



GLOBAL SCHOOL PARTNERS

Prevention of Sexual Exploitation Abuse and Harassment Policy



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PREVENTION OF SEXUAL EXPLOITATION ABUSE AND HARASSMENT (PSEAH) POLICY - 2020

Global School Partners facilitates partnerships between schools in Australia and schools in developing nations to enable students from across the globe to connect, share and learn with one another. In addition, we encourage Australians to support our work by providing school scholarships for students and funding school projects and programs.

Our aim is to work collaboratively with community groups (schools) and individuals, to achieve mutually agreed goals that build capacity to both alleviate poverty through education and better health and raise awareness of how education can overcome poverty.

We inform students and school communities in Australia about the culture and circumstances experienced by students in their partner school in the developing country. We empower Australian students to make a positive, direct and tangible difference in the lives of students at their partner school.

Global School Partners fully endorses the United Nations Universal Declaration of Human Rights. Every person who represents Global School Partners and our partners in Australia and overseas is expected to reflect these values in their professional and private conduct, regardless of who they are dealing with and where they are geographically located.

Global School Partners views sexual exploitation, abuse and harassment as a violation of basic human rights and is committed to proactively work to provide a safe, trusted and protective environment for Global School Partners programs and activities, which safeguards all people and stakeholders involved.

Global School Partners works with some of the most vulnerable of the world's people. Therefore Global School Partners' representatives and partner organisation representatives are in positions of authority and trust in relation to the communities we work with, and this means that they must uphold the highest standard of personal and professional conduct at all times and must not abuse their position to exploit or harm in any way another person.

This policy affirms Global School Partners (GSP) commitment to the welfare of all people and their safeguarding from exploitation, abuse and harassment. Any and all exploitation, abuse and harassment are entirely unacceptable to Global School Partners both in Australia and in our partner schools around the world. Global School Partners is committed to promoting and ensuring appropriate standards at all times and will immediately and comprehensively address any instances of alleged abuse, exploitation, harassment or misconduct occurring in its programs.

Note: In addition to this PSEAH policy, please refer to Global School Partners Child Safeguarding Policy and PSEAH Risk Management Document for further information.

1. Persons affected

This policy applies to the following:

- all GSP board members
- all GSP staff, both in Australia and in-country
- all GSP volunteers and interns, both in Australia and in-country
- all members of GSP partner schools, both in Australia and in-country
- all in-country service providers
- all Australian citizens who participate in an in-country visit facilitated by Global School Partners.

Effective leadership to enable the PSEAH

To ensure effective leadership is in place to prevent SEAH, all board members of Global School Partners must have a Working with Vulnerable People (WWVP) card from the state or territory in which they reside. This ensures the leadership team designing the Global School Partners Policies are fit for this duty.

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Communication of the PSEAH Policy

Global School Partners communicates the PSEAH Policy by:

- making the policy and associated appendix available on the Global School Partners website.
- providing a copy of the policy and associated appendix to all directors, staff, volunteers, and nominated representatives of partner schools and service providers.

Working with our partners

Global School Partners works with partner organisations in-country, such as the independently managed GSP-Kenya Chapter and Kenyan Partner Schools.

These partner organisations are required to comply with the Global School Partners PSEAH Policy and this is referred to in the Memorandum of Understanding between Global School Partners and our partner organisations.

Global School Partners is committed to working with our partner organisations to build awareness of the risk factors, signs and the prevalence of SEAH. In addition, Global School Partners provide assistance with tools, training and resources to mitigate risks and respond to situations.

All staff, directors, volunteers and partner organisation representatives must sign the:

1. 'Global School Partners Child Safeguarding Code of Conduct' (Appendix A) which includes reading, understanding, and acknowledging the Global School Partners Prevention of Sexual Exploitation, Abuse and Harassment Policy and Child Safeguarding Policy.
2. 'Global School Partners Use of children's images and personal information' (Appendix B).

2. Definitions

Directors: GSP Board Members voted into office by GSP Members, as per the GSP Constitution.

Staff: Any employee of GSP.

Volunteers: Any person willingly assisting GSP to achieve its aims, in agreement with GSP and for no remuneration.

Partner school representatives: The person(s) nominated by the partner school to represent the school in the relationship with GSP, as agreed by GSP.

Service providers: Organisations and individuals providing GSP with goods or services to assist GSP achieve its aims.

Primary stakeholders: Children at GSP schools in-country.

Sexual exploitation and abuse occurs against a child or adult and can occur between people of the same or different genders. It includes situations such as (see individual definitions below):

- Sexual exploitation
- Sexual abuse
- Sexual harassment
- Child sexual exploitation and abuse
- Women and men sexually exploited through sex work
- Possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and/or children
- Prevention of sexual abuse and exploitation.



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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, socially or politically from the sexual exploitation of another.¹

Sexual abuse: the actual or threatened physical of a sexual nature, whether by force or under unequal or coercive conditions.¹

Sexual harassment: Includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect.

In this policy, sexual harassment is understood as behaviour that is unwanted in the eyes of the persons directly or indirectly affected.

This includes, but is not limited to:

- Unwelcome touching
- Staring and leering
- Suggestive comments or jokes
- Sexually explicit pictures or posters
- Unwanted invitations to go out on dates
- Requests for sex
- Intrusive questions about a person's private life or body
- Unnecessary familiarity, such as deliberately brushing up against a person
- Insults or taunts based on sex
- Sexually explicit physical contact
- Sexually explicit emails or SMS text messages.²

Child Sexual Abuse: The use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography.

Child Exploitation: One or more of the following:

- Committing or coercing another person to commit an act or acts of abuse against a child.
- Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material.
- Committing or coercing another person to commit an act or acts of grooming or online grooming.
- Using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.³

Online Child Sexual Exploitation (or child pornography): In accordance with the Optional Protocol to the Convention on the Rights of the Child, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.'⁴

Child: Every human being below the age of eighteen (18) years.

Vulnerable adults: Any human being aged over 18 years and who identify themselves as unable to take care of themselves/ protect themselves from harm or exploitation; or 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.

Survivor: A person who has SEAH perpetrated against him/her or an attempt to perpetrate SEA against him/her.

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1. The definitions for both Sexual Exploitation and Sexual Abuse are contained in the United Nations Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary-General's Bulletin on SEA (2003)].
2. Australian Human Rights Commission - sexual harassment at the workplace <https://humanrights.gov.au/our-work/sexual-harassment-workplace-legal-definition-sexual-harassment> (accessed 4/07/2020)
3. DFAT Child Protection Policy 2017 (accessed 4/07/2020)
4. UN Human Rights Office of the High Commissioner – Optional Protocol to the Convention of the Rights of the Child... <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>

3. Guiding principles

Global School Partners commitment to the prevention of sexual exploitation, abuse and harassment is informed by the following:

- Global School Partners Values Statement.
- Global School Partners Child Safeguarding Policy.
- Zero tolerance of SEAH – Global School Partners will not tolerate behaviour by any GSP stakeholders that results in SEAH of a child or adult or any actions that result in allegations of SEAH being ignored.
- Global School Partners aims to prevent SEAH through training, communication and collaboration with all stakeholders in the implementation of this Policy.

4. Policy

Global School Partners expects all directors, staff, volunteers, and nominated representatives of partner schools and service providers to adhere to the following behaviours at all times in both their personal and professional lives:

- Maintain a duty to act at all times in a manner which upholds the values and reputation of Global School Partners.
- Undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy and safeguards everyone from SEAH.
- Comply with all relevant Australian and local laws of the country in which he or she is operating or traveling.
- Be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- Ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation.
- Read and agree to abide by the expected behaviours outlined in the relevant code of conduct.
- Immediately report to Global School Partners any concern, suspicion or allegation of SEAH or breach of the Global School Partners Prevention of Sexual Exploitation, Abuse and Harassment Policy.

In addition, directors, staff and volunteers must adhere to the following expected behaviours:

- Not engage in sexual relationships with program participants, approved adult dependents, or program 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 Global School Partners and its programs.

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- Must immediately inform Global School Partners CEO if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. If they are unsure if their relationships falls into this category they should discuss the situation with the Global School Partners CEO.

Partner school representatives and staff must adhere to the following expected behaviours:

- Exercise extreme caution when engaging in sexual relationships with Global School Partners program beneficiaries or other adult community members as these relationships may be based on inherently unequal power dynamics and there is the potential for abuse of power. As such, program participants should be mindful of the unique challenges and perceptions associated with such relationships and are encouraged to seek counsel from the GSP-Kenya Chapter Executive Committee or Global School Partners CEO before entering into a relationship of this nature.
- Must immediately inform the GSP-Kenya Chapter Executive Committee or Global School Partners CEO if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. If they are unsure if their relationship falls into this category, they should discuss the situation with the GSP-Kenya Chapter Executive Committee or Global School Partners CEO.

It is strictly prohibited for directors, staff, volunteers, partner school representatives and staff to:

- Sexually exploit or abuse or sexually harass a child or adult.
- Use their position of trust and authority to request any service or sexual favour from any direct or in-direct beneficiaries of Global School Partners' programs, adults, children or others in the communities in which Global School Partners works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity.
- Exchange or withhold from beneficiaries of Global School Partners' programs - adults, children or others in the communities in which Global School Partners works - money, food, employment, goods, assistance or services for sex or sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Have sex with sex workers when working or volunteering overseas, even when it is legal in the country.
- Use, Global School Partners or partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Global School Partners' offices or programs.
- Engage in sexual activity with a child under any circumstance. Even in a country where the age of majority or the age of consent is lower than 18 years, Global School Partners directors, staff, volunteers, partner school representatives and staff are forbidden to have sexual activity with anyone under the age of 18 years. A mistaken belief that the child is over 18 is no defence.
- Use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass children, or access or disseminate child exploitative material through any medium, including social media.
- Procure sex for others, or use a third party to do so.

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5. Breach of Policy

Sexual exploitation and abuse by Global School Partners directors, staff, volunteers, partner school representatives and staff constitute acts of gross misconduct and are therefore grounds for termination of employment or volunteer assignment.

Disciplinary actions/possible outcomes for breach of the Global School Partners Prevention of Sexual Exploitation, Abuse and Harassment Policy:

- Referral to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate.
- Referral to Australian Federal Police, where appropriate.
- Global School Partners internal investigation.
- Suspension pending investigation.
- Performance management.
- Formal warning and monitoring.
- Termination of employment for staff or assignment for volunteers, partner school representatives and staff.

6. Responsibilities to prevent and respond to SEAH

All Global School Partners directors, staff, volunteers, partner school representatives and staff are responsible for championing good practice and maintaining an organisational culture that prioritises safeguarding against SEAH.

Global School Partners directors and CEO have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this Policy and which prevents SEAH.

They must ensure that all Global School Partners directors, staff, volunteers, partner school representatives and staff understand and comply with this Policy.

Global School Partners directors must create a safe environment for anyone to come forward and raise allegations or concerns of SEAH and take action to immediately respond to any reports.

Global School Partners directors will apply robust recruitment and screening procedures for all Global School Partners directors, staff, volunteers and partner school representatives to reduce the risk of engaging a person with a background of unacceptable risks to children or adults, particularly vulnerable children and adults.

These procedures include:

- Verbal referee checks from an applicant's last place of employment/volunteer/program placement including when working in overseas locations and will include a question regarding any concerns of sexual misconduct.
- HR records to include performance or conduct issues regarding concerns or allegations of SEAH.
- All employment/assignment contracts must contain provisions for potential disciplinary action including termination of employment/assignment following breach of this policy.

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7. Reporting and investigation

Global School Partners will take all concerns seriously and respond immediately. All reports of SEAH will be recorded, regardless of whether substantiated or full investigation required. The principles of natural justice will apply to all investigations.

All Global School Partners directors, staff, volunteers, partner school representatives and staff must immediately report any concerns, suspicions, or allegations of SEAH, or breach of this Policy.

A report should be made to one of the following people as applicable:

- The Global School Partners CEO
- A member of the GSP-KC Executive Committee
- The Global School Partners Program Officer, who is also the child safeguarding reporting officer

Any person reporting a case of SEAH, in good faith, or any person who has cooperated with an investigation into a report of SEAH, will be protected by this Policy. Malicious reporting of SEAH with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports made in good faith based on the judgement and information available at the time of the report, which may not be confirmed by an investigation.

Investigations of SEAH will be carried out in a manner that is timely, fair, objective and as far as is practicable, confidential. This includes the use of appropriate interviewing practice with complainants and witnesses. All information and documented evidence will be held securely and in the strictest confidence as far as is appropriate. The name of the complainant will not be revealed to the person(s) potentially implicated in the allegation or to any other person unless the individual personally authorises the disclosure of their identity. This may become a requirement in subsequent investigative processes.

Global School Partners activities affect and involve both adults (people 18 years and over) and children (people under 18 years). Where an incident involving an adult is identified Global School Partners will act, subject to the wishes and welfare of the complainant/survivor. Where an incident involving a child is identified Global School Partners will act as defined by legislative mandatory reporting – see also Global School Partners Child Safeguarding Policy. Sensitive information related to reports of SEAH whether involving Global School Partners directors, staff, volunteers, partner school representatives and staff or others in the communities in which Global School Partners works shall be shared only with Australian or local law enforcement authorities, when a notification to police or appropriate authorities must be made or on a 'need to know' basis.

8. Survivor support and assistance

Global School Partners will adopt a survivor-centred approach in preventing and responding to SEAH. Global School Partners will ensure that all responses are developed in a manner that balances respect for due process with a survivor-centred approach, subject to the wishes and welfare of the complainant/survivor, in which the survivor's wishes, safety and wellbeing remain a priority in all matters and procedures. Furthermore, all actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor.

Global School Partners will ensure survivors of SEAH are offered support and assistance such as referral to safe health/medical, psychosocial and legal/justice response where appropriate and where required to specialised children's or women's services.

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Children have the right to participate in decisions that will affect them. If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide. Referrals should be done in consultation with child focused agencies specialising in the special needs of child survivors of sexual abuse, and who are familiar with local procedures relating to the protection of children. Survivors will be provided with information on the progression of an investigation and final outcomes

9. Relevant laws and international conventions

- International Bill of Human Rights
- The UN Convention on the Elimination of all Forms of Discrimination Against Women
- The UN Convention on the Rights of the Child
- UNSC Resolution 1325: Women, peace and security (WPS)
- SDG 5: Achieve gender equality and empower all women and girls
- DFAT Child Protection Policy 2017
- ACFID Code of Conduct 2017
- Commonwealth Criminal Code Act 1995 - It is a crime for Australian citizens, permanent residents or bodies corporate to engage in, facilitate or benefit from sexual activity with children (under 16 years of age) while overseas. These offences carry penalties of up to 25 years imprisonment for individuals and up to \$500,000 in fines for companies (extraterritorial legislation).



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