



PREVENTION OF SEXUAL EXPLOITATION AND ABUSE POLICY

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INTRODUCTION

Beyond Charity representatives operate in a position of trust and are often working with children and other community members who are in less powerful and vulnerable situations. Beyond Charity recognises the serious obligation it holds to do everything possible to respect and protect the children and adults with whom it works. Sexual exploitation and abuse of children or vulnerable adults in communities, is one of the most grievous ways our staff and volunteers can abuse power in the relationships that Beyond Charity has in our partner communities.

PURPOSE

This policy sets out Beyond Charity's obligation to prevent and protect children, women and other vulnerable adults from all forms of sexual exploitation and abuse. It includes the expectations aimed at preventing sexual exploitation and abuse and the processes and procedures for reporting, investigating and responding to incidents of sexual exploitation and abuse when concerns are raised or incidents are identified.

OUR COMMITMENT

Beyond Charity categorically prohibits, and has zero tolerance for, any actions by its people that constitute sexual exploitation, abuse or harassment of children and adults. Beyond Charity People will take all possible steps to strengthen protection, prevent sexual exploitation and abuse, and to promote the rights of children and other community members with whom we work.

If a staff member or volunteer acts in a way that is sexually exploitative or abusive, immediate steps will be taken to protect and support those affected, and to impose disciplinary action as outlined in this policy and related procedures. Where appropriate, action will include referral to law enforcement agencies, while taking into account risks to those who have been affected.

This Policy should be used in conjunction with the Beyond Charity's Child Protection Policy and Complaints Handling Policy and contains content relevant to our commitment with partners.

SCOPE

This Policy applies to all Beyond Charity representatives, including employees, coordinators, Board members, other volunteers, contractors, consultants, visitors and family members accompanying representatives on field visits and interns.

It also applies to community leaders we engage with, paid and voluntary, who manage community development activities in the local communities we partner with. This expectation will be established and supported between Beyond Charity and our community partners.

This policy does not cover:

- Sexual harassment in the workplace - this is dealt with under Beyond Charity's Human Resources Policy
- Safeguarding concerns in the wider community not perpetrated by Beyond Charity or associated personnel in partner communities.

OBJECTIVE

This policy outlines: What is defined as sexual exploitation and abuse; Beyond Charity's approach to preventing sexual exploitation and abuse and our commitment to the safety of adults with whom we work; Beyond Charity's expectations of its People; and reporting and management of identified policy breaches.

DEFINITIONS

Taken from The UN Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (October 2003)

Child means any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Vulnerable Adults means those aged over 18 years who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

Sexual Exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, included but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Fraternalisation means any relationship occurring in the course of conducting Beyond Charity business, that involves - or appears to involve - partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

Beyond Charity distinguishes between sexual exploitation and abuse (as defined above) and sexual harassment in the workplace. Sexual Exploitation and Abuse occurs when a position of power (such as being a staff member of an NGO) is used for sexual purposes against a beneficiary or vulnerable member of the community. Sexual harassment occurs when differences in power are abused between staff members and/or volunteers (verbally, through touch, use of inappropriate language or images etc.).

POLICY PRINCIPLES

Beyond Charity has adapted and will apply the core principles as defined by the UN Secretary-General.

- Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
- Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to community members or program participants. Beyond Charity People are typically in a position of power in relation to community members/program participants. Any actual or attempted abuse of this power for sexual purposes is exploitative, undermines the credibility and integrity of the work of Beyond Charity and is prohibited.
- Preventing Sexual Exploitation and Abuse is a shared responsibility of Beyond Charity representatives irrespective of their other roles or responsibilities.
- Where a Beyond Charity representative develops concerns or suspicions regarding Sexual Exploitation and Abuse by someone, whether they are Beyond Charity representatives, community partner representatives or from another NGO, he or she must report such concerns via established reporting mechanisms.
- Beyond Charity has zero tolerance of inaction on incidents of Sexual Exploitation and Abuse.
- Sexual Exploitation and Abuse by Beyond Charity representatives is never acceptable and constitutes an act of serious misconduct. Where allegations are substantiated they will be grounds for termination of employment, or professional relationship severing in the case of non-employees, and may require referral to law enforcement agencies.

PROCESSES FOR REPORTING, INVESTIGATING AND RESPONDING TO INCIDENTS OR CONCERNS

Reporting

- Any Beyond Charity representatives having reasonable grounds to suspect that Sexual Exploitation and Abuse has occurred is required to report the matter immediately (within 48 hours) to the Directors or Chair of the Board. This includes any notifications received from partners and any alleged incidents that pose a significant reputational risk to Beyond Charity or risk to a vulnerable member of the community. Any allegation of Sexual Exploitation and Abuse that a Beyond Charity representative becomes aware of should be taken seriously.
- Community members or other external persons can notify a concern or incident using any of the following mechanisms: a) Inform any representative at any time in person or via phone, text, email or other communication; b) Via the contact details contained in the Beyond Charity Complaints Handling Policy; or c) Via an anonymous third party Whistleblowing mechanism.
- Any Beyond Charity Person requiring advice can contact the Director who serves as Beyond Charity's PSEA focal person.

Receiving and Managing Allegations and Concerns

The process for receiving and managing allegations and concerns under this Policy will be according to Beyond Charity's Complaints Handling Policy. All reports or concerns relating to Sexual Exploitation and Abuse will be treated as serious under that policy and be reported to a Director or Board Chair.

Instances of Sexual Exploitation and Abuse raised under this Policy will be treated confidentially. However, when an incident is identified it may be necessary for those managing the incident to reveal its substance to other Beyond Charity personnel, external persons involved in the investigation process or law enforcement agencies. Reports to local authorities and/or actions or referrals by Beyond Charity will be done subject to the wishes and welfare of the survivor/complainant.

Where there is a reasonable belief that a criminal offence has occurred, the matter will be reported to the appropriate law enforcement agency while ensuring that the welfare, rights and agency of the survivor/complainant are prioritised. When a referral is made to law enforcement, any action by Beyond Charity will be guided by such an agency. Any decision to refer or not refer to law enforcement requires the approval of the Board of Directors, and the reasons for the decision will be documented.

Beyond Charity will take reasonable precautions to store any records or files relating to a matter of Sexual Exploitation and Abuse securely and to permit access by authorised persons only. Unauthorised disclosure of information relating to a matter will be taken seriously and may result in disciplinary action, which may include dismissal.

Working with our Community Partners to Prevent Sexual Exploitation and Abuse

Information on prevention of Sexual Exploitation and Abuse will be provided to community partners alongside information on our Child Protection Policy and our Fraud and Anti-Corruption Policy. Our expectations in all areas will be included as part of the agreements between Beyond Charity and community partners.

Partnership Coordinators are responsible for ensuring that community leaders or representatives of our community partners are aware of Beyond Charity's expectations in regards to this policy. They will highlight that any failure on their part to report or take action where Sexual Exploitation and Abuse has occurred may constitute grounds for the termination of any agreements.

Beyond Charity's risk management processes for community partnerships will include consideration of risks of sexual exploitation and abuse of children and vulnerable adults.

Support for Survivors and Non-Retaliation

Beyond Charity will take steps to ensure that retaliatory actions are not taken against the survivor or reporter of an instance of Sexual Exploitation and Abuse. Wherever possible, Beyond Charity or our community partners will provide assistance to survivors – for example, medical/health treatment, counselling, referral or legal support.

HR Practices

The Directors are responsible for implementing robust recruitment and hiring practices to screen candidates for staff and other roles. This includes use of background and criminal reference checks along with targeted and objective reference checking.

Induction of Board members, staff, coordinators and other volunteers in contact with our partner communities will include this policy and reference to other resource/educational material on Prevention of Sexual Exploitation and Abuse.

Partnership Coordinators, local Liaison Officers and Community Partners (organisations / groups) will be made aware of the channels for raising concerns and making complaints, including allegations of Sexual Exploitation and Abuse. All investigations will be conducted in a timely and professional manner.

Beyond Charity may utilise the services of external experts to support or conduct investigations of allegations of Sexual Exploitation and Abuse.

The Directors will take swift and appropriate disciplinary action in relation to Beyond Charity People who commit acts of Sexual Exploitation and Abuse. This will usually include suspension while investigations are conducted.

Substantiated acts of Sexual Exploitation and Abuse are regarded as serious misconduct and will result in disciplinary action, including dismissal and/or referral to relevant external authorities including referral to law enforcement agencies in the event of suspected criminal offences.

Where allegations are substantiated, the Directors or Board Chair will transparently share misconduct information with other organisations who make a request as part of their own due diligence and integrity checks on their people and partners.

Expectations of Beyond Charity People

Beyond Charity sets out core expectations of Beyond Charity's representatives including acting with honesty and integrity, acting in an ethical and fair way, respecting and giving priority to community needs and respectful relationships with our community partners. And not taking advantage of unequal power relationships that exist between Beyond Charity and our community partners and community members.

This policy provides detail of the expectations of Beyond Charity representatives concerning the prevention and reporting of Sexual Exploitation and Abuse as follows.

Beyond Charity representatives:

- Will treat all beneficiaries with respect and not use language or behave towards them in an abusive, sexually provocative, demeaning or culturally inappropriate manner.
- Will not exchange money, employment, goods or services, protection or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Will not engage in transactional sex in the course of Beyond Charity business. Local staff are prohibited from fraternisation while engaged in Beyond Charity work.

- Will not participate in or support any form of Sexual Exploitation or Abuse activity including, for example, people trafficking, or pornography.
- Will immediately (within 48 hours) report any concerns or suspicions regarding possible violations of this Policy. Failure to report such conduct could lead to disciplinary action.
- Will treat any complaints received seriously, based on a presumption that survivors/complainants should be believed.
- Will disclose charges, convictions and other outcomes of an offence that relates to Sexual Exploitation and Abuse, including those that may be acceptable under traditional law.
- Will take all reasonable steps commensurate with their role to prevent, oppose and combat all Sexual Exploitation and Abuse.

Any substantiated violation of these expectations is regarded as a serious breach of policy and will result in disciplinary action which may include termination for our Staff, interns, volunteers, Board members, contractors and consultants, and could lead to the cessation of any partnership agreement with our community partners. Any criminal behaviour will be reported to law enforcement agencies.

Publicising Our Position on Sexual Exploitation and Abuse

Beyond Charity will publish this Policy on our website. The commitment in this policy will be translated into the relevant local languages (where practical) to ensure it is understood by all our representatives and the communities we work with. A copy of the policy will be included with agreements with community partners, employment contracts and agreements with staff, volunteers and contractors.