

CLAN Preventing Sexual Exploitation, Abuse and Harassment Policy (SEAH)

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1 Introduction

CLAN's Mission is 'To maximise the quality of life for children and their families who are living with chronic health conditions in resource poor settings of the world.'

CLAN's vision is 'That all children living with chronic health conditions in resource poor settings of the world will enjoy a quality of life on par with that of their neighbours' children in wealthier settings.'

This policy supports CLAN's Mission and Vision as CLAN's work is based on a community-centred approach where a safe, secure and supportive environment is essential for the delivery of CLAN programs involving vulnerable children and their families.

CLAN does not tolerate sexual exploitation, abuse or harassment (SEAH) of any kind in their work with and for vulnerable groups. It is expected that behaviours and actions undertaken by all those involved in CLAN programs focus on safeguarding the physical, emotional and intellectual safety and well-being children and their families involved in programs. Safeguarding also includes those who are vulnerable to sexual exploitation, abuse and harassment.

CLAN programs endeavour to promote gender equality, equity, and empowerment of children living with non-communicable diseases (NCDs). Behaviours by participants in CLAN activities are required to be non-discriminatory, to be respectful to others, to ensure that power is not abused or exploited, and know that misconduct and racial injustice is not accepted.

Statement of Commitment

CLAN is committed, in consultation with partners, to improving standards, practice and culture to prevent SEAH, to manage reporting effectively and to provide quality support for any victim or survivor affected. The safety and well-being of all participants in CLAN programs is essential. This involves a shared responsibility for CLAN and its partners to assess risks, ensure accountability, and maintain a safe and supportive environment. CLAN takes a survivor-centred approach prioritising the rights, needs, wishes and empowerment of survivors of sexual exploitation, abuse and harassment in both aspects of prevention and response.

2 Scope of Policy

CLAN's SEAH Policy is applicable to CLAN's Committee members, staff, contractors, representatives, volunteers, CLAN partners who have agreements in place with CLAN. This

may include consultants, medical and health personnel, contractors, sponsorship partners, grant recipients, visitors to project sites, other persons who may become involved with, or associated with other CLAN activities.

All are expected to act in accordance with the principles, processes and reporting requirements in this Policy. Partners and other relevant involved persons must also act in accordance with their own relevant policies, agreements, and domestic legal requirements to prevent SEAH, to manage complaints and to support vulnerable children and persons.

3 Key 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). 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 sets the greatest age) 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.
Fraternisation	Includes 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 behaviours. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public express of intimate relations.
Intimidation	The action of frightening or threatening someone, usually in order to persuade them to do something that you want them to do.

Transactional sex	Persons can be sexually exploited through transactional sex where the exchange of money, employment, goods or services is given for sex or sexual acts, even in places where sex work is legal.
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4 Policy Principles

CLAN adopts the following principles:

4.1 Zero tolerance of inaction

Sexual exposure, abuse or harassment are prohibited in CLAN activities. CLAN is committed to acting on every allegation, to report fairly and to ensure that support is given to victims/survivors. CLAN will work with partners to improve safeguards and procedures for reporting and managing complaints.

4.2 Strong leadership accelerates cultural change

Strong leadership is essential in organising and managing safe environments for programs. Leaders can promote positive cultural change through working collegially with partners and beneficiaries to set and model clear goals and expectations in relation to interactions in their work. Actions to diminish the risk of SEAH include acceptance of diversity, inclusion of vulnerable groups, gender equality and prevention of discrimination and racial injustice.

CLAN works with partners to build supportive communities where clear behavioural expectations are set including respect, and where victims/whistleblowers feel safe and to report concerns and be assured that their allegations are taken seriously. Strategies for creating safe environments include reviewing aspects such as structural inequalities, gender equality and inclusiveness, and identifying vulnerable persons and children.

Training including child safety and PSEAH will be provided annually and as required to CLAN's Committee members. Training will also be delivered to partners and participants in programs as relevant. A leadership focus includes building community awareness about PSEAH, rights and responsibilities of participants, including victims/survivors. Cultural change includes building trust with participants in CLAN's programs so that those affected or who observe PSEAH will feel safe to report incidents or concerns and have assurance that these will be handled confidentially, sensitively and properly. Information shared with participants will include how to raise a concern about the safety of anyone involved in a CLAN program, including threats or actual incidents of SEAH. This may also include appointing specific person/s for managing PSEAH in relevant CLAN programs.

4.3 Victim/survivor needs are prioritised

A safe environment includes 'a do no harm' approach which focuses on procedural fairness for all parties but which also prioritises the rights, needs and wishes of the victim/survivor. A safe environment does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics. The victim/survivor is to be treated with respect, providing with comprehensive information and included in decision making. Privacy and confidentiality are protected, and relevant services are considered to provide support to the victim/survivor. An assessment is undertaken to determine ongoing needs such as returning to an unsafe situation, and specific health and psychological needs.

4.4 Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility

CLAN will work with partners to create environments where every person involved shares responsibility to implement strategies to prevent SEAH. Partners in CLAN's programs may include government personnel, businesses, non-government organisations, institutions, specialists, communities and individuals. CLAN's program beneficiaries may include children with NCD's and their families, health and medical staff, individuals and groups attending conferences and professional presentations or other CLAN activities.

4.5 Gender inequality and other power imbalances are addressed

Risk assessments undertaken by CLAN and its partners include reviews of potential power imbalances, particularly where families and children are involved in their programs. Inequalities may exist in status, roles, abilities or disabilities, ethnic and indigenous status, religion, gender identity and sexual orientation, age, health, poverty, class and economic status.

4.6 Stronger reporting will enhance accountability and transparency

Stronger reporting helps an increased focus on issues. To prevent SEAH, CLAN, partners and communities work together to improve culture, reporting processes and managing complaints to support victims/survivors by developing effective strategies relevant to specific communities for implementing safeguards.

(Source: DFAT, 2019, *Preventing Sexual Exploitation, abuse and Harassment Policy*, pp.6-7, adapted.)

5 Governance

CLAN is committed to improving practices and responses to provide safe environments for children, families and other participants in CLAN programs and activities. A safe environment includes safety from physical and psychological harm, including SEAH. Reviews of current practice will underpin training and/or management changes required, based on legislative requirements and best practice.

Committee Agendas will include relevant reports on Child Protection and SEAH.

Legislation (ACNC) requires that CLAN's Committee members must be 'Responsible Persons', hence each member must have a current 'Working with Children Check' (NSW Office of the Children's Guardian) or a Police Check.

Communicating the Policy

This Policy is to be communicated to staff including volunteers, partners, consultants, medical persons involved in CLAN activities, families and children involved in CLAN programs, and other persons or groups where relevant. Risk analysis will determine the type and level of training required for individuals or groups involved in programs. SEAH Policy updates and reports will be shared with CLAN's Committee and partners as relevant and/or annually.

Recruitment

Staff

A statement on CLAN's zero tolerance to SEAH is to be included on job advertisements, job descriptions and performance reviews. Interviews with applicants include questions about SEAH and child protection to ascertain an applicant's values, attitudes, beliefs and to vet former misconduct regarding vulnerable children, adolescents, women and vulnerable adults. Two (or more) verbal reference checks will be undertaken, plus a reference from a current or recent employer. A Police Check and/or a Working with Children Check is required prior to employment.

Employment contracts include a specific requirement to agree to and abide by CLAN's Child Protection and SEAH Policies, in addition to a commitment to act in accordance with all of CLAN's Policies. Contracts include provision for disciplinary action or termination for breach of PSEAH and CLAN Policies.

Induction processes will include training for child protection and PSEAH to highlight the need to provide a safe and supportive environment for CLAN's programs and activities. Performance management processes include reviews of safe conduct practices.

Partners

CLAN's partners, prior to acceptance as a partner, are required to show evidence of their acceptance, understanding and commitment to CLAN's Policies, particularly those applying to children and vulnerable individuals and groups. Partners are assessed for their experience, capabilities and capacity for implementing CLAN's safeguarding and risk policies effectively. This is required due to CLAN's work with partners to develop and administer programs to support vulnerable groups including families and their children with non-communicable diseases (NCD's). Reference checks of partners will be undertaken against prohibited entities listing.

Volunteers

Volunteers who may be, or are involved in CLAN's programs involving families and children, are required to hold and produce evidence of a current Work with Children Check or a Police Check. Inductions for volunteers includes information and the need for compliance with Child Protection and SEAH Policies. Risk assessments relevant to volunteers includes obtaining knowledge about their previous behaviours, current responsibilities and capacity to comply with relevant CLAN policies.

6 Working with Partners

CLAN's partners are diverse, including organisations, consultants, specialists, medical and health personnel, suppliers, and contractors. Prior to the formation of a partnership, assessment includes the potential partner's capabilities, capacity and current practices and commitment to providing safe and secure environments for delivery of programs. The ACFID Code of Conduct and CLAN's Policies are shared with relevant partner/s to inform and obtain agreement prior to a formal Agreement made. Safeguarding and prevention of SEAH is part of CLAN's partner's assessment tool to determine a level of risk of a potential partner prior

to any Agreement or contract made with partner/s. Training will be provided as needed in order to ensure an adequate understanding of legal and policy requirements.

PSEAH requirements will be included in employment contracts, MOU's and other Agreements that are made by CLAN and partners. A check of partners will show if they have their own PSEAH policy and if it aligns with CLAN's policies.

The PSEAH Policy covers all CLAN partners and application of this Policy will be defined by the risk analysis undertaken to determine the level of risk relevant to the type of program, project or activity undertaken with partner/s or by partner/s.

CLAN is committed to consulting and working collegially with partners to achieve outcomes, including risk assessments to determine a level of risk and actions for child safety and SEAH. Collaboration with partners includes setting goals and outcomes, identifying clear roles and responsibilities, responsibilities for managing financial and non-financial resources, and determining the type of support provided by each party. Decisions may also include reporting on programs, sharing data and information, identifying communication personnel and documenting processes.

CLAN will consult with communities where relevant, to obtain data, identify needs, and plan specific programs to meet the needs of vulnerable children and families.

Where partners are involved in the delivery of CLAN programs to children and their families, CLAN will work with partners to assess potential risks including child protection and SEAH risks prior to delivery of any program or activity. Consultative planning with partner/s will also include processes to monitor and manage the culture and environment during implementation of programs, how to make reports of alleged incidents and provide effective support for victims/survivors after the report is received. The level of risk will determine the strategies developed to prevent SEAH. Compliance with CLAN's PSEAH policy will be undertaken as part of a program's ongoing monitoring and evaluation processes to review goals and outcomes.

7 Risk Assessment/Safe Programming

CLAN and partners are responsible to control, monitor and manage identified risks effectively. Risk assessment processes are undertaken for each potential program. Assessment will indicate the level of risk (low, medium, high, very high) for providing a safe and supportive environment for participants, including child safety and PSEAH. The level of risk will determine actions to implement, which may include obtaining further data and information from participants involved in CLAN programs, and developing specific safeguards based on data and information received. Strategies aimed to prevent SEAH include relevant training about unacceptable behaviours, complaint and reporting procedures, and reassurance that a complaint or report will be managed with respect and confidentiality. CLAN will document SEAH information in records or Minutes of meetings undertaken with partners

CLAN adopts the following Minimum Standards to establish the risk of PSAEH

- 1 Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.
- 2 Have reporting and investigation procedures in place
- 3 Have risk management processes include the risk of PSEAH
- 4 Effective PSEAH training program in place
- 5 Recruitment and screening processes and employment practices address and manage the risk of SEAH
- 6 Prohibit transactional sex for all personnel, while engaged in the direct delivery of CLAN business and activities.
- 7 Prohibit fraternisation for non-national personnel while engaged in the direct delivery of CLAN business.

(Source: DFAT 2019, *Preventing Sexual Exploitation, abuse and Harassment Policy*, pp.11-12.)

8 Standards of Conduct

To prevent SEAH, the following PSEAH standards of conduct apply to CLAN's staff, partners, representatives and volunteers who are involved in CLAN's programs and activities.

- 1 Sexual exploitation and abuse by any CLAN personnel constitutes acts of gross misconduct and are grounds for termination of employment.
- 2 Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
- 3 Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitive behaviour are prohibited. This includes exchange of assistance that is due to beneficiaries.
- 4 Sexual relationships between CLAN personnel/partners and beneficiaries is not permitted as this is contrary to CLAN's mission and values and undermines the credibility and integrity of CLAN's work.
- 5 Where a CLAN member or a partner develops concerns or suspicions regarding sexual exploitation, abuse or harassment by a fellow worker, he or she must report such concerns via CLAN's reporting mechanism
- 6 CLAN and partners are obliged to create and maintain an environment which prevents sexual exploitation, abuse and harassment, and promotes the implementation of their code of conduct.

(Source: adapted from IASC 2002, *IASC Six Core Principles Relating to Sexual Exploitation and Abuse*.)

9 Response to incidents

CLAN takes a survivor-centred approach prioritising the rights, needs, wishes and empowerment of survivors of sexual exploitation, abuse and harassment in both aspects of prevention and response. Importantly, the response will be efficient, robust and sensitive to the wishes and protection of survivors.

9.1 Reporting

CLAN will treat all complaints seriously and ensure that all parties are treated fairly. All personnel and as defined under the Policy's Scope and undertaking official duties or CLAN business must report any alleged or suspected incidents of SEAH or Policy non-compliance that they are aware of. Reports of abuse or exploitation of individuals under 18 years of age must follow CLAN's Child Safeguarding Policy. 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 sexual abuse.

CLAN and partners will provide information to participants in CLAN programs about need for mandatory reporting, and processes for reporting any alleged incident of sexual exploitation, abuse or harassment that occurs during CLAN/partners' programs. Also, the safety and wellbeing of the victim, survivor or whistleblower is paramount and is to be treated confidentially.

When an alleged incident is reported, documentation undertaken throughout the duration of managing the complaint is kept with the report.

9.2 Reporting a complaint

All CLAN personnel are required to report immediately to the program's nominated SEAH/complaints person if they have any suspicion or knowledge of SEAH or policy non-compliance occurring. Verbal complaints must be documented by personnel and submitted in written form using the SEAH Incident Notification Form if the complainant is unwilling to submit a report personally.

Information about reporting and managing the complaint will be provided to the complainant as needed, including their ability to make a complaint for alleged breach of the ACFID Code to ACFID Code of Conduct Committee, for a process to review and analyse complaint information with CLAN.

Documented Reports of alleged incidents of SEAH of policy non-compliance are to be reported within 24 hours to the President of CLAN or to the nominated PSEAH person. Reports of sexual exploitation, abuse or harassment of individuals should be made using the CLAN SEAH Incident Notification Form (see Attachment) and anonymously emailed to info@clanchildhealth.org.

Reports to CLAN's Committee of allegations of SHEA will not include identification of the victim/survivor.

9.3 Managing Reports

Reports of SHEA will be dealt with in a timely manner, and where required CLAN will report to regulatory bodies. An investigation may be undertaken by a CLAN or outsourced to professional investigators.

Where safe to do so, and when in accordance with the wishes of victims, survivors and whistleblowers, all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels. Local reporting procedures will guide the process based on whether the allegation constitutes a criminal offence in the country, and if it is also a breach of other CLAN Policies. Evidence will determine whether it is a disciplinary matter, or if it should be managed by local child protection agencies, and if it is a matter that should be reported to Australian authorities.

Reported incidents and alleged incidents of SEAH are managed sensitively and confidentiality by CLAN, within the parameters of relevant legislation. Where allegations are made of sexual misconduct that occurred by a CLAN staff member or volunteer either in Australia or overseas, the matter will be reported to the Australian state police or the state child protection authorities.

CLAN's Committee will review reported incidents and processes annually to determine effectiveness and improvements needed.

9.4 Victim/Survivor Support Guidelines

A survivor-centred approach is implemented in preventing and responding to SEAH complaints to CLAN. Responses are planned to balance requirements for due process with the survivor's wishes, rights and dignity, with safety and well being a priority in all SEAH matters and procedures.

An alleged survivor should be assessed for immediate risks, to ensure the safety and security of those involved, and to ascertain support services required. Information about relevant support services available in the survivor's country will be shared with the survivor. A survivor will be informed on the progress of managing the alleged complaint or report, and outcomes.

Compliance and Assurance

CLAN will monitor compliance preventing SEAH through program monitoring, performance assessments, reviews. Analysis of incidents and due diligence checks can provide data for improving procedures. Non-compliance may result in termination of an agreement with a partner.

10 Policy Management

This policy will be reviewed every two years or unless required earlier, either by legislation or from data obtained from monitoring SEAH activities. The Policy will be translated where required for relevant stakeholders.

Supporting Documents

Child Safeguarding Policy

Code of Ethics and Professional Conduct Policy

Complaint Management Policy

Disability Inclusiveness Policy

Gender Equality Policy

Human Resources Policy

Risk Management Policy

Staff Training and Development Policy

Whistleblower Policy

APPENDIX

CLAN Incident Report Form: SHEA

Name of person receiving report: Position: Date when report received:		
Name/s of person reporting and contact details		
Name Position	Address: Phone: Email:	
CLAN Program or Activity	Country and Location: Program	
Name of Partner/s associated with CLAN program and Contact details		
Type of Allegation: circle Sexual Exploitation Sexual Abuse Sexual Harassment Sexual Fraternisation Transactional Sex	Details: Date, Place Other relevant details: (For example, vulnerability, or disability factors):	
Details of Person/s subject to allegation. Circle descriptor CLAN employee CLAN contractor/subcontractor CLAN volunteer Australian citizen or resident	Family Name Gender Nationality Contact details	Given Name Date of birth
Details of Victim/s Age of child or alleged victim at time of alleged incident:	Family Name Gender Nationality Contact details	Given Name Date of birth
Name of witness/s (witness to complete separate incident report form)	Family Name Gender Nationality Contact details	Given Name Date of birth
Impact on child or alleged victim and details of any injuries observed or reported		
Network of support around the child, young person or alleged victim		
Further details: Is the victim still in danger of abuse or neglect? Are local police or other local authority aware of the incident/allegation? What other authorities have been informed? If relevant, have Australian Federal Police in country been informed?		
Any other pertinent information		

