

# Prevention of Sexual Exploitation, Abuse & Harassment Guidelines

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## 1. Introduction

As an international development organisation, Tearfund Australia (hereafter referred to as 'Tearfund', 'our'/'we'/'us' or 'the organisation') understands that good community development must work for, and protect, the most vulnerable groups in a community. We recognise that the nature of development and humanitarian initiatives means that we and our Partners bring resources into communities that can exacerbate power dynamics within these communities and increase the risk of exploitation, abuse and harassment.

We believe that all people have equal and significant value, and should be safe within programs funded and/or run by Tearfund, and we are committed to mirroring God's preferential relationship for society's most vulnerable people.

Tearfund aims to provide a trusted environment across the range of jurisdictions in which its People and Partners work, where they are subject to state, national and international laws. Within these contexts, we work to prevent and safeguard every person from sexual exploitation, abuse and harassment (SEAH). Tearfund is committed to preventing SEAH either directly or through implementing Partners and shows zero-tolerance towards illegal, exploitive, or abusive behaviour. Any such behaviour may be dealt with through Tearfund's disciplinary policy and may lead to legal action, termination of employment or conclusion of volunteer arrangement.

While compliance with applicable law is foundational, the philosophical basis of Tearfund's PSEAH policy and guidelines are informed by three additional sources: Biblical principles, Tearfund values, and an understanding of international development practice:

### ***Biblical Principles***

- All people are made in the image of God and as such have equal value and dignity but our world is unequal.
- God has a preferential relationship with society's most vulnerable, and names our love of God as mirroring our inclusion and care of them (Matthew 25:31-36).
- God's love for the vulnerable is demonstrated by both Old Testament covenantal law, as well as in the teaching and practice of Jesus and the early church.
- God calls on the church to reflect His love for the vulnerable through its commitment to the whole person, which encompasses not just physical, social, spiritual and emotional needs, but also their particular context and situation.

### ***Tearfund Values***

- Tearfund is focused on empowerment and participation, understanding rights, sharing power, and building equality, in its work both in Australia and internationally.
- Tearfund is committed to non-discriminatory and respectful behaviour, which inherently improves safety for people as it changes their position to a less vulnerable one.
- Tearfund seeks to ensure organisational systems and processes that support safeguarding. Misconduct, abuse of power, and any exploitation of vulnerability and/or power inequality are not tolerated.

### ***International Development Practice***

- Tearfund affirms the global commitments and laws that provide the legal framework for SEAH protection. These include:
  - The Convention on the Rights of Persons with Disabilities (UN CRPD) and its related UN conventions;
  - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979;
  - The UN Statement for the Elimination of Sexual Abuse and Exploitation;
  - The national vulnerable peoples' legislation of Australia and international good humanitarian practice, including the Core Humanitarian Standards and the ACFID Code of Conduct.

This Policy is guided by and follows:

- The ACFID Code of Conduct;
- Australian Department of Foreign Affairs & Trade's (DFAT) Child Protection Policy and Preventing Sexual Exploitation, Abuse and Harassment Policy;
- The ACNC's External Conduct Standard 4: Protection of vulnerable individuals;
- Tearfund's Safeguarding Children Policy and guidelines are relevant to any matters relating to children.

## **2. Purpose and scope**

Tearfund's Prevention of Sexual Exploitation, Abuse and Harassment Policy (PSEAH) is available on Tearfund's intranet and website, and these guidelines aim to make all Tearfund People and those associated with Tearfund Australia aware of:

- Their responsibility to contribute actively to an environment that prevents and responds to SEAH
- How to respond quickly and appropriately to concerns raised in line with Tearfund's reporting requirements and processes and take a survivor-centred approach.

## **SECTION 1: People**

### **3. Key Responsibilities**

Tearfund's Code of Conduct details expected and appropriate behaviour for Tearfund People who are in contact with vulnerable adults. All Tearfund People are expected to sign and abide by the Code of Conduct, which includes adherence to the PSEAH Policy and Guidelines. Various Tearfund People/groups have specific responsibilities in regard to the Policy and Guidelines. They perform their roles by:

#### **3.1 Tearfund Board**

- Creating a culture of Safeguarding and providing governance guidance in relation to PSEAH at Tearfund
- Approving the PSEAH Policy and Guidelines.

#### **3.2 Chief Executive Officer**

- Embedding a 'prevention and vigilance' culture at Tearfund in regard to SEAH
- Ensuring that the PSEAH Policy and Guidelines are upheld and informing the Board Executive of any concerns relating to conduct and/or PSEAH that may present risk to Tearfund, Tearfund People, Partners, operations or other activities
- Ensuring progress in relation to conduct and continuous improvement around PSEAH activities across Tearfund is included in standard reporting to the Board
- Holding the Safeguarding Officer and Department Directors accountable to the PSEAH Policy and Guidelines.

#### **3.3 Safeguarding Officer(s)**

- Leading and overseeing PSEAH at Tearfund including coordinating training and monitoring compliance
- Ensuring the Policy and Guidelines comply with Tearfund's obligations and contemporary practice and regular updating of these documents
- Addressing any internal or external questions arising in relation to PSEAH Policy and Guidelines
- Managing any PSEAH concern in accordance with the Reporting Process
- Informing the CEO of any key risk to Tearfund regarding conduct and/or PSEAH as well as ensuring relevant risk and incident registers are kept up to date and assisting the CEO in preparing the reporting set out above.

#### **3.4 Department Directors**

- Promoting the existence of the PSEAH Policy and Guidelines to all employees

- Ensuring department procedures, practices, plans and operations align with the Policy and Guidelines and that all relevant staff are aware of and understand their responsibilities according to both Policy and Guidelines
- Monitoring and responding to any PSEAH risks or concerns arising within their department activities in collaboration with the Safeguarding Officer.

### 3.5 Managers and Supervisors

- Demonstrating a commitment to PSEAH and modelling appropriate behaviour and practices
- Communicating this Policy and all related procedures to Tearfund People during engagement and as required
- Engaging with their teams in an open, honest and meaningful way to ensure they understand what is expected of them under the PSEAH Policy and Guidelines.
- Constructively participating in the resolution of conduct and/or PSEAH concerns, questions or issues raised by Tearfund People
- Receiving all subsequent enquiries concerning any employee dismissed for a breach of PSEAH Policy, Safeguarding or Code of Conduct requirements [People & Culture Director specific responsibility].

### 3.6 Tearfund People

- Adhering to the principles and commitments under the PSEAH Policy and Guidelines
- Taking all reasonable care to ensure that their actions or omissions are not in breach of this Policy or Guidelines, nor directly or indirectly encouraging others to breach these; and reporting any PSEAH concerns by following the Reporting Process.

## 4. Recruitment

Tearfund has robust recruitment and screening processes—all Tearfund staff and specified categories of contractors and volunteers, prior to commencing work, will be subject to a due diligence process which includes:

- Answering safeguarding question(s)
- Agreeing to referee checks
- Agreeing to an appropriate criminal record check in the relevant jurisdiction/s, or statutory declarations or local legal equivalents where criminal record checks are unavailable or unreliable. This may be a Working With Children Check or other criminal record check.
- Reading and signing the Tearfund Code of Conduct
- Receiving a briefing on Tearfund Safeguarding and PSEAH policies
- Completing relevant Safeguarding/PSEAH training (e-learning, face-to-face briefing or other training).

Tearfund will not appoint an individual if they pose an unacceptable risk to the safety of vulnerable people. For further details regarding due diligence and recruitment for:

- Staff – see Recruitment Guidelines
- Volunteers – see Volunteer Guidelines
- Travel – see International Travel Guidelines

### 4.1 Consultants and contractors

Australian-based Consultants and Contractors who are commissioned by Tearfund Australia will undergo the same referee and due diligence check as outlined in the Recruitment Guidelines. For consultants who are non-Australian nationals, either commissioned by Tearfund or a Tearfund Partner, reasonable procedures to exercise due diligence will be implemented, taking into consideration the availability of information and public records for their background checks. Consultants engaged directly by Tearfund Partners will be engaged under the Code of Conduct and policies of that Partner.

## 4.2 Incident or allegation disclosed during applicant checks

Due diligence checks can take a range of forms including the Australian National Police Check, State Police Checks, and Working with Children Checks (WWCC). For Tearfund's purposes, the Australian National Police Check and WWCC (or equivalent) are used within the Australian context.

Should a person have a criminal record it may be appear on their check as a "disclosable outcome". If a referee discloses that they are aware of an incident or allegation, this must also be investigated.

The People & Culture Director will provide advice to the relevant staff member and CEO as to whether or not the individual can commence with Tearfund based on their risk to vulnerable people. Risk will be assessed based on these factors:

- Relevance of the criminal conviction or allegation/incident as a risk to vulnerable people. Any relevant conviction will likely render the individual unsuitable as a Tearfund person.
- Potential risk mitigation and management actions
- Any other relevant factors.

Other relevant persons (such as a member of Tearfund's Board) may also be involved in the decision-making process.

The confidentiality of disclosable outcomes will be preserved and any records will be kept in line with required practice.

## 5. PSEAH training and awareness

Tearfund will publish this policy on its website, and Safeguarding training (including prevention of sexual exploitation, abuse and harassment) will form part of:

- Induction or orientation of new Tearfund staff, Board and relevant volunteers
- Briefing of any Tearfund person travelling to Tearfund projects or working in any context involving vulnerable people
- Regular training to raise awareness with all Tearfund staff.

Safeguarding training will include training in Tearfund's Code of Conduct and key policies including Safeguarding Children, PSEAH, Complaints and Whistleblowing.

Supervisors of both staff and volunteers are responsible for relevant and effective risk management and ongoing management of conduct in accordance with Tearfund policies and Guidelines.

## 6. Supporter engagement with projects or persons in vulnerable contexts

Where supporters engage with projects or persons in vulnerable contexts, care should be taken to ensure that:

- The trip/visit is undertaken in line with Tearfund's Exposure Experience guidance materials.
- All Tearfund People travelling to field programs receive Safeguarding and PSEAH training that includes clear behavioural guidelines.
- All activities are conducted in groups or pairs during field or program visits.
- All visits/trips/placements are arranged in advance through Tearfund Australia
- All prospective participants undergo appropriate interview process
- Due diligence checks, as outlined in the Recruitment section of these Guidelines, are conducted for all persons visiting projects or programs (including family members accompanying Tearfund people).

- A Partner agency staff member is present at all times during the visit/program where there is contact with vulnerable people.
- Gifts and correspondence are not exchanged in private without express Tearfund permission.
- The exchange of mailing addresses and contact details with program participants (including via online forums) is not permitted at any time.
- After every trip the Partner agency is consulted for feedback.
- Tearfund people are not permitted to stay with program participants or any other person who could reasonably be considered a vulnerable person. At all times, trip participants are accommodated in pairs or small groups and appropriate risk management assessments are undertaken with local Partner staff.

Further information can be found in Tearfund's Volunteer Guidelines.

**IMPORTANT INFORMATION:** If this guidance is revised, please ensure that the Exposure Trip Booklet is updated to align requirements.

## **7. Working with Partners**

### **7.1 General**

Tearfund commits to consultation and capacity strengthening with Tearfund's Partners to enhance their organisational approaches to PSEAH, by prioritising the following:

- All levels of personnel in the Partner organisations clearly understand that sexual exploitation, abuse or harassment in any form is unacceptable and that Tearfund has a zero-tolerance approach to inaction. Partner personnel are expected to complete essential training to understand what safeguarding is, its importance in the humanitarian and development sector, and how to recognise, act and report safeguarding concerns.
- Safeguarding/PSEAH compliance is referenced in all Partnership agreements and equivalent documents including incorporating DFAT and other Donor requirements. Any failure on the Partner's part to report or take action in regard to any incident or concern around SEAH will constitute grounds for review and possible termination of any Agreement with Tearfund.
- Tearfund's Partners possess a PSEAH policy which includes appropriate and enforceable standards of conduct for all Board members, staff, contractors and volunteers or visitors to projects to sign, in line with DFAT PSEAH Minimum Standards. Otherwise that they have appropriate Codes of Conduct, policies and procedures in place to safeguard children and vulnerable adults, which clearly meet DFAT PSEAH Minimum Standards.
- Tearfund's Partners have effective risk management processes that include consideration of the risk of SEAH, and document the controls already in place or to be implemented to prevent, reduce or remove risks as part of program design and throughout the life of the program.
- All primary stakeholders and the communities with whom Tearfund's Partners work know the appropriate and enforceable standards of conduct expected of Tearfund's Partners and their people.
- The communities where Tearfund's Partners work have an accessible, gender and culturally sensitive, and confidential, means of making a complaint of sexual exploitation or abuse.
- Tearfund's Partners have incident reporting and good management systems that specify investigation procedures for sensitive investigations such as allegations of sexual exploitation and abuse.
- Due diligence and/or capacity assessments of Partners include an assessment of their implementation of key safeguarding and risk policies including the prevention of sexual exploitation, abuse and harassment. This requires consideration of the perspectives and

knowledge of primary stakeholders and analysis of power dynamics and issues of gender equality. Ideally implementation will include Partners appointing a suitable, trained safeguarding focal person who is responsible for taking and managing complaints and supporting program staff or volunteers in conducting risk assessments.

## 7.2 Emergency contexts

- It is important that appropriate risk assessments (in relation to protecting children and vulnerable adults from sexual exploitation abuse and harassment as well as other abuse) are undertaken in emergency contexts. During humanitarian disasters Tearfund only works through agencies that work in alignment with the Core Humanitarian Standards.
- Projects must not lead to increases in the vulnerability of children or women and must not increase vulnerability to violence or physical harm. Tearfund Partners in large-scale emergency responses will work in cooperation with the UN Protection Cluster to ensure the safety of children.

Tearfund has specific procedures in place that guide our communications work on emergency situations and aim to protect the increased vulnerability of persons in these settings (see Tearfund's Visual Images Policy for more information).

## SECTION 2: PSEAH PROCESS

### 8. Risk assessment

Tearfund's Leadership Team will include identification of SEAH risks, and actions to mitigate such risks, in the organisational risk review process.

Where a Tearfund person is planning, designing, implementing or monitoring a program or event, or supporting a Partner to do so, PSEAH will need to be taken into consideration where this program or event will be run or funded by Tearfund. This particularly applies where it can reasonably be expected that Tearfund People and/or implementing Partner staff will have contact with adults in vulnerable situations. In this case they will need to consider how to assess and respond to SEAH risks as part of their planning, considering the perspectives and knowledge of primary stakeholders and analysing power dynamics and issues of gender equality from a protection/safeguarding/PSEAH perspective.

This process should involve consultation with stakeholders around issues such as (examples only):

- Poverty
- Social risks (peer pressure, homelessness, sexual orientation, family disruption, dysfunction or conflict)
- Community risk factors (social or cultural norms, social isolation, under-resourcing, history of discrimination or abuse)
- Psychological risks
- Physical risks
- Communications risks

### 9. Reporting incidents or concerns

Any allegation or concern regarding the sexual exploitation, abuse and harassment of a vulnerable person/person at risk, must be treated seriously and all reporting should be approached sensitively and confidentially with primary concern for the survivor. Reporting concerns regarding the sexual exploitation, abuse and harassment of vulnerable persons at risk is mandatory for Tearfund people and can arise when:

- Abusive behaviour is witnessed or indicators of suspected abuse on a person (signs and symptoms) are observed or suspected
- An allegation is made or disclosed

## 9.1 Confidentiality

Reports made under this Policy will be treated confidentially. However, when an incident is identified it may be necessary for those managing the incident (Safeguarding Officer or Committee) to reveal its substance to others, such as relevant Tearfund personnel or the Tearfund Board, external persons involved in the investigation process or law enforcement agencies.

Where there is a reasonable belief that a criminal offence has occurred, the matter will be reported to the appropriate law enforcement agency, while taking into account risks to those who have been affected. Once a referral has been made to a law enforcement agency, any further action by Tearfund will be guided by the law enforcement agency.

Tearfund will take reasonable precautions to store any records or files relating to a matter of sexual exploitation, abuse and harassment securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to such a matter will be taken seriously and may result in disciplinary action, which may include dismissal.

## 9.2 Who is responsible to make a report?

### 9.2.1 Tearfund People

Any Tearfund Person having reasonable grounds to suspect that sexual exploitation, abuse or harassment has occurred is required to report the matter immediately to the Safeguarding Officer, a member of the Safeguarding Committee or their Supervisor. This includes any witnessed, suspected or alleged incidents of SEAH or any breach of the Prevention of Sexual Exploitation, Abuse or Harassment Policy or Guidelines and any notifications received from Partners and any alleged incidents that pose a significant reputational risk to Tearfund.

### 9.2.2 Community members

Community members or any other external persons are strongly encouraged to immediately notify a Tearfund Person if they, or someone they know, is thought to have been the victim/survivor of sexual exploitation, abuse or harassment perpetrated by a Tearfund Person. Community members or other external persons can notify a concern or incident by informing any other Tearfund representative at any time in person or via phone, SMS, email or other communication or by using any of the mechanisms outlined in the section below.

## 9.3 What should be reported?

Any concern relating to an incident (suspected or confirmed) of sexual exploitation, abuse and/or harassment should be reported.

## 9.4 Who is the report made to?

Tearfund offers a range of reporting options to ensure that the seriousness of incidents or concerns can be managed appropriately as outlined below.

All sexual exploitation, abuse and harassment and safeguarding reported issues are recorded on Tearfund's Safeguarding Investigations Register, which is reviewed quarterly by Tearfund's Leadership Team and Board. Registers contain suitably de-identified information in line with a survivor-centred approach.

Reports of abuse or exploitation of individuals under the age of 18 years must follow Tearfund's Safeguarding Children Policy and Guidelines.

### ***Allegations involving Tearfund People***

Report a concern or incident to any of the following:

- Their Tearfund Supervisor
- A member of the Tearfund Leadership Team

- The Safeguarding Officer (who is the People & Culture Director) [safeguarding@tear.org.au](mailto:safeguarding@tear.org.au)
- A member of the Safeguarding Committee—which comprises the Tearfund CEO, International Program Director or People & Culture Director
- In situations where the CEO is the subject of a report or is the complaining party, the report should be made directly to the Chair of the Tearfund Australia Board (email [chair@tear.org.au](mailto:chair@tear.org.au))
- A person wishing to report an alleged breach of the ACIFD Code of Conduct may also inform the ACFID Code of Conduct Committee. Reports should be marked 'confidential', addressed to: the Chair, ACFID Code of Conduct Committee and emailed to [code@acfid.asn.au](mailto:code@acfid.asn.au).

### ***Allegations involving someone associated with a Tearfund Australia Partner***

Report a concern or incident to any of the following:

- Tearfund's Safeguarding Officer [safeguarding@tear.org.au](mailto:safeguarding@tear.org.au)
- The relevant Tearfund International Program Officer/Regional Team Leader (who will report it on to the International Program Director and host agency supervisor/project manager).
- The International Program Director— [jpd@tear.org.au](mailto:jpd@tear.org.au) Tearfund will require the Partner to initiate an investigation in line with their PSEAH or Safeguarding policy. Tearfund expects the Partner to share investigation findings with Tearfund.

### ***Allegations involving the wider community***

In the wider community (including an international context in which our Partner is working), while Tearfund or its Partner will not have a formal responsibility to investigate, they may have some influence and may pass on information to the relevant local authorities. In each case, an assessment should be made of what is in the best interest of the vulnerable person/person at risk in relation to reporting the allegation to the authorities. Where inappropriate or abusive behaviour is perceived to be observed in an international context, but not related to the Partner's employees or participants, consultation with the relevant Partner on a locally and contextually appropriate solution is essential.

## **9.5 How should a report be made or sent?**

Reports may be made in the following ways:

- Verbally, by SMS, social media or email to one of the persons above
- **Online via Tearfund's intranet or website:** using the Complaints process, Whistleblowing policy or by downloading and completing Tearfund's Safeguarding Reporting Form
- **By Phone:** ask for the Tearfund CEO or Safeguarding Officer on (+61 3) 9264 7000 or free call 1800 244 986
- **By Post:** address to the Tearfund CEO or Safeguarding Officer at PO Box 164, Blackburn, VIC 3130 and mark "*Strictly Confidential*".

The reporter should write everything down as soon, and in as much detail, as possible.

Where safe to do so, and when in accordance to the wishes of the victims, survivors and whistleblowers, all alleged SEAH incidents that involve a criminal aspect should also be reported through the correct local law enforcement channels. Tearfund staff are reminded of their additional reporting obligations under Tearfund's Bullying and Harassment policy.

## **9.6 Anonymous reporting**

If the person would like to report knowledge or suspicion of SEAH anonymously, they can contact Tearfund Australia through the following means:

- **Email:** [CEO@tear.org.au](mailto:CEO@tear.org.au) (Tearfund CEO)
- **Phone & Post:** details in previous section

Anonymous reporting is possible and is better than not raising the concern. However, Tearfund is in a better position to act on the report if it is not anonymous as further information can be gathered in a more targeted manner.

### 9.7 When should a report be made?

A concern must be reported immediately (ideally within 24 hours), including notifying the Safeguarding Officer, Safeguarding Committee member or relevant Supervisor outside of business hours if required.

In regard to programs where Tearfund is a DFAT Partner (i.e. receives funding from the Australian Department of Foreign Affairs and Trade), two kinds of incident reporting are required:

1. Mandatory and urgent reporting (within **two working days** of becoming aware of an alleged incident) by all staff of any alleged incident of sexual exploitation, abuse or harassment related to the delivery of these programs (DFAT considers these 'DFAT business'). This includes any alleged incident that poses a significant reputational risk to Tearfund and/or DFAT. For example, an allegation against a senior staff member of a Partner organisation.
2. Mandatory reporting (within **five working days**) by all staff of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.

### 9.8 What happens when a report is made?

Principles and practices around responses to reports:

- Tearfund aims to treat all parties fairly and the principles of natural justice will be a prime consideration. All reports will be handled confidentially, professionally and expediently, and any response should be both robust and sensitive to the wishes and protection of survivors.
- A triage system for escalating serious incidents including child protection and SEAH will operate, with the Safeguarding committee meeting to determine the level of seriousness and timing of Board and any other relevant notifications (see flowcharts in Section 14).
- All reports made in good faith will be viewed as being made in the best interests of the alleged victim/survivor regardless of the outcomes of any investigation. Tearfund will ensure that the interests of anyone reporting genuine concerns in good faith are protected.
- If the report relates to a Partner staff member or program participant and the Partner is dealing with the issue, Tearfund will monitor, provide support and make sure the Partner is dealing with it in an appropriate manner, which includes activating Tearfund's Safeguarding Committee. If the project is funded by DFAT, the International Program Director will communicate with the relevant DFAT member.

### 9.9 Escalation of reports

The Tearfund Leadership Team is responsible for reporting all incidents arising under this Policy to the Tearfund Board as an accountability measure. A quarterly Safeguarding (PSEAH) register will be provided to the Board summarising all instances of SEAH reports, concerns and actions taken. Should an instance occur that may have such significant risk to the affected individual or the organisation, this will be directly reported to the Board at the earliest possible opportunity and outside the normal reporting timelines. Wherever possible individuals will be de-identified, consistent with a survivor-centred approach.

## 10. Investigations

Every reported incident will be taken seriously and handled sensitively and confidentially with primary concern for the survivor. The Safeguarding Committee will be convened and will follow

the process set out below. It will act with suitable urgency having regard to reporting requirements of governing bodies (i.e. within the timeframe specified by DFAT (where applicable) or within a timely manner taking into consideration the context, seriousness and type of report).

Tearfund will become directly involved when an allegation has been raised against a Tearfund person, and will support Partners in the appropriate response to any allegations about a person associated with a Partner.

Actions may involve one or more of the following:

- Gathering more information, such as interviewing the person/persons who made the allegations and/or other witnesses to make a decision about the allegation.
- Conducting a risk assessment—to determine whether there are any immediate safety risks or concerns, current or potential risks to the complainant and any stakeholders involved in the case—and developing a mitigation plan as required.
- Assessing whether Tearfund or the Tearfund Partner has the relevant expertise and capacity to manage the SEAH case. If this expertise is not available in-house, immediate assistance, through external capacity will be sought if necessary, for investigation and support.
- Raising concerns with the host agency, through the relevant department, and monitoring the handling of the case, where the complaint concerns people connected to a Partner organisation. This task will be handled directly by the SC.
- Reporting to relevant bodies such as funding and/or statutory bodies.
- Providing support, as possible, to all stakeholders especially the complainant/survivor and including the reporter, as necessary. This may include medical, psychosocial and/or security assistance if appropriate. All decision-making on support should be informed by the complainant/survivor i.e. if the complainant needs protection, assistance or has immediate health and/or psychological needs that require rehabilitation or referral to organisations able to address their needs.
- Standing down (with pay, if relevant) Tearfund People against whom a complaint has been made, or assigning them other duties, until the case has been completed. Any Tearfund People stood down or temporarily re-assigned will be entitled to a fair and transparent process and will be offered appropriate support. Handling the concern internally if it is not a criminal matter
- Reporting to Australian or local police when it is a criminal matter.
- Taking no further action.

## 11. Disciplinary action

Disciplinary action will be taken against any Tearfund person found to:

- Have breached the PSEAH/Guidelines and/or Tearfund Code of Conduct
- Have intentionally made a false allegation

Disciplinary action may include the following:

- Tearfund People—refresher training, increased supervision, or other action up to and including termination of employment, volunteer assignment, contract or association with Tearfund.
- Tearfund Partner agencies—where the Safeguarding Committee resolves that people continue to be at risk in or from the work of Partner agencies and the Partner does not take sufficient steps to reduce these risks, Partnership with that agency will be terminated.

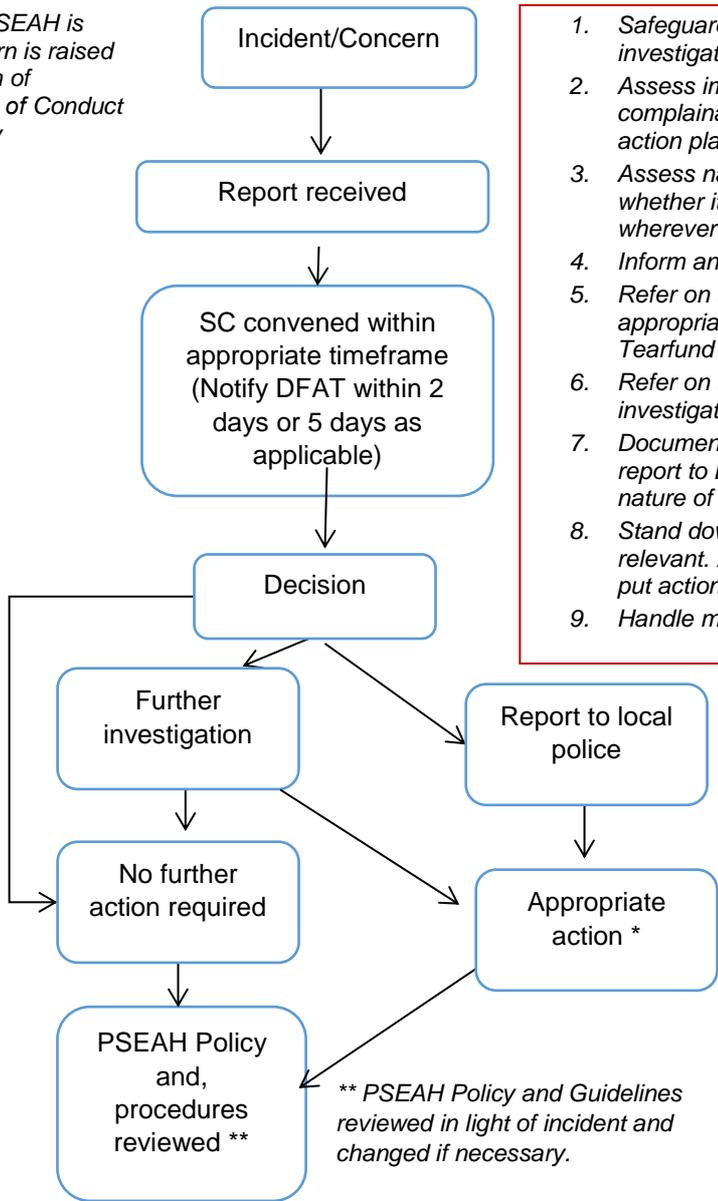
## 12. Concluding the case

All decisions made resulting from the case should be documented clearly and confidentially. All information relating to the case should be stored confidentially, and in accordance with Tearfund policy and Australian data protection law.

### 13. SEAH Allegation Management Procedures

#### 13.1 Australian incident process or incident involving a Tearfund person

- An allegation of SEAH is made OR concern is raised regarding breach of Tearfund's Code of Conduct or PSEAH Policy



- Safeguarding Committee (SC) conducts preliminary investigation (see above)
- Assess immediate risk and safety concerns for complainant/survivor and support required and put action plan in place to provide this
- Assess nature, and level of incident and decide whether it is in possible breach of policy or legislation wherever it occurs.
- Inform any stakeholders as per agreements i.e. DFAT
- Refer on to police or other relevant agency if appropriate for investigation (i.e. if not related to Tearfund Person or if criminal action alleged)
- Refer on to external specialist investigator for investigation OR in-house investigation
- Document SC decisions on Safeguarding Register and report to Board quarterly or immediately depending on nature of incident
- Stand down subject of complaint from duties if relevant. Assess confidentiality and support needs and put action plan into place.
- Handle media or enquiries [done by CEO].

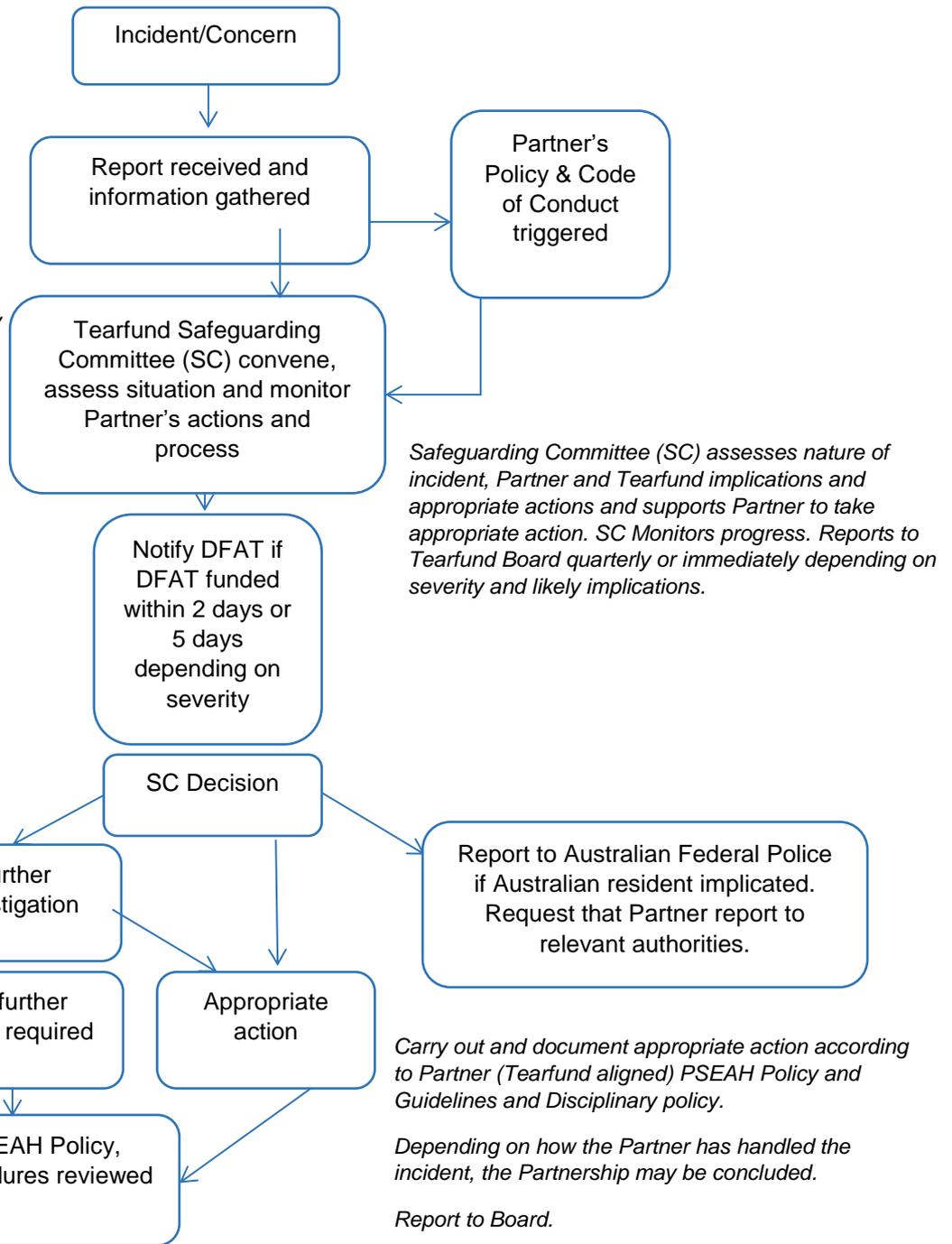
\* Appropriate action carried out and documented, according to:

- PSEAH Policy and Guidelines and outcome of investigation
- Disciplinary Policy

Reported to Board and Leadership Team.

## 14.2 International incident process (Partner agency context)

- Possible sexual exploitation, abuse and harassment observed or suspected.
- An allegation of sexual exploitation, abuse and harassment is made.
- Concern regarding Partner's Code of Conduct/Safeguarding/PSEAH Policy (whichever applies).
- If does not relate to Partner, referral to appropriate agency or local police should be considered



*SC Policy and Partner Context Guidelines reviewed in light of incident and changed if necessary.*

*If no obvious breach of law, further investigation done by SC to decide:*

- Appropriate Partner support i.e. implementing safeguarding/PSEAH guidelines, refer on to local police or external investigator in local context or support to Partner staff
- Monitor Partner support (ongoing)
- Report back to LT and Board

## 15. Definitions

**Contact with vulnerable people:** Any interaction with, or proximity to, adults who are deemed vulnerable according to this Policy. This includes both intentional and incidental contact, oral, written or electronic communication as well as face-to-face and physical contact.

**Program participant:** A person who receives assistance as part of humanitarian relief or development programs.

**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 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 (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) 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 staff and personnel.

**Safeguarding:** Safeguarding is the responsibility that organisations have to make sure that their staff, volunteers, operations, and programs do no harm, that they do not (even inadvertently) through programming or delivery of assistance, expose people to an additional risk of harm and abuse, and that any concerns the organisation has about vulnerable adults and children's safety within the communities in which they work, are reported to the appropriate authorities or handled appropriately.

**Safeguarding Committee (SC):** Tearfund will appoint a Safeguarding Committee, which will consist of a Safeguarding Officer, Tearfund CEO, and either the International Programs Director or Australia Programs Director (depending upon the nature of the safeguarding issue under consideration), and must include both female and male committee members. The Safeguarding Committee will brief and update the Board on any serious investigations. The Safeguarding Officer will be the focal point for receiving any safeguarding reports and ensuring the Committee then meets. The Committee will manage the investigation process when an incident report or concern is received. It may draw on any other expertise from the Board or other experts as Committee members see fit and is empowered to appoint a case investigator to manage any investigation. The responsibilities of the Safeguarding Committee are further outlined in the Safeguarding Vulnerable People Guidelines.

**Safeguarding Officer (SO):** The SO is responsible for the implementation of this policy across the organisation, and is an advice point for the organisation, assisting the Leadership Team in the implementation of this policy. They are also a key person in reporting and responding to suspected abuse. This role is currently incorporated into the position of Tearfund Australia's Director of People and Culture.

**Tearfund Partners:** refers to any organisations who are supported by Tearfund to implement community development programs.

**Tearfund People:** refers to all Tearfund staff, volunteers, consultants, exposure visit participants, Fieldworkers and some specific contractors.

**Vulnerable Person:** A person is deemed vulnerable due to structural, cultural, systemic power dynamics and perceptions about a person which means they are more susceptible to being taken advantage of. Perceptions and power dynamics may exist around people for many reasons, for example, because of their gender, disability, or ethnicity.

For the purposes of this document, a person is deemed vulnerable if they are aged 16 or over and are subject to any of the following contexts:

- a) They are placed in a vulnerable position by reason of a disaster or conflict and may be unable to take care of or to protect themselves against significant harm, exploitation or abuse.
- b) There is a significant power difference between the Tearfund People and the people we work with. For this reason all adult beneficiaries of Tearfund programs or Tearfund Partners are deemed vulnerable for the purposes of the scope of the PSEAH policy and Guidelines and the protection those documents afford;
- c) They have particular care, support or special needs and as a result abuse occurs when that person is mistreated, neglected or harmed by another person who holds a position of trust e.g. they may be in custody or secure accommodation, or they are an expectant or nursing mother;
- d) They are dependent or reliant on others for the provision of basic services (not limited to e.g. safety, shelter, water, food), because of their context, such as:
  - A recipient of an NGO relief distribution, who may be at increased risk of exploitation or abuse as a result of their status or their lack of power and control;
  - An internally displaced person or refugee, and/or an adult who is in an unfamiliar country and location;
  - A person in a relationship (work or social) or in contact with another adult who seeks to misuse their position of authority or trust to control, coerce, manipulate or dominate them.

## Appendix 1 – 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 to 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.	X	✓	✓	✓

DFAT PSEAH Minimum Standards						
Minimum standard	Obligation		Applies to			
	Organisations	Individuals	Low Risk	Med Risk	High Risk	Very High Risk
4. Effective PSEAH training in place.	PSEAH training for personnel, including downstream partners and individuals that deliver DFAT business.	Complete PSEAH training and provide evidence of this.	X	X	✓	✓
5. Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Can demonstrate robust PSEAH recruitment and screening processes for all personnel/consultants including having in place appropriate and enforceable standards of conduct.	Based on a risk assessment, assurances could include providing a recent police check, working with vulnerable people check or location specific equivalent that provides assurance reasonable SEAH precautions have been taken. Local requirements must also be followed.	X	X	✓	✓
6. Prohibit transactional sex for all personnel, while engaged in the direct delivery of DFAT business	Prohibits transactional sex in the field for all staff and downstream partners while engaged in the delivery of DFAT business	Employment agreements include clauses prohibiting transactional sex while engaged in the delivery of DFAT business.	X	X	X	✓
7. Prohibit fraternisation for all non-national personnel, while engaged in the direct delivery of the DFAT business	Prohibits fraternisation for all non-national personnel in the field while engaged in the delivery of DFAT business	Employment agreements include clauses prohibiting fraternisation for all non-national individuals while engaged in the delivery of DFAT business	X	X	X	✓