

Prevention of Sexual Exploitation, Abuse and Harassment Policy



Reviewed: September 2020

Next review date: September 2022

TABLE OF CONTENTS

PART I BACKGROUND

1. Citation, Approval and Commencement of Policy
2. Introduction and Commitment to the Prevention of Sexual Exploitation, Abuse and Harassment
3. Principles
4. Scope of Application
5. Important Legislation
6. Definitions
7. Policy Implementation
8. Risk Assessment
9. Employee and Volunteer Recruitment and Training
10. Educating the Organisation on the Prevention of Sexual Exploitation, Abuse and Harassment
11. Review of Policy

PART II PRACTICES AND PROCEDURES

12. Standards of Conduct
13. Reporting and Investigating Allegations of Sexual Abuse, Exploitation and Harassment

PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

PART I – BACKGROUND**1. CITATION, APPROVAL AND COMMENCEMENT OF POLICY**

- (a) This Policy document may be cited as Project Help India's Prevention of Sexual Abuse, Exploitation and Harassment Policy or PSEAH Policy.
- (b) It was approved by the Australian Executive Director of Project Help India on 20 September 2020 and shall be deemed to have come into force on the 1st October 2020

Signed:

Australian Executive Director of Project Help India

2. INTRODUCTION AND COMMITMENT TO THE PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

- (a) Project Help India is committed to the protection of vulnerable people and recognises the importance of protecting and safeguarding the welfare of vulnerable people within Project Help India activities, and under the care of (Project Help India. Project Help India (has developed this PSEAH Policy to proactively work to mitigate the risks our operations may pose to vulnerable people.
- (b) The purpose of this policy is to provide clear instructions and practical guidance to prevent sexual exploitation, sexual abuse and sexual harassment (SEAH) in all aspects of Project Help India's work and to protect, safeguard, promote and enhance the welfare and safety of vulnerable people in fulfilment of the vision and mission of Project Help India.

3. PRINCIPLES

- (a) **Zero tolerance of inaction:**
SEAH are never acceptable. All allegations will be acted on in a fair and reasonable way, with due regard for procedural fairness.
- (b) **Victim/Survivor needs are prioritised:**
Actions to address SEAH should be underpinned by a "do no harm" approach, prioritising the rights, needs and wishes of the victim/survivor, while ensuring procedural fairness to all parties.
- (c) **Stronger reporting will enhance accountability and transparency:**
SEAH is a failure of responsibility. Reporting will help to focus organisations on the issue by providing a regular prompt that PSEAH is a core obligation of their work.

4. SCOPE OF APPLICATION

This policy applies to the following people, who are expected to comply with the principles and reporting requirements specified in this policy:

- (a) Employees, volunteers, board members and associates of Project Help India.
- (b) All visitors to project sites.

	<p>(c) Representatives of other NGOs working in partnership with Project Help India.</p> <p>This policy addresses the SEAH of adults (18 years and above). This PSEAH policy is complementary to, and does not replace, the Project Help India Child Protection Policy (CPP). The CPP applies to children, who are considered to be a person under the age of 18 years.</p>
5.	<p>IMPORTANT LEGISLATION</p> <p>(a) This Policy builds on and compliments the following legislation and documents:</p> <ul style="list-style-type: none"> - International Covenant on Civil and Political Rights (1976) <p>(b) If the laws of India offer a greater level of protection to vulnerable people, those laws shall prevail.</p>
6.	<p>DEFINITIONS</p> <p>In this Policy, unless the context otherwise requires –</p> <p>“Allegation” is an assertion that someone has caused harm or done something wrong.</p> <p>“Associate” means any persons interacting with any of Project Help India programs in any capacity; including but not limited to visitors, contractors, sub-contractors, consultants, interns.</p> <p>“Child” means a person between the ages of 0 and 18, and for purposes of this Policy, shall be used in reference to a child under the care or protection of Project Help India.</p> <p>“COC” is an acronym for Code of Conduct.</p> <p>“CPP” is an acronym for Child Protection Policy.</p> <p>“Employee” means an employee of Project Help India in India.</p> <p>“PSEAH” is an acronym for Prevention of Sexual Exploitation, Abuse and Harassment.</p> <p>“Safeguarding” means actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.</p> <p>“Safeguarding Officer” means the appointed focal person to oversee and respond to any allegations of PSEAH. They may also be the Child Protection Officer.</p> <p>“Sexual Abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with someone under the age of consent is considered to be sexual abuse.</p> <p>“Sexual Exploitation” means 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.</p>

	<p>people as determined from the selection criteria, the application form, background checks, referee checks and any pre-activity training that Project Help India may require.</p> <p>(b) Applicants may be required by Project Help India to provide evidence of good conduct, or evidence of no criminal record, with particular mention of offences related to sexual misconduct.</p> <p>(c) All existing and new employees and volunteers are required to sign this PSEAH Policy.</p> <p>(d) Project Help India reserves the right to refuse employment or terminate any person's employment that may pose a risk to vulnerable people.</p>
10.	<p>EDUCATING THE ORGANISATION ON THE PREVENTION OF SEXUAL EXPLOITATION ABUSE AND HARASSMENT</p> <p>(a) (Project Help India is committed to educating employees, volunteers and associates in PSEAH and how to reduce risks. (Project Help India will promote PSEAH practices which keep people safe within the organisation and in the community. Project Help India will provide employees, volunteers, associates and beneficiaries with information on their rights and how they can expect to be treated. This information will include reporting poor behaviour or sexual misconduct if they have concerns about a Project Help India member of staff or other representative in the organisation or in the community.</p> <p>(b) Project Help India employees, short and long-term volunteers and associates will be required to participate in PSEAH training as part of their induction, as well as ongoing refresher trainings at regular intervals set by management.</p> <p>(c) Where applicable, relevant staff will be supported to attend training delivered by internal or external specialists to stay informed of current practice relating to PSEAH.</p>
11.	<p>REVIEW OF POLICY</p> <p>(a) Project Help India shall carry out a two-yearly review of this Policy, which shall be intended at improving or strengthening the already existing guidelines.</p> <p>(b) Without prejudice to (a) above, Project Help India shall be at liberty to amend or change this Policy at any time whenever the need arises.</p>

“Sexual Harassment” means unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands.

“Sexual Misconduct” refers to sexual abuse, sexual exploitation and sexual harassment (SEAH).

“Volunteer” means a person who offers volunteer services under specified terms to (Partner). This include local as well as international volunteers, and both short and long-term visitors to a project.

“Vulnerable Person” means those who may be either unable to take care of themselves – due to their age, an illness, trauma, disability, or some other disadvantage – or unable to protect themselves against harm or exploitation. The vulnerability may be permanent (for example, an aged related vulnerability) or temporary (for example, a woman forced to move to a shelter due to personal circumstances). An organisations own workers and volunteers may be vulnerable, particularly if living and working in remote communities or countries experiencing conflict or disaster.

7. POLICY IMPLEMENTATION

This PSEAH Policy will be implemented through:

- (a) Project Help India PSEAH Procedures and Standards of Conduct (refer to Section II);
- (b) The inclusion of SEAH prevention strategies in Project Help India risk assessments;
- (c) The appointment of Safeguarding Officer/s as focal points for implementing PSEAH across Project Help India activities;
- (d) Compliance – all Project Help India employees, volunteers and associates are required to sign that they have read, understand and will adhere to the PSEAH Policy and Code of Conduct. A register of employees and personnel who have signed the policy will also be kept;
- (e) Reporting mechanisms for suspected cases of sexual misconduct. Investigations will be dealt with confidentially, professionally and meet Indian legislative requirements;

8. RISK ASSESSMENT

- (a) Project Help India recognises that there a number of potential risks to vulnerable people in the delivery of our programs. In recognising these risks, Project Help India proactively assesses and manages risks to vulnerable people in order to reduce the risk of harm. Project Help India will maintain a risk register with assessment of PSEAH, which will be reviewed regularly.

9. EMPLOYEE AND VOLUNTEER RECRUITMENT AND TRAINING

Project Help India is committed to safe recruitment and screening practices. These practices aim to recruit the safest and most suitable people to work in our programs.

- (a) All applicants shall be selected on the basis of their suitability for the activity requirements and responsibilities, and their ability to demonstrate that they can work safely with vulnerable

PART II – PRACTICES AND PROCEDURES**12. STANDARDS OF CONDUCT**

(a) Project Help India mandatory standards which relate to PSEAH include:

I WILL

- I will act in a manner which upholds the values and reputation of Project Help India at all times.
- I will undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy where legitimate concerns are able to be reported without fear of retaliatory action or retribution.
- I will report any and all concern, suspicion or allegation of SEAH or breach of the PSEAH policy perpetrated by anyone within the scope of this policy, in connection with their duties on Project Help India business (reporting procedures are outlined below).
- I will comply with all relevant Indian laws.
- I will be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- I will ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation.
- I will immediately inform my direct manager if I become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist.
- I will disclose charges, convictions and other outcomes of an offence that relates to SEAH, including those that may be acceptable under traditional law.

I WILL NOT

- I will not sexually exploit, sexually abuse or sexually harass anyone.
- I will not engage in sexual relationships with vulnerable people, and or project participants or project beneficiaries as these relationships are based on inherently unequal power dynamics and there is the potential for abuse of power. Such relationships undermine the credibility and integrity of Project Help India and its projects.
- I will not exchange or withhold money, employment, goods or services, protection or assistance; for sex, including sexual favours or other forms of humiliating, degrading or exploitive behaviour. This may include using my position of trust and authority to request any service or sexual favour from beneficiaries, or coercing a person to engage in any sexual activity.
- I will not engage in sexual activity with a child under any circumstances. Even in a country where the age of consent is lower than 18 years. A mistaken belief that the child is over 18 is not a defence.
- I will not have sex with sex workers, even when it is legal in the country.
- I will not use Project Help India organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, nor to abuse, exploit or harass anyone.

- I will not use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass persons, or access or disseminate exploitative material through any medium, including social media.

(b) All employees, volunteers and associates of Project Help India shall be required to know and comply with this Policy, failing which disciplinary action will be taken and may result in loss of employment and criminal charges.

13. REPORTING AND INVESTIGATING ALLEGATIONS OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

(a) (Partner) has put in place mechanisms to encourage employees, volunteers, associates, beneficiaries, community members or any other person, to report or speak against acts of sexual misconduct.

(b) Whenever such allegations are reported, Project Help India shall ensure that the allegations are appropriately investigated and that during the investigation of such allegations, the individual reporting any abuse is accorded utmost or appropriate protection from the person against whom the allegations are made.

(c) Where safe to do so and in accordance with the wishes of the victims, survivors and whistle-blowers, all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels.

(d) Reporting allegations of abuse:

- Project Help India considers sexual misconduct to be completely unacceptable. We take all concerns and reports of SEAH seriously and act on these reports immediately.
- Project Help India employees, volunteers and associates should report any witnessed, suspected or alleged incidents or any breach of this policy. Concerns should be raised immediately and follow Project Help India reporting procedures detailed below.

(e) Who should report?

All Project Help India employees, volunteers, associates and beneficiaries including people in the community and partner organisations, whether victim/survivor or whistle-blower.

(f) What should be reported?

- Any disclosure, concern or allegation from an employee, volunteers, associate, beneficiary or community member regarding the sexual exploitation, sexual abuse or sexual harassment. NOTE: this includes actual, suspected, or risk of SEAH.
- Any observation or concerning behaviour exhibited by a Project Help India employee, volunteer or other associate that breaches this policy.

(g) When to report?

Concerns should be raised as soon as possible to the Safeguarding Officer.

Under no circumstances should a Project Help India employee conduct an investigation into the allegation or suspicion of abuse; the role of the Project Help India employee is to report abuse to the relevant department Safeguarding Officer or supervisor

(h) Who to report to?

SEAH reports should be made directly to the Project Help India Safeguarding Officer or Manager/Supervisor. The Safeguarding Officer will complete the *Incident Report Form* to capture the required information.

(i) How should it be reported?

Verbally or in writing to the Safeguarding Officer through completing the *Incident Report Form* with the Safeguarding Officer. An example reporting form is included in Appendix 1.

(j) What will happen next?

- i. Ensuring the immediate privacy and safety of the victim/survivor.
- ii. Initial assessment.
- iii. A confidential and respectful process of gathering and documenting information.
- iv. Internal investigation by assigned parties in a timely, fair and objective manner.
- v. Confidentiality maintained.
- vi. Reports to Project Help India Board and police/relevant governing authorities where appropriate.
- vii. Appropriate disciplinary action, including suspension or termination of employment, depending on the circumstance.
- viii. Records kept by Project Help India HR and Safeguarding Officer.
- ix. Aftercare provided for victim/survivor as needed.

(k) Confidentiality

Confidentiality is a key principle of reporting and managing SEAH concerns. All information regarding an SEAH concern must only be shared with the Safeguarding Officer or Manager/Supervisor. The names of people involved and the details of the report will remain confidential. Information will only be released on a 'need to know' basis or when required by law or when a report to police or authorities is made.

(l) Disciplinary action

- i. Disciplinary action (in accordance with Project Help India disciplinary procedures) will be taken against any employee, volunteer or associate found to:
 - Have made a serious breach of the PSEAH Policy (minor breaches may result in action such as refresher training or increased supervision)
 - Have intentionally made a false allegation
- ii. Disciplinary action may include any or all of the following:
 - Project Help India employees/volunteers – disciplinary action / dismissal
 - Project Help India associates – up to and including termination of all relations including contractual and partnership agreements with Project Help India
 - Where relevant – reporting to authorities/police

(m) General statements

- i. Project Help India will treat all concerns raised seriously and ensure that all parties will be treated fairly and the principles of natural justice will be a prime consideration. All reports will be handled professionally, confidentially and expediently.

- ii. All reports made in good faith will be viewed as being made in the best interests of the victim/survivor regardless of the outcomes of any investigation. (Project Help India will ensure that the interests of anyone reporting SEAH in good faith are protected.
- iii. The rights and welfare of the victim/survivor is of prime importance. Every effort will be made to protect the rights and safety of the victim/survivor throughout the investigation.
- iv. Beneficiaries and community members with whom Project Help India works will be provided with information about how to report any SEAH concerns about Project Help India employees, volunteers and associates.

- ☒ I commit to uphold the principles and behaviours set forward in this Project Help India PSEAH Policy
- ☒ I will use my best endeavours to report any such reportable behaviours or conduct that contravene this Project Help India PSEAH Policy
- ☒ I have read the Project Help India Prevention of Sexual Exploitation, Abuse and Harassment Policy and I accept and will follow this policy.

Signature: Thomas

Date: 25.09.2020

Name: Mr Doug Thomas

Designation: Director - (Australia)

Appendix 1: Incident Report Form (Safeguarding)

For concerns involving Project Help India or Partner Personnel:

Please note that any safeguarding concerns involving a staff member must be reported to the designated Safeguarding Officer. You might complete this form before or after contacting the designated Safeguarding Officer (Mrs Daisy Samuel).Please keep this document confidential.

For concerns involving OUTSIDE people:

All safeguarding concerns involving outside people (e.g. abuse from people outside of the organisation or project) can be discussed with the Safeguarding Officer. You might complete this form before or after contacting the Safeguarding Officer or your superior.

Place Form completed	
Date Form completed	
ABOUT YOU <i>(this can be left blank for anonymous reports, however this may limit the investigation due to information available)</i>	
Your Name	
Your Job Title	
Workplace / Project Number	
Your relationship to the victim/survivor	
Your phone number	
Your email	
ABOUT THE VICTIM/SURVIVOR	
Name	
Gender	
Is the Victim/Survivor under 18? DOB (if known)	
Address	
Phone Number	
Email	
Guardian (if applicable)	
ABOUT THE INCIDENT	
How did you come to know of the incident/s?	<input type="checkbox"/> Direct observation <input type="checkbox"/> Suspicion <input type="checkbox"/> Disclosure by victim/survivor <input type="checkbox"/> Disclosure by any other person/s <input type="checkbox"/> Directly involved <input type="checkbox"/> Other.....

ABOUT THE INCIDENT (continued)	
Does the victim/survivor have any safety need? Provide details.	
Date and time of the alleged incident/s	
Location of the alleged incident/s	
Who was involved in the alleged incident/s?	
Name of alleged perpetrator	
Details	<p>➤ If the alleged perpetrator is GDG or Partner Personnel,</p> <p>Job Title:</p> <p>➤ If the alleged perpetrator is an outside person, relationship to the victim/survivor:</p> <p>Relationship:</p>
Nature and details of the allegation <i>(if applicable, state exactly what the victim/survivor or other source said to you and how you responded to him/her)</i>	
Your personal observations of the victim/survivor <i>(visible injuries, emotional state, etc)</i>	
Any other information not previously covered	

TO BE COMPLETED BY THE SAFEGUARDING OFFICER	
Person receiving Incident Report and Initial Assessment	
Action Taken	
PERSONS INFORMED	
Within the organisation	Name: Position: Name: Position:
Law Enforcement Authorities	Yes or No Details:
Other Relevant Authorities	Details:
REPORT MADE BY	
Name	
Signature	
Date	
REPORT RECEIVED BY (Safeguarding Officer)	
Name	
Signature	
Date	