UnitingWorld Policy

Board approved 26.09.2019

5.3.1   Protection and Safeguarding Policy (including Protection, Preventing Sexual Exploitation and Abuse and Child Safeguarding)

Commitment by UnitingWorld

UnitingWorld will, first and foremost, Do No Harm. We will promote the dignity and fullness of life across the agency and our work. We will be sensitive to context, mindful of power imbalance and recognise difference, embracing diversity.

UnitingWorld commits to upholding human rights regardless of race, religion, ethnicity, indigeneity, disability, age, displacement, caste, gender, gender identity, sexuality, sexual orientation, marital status, political affiliation, poverty, class or socio-economic status.

Protection and Safeguarding are closely related and are here addressed in the same policy.

UnitingWorld will strive to be culturally competent in our work, designing policy and procedures to enable our Board and UnitingWorld staff to participate ethically and effectively in intercultural settings. We will encourage awareness of each individual's cultural values and world view and their implications for making respectful, reflective and reasoned choices, including the capacity to imagine and collaborate across cultural boundaries.

Protection and Safeguarding – Key definitions

UnitingWorld defines **protection** as *activities that we conduct with partners and beneficiaries that respond to harm that is occurring in their context or will reduce the risk of that harm occurring to people*.

UnitingWorld defines **safeguarding** as *all actions we take to prevent our Representatives from being harmed and from harming others*.

Principle 1: UnitingWorld Representatives will have shared responsibility for working toward a safe environment for those we encounter

Protection: As part of UnitingWorld's commitment to human rights, we will work with our partners to identify protection risks and the extent of our role in addressing them in our programming. Protection risks to the primary stakeholders include discrimination, violence, abuse, exploitation or neglect. We will use contextual and risk analysis and mitigation strategies that are reviewed during program delivery. UnitingWorld also commits to working with partners in local contexts to strengthen citizens' and communities' capacity to advocate for themselves to access their rights.

Safeguarding is a shared responsibility, with all parts of the organisation and all levels of staff involved in ensuring a welcoming, inclusive, dignified and safe environment for those we encounter.

UnitingWorld's Board and Senior Management will set clear expectations and model respectful behaviour in their interactions at work. These standards will be assessed as part of performance and Board evaluations.

The Board and Senior Management will address sexual exploitation abuse and harassment (SEAH) by taking measures to improve diversity and inclusion, including by referencing gender and safeguarding expertise when recruiting new persons to the Board, and will have a standing Board agenda item to check progress on our commitment to diversity and inclusion.

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In addition, there are key responsibilities within specific roles.

The Board ensures that Uniting World complies with best practice in safeguarding, especially of children and vulnerable adults, and takes all reasonable steps to ensure there is appropriate transparency and accountability. The Board's responsibilities include to:

- Review and approve safeguarding policies
- Review the organisational and project risk registers on a quarterly basis
- Review reports of safeguarding issues

The International Programs Committee is responsible for monitoring implementation of the policy, project risks and reviewing action plans. The Finance Audit and Risk Committee is responsible for monitoring organisational risks and reviewing safeguarding incidents.

Management is responsible for managing complaints related to the conduct of UnitingWorld representatives (i.e. safeguarding, other conduct, grievances, etc).

UnitingWorld will appoint a staff member as Safeguarding Focal Point, who is responsible for monitoring compliance with this policy and for encouraging and supporting UnitingWorld staff to:

- develop safeguarding policies and procedures, addressing the needs of children and vulnerable adults
- raise awareness and promote best practice
- provide advice to staff
- ensure that UnitingWorld stays updated with best practice and legislative changes in the sector
- respond to concerns or allegations of exploitation, abuse or harassment of children or vulnerable adults by receiving and forwarding concerns to the Complaints Officer or National Director, as per the Feedback, Complaints and Incident Handling Policy

Associate Directors (International Programs) and International Program Managers have specific responsibilities to:

- oversee progress in safeguarding work and capacity building with partners, and support partners to meet child protection, child safeguarding and Preventing Sexual Exploitation Abuse and Harassment (PSEAH) minimum standards
- ensure every project has an in-country Safeguarding Focal Point(s), and that partner project staff and project beneficiaries know who this individual or individuals are;
- support partners to develop their own safeguarding policies (including child safeguarding and PSEAH)
- undertake safeguarding and risk analyses during project design and annual planning, including identifying mitigations of risks
- review project risk assessments and report on safeguarding issues or achievements on a quarterly basis, for presentation to the Board

The Head of Communication and Fundraising and members of that Team have specific responsibilities to:

- ensure that all communications, especially those containing images of children, adhere to the standards outlined in the Code of Conduct

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- apply a safeguarding lens to all communications and fundraising activities and material and prioritise the protection and dignity of community members who share their stories.

2. We will include and involve the community in developing and maintaining the systems necessary for protection and safeguarding.

Protection: When we design projects, UnitingWorld will consult communities on protection activities we undertake in the project. We will continue to involve communities in the monitoring and evaluation of those projects. Groups to be consulted include those most vulnerable. In an international context, groups who are deemed vulnerable include children, individuals who are reliant on humanitarian aid, or members of marginalised groups who face exclusion due to one or more aspects of their identity (such as gender, disability or ethnicity) and whose voices are not heard. We will seek to understand how we can assist our partners and their communities to access their rights and increase their safety, including through seeking feedback and responding to it.

Safeguarding: UnitingWorld will ask communities how they want to tell us, or a third party, if they feel threatened by us or any of our activity. We seek to ensure our Representatives do not abuse their power and that our activities do not expose anyone to harm. UnitingWorld is committed to applying these policy commitments and related procedures and systems across the breadth of our work, including through our work with partners.

We recognise that some groups are more vulnerable to Sexual Exploitation, Abuse and Harassment (SEAH) than others and will seek to ensure that our systems for assessing and responding to risks of SEAH are contextually appropriate.

3: We will mainstream Protection and Safeguarding in our activities

To this end, UnitingWorld will:

- Assess benefits, and possible negative impacts of the project on vulnerable groups as part of design and annual planning processes; include mitigation strategies in project designs and in response to project reports.
- Assess partners' safeguarding systems and processes as part of the design and annual planning phases
- Undertake quarterly reviews of project risks, including DFAT's Social and Environmental Safeguards, and present these for consideration by the Board at quarterly meetings
- Dedicate a proportion of annual project budgets to strengthening partners' capacity, including in safeguarding
- Promote women's and children's rights and empowerment
- Ensure that women and people from other vulnerable groups are represented in decision-making and leadership positions, where possible.
- Review positive and negative impacts of the project on vulnerable groups, including women, children and people with disabilities, as part of monitoring and evaluation phases.

UnitingWorld will review, adapt and/or revise Protection and Safeguarding practices based on sector best practice, analysis of safeguarding reports (and other complaints) received, and ongoing conversations with stakeholders.

Safeguarding and Protection will be audited as a part of policy/practice audits every 3 years (or

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as required) either internally or externally (also as required), with the results presented to UnitingWorld management and the Board.

4: We will put systems in place to advance Protection and Safeguarding with our partners

UnitingWorld's international programming is delivered alongside and through our local partners. UnitingWorld commits to work with partners (and communities as appropriate), to strengthen their protection and safeguarding policies, procedures and practices.

UnitingWorld's Letters of Agreement and Memorandums of Understanding will contain Safeguarding provisions and statements, including requirements that:

- partner staff involved in UnitingWorld activities sign and abide by the Code of Conduct
- partners appoint a project Safeguarding Focal Point (including specific responsibilities for child protection and PSEAH
- partners advise UnitingWorld of all safeguarding concerns or allegations related to UnitingWorld-funded projects, or about our representatives (this includes child abuse, PSEAH and other breaches of the Safeguarding Policy or Code of Conduct).

In line with our Professional Conduct Policy, UnitingWorld will work with our partners to communicate the standards of conduct expected of UnitingWorld and our partners' staff and raise awareness of our Code of Conduct and Safeguarding policies in the communities we work with. UnitingWorld will also support our partners to implement or refine an existing Complaints and Feedback Mechanism in each community in which we jointly work, which:

- Is designed to suit the specific needs of each partner's context and the needs of their beneficiaries

- Is easily accessible and clearly communicated to beneficiaries and staff, including particularly vulnerable or marginalised groups of people

- Includes a project Focal Person, to whom community members can report all concerns or allegations of child protection concerns, and incidents of harassment, abuse or exploitation, relating to both adults and children. This person will have undertaken training in Safeguarding (including Child Protection and PSEAH), have this responsibility as a clear part of his/her work plan and have clear channels demarcated to report her/his findings to senior management

- We will explicitly agree with our partners that certain disciplinary procedures pertain to any individuals who are UnitingWorld Representatives in line with the Code of Conduct. We will work with our partners to report where reporting is in line with the wishes of the victim/survivor and does not place at risk the victim/survivor or person reporting or perpetrator.

Safeguarding training, including child protection and child safeguarding and PSEAH and expected behaviours as outlined in the Code of Conduct will be provided to UnitingWorld Representatives, in accordance with their level of contact with children and/or vulnerable or marginalised groups of people.

Scope

This policy articulates the preventative measures we take to minimise the risk of our representatives' abusing power and causing specific harm (for example sexual exploitation,

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abuse or harassment (SEAH)) to any project beneficiary or member of the wider community, particularly risks to children and vulnerable adults. It applies to our activities in Australia and internationally.

This policy applies to all UnitingWorld Representatives as described in Section 1.5 of UnitingWorld's Governance Manual.

UnitingWorld's commitments to prevent harm and promote the dignity and fullness of life across the agency and its work are implemented through a suite of policies. In addition to this policy, they include Professional Conduct; Gender Equality; Disability Inclusion; Complaints and Incident Handling, Communication and Transparency, Risk Management and Whistleblower policies. Other relevant documents include the UnitingWorld Code of Conduct, UnitingWorld Board Covenant and relevant Induction packages for Board, staff volunteers and contractors.

Policy Context

The United Nations Inter-Agency Standing Committee (IASC)[1] has defined protection as activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law'[2]

DFAT sets out safeguarding as a broad obligation to ensure that an organisation's activities do not expose people (including children and vulnerable adults) to adverse impacts, including the risk of abuse and exploitation, and that any concerns about safety within the communities where the organisation works are appropriately reported[3].

UnitingWorld's definition of Safeguarding is in line with the Standard Operating Procedure for the Church Agencies Network Disaster Operations (CAN DO) Consortium, whose definition of safeguarding is drawn from the CHS Alliance Handbook: *the responsibility that organisations have to make sure their staff, operations, and programs do no harm to children and vulnerable adults, and that they do not expose them to the risk of harm or abuse. Preventing sexual exploitation, abuse and harassment (PSEAH) and child protection come under this umbrella term. Generally, the term does not include sexual harassment of staff by staff, which is usually covered by organisations' bullying and harassment policies*[4]. In UnitingWorld's case, sexual harassment of staff by staff is covered by our Professional Conduct Policy.

Recent reports[5] of abuses and exploitation within aid agencies and involving the communities served, frequently poorly investigated or hidden have highlighted the challenges of safeguarding for international agencies. From early 2018, the humanitarian and international development sector has worked on improving policy and practice in preventing sexual exploitation and abuse (PSEA). UnitingWorld has participated in such endeavours with ACFID, the ACFID Code of Conduct

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1 Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a unique forum involving the key United Nations (UN) and non-UN humanitarian partners. The IASC is comprised of members (FAO, OCHA, UNDP, UNFPA, UNICEF, UNHCR, WFP, WHO) and standing invitees (ICRC, ICVA, IFRC, InterAction, IOM, SCHR, RSG/IDP_S, UNHCHR and the World Bank). See www.humanitarianinfo.org/iasc for further details

2 Workshop on Protection for Human Rights and Humanitarian organisations: held at ICRC Geneva 18-20 Jan 1999

3 based on the Department of Foreign Affairs and Trade's definition of Child Safeguarding in Child Protection Policy January, 2018 https://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx. Accessed 3 April, 2019).

4 CHS Alliance, PSEA Implementation Quick Reference Handbook, 2017.

5 Reference to the Oxfam/Haiti incident

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Committee, DFAT, the Church Agencies Network and the Church Agencies Network – Disaster Operations (CAN DO).

Related Resources

UnitingWorld is guided by and works in the context of the following UnitingWorld policies, national and international codes and conventions:

United Nations: *Interagency Standing Committee Minimum Operating Standards – Preventing Sexual Exploitation and Abuse (IASC MOS-PSEA)* https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf

Department of Foreign Affairs and Trade Australia DFAT *Preventing Sexual Exploitation Abuse and Harassment (PSEAH) Policy (2019)* https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf

Department of Foreign Affairs and Trade Australia DFAT *Child Protection Policy (2018)* https://dfat.gov.au/international-relations/themes/child-protection/Documents/child-protection-policy.docx#targetText=DFAT%20recognises%20that%20it%20is,prevent%20child%20exploitation%20and%20abuse.&targetText=The%20policy%20is%20principles%20based,management%20of%20child%20protection%20risks.

Church Agencies' Network Disaster Operations *CAN DO Standard Operating Procedure (2019)*

Joint Statement and 22 Commitments (UK-led International Summit to Tackle Sexual Exploitation, Abuse and Harassment in the Aid Sector (October 2018)https://dfat.gov.au/about-us/publications/Documents/uk-safeguarding-summit-donor-commitments.pdf

UK BOND the International Development Network, *Our Commitment to Change in Safeguarding* https://www.bond.org.uk/resources/our-commitment-to-change-in-safeguarding

ACFID Code of Conduct (2019 update)

Shaping the Path Report (ACFID commissioned, VIFM, 2019) https://www.vifm.org/wp-content/uploads/ACFID-Report-Final.pdf

Glossary of Terms

Abuse: any action or inaction that causes harm to another person. It can include physical abuse, emotional abuse, sexual abuse and neglect. It also includes abuse online and/or through mobile technology.

Bullying: repeated, inappropriate, overt and covert behaviour that criticises, belittles, isolates and undermines the victim. It involves humiliation, sabotage, spreading gossip, overwork, unnecessary pressure, delaying tactics and can escalate into physical and verbal assault, sexual assault and arson.

Bystander: A Bystander is person who witnesses an incident first hand, or who hears about it afterwards. (Definition based on Australian Human Rights Commission, Bystander Fact Sheet for Employees n.d; https://www.humanrights.gov.au/our-work/sex-discrimination/projects/sexual-harassment-know-where-line. Accessed 2 March, 2019)

Child: anyone under the age of 18. This is irrespective of local country definitions, including legal definitions, of when a child reaches adulthood, in line with the DFAT PSEAH Policy 2019.

Child Abuse: All forms of physical or mental (especially emotional) violence, injury or Abuse, maltreatment or exploitation, including Sexual Abuse, is Child Abuse. Child Abuse occurs when adults or other children hurt children either physically, sexually, emotionally, psychologically or in some other way.

Child protection, an activity or initiative designed to protect and respond to child abuse & risk of abuse (DFAT Child Protection Policy 2017; accessed August 2019)

Child Safeguarding: The broad obligation on staff and partners to ensure that the design and delivery of DFAT programs and organisational operations do not expose children to adverse impacts, including the risk of abuse and exploitation, and that any concerns about children's safety within the communities where they work are appropriately reported (DFAT Child Protection Policy (2017), accessed August 2019).

Child safeguarding is the set of internal facing, business critical policies, procedures and practice that we employ to ensure that our organisation itself is a child safe organisation. This means we ensure that: 1. Anyone who represents our organisation behaves appropriately towards children and never abuses the position of trust that comes with being a member of our organisation family. 2. Everyone associated with the organisation is aware of and responds appropriately to issues of child abuse and the sexual exploitation of children 3. We create a child-safe environment in all of our activities by always assessing and reducing potential risks to children (https://www.brot-fuer-die-welt.at/fileadmin/mediapool/Downloads/Allgemein/Child-Safeguarding-Policy_ACT.pdf#targetText=The%20ACT%20Alliance%20holds%20a,Child%20Safeguarding%20policy%20and%20procedures (accessed 14 August 2019).

Complaint: An expression of dissatisfaction. (International Standards Organisation standard on Complaints handling; used by ACFID).

Contact with Children: Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment (also see *Working with children* definition

Cultural Competence: Cultural competence is the ability to understand, communicate and effectively interact across cultures. It is commonly defined as: '…a set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals and enable that system, agency or those professionals to work effectively in cross-cultural situations'. Federation of Ethnic Communities Councils of Australia: http://fecca.org.au/wp-content/uploads/2019/05/Cultural-Competence-in-Australia-A-Guide.pdf (accessed 1 October 2019)

DFAT: Department of Foreign Affairs and Trade

Discrimination: Discrimination means exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

Do No Harm: The principle of "do no harm" is taken from medical ethics. It requires humanitarian organisations to strive to minimize the harm they may inadvertently cause through providing aid, as well harm that may be caused by not providing aid (such as adding to

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tensions with host communities). (ALNAP, https://www.alnap.org/system/files/content/resource/files/main/donoharm_pe07_synthesis.pdf (accessed August 2019)

Emotional abuse: any act including confinement, isolation, verbal assault, humiliation, intimidation, infantilisation, or any other treatment which may diminish the sense of identity, dignity, and self-worth (Tracy, N. (2012, July 24). Emotional Abuse: Definitions, Signs, Symptoms, Examples, HealthyPlace. Retrieved on 2019, July 28 from https://www.healthyplace.com/abuse/emotional-psychological-abuse/emotional-abuse-definitions-signs-symptoms-examples).

Exploitation: any actual or attempted abuse of a position of vulnerability, differential power or trust to profit monetarily, socially or politically. It includes sexual exploitation.

Focal point: A person or group of persons designated to receive Complaints of cases of sexual exploitation and abuse. (IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013)

Harassment: Any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be **committed by** or **against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency (see **sexual harassment** below).

Misconduct: or improper behaviour. A breach of UnitingWorld's Code of Conduct. (see also Serious Misconduct)

Neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

Physical abuse: The use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.

Protection: that individual basic human rights, welfare and physical security are recognised, safeguarded and protected in accordance with international standards.

PSEAH: Acronym for Preventing Sexual Abuse and Exploitation

Safeguarding: A broad obligation to ensure that an organisation's activities do not expose people (including children and vulnerable adults) to adverse impacts, including the risk of abuse and exploitation, and that any concerns about safety within the communities where the organisation works are appropriately reported. (based on DFAT's definition of Child Safeguarding in Child Protection Policy January, 2018 https://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx. Accessed 3 April, 2019).

The international aid sector uses the term 'safeguarding' to mean 'protecting staff from harm and from harming others'. It is an umbrella term that covers preventing and addressing exploitative, harmful and abusive behaviours and practices, and the associated processes, initiatives, frameworks and policies. Safeguarding also involves organisations maintaining policies, procedures and trusted mechanisms through which those who observe or experience abuse can raise concerns – either directly or anonymously. (Humanitarian Action Group, *CAN DO Standard Operating Procedure, 2019*)

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SEAH: Acronym for Sexual Exploitation, Abuse and Harassment

Serious Misconduct: Conduct that is wilful or deliberate and that is inconsistent with the continuation of a person's employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person or to the reputation, viability or profitability of the employer's business.(Fair Work Commission, https://www.fwc.gov.au/unfair-dismissals-benchbook/what-makes-dismissal-unfair/valid-reason/conduct. Accessed 3 April, 2019)

Sexual abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013*); DFAT PSEAH Policy 2019 adds: 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 (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013/DFAT PSEAH Policy 2019*).

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. (*DFAT PSEAH Policy 2019*)

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. (UCA National Assembly policy: People and Relationships, Section 4 Behaviour and Ethics).

Survivor/victim: A person who is, or has been, sexually exploited harassed or abused (DFAT PSEAH Policy, 2019). Survivor implies strength, resilience and the capacity to survive. (IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013)

Volunteer: Volunteer refers to unpaid community members who participate in UnitingWorld activities for an extended or repeated period.

Vulnerable adult: an individual aged 18 years or over who is at greater risk of significant harm due to factors such as gender, age, mental or physical health, or as a result of poverty, inequality or experience of displacement or crisis. In an international development context, an example might be a person with reliance on humanitarian aid with another intersecting vulnerability such as a disability or their ethnicity.

Working with Children: Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works