Partners and other stakeholders it engages with, including government, business, other non-government organisations, institutions, communities and individuals, to collectively address the underlying causes of SEAH while dealing sensitively and effectively with SEAH that occurs in the course of our work. This will include support to strengthen local prevention of SEAH mechanisms, including the mechanisms of ADRA Australia’s Partners, and joining any interagency SEAH reporting mechanisms when available.

Principle 5: Gender inequality and other power imbalances increase vulnerability

Available data indicates that the majority of SEAH victims/survivors are female and the majority of perpetrators are male. However, there are also other power imbalances at play. Inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and Indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in SEAH. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring. Engagement with beneficiaries in our work should be based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong “do no harm” focus.

Principle 6: Stronger reporting will enhance accountability and transparency

Sexual exploitation, abuse and harassment is a failure of responsibility. ADRA Australia acknowledges its accountability to not only donors, but also to the communities, customers and clients it engages with. Stronger reporting will allow ADRA Australia to better monitor SEAH, understand risks, improve assurance and work with its Partners to improve systems and safeguards accordingly. Reporting will also help to focus ADRA Australia and its Partners on the issue by providing a regular prompt that preventing SEAH is a core obligation of our work. Beneficiaries will be informed of their rights and how to access appropriate reporting channels.


In addition to the above principles, ADRA Australia is also committed to the Interagency Standing Committee’s (IASC) Six Core Principles Relating to SEAH. See Annex 1 for the full statement of these.

5. RISK ASSESSMENT

Robust controls to identify, manage, monitor and mitigate the risk of SEAH through a proportional risk management approach will be implemented through this policy.

Within programming approaches, ADRA Australia and its Partners will assess the level of risk for SEAH occurring and apply the Preventing SEAH Minimum Standards (Annex 2) accordingly. This is particularly crucial in humanitarian settings. The Preventing SEAH Minimum Standards are then applied commensurate with the level of risk identified⁴.

⁴ Currently waiting on further detailed guidance from DFAT on how this should be implemented.

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Risk and decision-making processes and documents will reflect this assessment. This does not need to be a standalone procedure and will be incorporated into existing activity planning and risk management processes. Organisational and programmatic risk assessments are reviewed and updated on an annual basis.

6. PREVENTION

6.1 Leadership

- a. ADRA Australia’s board and senior leaders should lead by example to nurture a strong safeguarding culture that addresses structural inequalities based on gender, ethnicity, socio-economic status, sexuality and age within the workplace.
- b. ADRA Australia will seek out gender and safeguarding expertise as desirable skills and experience when recruiting new people to the board.
- c. ADRA Australia’s Administrative Committee (ADCOM) and senior managers will set clear expectations and model respectful behaviour in their interactions at work.
- d. ADRA Australia’s Safeguarding Focal Point has an overall responsibility for the development and implementation of prevention of SEAH policy and activities. This person will report regularly to ADCOM on the prevention of SEAH related matters.
- e. ADRA Australia’s leadership will create a speak-up culture on preventing SEAH issues.


6.2 Recruitment and Screening

6.2.1 Overall Approach

For employed positions, ADRA Australia’s recruitment and screening process includes the following components to help prevent the recruitment or engagement of any persons who pose an unacceptable SEAH risk. Procedures include:

- i. A statement on ADRA Australia’s zero-tolerance on SEAH will be included on all job advertisements, job descriptions and performance management reviews.
- ii. Applicants are requested to disclose whether or not they have had a substantiated SEAH claim of any nature made against them in Australia or overseas. This is included in the Job Application Form and Consultant Agreement.
- iii. Behavioural interview questions about sexual harassment and abuse are used to determine past actions, beliefs, attitudes, motivations, and values regarding children, women, men and all vulnerable adults and towards working with these groups.
- iv. Two verbal reference checks, which include asking questions relating to any concerns about the candidate’s conduct in the context of SEAH. One reference must be from the person’s current or most recent employer.
- v. All contracts/agreements require ADRA personnel to agree to ADRA Australia’s Safeguarding Code of Conduct, which covers agreeing to ADRA Australia’s behavioural expectations.
- vi. National Criminal History Check for each country in which the applicant has lived for 12 months or longer over the last 5 years, and for the individual’s countries of citizenship⁵
- vii. A Working with Children Check (WWCC) or equivalent will be undertaken as allowed by legislation
- viii. Screening of the preferred applicant will also be completed through Adsafe’s case worker database to ensure no substantiated or outstanding investigations or allegations are attributed to an applicant within the Seventh-day Adventist Church system in Australia

⁵ A statutory declaration (criminal declaration form) that outlines efforts made to obtain a foreign police check, and that discloses any charges and spent convictions related to child protection, may be accepted in lieu.

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- ix. The induction process will include the highlighting of behavioural expectations relative to preventing SEAH within the workplace.

6.2.2 Employment Action

All employment contracts contain provisions for disciplinary actions up to and including dismissal for any person who breaches the ADRA Australia Safeguarding Code of Conduct which includes SEAH.

6.2.3 Changes in Circumstance


ADRA Australia Personnel are responsible for reporting a change in their circumstances to ADRA Australia’s management by reporting any current criminal or civil court proceedings relating to SEAH and any allegations arising.

6.2.4 Tiered Screening of ADRA Australia Personnel

Due to the variety of activities that ADRA Personnel (both Australian and non-Australian) are engaged in, and the inherent variation in risk to children and vulnerable adults associated with those activities, the following assessment will be applied to determine the level of screening required. This assessment will be documented during recruitment or engagement processes with records kept in the employee, contractor or volunteer records. If the ADRA personnel are identified by the Adsafe, WWCC, or police screening process as a person of concern, they will be disqualified from engaging with the organisation as “ADRA Personnel” and the treatment of the disqualification will follow the South Pacific Division policy and/or the Church Conference policy/guidelines for the area in which the person resides.

Screening activities will include points i) to ix) as described under section 6.2.1 Overall Approach above.

Level of Risk	Level of Screening	Description of activities to determine level
High (Working with Children)	Full Screening i), ii), iii), iv), v), vi), vii), viii), ix)	Persons who: Are ADRA Australia <u>employees</u> ; or Are ADRA Australia Personnel who have <u>contact</u> with the participants (including children) of ADRA Australia projects and activities internationally or domestically (e.g., employees, contractors or volunteers who will visit projects in Australia or overseas).
Medium (Contact with Children)	Medium Screening ii), iii), iv), vi), vii), viii), ix)	Persons who: Are <u>not</u> ADRA Australia employees; and Are ADRA Australia Personnel who have <u>no contact</u> with the participants (including children) of ADRA Australia projects and activities internationally or domestically (e.g., contractors or volunteers who will <u>not</u> visit projects in Australia or overseas); but Have <u>access</u> to project management and information storage-software (e.g. SharePoint, Logalto, Salesforce).
Low (No contact with Children)	Minimal Screening vii), viii), ix)	Persons who: Are not ADRA Australia employees; and Are ADRA Australia Personnel who have no contact with the participants (including children) of ADRA Australia projects and activities internationally or domestically (e.g., contractors or volunteers who will not visit projects in Australia or overseas); and Have no access to project management and information storage software (e.g. SharePoint, Logalto, Salesforce).

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If a person has been screened under a low or medium level of risk and then is reassigned to a role with a higher level of risk they must undergo the additional screening steps before transitioning to the new role. ADRA Australia will collaborate within and beyond our sector to improve employment practice, including background checking, to minimise opportunities for perpetrators’ to access our sector and to reduce their ability to move between organisations.

6.3 Personnel Conduct

The following standards of conduct apply within ADRA Australia’s work environment:

- a. SEAH by any ADRA Australia Personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.
- b. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence (Please refer to ADRA Australia’s Child Safeguarding Policy for more information).
- c. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour are prohibited. This includes exchange of assistance that is due to beneficiaries.
- d. Sexual relationships between ADRA Australia Personnel (including Partners) and beneficiaries is not permitted since this is contrary to ADRA Australia’s values and are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of development and humanitarian aid work.
- e. Where an ADRA Australia Personnel develops concerns or suspicions regarding SEAH by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.

6.4 Programs


Inherent within ADRA Australia’s values-based approach to programming is respect for diversity, gender equality and equity, social inclusion, accountability and a “do-no-harm” focus. The following programming practices will be implemented to help strengthen healthy relationships and minimise the risks of SEAH.

- a. Project/program design processes include systematic analysis of context power dynamics and issues of gender equality and equity that lead to project approaches and activities to mitigate SEAH risks. Appraisal and project selection processes will take these into account.
- b. ADRA Australia will work through its personnel development and programming activities to
 - i. Challenge attitudes which permit or excuse sexual misconduct internally and/or in program activities.
 - ii. Ensure that gender equity is a programming priority.
- c. Ensure prevention measures for SEAH such as community awareness raising or undertaking a SEAH risk analysis are adequately included in proposal and/or funding applications.
- d. Include activities on preventing SEAH awareness and sensitivities in project plans.

All programs will be based on a thorough risk assessment that includes SEAH risk. (See Section 5).

6.5 Training & Awareness Raising

The following activities will be carried out to continuously strengthen ADRA Australia’s organisational wide culture of increasing love, compassion and respect in which there is no place for SEAH in any form, and to ensure that ADRA Australia Personnel know clearly that any form of SEAH is unacceptable:

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- a. During the induction process with new employees, ADRA Australia’s standards on sexual misconduct will be made explicit.
- b. All ADRA Australia Personnel will receive induction and/or training relative to preventing SEAH so that they understand the relevant principles, their responsibilities in treating each other respectfully, and reporting mechanisms in place if they become aware of any SEAH related concerns or allegations. Training as set out in induction and/or training agendas is mandatory.
- c. Healthy sexual relations and inclusive values will be part of ongoing education and refresher training activities, technical advice, and day-to-day guidance by managers and leaders to support awareness and skill building relative to preventing SEAH.
- d. All full time ADRA Australia Personnel will receive job specific prevention of SEAH training as well as a yearly refresher.
- e. For ADRA Personnel involved in disaster response, pre-deployment training will include scenario-based discussions about power imbalances, status and workplace cultures of the destination country and the potential impact of these on those deployed.
- f. The various departments within ADRA Australia will ensure the prevention of SEAH requirements are both understood and met by their stakeholders (consultants, contractors, supporters and implementing partners) during the yearly cycle and provide the necessary training and support so that those requirements are met.
- g. Job descriptions and performance management processes will include behavioural components that support implementation of ADRA Australia’s Code of Conduct.

6.6 Engagement with Communities

ADRA Australia will ensure through its MOUs, Exchange of Letters (EOL) and personnel interactions that each Partner that engages directly with communities, has provided appropriate information to these communities on the expected behaviour of ADRA Australia Personnel, and that detailed complaints and reporting procedures, which have been developed through consultative processes, are operational.

7. RESPONSE TO INCIDENTS

7.1 Reporting

ADRA Australia will treat all raised concerns seriously and ensure that all parties are treated fairly (Please see ANNEX 5 for the ADRA Australia SEAH Reporting Process).

7.1.1 Who Reports

All ADRA Australia Personnel as defined under the Policy’s scope (see Section 3 - Scope) must report any alleged or suspected incidents of SEAH or Policy non-compliance that comes to their attention.

7.1.2 What is to be Reported


Reporting is for any suspected or alleged cases of SEAH perpetrated by anyone within the scope of the Policy in connection with official duties or business. If in doubt, ADRA Australia personnel should report an alleged incident.

Reports of abuse or exploitation of individuals under the age of 18 years must follow ADRA Australia’s Child Safeguarding Policy.

Details of information to be reported are found in ANNEX 4.

7.1.3 When to Report

All ADRA Australia Personnel are required to report **immediately** to the ADRA Australia Safeguarding Focal Point (or if the ADRA Australia Safeguarding Focal Point is not available, to the ADRA Australia CEO) if they have any suspicion or knowledge of SEAH or Policy non-compliance occurring. Verbal complaints by stakeholders must be documented by personnel and submitted in written form if the stakeholder is unable or unwilling to submit personally. See ANNEX 4 for Report Format.

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Reports must be made within 24 hours of the complaint being identified or within 24 hours of access to means of communication with the ADRA Australia Safeguarding Focal Point.

7.1.4 How to Report

All reports of alleged SEAH incidents should be made using the ADRA Australia preventing SEAH Complaint Form⁶ (ANNEX 4) and anonymously emailed to the ADRA Australia Safeguarding Focal Point (safeguarding@adra.org.au).

Reports will be dealt with in a timely manner, and where required will be reported to relevant regulatory bodies/donors such as DFAT, CAN DO, and ADRA International. Where safe to do so, and when in accordance with the wishes of the victims, survivors and whistle-blowers, all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels.

7.1.5 DFAT Reporting

DFAT requires two kinds of incident reporting:

- a. **Mandatory and immediate** (within two working days of becoming aware of an alleged incident) reporting by all personnel and DFAT partners of any alleged incident of SEAH related to the delivery of DFAT business.
- b. **Mandatory reporting** (within five working days) by all personnel and DFAT partners of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.

All reports to DFAT of alleged SEAH incidents will be made by either the Programs Director (and where the Program Director is unavailable, the CEO) and should be made using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form (www.dfat.gov.au/pseah) and emailed to seah.reports@dfat.gov.au

7.1.6 Adsafe Reporting

Within the scope of incidents in Australia, ADRA Australia will also report concerns to Adsafe for their information and follow up. Contact Adsafe via 1800 220 468 or (02) 9847 3488.

7.1.7 Community Reporting

Communities involved in ADRA Australia funded activities must be informed on how to raise a concern about the safety of anyone within their community, including threats or actual incidents of SEAH. This will be done through a functional community-based complaints procedure in line with the ADRA Australia based complaints mechanism.


7.1.8 Confidentiality

Confidentiality is an ethical principle that restricts access to and dissemination of information. Confidentiality helps create an environment in which witnesses are more willing to recount their versions of events and builds trust in the system and in the organisation. All incidents and alleged incidents of SEAH are to be handled with sensitivity and confidentiality, to the extent permitted by relevant laws. During investigations of SEAH only a limited number of authorised people will be informed of the incident. At a minimum, this will include the ADRA Australia Safeguarding Focal Point and ADRA Australia CEO. All documentation of any allegations made, either electronic or paper, is to be kept in a secure place at all times. All parties assisting with an investigation and their support persons will be expected to keep the investigation and the matters discussed confidential.

7.1.9 Board Notifications

The ADRA Australia Board and ADRA International must be notified of any reports made (though the details of such reports may remain confidential).

⁶ ADRA will accept all verbal, written or other forms of complaints/allegations

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7.2 Investigations

The following apply to investigations in response to any complaint, allegation or suspicion of SEAH or breach of this policy:

7.2.1 A Survivor Centred Approach

- a. ADRA Australia will ensure a survivor-centred approach in preventing and responding to SEAH. This approach will ensure all responses are developed in a manner that balances respect for due process, in which the survivors' wishes, safety, and well-being remain a priority in all matters and procedures. All actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor.
- b. All alleged survivors should be assessed for immediate risks. A risk assessment will be conducted of the situation and information available to ensure the safety and security of those involved, and to ascertain support services required.
- c. A database of support services in country/regions will be developed and available to be shared with the survivor.
- d. At a minimum, ADRA Australia will provide counselling support services for the survivor if desired. Assistance will be provided during the reporting/investigation stage, and ongoing support if the complaint is substantiated. This may include: referral to safe health/medical, psychosocial and legal/justice response where appropriate and where required to specialised children's or women's services.
- e. A budget line item will be set aside for survivor support.
- f. Survivors will be provided with information on the progression of an investigation and final outcomes.


For incidents in Australia and the South Pacific, survivors will be referred to Adsafe's Survivor Support services where they will be assessed and counselling services provided in addition to any other medical or legal support, as required

7.2.2 Record Keeping

- a. Regardless of the decision made, the process must be documented and filed, with all printed and electronic matter being kept in a secure and confidential place at all times.
- b. Any documentation associated with the complaints procedure and investigation should be filed together for future reference if needed.
- c. Each investigation should be carefully recorded as part of a database or tracking system. Investigations will be documented and filed, with all printed and electronic matter being kept in a secure and confidential place at all times.
- d. It is important to keep records as several unproven or minor breaches may indicate a pattern of negative behaviour that is forming in a person and more supervision should be implemented with such Personnel around minors.

7.3 Governing Principles

- a. Regardless of the decision made, the process must be documented and filed, with all printed and electronic matter being kept in a secure and confidential place at all times.
- b. ADRA Australia will include a budget line within project budgets and/or Admin budget to cover SEAH investigations.
- c. No assumptions are to be made regarding guilt or innocence of a person who is the subject of a complaint, allegation or suspicion, with the investigation process remaining confidential until a decision has been reached by management.

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- d. During the process, adhere to privacy laws and respect information. Ensure sensitive information is available only to the appropriate and authorised stakeholders.
- e. Investigations will commence within 2 weeks (domestic complaints) and 90 days (international complaints) of a report being received.
- f. For concerns that originate in Australia, ADRA Australia will use the investigation services of Adsafe to conduct investigations, whereby ADRA Australia will manage the process.
- g. Each investigation should be carefully recorded as part of a database or tracking system. Investigations will be documented and filed, with all printed and electronic matter being kept in a secure and confidential place at all times.
- h. Procedural Fairness must be afforded to the person subject of complaint, the victim and the complainant.
- i. Regular updates (two or three weekly) on the investigation should be given to the person subject of complaint, the victim and the complainant.
- j. If allowed by local law, provide adequate information to other potential employers when approached for a reference check on a former staff member dismissed for substantiated SEAH.
- k. ADRA Australia will report criminal actions to local authorities provided the risk is manageable and in line with the wishes of the survivor.


Please see ANNEX 5 for ADRA Australia SEAH Response Process.

7.4 Preparation and Assessment

- 7.4.1 Ensure that investigations are undertaken by experienced and qualified professionals, who are trained on sensitive investigations such as allegations of SEAH. If there is no-one within the relevant member agency with these qualifications and training, external resources will be accessed. An investigation should be managed by someone at ADRA Australia and a trained investigator/s should be deployed in the field. ADRA Australia Personnel are required to report, not to investigate or substantiate claims in any way.
- 7.4.2 For allegations of criminal conduct ADRA will report and seek advice on how to proceed from the police.
- 7.4.3 The following risks need to be continually assessed and managed throughout the investigation:
 - i. to the survivor
 - ii. to the person subject of allegation
 - iii. to the investigation
 - iv. to the organisation

7.5 At the Conclusion of the Investigation

- 7.5.1 The investigation status and subsequent action will be shared with the survivor. The complainant will be informed of the status of the investigation, but confidential information will not be shared with them.
- 7.5.2 ADRA Australia must report investigation information to DFAT as per DFAT requirements, and other relevant donors or stakeholders. E.g. ADRA International, CAN DO partners and/or CAN DO Management Unit.
- 7.5.3 If allowed by local law, provide adequate information to other potential employers when approached for a reference check on a former staff member dismissed for Child Safeguarding misconduct.

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7.6 Post Investigation

Following the investigation process the ADRA Australia Safeguarding Focal Point will conclude one of the following:

7.6.1 Allegation Sustained

- a. If there are possible grounds for criminal or statutory proceedings and ADRA Preventing Sexual Exploitation, Abuse and Harassment Policy and Procedures have been breached. Where this has not already occurred, the matter will be referred to appropriate authorities and disciplinary action including possible suspension or termination of employment will be undertaken.
- b. There is no basis for referral to statutory bodies or law enforcement authorities, however the person has breached ADRA Australia Preventing Sexual Exploitation, Abuse and Harassment Policy and Procedures. Disciplinary action will be undertaken including possible termination of employment, suspension or transfer of duties.
- c. In the case of point c. above, regardless of any legal outcome, ADRA Australia reserves the right to refuse reinstatement of any ADRA Australia Personnel at its sole discretion if it is found that the person has breached Preventing Sexual Exploitation, Abuse and Harassment Policy and Procedures.

7.6.2 Allegations Not Sustained


- a. There is no basis found for the allegation: in which case the person will resume normal duties.

7.6.3 False or Vexatious Allegations

- a. Any individual, who makes false and malicious accusations, will face disciplinary action.
- b. If an ADRA Australia Personnel raises a legitimate concern about suspected SEAH or policy non-compliance in good faith, which proves to be unfounded on investigation, no action will be taken against the individual.

8. POLICY REVIEW


ADRA Australia is committed to staying up to date with sector minimum standards as they relate to the prevention of SEAH, and to reviewing our policies and procedures every three years unless required earlier.

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ANNEX 1 – Principles of the Interagency Standing Committee (IASC):

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

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ANNEX 2 – DFAT PSEAH 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 (forthcoming) will be provided to assist DFAT partners determine the level of risk. The PSEAH Minimum Standards are then applied commensurate with the level of risk identified.


DFAT PSEAH Minimum Standards						
Minimum standard	Obligation		Applies to			
	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.	✓	✓	✓	✓
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.	✓	✓	✓	✓
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.	✗	✓	✓	✓
4. Effective PSEAH	PSEAH training for personnel, including downstream partners and	Complete PSEAH training and provide evidence of this.	✗	✗	✓	✓



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training in place.	individuals that deliver DFAT business.					
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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ANNEX 3 - GLOSSARY


CHILD/CHILDREN	A person under 18 years of age
CHILD SEXUAL MISCONDUCT	Any conduct with, towards or in the presence of a child that is sexual in nature other than a sexual offence which may include but is not limited by: <ul style="list-style-type: none"> a) descriptions of sexual acts without a legitimate reason to provide the descriptions; b) sexual comments, conversations or communications; c) comments to a child that express a desire to act in a sexual manner towards the child, or another child; d) unwanted and inappropriate touching; and e) undressing or watching someone else undress.
ADULT SEXUAL MISCONDUCT	Conduct that includes one or more of the following <ul style="list-style-type: none"> a) Sexual harassment b) Sexual exploitation
CONTRACTOR(S)	A person or entity engaged pursuant to a contract for services. Includes: <ul style="list-style-type: none"> a) specified Personnel nominated in a head agreement with an intermediary company (the contractor) to which a payment is made (although the specified Personnel may themselves be employees and not independent contractors): or b) If the person performing the service is the service provider; he/she is an independent contractor.
PARTNERS	Includes all organisations, individual and contractors with whom ADRA Australia directly enters into an Agreement to deliver its objectives, including but not limited to: <ul style="list-style-type: none"> a) ADRA Country Offices b) Contractors and service providers including consultants, advisers and other directly contracted individuals c) Non-Government Organisations (NGO), Civil Society Organisations (CSO) d) Grant recipients
DOWNSTREAM PARTNER	Organisations, individual and contractors who are engaged by an ADRA Australia Partner to perform ADRA Australia business.
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.
PERPETRATOR	A person (or group of persons) who commits an act of SEAH or other type of crime or offence.

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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 ⁷ 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	<p>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 organisational staff/ Personnel.</p> <p>Some examples of behaviour that may be sexual harassment include:</p> <ul style="list-style-type: none"> a) staring or leering; b) unnecessary familiarity, such as unwelcome affection or touching; c) suggestive comments or jokes; d) insults or taunts of a sexual nature; e) intrusive questions or statements about your private life; f) displaying posters magazines or screensavers of a sexual nature; g) sending sexually explicit emails or text messages; h) inappropriate advances on social networking sites; i) accessing sexually explicit internet sites; j) requests for sex or repeated unwanted requests to go out on dates; and k) behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
SEXUAL OFFENCE	The term 'sexual offence' encompasses all criminal offences in the jurisdiction involving a sexual element that are 'committed against, with or in the presence of a child' or adult.
TRANSACTIONAL SEX	The exchange of money, employment, goods or services for sex, including sexual favours

⁷ 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.

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VICTIM/SURVIVOR	A person who is, or has been, sexually exploited, harassed or abused.
VULNERABLE PERSON	An Adult considered to be susceptible to abuse or exploitation based on their health status (mental or physical), age, grief, social isolation, or financial hardship.

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ANNEX 4 – Complaints Form

ADRA Representatives must report any behaviour that is suspected of causing harm and any instances of Policy non-compliance. You can lodge this form by sending it directly to the Safeguarding Focal Point via safeguarding@adra.org.au

Alternatively, it can be sent anonymously via complaints.officer@adra.org.au or to Adsafe via 1800 220 486 or (02) 9847 3488

Please complete this form to the best of your knowledge.

<p>PART A – Complainant to complete: Person making complaint (can be anonymous): Date:</p>
<ol style="list-style-type: none"> Who is the complaint about? Who was the victim of the breach of conduct (name and contact details desirable but not essential)? When did breach of conduct occur? What was the breach of conduct? Where did breach of conduct occur? Who else was involved in this breach of conduct? How did you come by this information about breach of conduct? Any other details you would like to add?
<p>PART B – Safeguarding Focal Point to complete: Date received by ADRA Australia Safeguarding Focal Point:</p>
<ol style="list-style-type: none"> When did breach of conduct occur? Report origin (member agency, partner or community member): Name of program/location of program: Who is the report about? Who was the victim of the breach of conduct (name and contact details desirable but not essential)? Survivor support services offered: What was the breach of conduct? Was this complaint investigated? Yes/No If No, why not? Is there evidence or suspicion of a breach of conduct? Yes/No If No, what is the next step you will take? If Yes, what disciplinary action or further investigation will take place? What is the final outcome of this complaint? Report submitted to ADRA Australia? Yes/No Date of completion:

Any documentation associated with the complaints procedure and investigation should be filed together for future reference if needed.

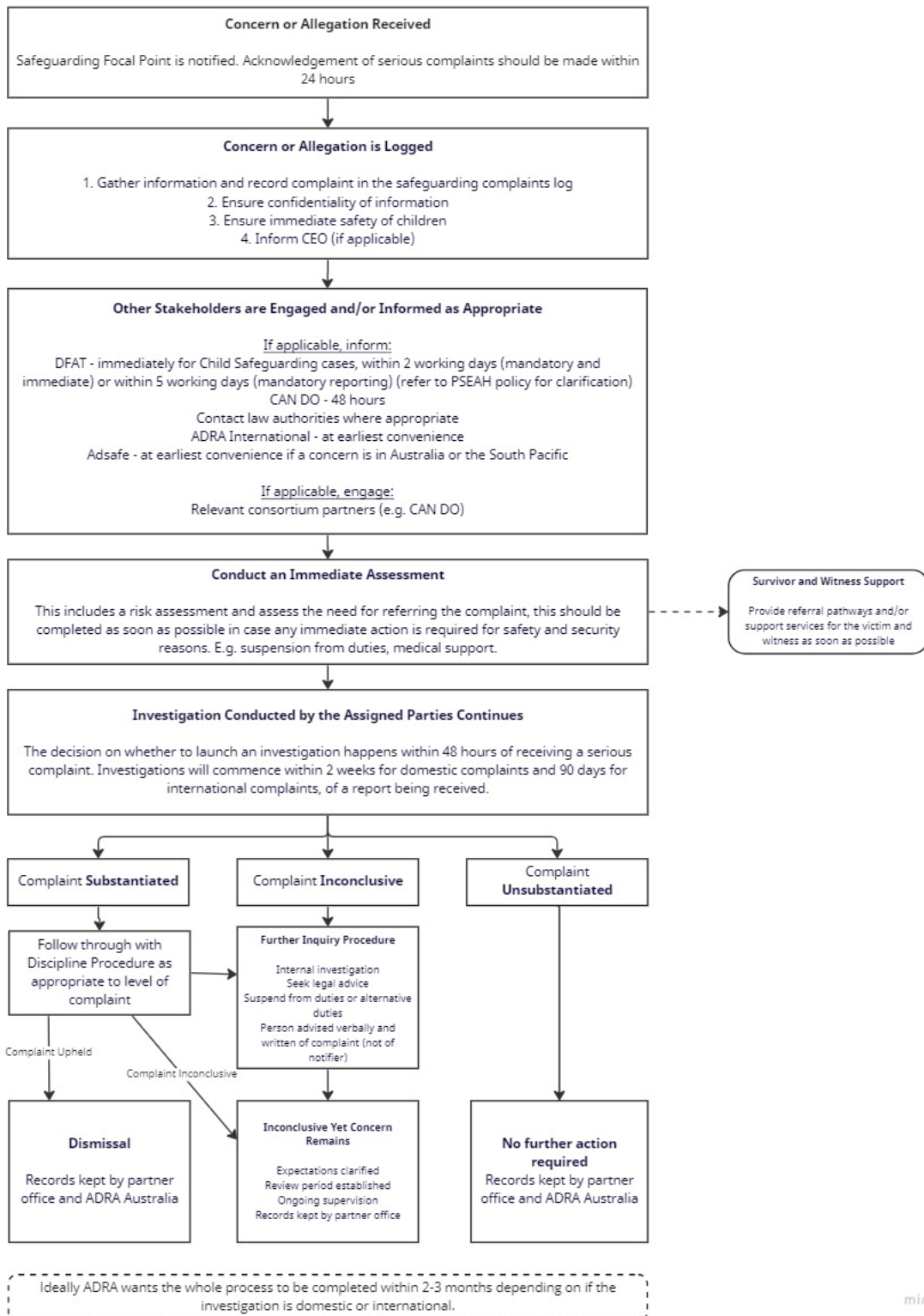
It is important to keep records as several unproven or minor breaches may indicate a pattern of negative behaviour that is forming in a person and more supervision should be implemented with such Personnel around minors.





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ANNEX 5 – ADRA Australia Concern or Allegation Response Process



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ANNEX 6 – Investigable Conduct⁸

Investigable Conduct

- A. **Investigable Conduct** is defined as allegations of:
1. **Reportable Conduct** for jurisdictions where a Reportable Conduct Scheme exists and may further include if not already applicable:
 2. any **sexual offence** or **child sexual misconduct** committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material); and
 3. any **physical abuse** of a child; and
 4. any **sexual offence** or **adult sexual misconduct** committed against, with or in the presence of a vulnerable adult; and
 5. any **physical abuse** of a vulnerable adult.
- B. **Investigable Conduct** is conduct that if alleged must:
1. be **reported to Adsafe** in addition to any other reporting obligations for the jurisdiction; and
 2. Investigated using an independent investigator overseen by Adsafe
 3. have the findings and recommendations of the investigation reviewed and implemented by Adsafe and the wider church.
- C. **Investigable Conduct** is alleged conduct that must be investigated where the investigation:
1. is overseen by Adsafe to ensure procedural fairness and confidentiality for all related parties;
 2. may use a Police investigation as evident by a court conviction or an external independent investigator; and
 3. for external independent investigations is funded by the relevant church company or affiliated entity.
- D. **Investigable Conduct** is conduct committed against a child or vulnerable person by:
1. an “employee” as defined by the applicable **Reportable Conduct Scheme** if it exists in the jurisdiction.
- or
2. a presently or at the time of the alleged conduct **appointed volunteer** (including a religious leader or office holder) of a local church, company or group who is presently over the age of 18.
- or
3. an employee of the Church including affiliated entities, employed presently or at the time of the allegation, who is now over the age of 18.
- or
4. a volunteer, contractor, consultant or a person in work placement who is engaged presently or at the time of the allegation to work directly with children by the Church including affiliated entities and who is now over the age of 18.

⁸ This is Investigable Conduct for the Australia context

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- E. **Investigable Conduct** is conduct that is alleged to have occurred recently or historically:
 - 1. by a then adult or,
 - 2. in the context of a sexual offence or child sexual misconduct, by a then child towards a child where there is a significant age difference, power imbalance or evidence of coercion.
- F. All allegations investigated at once
 Adsafe acknowledges that best practice in investigation handling and the principles of Procedural Fairness to the Person Subject of Allegation suggests that all allegations presently untested should be dealt with in the one investigation. Given this imperative it should be understood that while an allegation of Investigable Conduct may trigger an investigation that is overseen by Adsafe, allegations of other types such as Professional Misconduct will also be included in the investigation.
- G. Other investigations
 Allegations of Professional Misconduct and Inappropriate behaviour may be investigated by the Church or affiliated entities.