

INTERNATIONAL NEEDS AUSTRALIA

Board of Directors Policy

Title: 3.18 Policy on Prevention of Sexual Exploitation, Abuse & Harassment

Date of Adoption: 26th June 2019

Amended 23rd October 2019

Amended 27th October 2021

Amended 30th October 2024

This policy is to be reviewed no later than 30th October 2027

Purpose

INA exists to improve the lives of those living in poverty and in particular to empower women. Any sexual exploitation, abuse or harassment by INA or partner personnel, therefore, is a direct affront to the INA vision and values and a breach of human rights. INA recognises sexual exploitation, abuse and harassment is a violation of human rights and undermines development projects and outcomes as well as discrediting the organisation; to protect all people who come into contact with INA's programs from the harm relating sexual exploitation, abuse and harassment, INA takes a zero-tolerance approach to sexual exploitation, abuse and harassment. INA commits to taking a victim/survivor-centred approach to the investigation and management of sexual exploitation, abuse and harassment reports.

Definitions

For the purposes of this Policy, SEAH refers to sexual exploitation, abuse and harassment, and PSEAH refers to the prevention of sexual exploitation, abuse and harassment.

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 is considered to be sexual abuse; INA considers all persons under the age of 18 to be children as per the UNCRC definition.

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 project participants and other community members, as well as staff and other personnel.

Scope

This Policy applies to INA staff, board members, contractors, volunteers or field visitors (hereafter referred to as 'INA personnel'). INA's partner organisations will implement their own PSEAH Policies which meet the standards of this policy, which apply to their own staff, board members, contractors and volunteers (hereafter referred to as 'partner personnel').

Policy

SEAH represents a violation of trust with the communities INA aims to serve as well as a breach of human rights in any context it happens, including within the organisation itself. INA personnel must not promote, engage in or ignore SEAH. SEAH is considered a form of gross misconduct and is grounds for disciplinary action including termination of employment and engagement with the organisation. All allegations against INA and its partners' personnel will be dealt with seriously and promptly, including referral to law enforcement where appropriate and within victim/survivor wishes, and any personnel found guilty of sexual exploitation, harassment or abuse through internal or external investigation will be dismissed.

In aiming to prevent SEAH, INA is committed to:

- ensuring that anyone travelling to visit our projects understands INA's zero-tolerance stance on SEAH.
- implementing recruitment processes that aim to prevent the appointment of SEAH perpetrators, including incorporating questions in interviews, background checks, reference checks and induction to this Policy and to INA's Code of Conduct. (See INA's Program Procedures Manual for more details on background-checking requirements).
- building awareness among INA and partner personnel concerning women's rights and gender equality in recognition that SEAH is often a form of gender-based violence stemming from gender inequality.
- strengthening our capacity to deal with SEAH, including training personnel in PSEAH.
- working with partners to develop and strengthen their policies and procedures on PSEAH, including recruitment, training and complaints practices.
- implementing a victim/survivor-centric fast-track complaints handling mechanism for SEAH, alongside the Child Protection complaints process, and making this available to INA and partner personnel.
- supporting partners to assess the SEAH risk context of our projects and to monitor and mitigate risks as appropriate.
- Investigate any complaint or concern about SEAH rigorously within victim/survivor wishes, with regards to confidentiality, including referrals to relevant law enforcement bodies and

DFAT when appropriate and involving a third party independent expertise if necessary and appropriate.

INA personnel must:

- agree to and comply with INA's Code of Conduct, including PSEAH safeguarding requirements.
- create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy.
- not support or take part in any form of sexual exploitative or abusive activities, for example: trafficking of human beings, exploitative transactional sex, exchange of assistance that is due to participants (including money, goods, services) for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of consent.
- not enter into sexual relationships with field partner personnel or project participants, in recognition that there is an unavoidable power imbalance between INA representatives, field partners and community members.
- report any concerns or suspicions they have regarding possible violations of this PSEAH Policy via INA's reporting mechanism.
- avoid fraternising with community members or partner personnel while engaged in INA business, where fraternising is defined as any relationship that involves, or appears to involve partiality, preferential treatment or improper use of rank or position.
- prioritise the safety, wellbeing and dignity of victim/survivors who report SEAH incidents.
- respect the confidentiality of any information regarding PSEAH complaints made known to them.

INA's Managers are responsible to support and develop systems that maintain a zero-tolerance environment where any allegation of SEAH is acted upon.

INA will work with partners to ensure they are aware of this policy and DFAT's Preventing Sexual Exploitation, Abuse and Harassment Policy, and implement their own safeguarding procedures in regards to PSEAH with their personnel.

Reporting & investigation

INA encourages those who have suffered SEAH in relation to our work to report incidents, as this enables us to investigate the complaint (unless this is against the wishes of the victim/survivor), to mitigate risks of harm to others and to improve prevention and response strategies. INA's process for reporting SEAH is as follows:

1. Throughout the reporting and investigation process, INA will take a victim/survivor-centred approach, prioritising the rights, needs and wishes of the victim/survivor, including treating them with dignity and respect, providing them with comprehensive information and involving

them in decision making. As such, no action will be taken which may put the victim/survivor at risk of further harm, or which contravenes their wishes.

2. a) All INA personnel and implementing partners are required to immediately notify INA's Chief Executive Officer if any person working, volunteering or visiting INA funded activities are accused/suspected of, charged with, arrested for or convicted of criminal offences relating to sexual exploitation and abuse via INA's Child Protection or SEAH incident report form (see annexure 1), directly reaching out to the CEO or the PSEAH focal points or through INA anonymous complaint mechanisms. In the event that the allegation relates to the INA Chief Executive Officer, the Chair of the Board of INA shall be the person immediately notified.

Reports can be made by email to:

CEO – ceo@ina.org.au

Board Chair – boardchair@ina.org.au

Or posted to PO Box 484 Bayswater VIC 3153

Reports may also be made by phone on (03) 9877 7177 or 1800 731 550

- b) Persons outside of INA and partner personnel are also encouraged to report incidents of SEAH relating to our work. It is preferred that reports are made using the Child Protection or SEAH incident report form as this helps to ensure INA has the details required to progress the investigation, however reports will be accepted in any form. INA will ensure SEAH reporting processes are accessible, including for people with disabilities or low literacy. In the case that a report is made by phone or in person, the person receiving the report should support the person making the report to provide as much detail as possible and record this. Any reports received by any INA personnel must be passed on to the CEO, the PSEAH focal points or Board Chair immediately. Anonymous reports are also accepted and will be investigated to the furthest extent possible based on information provided.
3. The INA Board authorises the INA Chief Executive Officer to receive SEAH reports. The INA Chief Executive Officer must notify the Board of all allegations of SEAH within 24 hours of receipt.
 4. All INA representatives and implementing partners are required to immediately notify the relevant partner Chief Executive Officer if any partner personnel/volunteer/visitor working on or visiting the partner organisation's activities is accused/suspected of, charged with, arrested for or convicted of criminal offences relating to SEAH. In the event that the allegation relates to the partner organisation Chief Executive Officer, the Chair of the Board of the partner organisation shall be the person immediately notified.
 5. Any person making such a report should NOT:
 - Notify the person to whom the claim or allegation relates.
 - Seek to independently investigate or substantiate the claim prior to making any notification. The

emphasis is on immediate and mandatory reporting.

1. The responsibility to follow up the report and to liaise with relevant investigating authorities rests with the INA Chief Executive Officer (where the accused is sent from or associated with INA) or the partner Chief Executive Officer (where the accused is not sent from or associated with INA). Alternatively, such responsibility lies with the Chair of the INA Board or the Board of the partner organisation, as the case may be. This person is also responsible for liaising with the victim/survivor and complainant, including providing regular progress updates, ensuring they feel safe to continue to with the investigation, and providing support. Partner's PSEAH Policies incorporate the principles and standards of this policy, including in their investigation and disciplinary approaches. INA will continue to monitor and support partners undertaking an investigation to ensure robust, victim/survivor-centred investigation and that appropriate action is taken.
2. By default, all alleged incidents with a criminal aspect will be reported to the appropriate local law enforcement agencies. If there is a legitimate reason not to do so in regards to victim/survivor well-being, this will be documented within the investigation report. In this case, all possible measures will be taken by INA and the partner organisation, to prevent future occurrences.
3. The investigation manager or their delegate will report alleged incidents related to the delivery of DFAT supported projects, or incidents posing a reputational risk, to DFAT within five working days of INA becoming aware of the alleged incident. Any non-compliance with DFAT's Preventing Sexual Exploitation, Abuse and Harassment Policy will be reported to DFAT within five working days. In either case, reports will be made using DFAT's SEAH Incident Notification Form: www.dfat.gov.au/pseah and emailing this to seah.reports@dfat.gov.au.
4. After a SEAH investigation is completed, the CEO or Board Chair will inform the victim/survivor or person who made the report of the process and outcomes ensuring appropriate support is provided to the victim/survivor in terms of access to dedicated services. Details of the investigation and the outcome will be maintained by INA in confidential files with limited access to protect the privacy of those involved.

Cross Reference

- 2.11 Policy on Harassment and bullying
- 3.13 Child Protection Policy
- INA Program Procedures manual: Section 6.1
- Program Procedures manual: INA's Child Protection or SEAH incident report form
- Program Procedures manual: INA's Child Protection or SEAH incident investigation report
- DFAT Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) Policy 2019
- ACFID Code of Conduct 2024