



*Christ's Heart for the World's Poor*

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ABN 82 933 597 596

## MWA Policy Document

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

#### *Prevention, Reporting and Management of incidents of suspected sexual assault or sexual misconduct*

##### **Our Commitment**

Mission World Aid (MWA) is committed to protecting the dignity, safety and human rights of all people engaged in and through its work and will actively seek to prevent mistreatment or harm to children and adults.

##### **Purpose**

This Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) policy is a reflection of our commitment and is additional to and not in substitution of our Child Protection Policy and other policies related to ensuring our workplaces and project activities affirm behaviour and attitudes consistent with a strong safeguarding culture.

The purpose of the policy is to prevent all MWA staff, volunteers, partners, participants and community members engaged in our work from sexual exploitation, abuse and harassment and to affirm our commitment to protecting and responding to SEAH.

##### **Scope**

This policy applies to MWA Board members, individual volunteers, team leaders, partner organisations, participants, and supporters/interested parties visiting projects. Should MWA employ staff in the future, paid staff would also be included.

##### **Definitions**

*Fraternisation:* Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour.

*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 and sexual assault. All sexual activity with someone under the age of consent is considered to be sexual abuse.

*Sexual assault.* Any sexual behaviour or act which is threatening, violent, forced, coercive or exploitative and to which a person has not given consent or was not able to give consent. Reasons that someone might not be able to give consent include being unconscious, asleep, severely intoxicated, having a developmental disability or mental health issue that significantly impairs decision making. 'Rape' is another word used for a sexual assault that involves unwanted penetration while 'sexual assault' is a broader term used to describe any unwanted sexual contact (including for example, unwanted touching of personal body parts).



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**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. Other examples of sexual harassment may include, but are not limited to:

- inappropriate or unsolicited physical contact, such as patting or pinching;
- sexual violence or indecent and/or sexual assault;
- public displays of nudity;
- verbal comments or unwelcome questions about someone's appearance, dress or private life;
- lewd jokes or wolf whistling;
- communications displaying offensive material or pornography, including posters, calendars or via email or mobile phone.

**Protection.** Measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel.

**Safeguarding.** Organisational responsibility to keep children and vulnerable adults safe from harm and to mitigate risks of exposure to harm or abuse.

**Transactional sex.** The exchange of money, employment, goods or services for sex, including sexual favours.

## **Principles**

- **Zero Tolerance.** SEAH is unlawful and MWA is committed to zero tolerance of inaction with respect to alleged incidents of SEAH and to the common law principle of procedural fairness (natural justice).
- **Prevention.** In seeking to focus on prevention of SEAH, MWA will provide training in PSEAH to Board, staff, volunteers, contractors and partners as relevant to their roles and circumstances.
- **Duty of Care.** MWA does not condone SEAH in any form and has a duty of care and legal obligation to provide an environment that promotes personal safety.
- **Safe Environment.** Delegated officers will take responsibility for and follow processes to provide a safe environment, and in the management of actual or suspected incidents.
- **Respect.** Both complainant and respondent will be treated with respect in line with natural justice, procedural fairness and appropriate confidentiality.
- **Process.** A process of conciliation is desirable for resolution of grievances – however any incident of sexual assault is to be referred by the complainant to the police.

## **Policy Statement and Details**

*Matthew 25:35: For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me... What you did for one of the least of these brothers of mine, you did for me.*

**Tax Deductible donations to Account name: Mission World Aid BSB: 105079 Account # 040615340**



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This directive ensures MWA has a consistent process for the reporting and management of suspected or alleged incidents of sexual harassment whereby;

- people who disclose or report incidents of suspected misconduct are supported
- care is taken to ensure that in seeking to respond transparently to complaints of SEAH, the balance between procedural fairness and privacy considerations is met
- all duty of care requirements including any support for the person experiencing SEAH are met
- requirements for the preservation of evidence are met including documentation of a statement and if necessary referral to sexual assault service and the police
- where the MWA Board considers it necessary, an appropriately qualified independent investigator will be appointed to investigate a complaint.
- alleged perpetrators are afforded just and fair processes.
- while investigating a complaint MWA may stand down a staff member, volunteer or contractor who is subject of the complaint.
- SEAH by any staff member, volunteer or contractor is a grounds for dismissal on the basis of misconduct.

### **Prohibited Behaviours**

MWA requires board members and designated volunteers to sign the MWA Child Protection Code of Conduct that includes a declaration regarding compliance with this PSEAH policy. In doing so MWA stipulates the following behaviours are strictly prohibited:

- Sexual activity with children (persons under the age of 18) is prohibited regardless of local definitions or local customary understandings of the age of majority or age of consent. Mistaken belief regarding the age of a child is not a defence.
- All forms of transactional sex for all personnel, while on and off duty.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.

### **Partnership Agreements, Code of Conduct and Clearances**

- MWA agreements with partners will contain a specific statement and procedure about child protection, PSEAH and the reporting of concerns
- All new appointments must sign the MWA Child Protection Code of Conduct (Attachment A: Child Protection Policy) before signing their contract or taking up a position with MWA.
- Employment contracts will prohibit fraternisation while on field deployment and engaged in the delivery of MWA business
- MWA will ensure background checking to minimise opportunities for perpetrators to gain access to programs
- New MWA staff are required to provide a National Police Clearance
- Where the work of an employee/volunteer involves engagement with children a Working with Children clearance (or equivalent) is required
- Where the work of an employee/volunteer involves working with vulnerable persons a vulnerable persons clearance/check is required.

### **PSEAH Training**

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- MWA will provide PSEAH training for both Board and staff members at least once every two years.
- Where an employee/volunteer is to be deployed in the field, PSEAH training prior to deployment is required
- MWA will engage with partners to ensure contextualised training is provided in their location.

### Risk Assessments

Utilising the DFAT PSEAH Minimum Standards framework, MWA will undertake risk assessments in each partnership area:- Reference: <https://www.dfat.gov.au/sites/default/files/guidance-on-assessing-the-risk-of-seah.pdf>

### Responsiveness

Speed. Personnel are encouraged to be aware of negative effects of SEAH, and to report incidents as soon as possible.

### Reporting of Concerns:

Process - internal. The process for raising SEAH complaints internally involves raising the complaint with the Director of MWA via the office phone +61(0) 83701256, email [tony.scammell@ahopfan.com](mailto:tony.scammell@ahopfan.com), or mail to PO Box 1110 Stirling South Australia, or if the Director is the subject of the complaint then with Founding Director, email [jthagger@optusnet.com.au](mailto:jthagger@optusnet.com.au) or a senior member of the Board (eg Secretary/Treasurer). The Director or the alternative board members will respond in accordance with the MWA Complaints procedure.

Complaints Procedure. MWA provides an internal complaints procedure according to the Complaints Policy for all personnel and for those external to MWA that is effective and user friendly. The organisation encourages employees to utilise the internal conciliation procedures to solve a problem before making a complaint to an external body. However, an employee may approach, for example, the Equal Opportunity Commission for independent advice at any time.

Reporting of Concerns: Process – external. MWA recognises that external avenues for complaints of discrimination and sexual harassment are available to all personnel as a right, and contact details are provided in this policy.

Police reporting. In cases of sexual assault (a criminal offence) the complainant will be advised to report the offence to the police. The person experiencing SEAH can also contact the Yarrow Place rape and sexual assault service for free and confidential information and advice regarding options for medical care (including forensic medical examination), legal action and counselling.

Overseas reports. Where reports are related to events overseas a risk assessment will be facilitated with the partner group with the option of contacting the local DFAT Post to ask for advice on who to access to investigate, this could be the police (if safe) or in-country consultants.

Expert Assistance. Where a report is related to event in Australia, and if considered appropriate and/or



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necessary, the MWA Board may engage the services of a person with expertise in PSEAH or HRM to assist with the investigation.

### **Victim Support & Response to Allegations**

- The safety and wellbeing of victims is paramount, and their information will be treated both confidentially and sensitively.
- Disclosure of personal information will be limited to that required for reporting the concern. (It is important to note that in order to afford procedural fairness/natural justice a level of disclosure may be required to enable an investigation to be conducted or to report the matter to legal authorities.)
- A person reporting a concern should not notify the person to whom the claim or allegation relates or seek to independently investigate or substantiate the claim prior to making any notification.
- The Director MWA and the Founding Director will together review the allegations and determine a course of action consistent with a fair and proper process.
- Where a victim makes clear that they wish to restrict the distribution of information concerning the report, those wishes are to be respected subject to the limitations above (eg procedural fairness) and the requirement of local and Australian law (eg mandatory reporting).
- All alleged SEAH incidents that involve a criminal offence, should be reported to police, subject to it being safe to do so.

Allegations must be reported promptly and treated seriously to initiate appropriate action. Senior management / board representative must be made aware of the incident as soon as possible. Once safety of the person experiencing SEAH is established, the person experiencing SEAH is to be provided with support and assistance. If the person requires immediate medical attention, a medical practitioner or ambulance should be called. If the alleged person is a visitor / unknown person to MWA then the police must be called immediately to action the situation. Details of height, build, clothing, colour, race, and other identifying markers must be obtained as soon as possible. A report must be made ready for police to gather information and evidence (even if the person experiencing SEAH does not want involvement). Management will advise the person experiencing SEAH and their responsible person / guardian / nominated relative that the allegation will be reported to S.A Police. Other people may be affected psychologically by the incident and appropriate support will be offered.

### **Confidentiality**

Confidentiality is a high priority to protect those involved and the information that has been gathered as part of the investigation. All reports, briefings and documents will be kept confidential. Only nominated senior management / board staff are involved and are committed to maintain the individuals' privacy and confidentiality.

### **Evaluation and continuous improvement**

After immediate response and required reporting the board will review the incident and where relevant recommend and /or implement strategies to prevent or reduce the occurrence of similar incidents in the future.





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MWA will monitor sector developments in incident response and safeguarding practices and will update this policy to reflect new learning.

MWA will engage with partners with a view to eliminating attitudes which permit or excuse sexual misconduct both internally and in programmatic activities.

## Relevant legislation and Resources

- Sex Discrimination Act 1984 ( Commonwealth )
- Whistleblowers protection Act 1993 S.A
- Work Health and Safety Act , 2012 ( S.A )
- South Australian Equal Opportunity Commission
  - Phone: 8207 1977 Country callers: 1800 188 163
  - Level 10, 30 Currie Street, Adelaide SA 5000
  - Postal address: GPO Box 464, Adelaide SA 5001
- Contact Yarrow Place: To access a free and confidential service:
  - Phone during office hours: (08) 8226 8777
  - After hours: (08) 8226 8787
  - Toll-free in SA: 1800 817 421
  - Fax: (08) 8226 8778
  - Street address: Level 2, 55 King William Road, North Adelaide, South Australia 5006
  - Postal address: PO Box 620, North Adelaide, South Australia 5006
  - Email: [info@yarrowplace.sa.gov.au](mailto:info@yarrowplace.sa.gov.au)
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Authorized by : Mission World Aid Board