

Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy

1. Purpose

This policy and the accompanying PSEAH guidelines set out the expectations, systems and processes aimed at ensuring the protection of all people participating in Tearfund Australia's (hereafter referred to as 'Tearfund', 'our'/'we'/'us' or 'the organisation') programs and activities in relation to preventing sexual exploitation, abuse and harassment, as well as the actions that will ensue if incidents or allegations of sexual exploitation, abuse and harassment are identified.

2. Scope

This policy and the accompanying guidelines are intended to apply to any work implemented or funded by Tearfund, all Tearfund People, and Tearfund Partners.

3. Policy

This policy should be read with reference to the specific definitions in clause 7. In its approach to the Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH), Tearfund:

- Commits to preventing sexual exploitation, abuse and harassment within Tearfund and the work of our Partners. Tearfund has zero tolerance of SEAH towards our People and those who engage with our programs. Misconduct, abuse of power and any exploitation of vulnerability and /or power inequality will not be tolerated.
- Commits to non-discriminatory and respectful behaviour, and a survivor-centric approach and will respect the wishes and dignity of the survivor. As an organisation we respect the privacy of those who may be impacted by this Policy and will endeavour to uphold confidentiality, unless a person is at risk of harming themselves or others.
- Affirms the global commitments and laws that provide the legal framework for protection, as well as Christian teaching which calls out God's preferential relationship for those who are vulnerable. This philosophy is expanded in Guidelines which accompany this policy.
- Commits to safeguarding vulnerable people. It is our responsibility to ensure that no one is deliberately or unknowingly placed in situations that make them easily susceptible to SEAH.
- Commits to ensuring that PSEAH measures are embedded, accessible and clearly communicated to all Tearfund people and Partners.

4. Guiding principles

The guiding principles of this Policy that underpin all of Tearfund's PSEAH functions, actions and decisions regarding both children and adults are as follows:

- Culture—we aim to create a culture of zero tolerance to inaction in regard to incidents of sexual exploitation, abuse or harassment, and a culture that pro-actively supports PSEAH, protects people and prevents harm.
- Empowerment and Gender Equality— Although exploitation and abuse can be perpetrated on all people, we acknowledge that we live in a world where some groups (usually women, girls, trans and gender-diverse people and other marginalised groups) continue to experience these to a greater degree than others. Many SEAH incidents are related to inequality and male/female power imbalances. This policy, in conjunction with Tearfund's Gender Policy, aims to support gender equity and equality and encourage people to act autonomously and make informed decisions with consent.
- Prevention and Due Diligence—we believe it is better to take action before harm occurs.
- Protection—we commit to safeguarding, supporting and representing those in greatest need

- Partnership and Shared Responsibility—while overall responsibility for this policy and its implementation lies with the Tearfund leadership group and Board, we recognise that all Tearfund People have a shared responsibility to exert themselves to prevent sexual exploitation, abuse and harassment of vulnerable peoples and to report any abuse, suspected or discovered. Tearfund seeks to embed safeguarding and PSEAH solutions by working with Partners in their communities, which have a critical part to play in preventing, detecting and reporting these issues. Key responsibilities of governance and leadership groups are detailed in the PSEAH Guidelines.
- Accountability, Transparency and Accessibility—we will be accountable and transparent in all aspects of Safeguarding and respond actively and appropriately to SEAH Concerns. Those who are potentially affected by SEAH need to have accessible mechanisms to report a concern in light of their needs and context
- Survivor centred—we support an approach which prioritises the rights, needs, wishes and empowerment of survivors of SEA in both prevention and response i.e. SEA concerns/allegations are investigated sensitively and confidentially with primary concern for the survivor and any response is both robust and sensitive to the wishes and protection of survivors.

5. People

As part of our recruitment and induction processes, Tearfund will give attention to carefully selecting and training people who are likely to work with people in vulnerable positions:

5.1 Applicant Checks

- Prior to commencing work, all applicants for paid or volunteer positions will be required to answer safeguarding questions which require disclosure of any allegation made against them in Australia or overseas.
- Behavioural interview questions are used to determine the history of an applicant's past behaviours, beliefs, attitudes, motivations, and values regarding working with children and vulnerable people as well as their commitment to gender justice.
- Referee checks will include questions related to the applicant's general conduct and, where relevant, questions related to concerns about a candidate's conduct when working or interacting with children and/or vulnerable people in the context of sexual harassment, sexual exploitation and abuse.
- 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) will be required for all applicants.
- Applicants who pose an unacceptable risk in terms of Tearfund's commitment to preventing sexual exploitation, abuse and harassment will not be offered paid or voluntary positions at Tearfund.

5.2 Induction Process

- Tearfund's induction processes will include training or briefing (as appropriate for the role) in our Code of Conduct and key policies including Safeguarding Children; Prevention of Sexual Exploitation, Abuse and Harassment; Complaints; Whistleblowing; and, Gender policies.
- All Tearfund People will be expected to sign and abide by the Tearfund Code of Conduct, which details expected and appropriate behaviour for Tearfund People who are in contact with vulnerable people and which includes adherence to this PSEAH policy.
- All employment contracts will contain provisions for disciplinary actions up to and including dismissal for any person who breaches our Safeguarding and PSEAH policies and guidelines.

5.3 PSEAH Awareness and Training

- All Tearfund People will be made aware of Tearfund’s PSEAH Policy and guidelines, including how to report a concern about sexual exploitation, abuse or harassment in programs funded or run by Tearfund.
- Tearfund will communicate its PSEAH Policy in a form that is accessible and appropriate to the context and level of contact that stakeholders have with Tearfund.
- Regular training will be made available to employees, tailored to the frequency and intensity of their contact with people in vulnerable positions in their work with Tearfund.

5.4 Employee and Volunteer Personal Reporting Responsibilities

Tearfund People are responsible for reporting a change in their circumstances by reporting any current criminal or civil court proceedings relating to harassment, exploitation and abuse.

6. Process

6.1 Risk assessment and planning

All programs that are funded or run by Tearfund will include an assessment of activity-related risks to vulnerable people in their planning, considering issues of power imbalances, gender equality, complaints and reporting, as well as prevention of sexual exploitation, abuse and harassment. As part of assessing and managing risks to vulnerable people within our work, Tearfund will ascertain the resources available in various locations and jurisdictions for notification and assistance in the event that abuse is reported or suspected.

6.2 Making a report

Tearfund People are required to make a report when they know of, or have reasonable suspicion of, SEAH or of non-compliance with this policy or Tearfund’s Code of Conduct. Reports may be made via the following methods:

- Tearfund’s website—using the [Safeguarding Reporting Form](#)
- Phone—the Tearfund Safeguarding Officer: +61 3 9264 7000 or free call 1800 244 986
- Post—addressed to Tearfund CEO or Safeguarding Officer at PO Box 164, Blackburn, VIC 3130 and marked “Strictly Confidential”.
- Email—CEO@tearfund.org.au (Tearfund CEO)
 - In situations where the CEO is the subject of a report or is the reporting party, the matter will be referred to the Chair of the Tearfund Australia Board (email chair@tearfund.org.au)
- A person wishing to make a complaint regarding an alleged breach of the ACIFD Code of Conduct may also make a complaint to the ACFID Code of Conduct Committee. Complaints should be marked ‘confidential’ and emailed to: Chair, ACFID Code of Conduct Committee code@acfid.asn.au.

The reporting process will be communicated to all Tearfund People and will be accessible by them and also by those who may experience abuse in the course of a Tearfund program.

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.

6.3 Follow up and escalation of reports

All concerns and allegations will be appropriately escalated and followed up according to the PSEAH Guidelines and the requirements of relevant local laws, including reporting to relevant authorities where appropriate and safe to do so, considering the wishes of the survivor. The Safeguarding Officer, CEO

and relevant Department Director will determine the best response to concerns or allegations. Depending on the seriousness of the issue, this may include an internal investigation, a report to the Tearfund Board, or an external authority. The investigation may also recommend internal disciplinary measures, including dismissal. All information from reports and investigations will be carefully documented and stored. All incidents will be handled in a way which upholds the principles of: protection of all parties involved, confidentiality, expedient reporting, truthfulness, fairness and professionalism.

7. 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 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: 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 people and children's safety within the communities in which they work, are reported to the appropriate authorities or handled appropriately.

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. The SO is 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.

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 can draw on any other expertise from the Board or other experts as the 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.

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 Adult: 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 Tearfund People and the people we work with. For this reason all adult beneficiaries of Tearfund programs or Partners are deemed vulnerable for the purposes of the scope of the policy and the protection it affords;
- 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.

8. Related references

Tearfund policies	External policies and documents
<ul style="list-style-type: none"> • Bullying and Harassment Policy • Code of Conduct • Discipline Policy • Gender Policy • Prevention of Sexual Exploitation, Abuse and Harassment Guidelines • Recruitment Policy and Guidelines • Safeguarding Children Policy and Guidelines • Safeguarding and PSEAH Reporting Form • Volunteer Policy and Guidelines 	<ul style="list-style-type: none"> • ACFID Code of Conduct • Department of Foreign Affairs & Trade Preventing Sexual Exploitation, Abuse and Harassment Policy