

Brien Holden Foundation

PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY AND PROCEDURES

1. INTRODUCTION

Brien Holden Foundation (the Foundation) is a registered charity with the Australian Charities and Not-for-Profits Commission (ACNC) and is a fully accredited non-governmental organisation (NGO) by the Australian Government's Department of Foreign Affairs and Trade (DFAT) for delivering overseas aid and development programs.

Through our DFAT funding we are part of the Australian NGO Cooperation Program (ANCP) that acts as the supporting mechanism enabling Australian NGO community development programs which directly and tangibly alleviate poverty and promote sustainable economic growth in developing countries.

The Foundation is a member of the Australian Council for International Development (ACFID), the peak body for Australian international development NGOs, and adheres to the self-regulatory Code of Conduct mandated by ACFID. The Code sets out standards on how organisations should be governed and managed, how they communicate, how they spend funds they raise, and best practice principles for international program development.

The Foundation is committed to safeguarding those it works with. We recognise that the nature of our work places our staff and representatives in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children. The Foundation's staff and representatives have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse this position in order to exploit or abuse another person.

The Foundation is also expected to apply the standards developed by ACFID and DFAT and comply with DFAT's Prevention of Sexual Exploitation, Abuse and Harassment policy and associated minimum standards.

This policy sets out the Foundation's approach to preventing and responding to sexual exploitation, abuse and harassment within programs, premises and activities by detailing and adhering to the core principles upheld by the Foundation.

2. POLICY STATEMENT

Brien Holden Foundation has zero tolerance for sexual harassment, exploitation or abuse of any kind amongst staff, partners, volunteers, contractors, partner organisations or beneficiary communities.

The Foundation takes its responsibility in this area seriously and aims to provide a safe environment to hear all concerns, contexts, complaints and potential reports concerning sexual exploitation, abuse and harassment involving Foundation employees, Board members, consultants, volunteers, locums, interns and students (hereafter referred to as 'staff').

3. SCOPE

The policy applies to all staff and representatives of the Foundation, meaning all those engaged with the Foundation's work, including employees, interns, volunteers, Board members, contractors, consultants, partners, suppliers and service providers.

4. POLICY IN ACTION

Roles and responsibilities

Senior Leadership will:

- Ensure safeguarding is part of recruitment, including screening of all staff;
- Monitor and ensure compliance with the Code of Conduct
- Induct new staff, including information and training on safeguarding;
- Arrange regular PSEAH refresher training;
- Conduct screening and risk assessment of partners;
- Ensure monitoring and supervision of interactions between donors and project participants;
- Undertake safeguarding risk assessment as part of program design;
- Monitor safeguarding risks during program implementation; and
- Report to authorities suspected or known instances of harm or abuse in line with our procedures.

All Board members, staff, Foundation representatives, volunteers and interns will:

- Comply with this policy and Code of Conduct;
- Follow the PSEAH Procedures;
- Be alert to PSEAH risks and incidents in their work; and
- Identify and seek continued understanding of safeguarding through training.

Partner organisations (including organisations engaged as contractors and consultants) will:

- Comply with screening and risk assessment; and
- Provide or develop PSEAH policies with assistance from the Brien Holden Foundation.

Individual consultants and contractors will:

- Comply with recruitment and screening procedures (as per staff);
- Commit to and comply with our PSEAH Policy and Procedures.

Risk assessment and management

The Foundation has strong program reporting and project cycle management processes and procedures in place. These regulating mechanisms include partner capacity and risk assessment tools and frameworks. Risk management is part of the Foundation's project cycle management framework, promoting accountability through good governance and robust practices, which contributes to our reaching our strategic objective of creating a compliant and sustainable organisation.

Part of the framework is a risk register, which enables program managers to document, monitor, review and manage updated project risk information. This enables a detailed risk mitigation and management plan to be

developed. This framework allows senior management to monitor and review program and partnership risks in alignment with the current policies. The PSEAH policy drives organisational operations from a risk-based approach and provides guidance on management and prescriptive processes.

Global representation and continuous monitoring

Complementing the program managers monitoring and evaluating work, a designated Global Safeguarding Officer will be responsible for developing effectiveness of the PSEAH policy, processes and procedures throughout the Foundation. This includes PSEAH responding to internal and external queries, monitoring internal and external policy compliance and coordinating policy reviews, updates and revisions, and coordinating necessary upskilling in acute situation and on-going training for all associated personnel.

In addition, the Foundation has designated Regional Policy Officers, aiming to support the implementation of, and compliance with, all approved organisational policies and procedures. Additional focus is currently placed on the programmatic implementation of the PSEAH and Child Protection and Safeguarding policies.

Relevant laws, international conventions and guiding documents

- International Bill of Human Rights
- The UN Convention on the Elimination of all Forms of Discrimination Against Women
- UNSC Resolution 1325: Women, peace and security
- SDG 5: Achieve gender equality and empower all women and girls
- DFAT PSEAH Policy 2019
- ACFID Code of Conduct 2017

5. POLICY PRINCIPLES

Sexual exploitation, abuse and harassment is a violation of basic human rights. The Brien Holden Foundation believes all people have the right to live their lives free from sexual exploitation, abuse and harassment regardless of their gender, race, religion, disability, social or cultural background, or any other distinguishing characteristic.

Core principles:

- Responsibility and compliance are the guiding expectations of all personnel who represent the organisation.
- Strong commitment and processes ensure effective action is taken when concerns and reports arise.
- Risk assessment through iterative procedures, guide monitoring and managing of the diverse global contexts.
- The policy and procedures align with DFAT's new PSEAH Policy and compliance requirements.
- The policy and procedures align with ACFID's updated Code of Conduct and compliance requirements.

6. PROCEDURES

Employment of personnel

Recruitment Process

Applicants are informed of the PSEAH and Child Safeguarding and Protection screening requirements during the interview process at the Foundation. This includes a police clearance or relevant criminal history check depending on country of origin. Where a Police Check cannot be obtained all reasonable measures, including undertaking background and reference checks and binding requirements such as statutory declarations, are taken to ensure personnel are low risk and eligible for gainful employment.

Hiring restrictions

The Foundation reserves the right not to employ or contract an applicant if the recruitment process or background check reveals a previous SEAH incident history and/or the applicant is not suitable to work with beneficiaries. The Foundation will not hire or employ anyone with a prior conviction for SEAH or related offence.

Personnel and program responsibilities

All Foundation personnel are responsible for reading and signing the PSEAH policy and following identified procedures and championing best PSEAH practices in the daily workplace. At the senior management level this includes maintaining an organisational culture that prioritises safeguarding against SEAH and fosters wellbeing for all persons.

Working in the global development context can raise geographical, cultural and gender-based challenges to PSEAH. Responsive programming and evolving program design have been an identified and recorded factor of change. The Foundation is committed to pursuing solutions of this nature in more locations.

Education and training

The Foundation is committed to educating staff, partners, volunteers, contractors, partner organisations as well as beneficiaries and target communities. PSEAH personnel training is mandatory at the Foundation.

Regular refresher training and upskilling is provided on the PSEAH Policy and related new standards of monitoring, risk assessing and management, reporting incidents and post-incident management.

Prevention measures and management

The Foundation ensures all personnel have access to, are familiar with, and know their responsibilities regarding the PSEAH policy. Operations design, programs activities and education initiatives are undertaken in a way that protects personnel and beneficiaries from risk of SEAH. This includes the way in which information about individuals in our programs is gathered, communicated and stored.

The Foundation aims to implement stringent PSEAH processes and procedures when recruiting, managing and deploying staff and associated personnel. Ensure all staff receive training on PSEAH at a level commensurate with their role and apply the due diligence to monitor, evaluate and follow up any concerns of SEAH promptly and according to due process stipulated by this policy and by DFAT.

Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concerns and subsequent case management should be shared on a need-to-know basis only. This is private information which bear risk to those implicated and must be kept secure under strong and careful management.

7. REPORTING PROCESS

Reporting and investigating

The Foundation ensures safe, appropriate, accessible reporting pathways for all personnel to express concerns of an incident or behaviour, or lodge a formalise report of SEAH. These procedural pathways and associated documentation are called Safeguarding Pathways of Care and available to all personnel and the communities in which we work.

Raising a SEAH concern or lodging a report of incident or behaviour:

1. Foundation personnel who have received a complaint or have a concern relating to a suspected SEAH incident must immediately report the incident.
2. Reporting a concern or lodging a report of SEAH can be made to the Global Safeguarding Officer via email SpeakUp@bhvi.org or call +61 414 071149. Or if unable to do so immediately, personnel may report direct to their manager or to senior management, unless this opens further risk to themselves or those involved in the incident. Any information shared will follow the need-to-know principle and otherwise be held confidentially.
3. Any alleged incident of sexual exploitation, abuse or harassment must be reported immediately to DFAT within two working days of becoming aware of an alleged incident. The Global Safeguarding Officer will perform this action and act as management liaison between DFAT and the Foundation or/partner organisations.

All reports of alleged SEAH incidents should be made using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form available at www.dfat.gov.au/pseah and emailed to: seah.reports@dfat.gov.au.

Reports of abuse or exploitation of individuals under the age of 18 years must follow DFAT's Child Protection Policy – see www.dfat.gov.au/childprotection.

Measure for breach

A breach made by Foundation personnel constitutes an act of gross misconduct and is therefore grounds for termination of employment or assignment. Where the breach is made by a partner organisation, this may result in the termination of the contract with the entity. In either situation and in addition, there may be other legal action and/or criminal investigation and prosecution.

8. ASSOCIATED POLICIES

- Child Protection Code of Conduct (2020)
- Code of Conduct (2020)
- Complaints Handling Policy (2020)
- Grievances in the Workplace Policy (2018)
- Gender Equality Policy (2020)
- Recruitment and Selection Policy (2018)
- Social Media Policy (2020)
- Whistleblower Policy (2019)

Other existent Foundation policies may also be relevant and appropriate guiding parameters.

9. DEFINITIONS

The Foundation: Brien Holden Foundation

ACFID: Australian Council for International Development

ANCP: Australian NGO Cooperation Program

DFAT: Australian Department of Foreign Affairs and Trade

NGO: Non-government organisation

PSEAH: Prevention of Sexual Exploitation, Abuse and Harassment

SEAH: Sexual Exploitation, Abuse and Harassment

At-risk adult: Sometimes referred to as a vulnerable adult, is defined as someone “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation” (Department of Health and Social Care No Secrets: guidance on protecting vulnerable adults in care)

Beneficiaries: An individual, adult or child, who directly or indirectly receives services from the Foundation’s program delivery.

Need-To-Know Principle: Describes the limiting of information that is considered sensitive and risk-bearing. Sharing the information only with those individuals for whom the information will aim to help enable the protection of the survivor.

Personnel: Foundation employees (Australia and overseas), consultants, contractors, volunteers, interns, locums, Board members, or any persons engaged to undertake work for the organisation.

Safeguarding: To take all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially at-risk adults and children, from that harm; and to respond appropriately when harm is suspected to have occurred or does occur.

Sexual abuse: The term ‘sexual abuse’ means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, the abuse or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation: The term ‘sexual exploitation’ is defined by any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes.

Examples of acts of sexual exploitation and abuse include, but not limited to; profiting monetarily, socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

Sexual harassment: Any form of unwanted verbal, non-verbal or physical conduct of a sexual or gender-determined nature at the workplace or connected to the workplace, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual violence: Sexual violence is defined as any sexual act or attempt to obtain a sexual act; unwanted sexual comments or advanced or acts to traffic. (WHO, 2012)

Sexual Coercion: The use of physical force, harm, authority, blackmail, verbal persuasion, manipulation, pressure, or even alcohol or drugs used for the advancement of sexual behaviour (Morrison, McLeod, Morrison, Anderson, & O'Connor, 1997; Testa & Dermen, 1999, APA).

Survivor: The term 'survivor' is generally used to refer to a person who has experienced sexual or gender-based violence, abuse or exploitation because it implies resilience. 'Victim' is a term often used in the legal and medical sectors. It is the individual's choice how they wish to identify themselves.

Transactional sex: This term refers to sexual relationships where the giving and/or receiving of gifts, money or other services is an important and influencing factor, which can influence other or external outcomes.

REFERENCES

Department of Health and Social Care No Secrets: guidance on protecting vulnerable adults in care, 2012.

Morrison, McLeod, Morrison, Anderson, & O'Connor, 1997; Testa & Dermen, 1999, APA.

World Health Organisation definition 2012 <https://www.eisf.eu/wp-content/uploads/2019/03/2307-EISF-March-2019-Managing-Sexual-Violence-against-Aid-Workers.pdf>

UN Principles and Guidelines: <https://www.un.org/preventing-sexual-exploitation-and-abuse/>

DETAILS OF POLICY REVIEW

This policy will be implemented incrementally from 10 February, 2020.

Policy written: Advocacy and Policy Manager. January 2020. Contact: policy@bhvi.org

Policy approved: Foundation Board, 05 February, 2020

Policy Review: January 2023



APPENDIX

ATTACHMENT A

Brien Holden Foundation

Policy for the Prevention of Sexual Exploitation, Abuse and Harassment.

I have reviewed the Brien Holden Foundation's Prevention of Sexual Exploitation, Abuse and Harassment Policy, processes and procedures, and I agree to adhere to these standards throughout my work.

Signature

Witness Signature

Name

Witness Name

Relationship with the Foundation

Date
