

POLICY ON PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

Approval Date:	October 2019	Next Review Date:	October 2022
Issued/Updated by:	Executive Director	Approved by:	ALWS Board

1. RATIONALE AND COMMITMENT

In a harsh world all too often marked by hostility and malice, God's people are called to act with compassion, gentleness and reasonableness. (Gal 5:22–23; Eph 4:2; Matt 5:1–9)¹

ALWS is committed to ensuring that all those with whom we come into contact are treated with dignity and respect. ALWS prioritises the dignity of every human being and their inherent right to safety and security. We aim to create an environment where our personnel and all those we serve may flourish.

In bringing God's love to life, ALWS commits to the prevention of sexual exploitation, abuse and harassment. ALWS will not tolerate sexual exploitation, abuse or harassment, be it of or by its personnel and those we serve.

This policy addresses the sexual exploitation, abuse and harassment of adults. It sits alongside ALWS' Child Safeguarding Policy as well as ALWS' Protection Policy, which covers sexual abuse, exploitation and harassment in the wider community (not perpetrated by ALWS or associated personnel.)

2. GOAL

This goal of this policy is to express ALWS' commitment to the prevention and protection of people from sexual exploitation, abuse and harassment (SEAH). This includes harm arising from:

- The conduct of personnel associated with ALWS and its partners
- The design and implementation of ALWS- supported programs and activities.

This policy provides ALWS personnel with expectations and requirements to prevent and reduce SEAH risk, as well as manage incidents of SEAH that may occur in relation to ALWS activities or personnel.

3. SCOPE

This is a whole of agency policy that applies to all ALWS personnel (Board members, advisors, employees, volunteers, contractors and consultants) regardless of their location.

ALWS' principle mode of operation is through partnership. ALWS will work with partners that share the same commitments expressed in this policy, supporting them to carry them out in the context of their own cultural, organisational and legislative contexts.

This policy forms part of ALWS efforts to demonstrate compliance with the following:

- ACFID *Code of Conduct* under Commitment 1.5 "We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse"
- The Interagency Standing Committee *Minimum Operating Standards for Prevention of Sexual Exploitation and Abuse*
- DFAT's *Preventing Sexual Exploitation, Abuse and Harassment Policy*
- Lutheran Church of Australia's *Prevention of Harassment and Abuse Policy* (11 March 2015), available at <https://www.lca.org.au/services-resources-training/policies/>

¹ Lutheran Church of Australia (LCA) Prevention of Harassment and Abuse Policy

4. DEFINITIONS

These definitions are drawn from Australian legal and regulatory entities including the Department of Foreign Affairs and Trade (DFAT) and the Australian Human Rights Commission.

Bystander refers to a person who witnesses an incident firsthand, or who hears about it afterwards

Communities/Community members: communities ALWS seeks to serve through our work. Includes the schools and churches our personnel visit and overseas communities that are part of the projects ALWS supports through partners.

Fraternisation is 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.

Management refers to the Executive Director, the Programs Director, the Community Action Manager and the Officer Manager/Accountant (or those acting in these roles).

Partner refers to entities with whom ALWS has formal agreements, and who implement projects with funding from ALWS.

Perpetrator is a person (or group of persons) who commits an act of Sexual Exploitation, Abuse or Harassment or any other type of crime or offence.

Personnel are the ALWS board members, advisors, employees, volunteers, contractors and consultants.

Safeguarding refers to the actions, policies and procedures that create and maintain a culture of safe and protective environments for all, including our paid and volunteer staff, contractors, partners and the communities we seek to serve in Australia and overseas. Safeguarding includes prevention, mitigation, response and feedback and complaints handling mechanisms. It means protecting people, including children and at risk adults, from harm that arises from coming into contact with our staff and programs.

Sexual Abuse is 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 consent²

Sexual exploitation is 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 is when a 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 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, citizens, as well as staff and personnel.

Some examples of behaviour that may be sexual harassment include:

- Staring or leering;
- Unnecessary familiarity, such as unwelcome affection or touching;
- Suggestive comments or jokes;
- Insults or taunts of a sexual nature;
- Intrusive questions or statements about your private life;
- Displaying posters, magazines or screen savers of a sexual nature;
- Sending sexually explicit emails or text messages;

² Refers to the 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), whoever sets the greatest age.

- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;
- Requests for sex or repeated unwanted requests to go out on dates; and,
- 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.

Subject of complaint: The person alleged to have perpetrated the misconduct in the complaint

Transactional sex is the exchange of money, employment, goods or services for sex, including sexual favours.

Victim/survivor is a person who is, or has been, sexually exploited, harassed or abused.

5. GUIDING PRINCIPLES

Principle 1: Zero tolerance for sexual exploitation, abuse and harassment and zero tolerance of inaction

Sexual exploitation, abuse and harassment by any personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.

ALWS will work with personnel, partners and communities to challenge attitudes which permit or excuse sexual misconduct both internally and within organisational program activities.

Where ALWS personnel develop concerns or suspicions regarding sexual abuse or exploitation in the course of work, they must report such concerns via ALWS' Complaints Policy.

Principle 2: Strong leadership accelerates culture change

It is the highest priority of our governance and management to nurture an open, safe and respectful culture at ALWS and beyond; a culture that addresses the structural inequalities that often perpetuate exploitation and abuse, whether they be linked to gender, ethnicity, socio-economic status, sexuality or age. We recognise that our own behaviours and attitudes are critical to promoting a strong safeguarding culture.

Principle 3: Victim/survivor needs are prioritised

We ensure victims and survivors of sexual exploitation, abuse and harassment are at the heart of our response. We protect the dignity and safety of the people our work serves, respecting their voice, agency and choices while upholding the universal right to be protected from harm.

Actions to address SEAH will take a "do no harm" approach prioritising the rights, needs and wishes of the survivor/victim whilst providing procedural fairness to all parties. Through this approach, survivors/victims:

- are treated with dignity and respect,
- are assured of privacy and confidentiality other than where information must be shared by law or to support an investigation,
- are involved in decision making, and
- are provided with sufficient resources and referral services including counselling, health and legal services and information.

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

We work with partners, government, donors, businesses and civil society networks to advance consistent and high-quality PSEAH practice worldwide. We collaborate within and beyond our sector to improve employment practice, including background checking, to minimise opportunities for perpetrators' access to our sector and to reduce their ability to move between organisations.

All personnel are obliged to create and promote an environment which prevents sexual exploitation, abuse and harassment. Governors and managers have particular responsibilities to model positive

behaviour and attitudes, supporting and developing systems which strengthen a safeguarding culture. Failure by any personnel to meet the standards set out in the ALWS Code of Conduct is grounds for disciplinary action.

Principle 5: Gender inequality and other power imbalances are addressed

ALWS acknowledges that an imbalance of power underlies gender inequity, that sexual abuse is a form of gender-based violence and the intersectionality of various forms of discrimination and abuse exacerbate the negative impact of this power imbalance, particularly for women and girls. ALWS aligns our approach to SEAH with a wider framework of gender equity.

6. OBJECTIVES AND IMPLEMENTATION

The objectives reflect ALWS' practical approach to meeting this Policy's goal through and with its partners in overseas projects as well as in its operations within Australia. The objectives, followed by how they will be implemented, are:

6.1 To ensure that ALWS will not permit a person who poses an unacceptable risk to staff or communities of SEAH to be engaged by ALWS

- By including ALWS' commitment to Safeguarding (including PSEAH and Child Safeguarding) in position descriptions, recruitment advertisements and tender documents. This Policy (and other related documents including ALWS Code of Conduct, Complaints Policy, ALWS Child Safeguarding Policy) will be available to applicants.
- By requiring staff to provide proof of identity and relevant qualifications at the point of recruitment.
- By assessing the level of risk of PSEAH for all positions, and according to the risk level screen potential new personnel by:
 - Conducting a criminal record check
 - Requesting a Vulnerable People Check or Working with Children Check
 - Requesting disclosure whether they have been charged with sexual exploitation or abuse offences
 - Verbal referee checks
 - Behavioural-based interview questions
- By all on-going positions being subject to a probationary period
- By provision in employment contracts that ALWS has the right to dismiss, suspend or transfer the employee to other duties if they breach the Code of Conduct, or this policy.

6.2 To educate and train personnel on this policy

- By inducting staff and board members on this Policy within one month of them commencing and before they have contact with community members.
- By providing training to staff on Safeguarding (including PSEAH and Child Safeguarding) within a year of commencing and refresher training at least every three years. This training may be internal or external and vary depending on the risk profile of their role.
- By providing volunteers who engage in admin/office activities with induction to this Policy, the ALWS Complaints Policy, and signing the ALWS Code of Conduct and undergo screening processes listed in 6.1.
- By ensuring that any volunteers or contractors who travel to communities as part of ALWS activities will be briefed on ALWS PSEAH Policy and Code of Conduct and undergo screening processes listed in 6.1.
- By ALWS board Members undertaking refreshers related to PSEAH at least every five years.

6.3 To provide a clear guide of what is acceptable and unacceptable conduct for ALWS personnel

- By ensuring all personnel understand and sign the ALWS Code of Conduct at the point of recruitment.
- By personnel discussing and re-signing the ALWS Code of Conduct during the performance planning process, providing opportunities for staff to raise concerns, and including reminders regarding the PSEAH Policy and related safeguarding policies.
- By communicating this Policy and the ALWS Code of Conduct and ALWS Complaints Policy on the ALWS website and in public communications.
- By sharing the ALWS Code of Conduct and ALWS Complaints Policy with partners at:
 - The point of signing agreements
 - During monitoring visits
 - On appointment of key new staff who ALWS personnel will be engaging with
- By ensuring ALWS and (at least in very high risk contexts³) implementing partners commit to prohibiting transactional sex for all personnel while in delivery of ALWS business
- By ensuring ALWS and (at least in very high risk contexts) implementing partners commit to prohibiting fraternisation for all non-national personnel while in delivery of ALWS business

6.5 To utilise a risk management approach to SEAH

- By undertaking risk assessments which identify SEAH risks and documents steps being taken to reduce or remove these risks for all activities including:
 - Overseas programs (this risk assessment will be undertaken by the implementing partner with support and oversight of the ALWS Program Officer)
 - Activities based in Australia involving community members
- By these risks being logged in a Safeguarding Risk Assessment Register
- By the inclusion of SEAH risks being included in the Program Effectiveness Framework Risk Matrix and the ALWS Organisational Risk Matrix, and both being updated at least quarterly.
- By risk assessments being aligned with DFAT guidance on assessing SEAH risks.
- By ensuring appropriate risk controls, commensurate with the level of risk, are in place to manage and monitor SEAH risks.

6.6 To report any concerns, allegations or instances of SEAH or non-compliance with this Policy

- By ensuring ALWS personnel are aware of and have access to the ALWS Safeguarding Reporting Guidelines, including the incident reporting form, and ALWS Complaints Policy.
- By reporting, according to the ALWS Safeguarding Reporting Guidelines and ALWS Complaints Policy:
 - any breaches of this Policy,
 - breaches of the ALWS Code of Conduct, or,
 - experienced, suspected, alleged, or witnessed incidents of SEAH.

If personnel are unsure whether a concern or allegation amounts to SEAH or a breach of Policy or Code of Conduct, they must contact the ALWS Complaints Manager. If in doubt, report in line with the principle of zero tolerance of inaction.

- By ensuring ALWS personnel are aware of their Bystander obligations and understand that where they develop a concern or witness an incident of SEAH, they must report this to ALWS following the ALWS Safeguarding Reporting Guidelines.
- By immediately (within 2 working days of learning of an incident) notifying DFAT of any suspected or alleged incidents of SEAH in any activity funded, supported or connected to DFAT.
- By notifying DFAT (within 5 working days of learning of an incident) of any non-compliance with DFAT's *Preventing Sexual Exploitation and Abuse Policy*.
- By notifying our strategic partners in CANDO of any instances of SEAH connected to a CANDO activity in accordance with the CANDO Safeguarding Standard Operating Procedures.

³ For assessing risk, refer to DFAT PSEAH risk guidance note June 2019 and the ALWS Program Appraisal Management Suite.

- By working with implementing partners to ensure robust reporting procedures, that include notifying ALWS of any cases of SEAH related to ALWS-supported activities.

6.7 To manage any reports of SEAH or non-compliance with this Policy

- By ensuring all incidents of SEAH will be reported to police where laws have been broken or suspected to be broken, including to partner country law enforcement authorities, except where:
 - this is at odds with the wishes or welfare of the Victim/Survivor
 - it is unsafe to do so
- By following the *ALWS Safeguarding Reporting Guidelines* and *ALWS Complaints Policy* and *CANDO Safeguarding Standard Operating Procedures*.
- By documenting all incidents of SEAH, even those dealt with informally, and reporting them to the Board via the Complaints and Risk Registers.
- By providing appropriate assistance for victim/survivors, such as access to legal, medical, social and financial services.
- By prioritising the needs of the victim/survivor, confidentiality and procedural fairness in investigating and managing the report.
- By the Complaints Focal Point coordinating an investigation as appropriate. The level of investigation will be commensurate with the seriousness of the complaint and may involve the support of external consultants.
- By substantiated reports of SEAH resulting in disciplinary action against the Perpetrator, which may include termination of employment, and may, in accordance with relevant legislation, lead to criminal prosecution.

6.8 To work with implementing partners for Prevention of Sexual Exploitation, Abuse and Harassment

- By working with implementing partners to build a shared understanding of expectations regarding PSEAH, and to develop or strengthen policies and processes that promote PSEAH
- By including clauses on PSEAH in all partnership agreements and contracts.
- By ensuring ALWS has knowledge of their partners' PSEAH capacity and practices through assessment tools to benchmark capacity, learn from good practice and support improvement.
- By working with partners to ensure they have documented procedures for managing, reporting and investigating SEAH incidents that includes engagement of and reporting to senior management and executive boards.
- By requiring and supporting all implementing partners to conduct a Safeguarding Risk Assessment of at least the activities in their projects that ALWS is supporting. These risk assessments and their subsequent risk management will be monitored by ALWS and the partner through the life cycle of the project.
- By supporting implementing partners to access training and technical support related to PSEAH, including enabling them to develop resources appropriate to local context and in local language.
- By working with networks such as Lutheran World Federation and ACT Alliance to promote PSEAH.

6.9 To undertake periodic assessments of our own and our implementing partners' child safeguarding practices.

- By assessing implementing partners' practices through use of assessment tools at least every 18 months for long-term partners.
- By the Executive Director or her delegate taking a stocktake of ALWS registers and systems at least every 18 months to ensure they are up to date and functioning, including:
 - ALWS Safeguarding Screening register (includes Code of Conduct, Referee Checks, Interview Questions, Signed Declaration of no Child Abuse, Criminal History Checks, Working with Children Checks)

- Safeguarding Training register
- Safeguarding Risk Register
- Spot check of a staff member from each team regarding their understanding of the Safeguarding Reporting Guidelines and Code of Conduct (to assess Safeguarding processes, not to assess the staff member)

6.10 Provision for policy review at least every three years

- By taking into account implementation experience, as well as best practice standards and policies that are available at the time of the reviews and will be presented to the Board for consideration and approval.
- By consulting with DFAT and ACFID on PSEAH policy review (and this communication be documented).

7. RESPONSIBILITIES

Management is responsible for:

- Ensuring this policy is understood by all personnel.
- Seeking advice as required before dealing with any complaints or reports to ensure that procedural and legal requirements are met;
- Taking immediate and corrective action as soon as they become aware of any issue.
- Tracking compliance, identifying and addressing any challenges in implementing this policy, and ensuring continuous learning on PSEAH
- Reflecting on the ALWS Code of Conduct, PSEAH and related policies with direct reports during annual performance processes, and other staff meetings as appropriate.
- Providing opportunities for staff to raise concerns.

The Board is responsible for:

- Approving this policy
- Supporting management to nurture a strong safeguarding culture at ALWS
- Undertaking training and refresher courses on PSEAH
- Ensuring ALWS implements and reviews the PSEAH policy.

The Safeguarding Focal Point is responsible for:

- Raising awareness throughout ALWS of PSEAH
- Coordinating, supporting and advising on the development & implementation of this Policy
- Coordinating staff training in PSEAH
- Monitoring compliance to this and related Policies
- Coordinating Policy review
- Serve as a central contact point for internal and external queries
- Reporting regularly to senior management on ALWS' fulfilment of this Policy

The Complaints Focal Point is responsible for:

- Receiving and managing any complaints, reports or incidents of SEAH or Policy non-compliance.
- Coordinating an investigation team when necessary
- Working with the Safeguarding Focal Point when necessary

All Personnel are responsible for:

- Understanding and complying with the Policy
- Reporting any non-compliance with this Policy
- Understanding, complying with and promoting the ALWS Code of Conduct
- Reporting any suspected or actual incident of SEAH to ALWS
- Ensuring that any new personnel they are involved in engaging for ALWS have been screened and inducted according to this Policy
- Participating in informational, awareness raising and training sessions about this Policy
- Acknowledging that breaches of this policy are grounds for disciplinary action and possible termination.

8. RELATED DOCUMENTS

This PSEAH policy is an essential component of ALWS' approach to safeguarding, and should be implemented in tandem with other policies and tools including:

Internal

Document	Overlap with this Policy	Difference to this Policy
<i>ALWS Child Safeguarding Policy</i>	Also includes prevention and management of incidents of sexual exploitation and abuse.	Relates only to children
<i>ALWS Anti Bullying, Discrimination and Harassment Policy</i>	Also includes prevention and management of harassment.	Relates to all types of harassment, not specifically sexual harassment.
<i>ALWS Protection Policy</i>	Also includes prevention and management of abuse and exploitation of vulnerable people. Is applied to organisation's safeguarding processes including use of Code of Conduct and Complaints.	Relates to wider violations of human rights law – including violence, exploitation and coercion (all cases of this, not just sexual exploitation), deliberate deprivation. Has more focus on programmatic action – covers safeguarding concerns in the wider community not perpetrated by ALWS or associated personnel
<i>ALWS Code of Conduct</i>	Includes expected behaviours of ALWS personnel regarding PSEAH	Includes expected behaviours of ALWS personnel in other areas as well as PSEAH
<i>ALWS Complaints Policy</i>	Reporting system outlined in the Complaints Policy is used	Covers a broad range of complaints beyond SEAH.
<i>ALWS Staff Induction Checklist</i>	Includes induction processes to support PSEAH	Covers a broad range of induction needs.
<i>ALWS Whistleblower Policy</i>	Wrongful acts dealt with in this policy in focus on SEAH	Scope goes beyond SEAH wrongful acts.
<i>ALWS Gender Policy</i>	Also states ALWS commitment to addressing structural injustices that can lead to SEAH.	Scope goes beyond SEAH to ways in which ALWS promotes gender quality across its operations.

External

Lutheran Church of Australia, *Standards of Ethical Behaviour* (v2 2016), available at <https://www.lca.org.au/services-resources-training/policies/>

ACFID *Code of Conduct*, (Revised 1 January, 2019) available at < <https://acfid.asn.au/code-of-conduct>>

DFAT Preventing Sexual Exploitation Abuse and Harassment Policy (4 April, 2019) available at < <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Pages/default.aspx>>

Australian Human Rights Commission, *Sexual Harassment in the Workplace - The Legal Definition of Sexual Harassment*, available at <https://www.humanrights.gov.au/publications/sexual-harassment-workplace-legal-definition-sexual-harassment>

Core Humanitarian Standard on Quality and Accountability (2014), available at <https://corehumanitarianstandard.org/the-standard>

Lutheran Church of Australia *Prevention of Harassment and Abuse Policy* (11 March 2015), available at <https://www.lca.org.au/services-resources-training/policies/>

Lutheran Church of Australia *Prevention of Risk of Sexual Offence by a Person of Concern Policy* (20 April 2018), available at <https://www.lca.org.au/services-resources-training/policies/>

9. REVIEW

This policy is subject to review every three years, or earlier should organisational learning or sector best practice demand it.

8.1 Record of Policy Review and Version History

Version No.	Date Approved	Approved By	Description of Changes
1.0	Oct 2019	ALWS Board	New policy. Utilised aspects of ALWS Protection Policy and ALWS Prevention of Bullying and Sexual Harassment Policy.