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1. INTRODUCTION

The Loreto Province of Australia and South East Asia is committed to promoting respect for the dignity and basic human rights of people within Australia and throughout the world. Every person who represents the Province is expected to reflect these values in their professional conduct, regardless of who they are interacting with, or where they are working.

The Province is committed to safeguarding the people it helps and who it works alongside. We recognise that the nature of the Province's work places our personnel in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children. All people engaged under the auspices of the Province and its ministries have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse this position in order to sexually exploit, abuse or harass another person.

2. POLICY PURPOSE

This policy defines the Province's explicit intention to actively prevent and respond to sexual exploitation, abuse and harassment (SEAH) by maintaining an organisational culture that prioritises safeguarding against SEAH so that it is safe for those affected to come forward to report incidents and concerns with the assurance they will be handled sensitively and appropriately. The Policy also sets out the procedures to report and address suspected instances of SEAH.

3. POLICY SCOPE

This policy applies to all people engaged under the auspices of the Province and its ministries, including members of the Institute of the Blessed Virgin Mary (Loreto sisters), board directors, committee members, employees, volunteers and contractors (collectively hereafter referred to as 'personnel').

This policy does not apply to:

- Loreto schools and associated schools in Australia.
- Project partners engaged by the Province or its entities unless they do not have their own policy and procedures which fulfill legislative and accreditation requirements.

4. DEFINITIONS

Term	Definition
Child	Is a person under 18 years as defined by the Convention on the Rights of the Child irrespective of local country definitions of when a child reaches adulthood.
Child exploitation	Refers to engaging a child in work or other activities for the benefit of others, activities which are to the detriment of the child's physical and mental health, education, or moral and social-emotional development, including child labour, child trafficking and child sexual exploitation.
Child sexual	Refers to the use of power, force or authority to involve a child in any form of

Term	Definition
abuse	unwanted or illegal sexual activity. This often involves touching but not necessarily. This includes taking sexually explicit photographs or videos of children, forcing children to watch or take part in sexual acts and forcing or coercing children to have sex or engage in sexual acts with other children or adults.
Procedural fairness	This means the parties involved must always be given a reasonable opportunity to present their case. As such, they have a right to a fair hearing before a decision is made that will affect their lives, rights and interests. In addition, the relevant decision-maker must not be biased in their judgement.
Project partner	Refers to individuals, groups of people or organisations that collaborate with the Province or its ministries to achieve mutually agreed objectives and initiatives.
Sexual abuse	The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
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.
Sexual exploitation, abuse and harassment (SEAH)	<p>Can occur against a child or adult and can occur between people of the same or different genders. It includes situations defined in this policy, such as:</p> <ul style="list-style-type: none"> • sexual exploitation and abuse • sexual harassment • child sexual abuse and exploitation • female, male, transgender and non-binary people sexually exploited through sex work • possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and children. <p>Issues of SEAH are fundamentally about abuses of power. Situations of poverty, vulnerability and discrimination as well as power inequities between genders, between personnel and beneficiary communities, and within organisations, create unequal power dynamics resulting in environments where SEAH can exist.</p>
Sexual harassment	<p>Is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.</p> <p>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 projects beneficiaries, community members and personnel.</p>
Survivor/Victim	A person who has SEAH perpetrated against them or an attempt to perpetrate SEAH against them.
Survivor centred approach	A survivor-centred approach is defined by the United Nations as one which seeks to empower the survivor by prioritising their rights, needs, and wishes. This includes ensuring that survivors have access to appropriate, accessible and quality services.
Vulnerable adults	Those 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.

5. POLICY STATEMENT

1. Prevention of Sexual Exploitation, Abuse and Harassment Statement

Sexual exploitation, abuse and harassment (SEAH) is a violation of basic human rights. The Province aims to provide a safe and trusted environment that safeguards everyone from SEAH including personnel, volunteers engaged by the Province and its ministries and the members of the communities we work with, as well as project partners and beneficiaries by upholding the following principles:

2. Prevention of Sexual Exploitation, Abuse and Harassment Commitment

The Province's commitment to the prevention of sexual exploitation, abuse and harassment is informed by the following principles:

- 2.1 **Child rights and women's rights as core values:** the Province upholds the rights articulated in the International Bill of Human Rights, the UN Convention on the Elimination of all Forms of Discrimination Against Women and the UN Convention on the Rights of the Child and promotes the right of adults and children to be protected from all forms of violence including SEAH.
- 2.2 **Safeguarding vulnerable adults and children:** the Province acknowledges the impact of SEAH on an individual's health and wellbeing and in particular, that negative physical, mental health and social outcomes are likely to be compounded when perpetrated by a person in authority.
- 2.3 **Expected behaviours of those representing the Province:** given differing local contexts, personnel and project partners may be faced with a range of unfamiliar social, cultural, financial or personal settings when working or volunteering overseas. All people engaged under the auspices of the Province and its ministries are to conduct themselves in a respectful manner at all times and not engage in behaviour contrary to the safety or wellbeing of the children and adults they come into contact with. It is strictly prohibited for personnel and project partners to:
 - sexually exploit, abuse or sexually harass a child or adult.
 - use their position of trust and authority to request any service or sexual favour from beneficiaries of Province projects, adults, children or others in the communities in which the Province works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity.
 - exchange or withhold from project beneficiaries (adults, children or others in the communities in which the Province works) money, food, employment, goods, assistance or services for sex or sexual favours or other forms of exploitative behaviour
 - have sex with sex workers when working or volunteering in Australia or overseas, even when it is legal in the country.
 - use Province or project partner facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Province offices or projects.
 - 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. Personnel are forbidden to have sexual activity with anyone under the age of 18 years. A mistaken belief that the child is over 18 is not considered a defence.
 - use technology inappropriately, or to exploit or harass a child or adult, or access or disseminate exploitative material through any medium, including social media
 - procure sex for others or use a third party to do so.
- 2.4 **Zero tolerance of SEAH:** behaviour by personnel that results in the sexual exploitation, abuse or harassment of a child or adult, helps facilitate SEAH or where allegations of SEAH are ignored by personnel will not be tolerated. The Province will take seriously any concerns raised and respond promptly in line with the procedures detailed in Section 10 of this policy.
- 2.5 **Take action to prevent SEAH:** the Province aims to prevent SEAH through implementation of this policy, communication, training and working collaboratively with all personnel to safeguard against SEAH.

3 Management of Sexual Exploitation, Abuse and Harassment Risk: Prevention and Response

Each organisation to which this policy applies must:

- a) commit to applying this policy in all that it does;
- b) comply with laws relating to the prevention of sexual exploitation, abuse and harassment in Australia and overseas;
- c) support and develop systems that maintain an environment that facilitates implementation of this policy;
- d) create a safe, supportive and secure environment to report SEAH;
- e) take prompt action on any reports of SEAH in accordance with section 10, Procedures;
- f) record all reports of SEAH, regardless of whether the report is substantiated, or a full investigation is required;
- g) address child related SEAH allegations in accordance with the Loreto Child Safe Policy, as detailed in Procedures point 3; and
- h) ensure their personnel:
 - understand and comply with this policy;

- are provided with regular training in its application; and
- have sufficient resources for its implementation.

Each person to whom this policy applies must:

- a) know, understand, and comply with this policy;
- b) champion good practice and maintain an organisational culture that prioritises safeguarding against SEAH; and
- c) immediately report any concerns, suspicions or allegations of SEAH.

4 Sexual Exploitation, Abuse and Harassment Reporting

Internal reporting of actual, suspected or potential sexual exploitation, abuse and harassment by personnel is both required and expected.

Personnel and project partners must immediately report any concerns, suspicions or allegations of SEAH in accordance with Procedures point 3.

Malicious reporting of SEAH with the intention of harming another person’s integrity or reputation amounts to misconduct and is subject to disciplinary action. Malicious reporting is distinct from reports made in good faith based on the judgment and information available at the time of the report, which may or may not be confirmed by an investigation.

5 Sexual Exploitation, Abuse and Harassment Investigations

5.1 The Province will investigate all SEAH reports:

- a) in a manner that is timely, fair, objective and as far as is practicable, confidential, including the use of appropriate interviewing practices with complainants and witnesses.
- b) in accordance with Procedures point 4.

5.2 The principles of procedural fairness will apply to all SEAH investigations.

6 Sexual Exploitation, Abuse and Harassment Survivor Support and Assistance

6.1 All responses will be developed in a manner that balances respect for due process with a survivor centred approach in which the survivor’s wishes, safety and wellbeing remain a priority in all matters and procedures.

6.2 The Province will ensure survivors of SEAH are offered support and assistance such as referral to safe health, medical, psychosocial and legal or justice response where appropriate and where required, to specialised children’s or women’s services.

7 Breach of Policy

Sexual exploitation, abuse and harassment by personnel or project partners constitute acts of gross misconduct and are grounds for termination of employment or volunteer assignment and termination of contract.

6. RESPONSIBILITIES

Management of sexual exploitation, abuse and harassment risk, including actual, suspected or potential incidents and investigation outcomes, where they occur, is a shared responsibility of all who work under the auspices of the Province and to whom this policy applies. The Province is committed to ensuring that all persons associated with the Province, its ministries and associated entities and to whom this policy applies are aware of their obligations under this policy. The following specific responsibilities exist in the application of this policy:

Role	Responsibility
Province Council	Approves and supports this Preventing Sexual Exploitation, Abuse and Harassment Policy for the Province and its associated entities.
Loreto Ministries Board and MWIA Board	Approves / endorses the Preventing Sexual Exploitation, Abuse and Harassment Policy for approval by the Province Council.
Province Leader, CEO (Loreto)	Recommends the Preventing Sexual Exploitation, Abuse and Harassment Policy be approved / endorsed by the Loreto Ministries Board and MWIA Board. Instructs and oversees the implementation of the policy.

Ministries) and EO (MWIA)	Works with key management personnel to operationalise the policy and ensures all procedural requirements are followed. Notes feedback and opportunities for improvement within the Preventing Sexual Exploitation, Abuse and Harassment Policy. Facilitate a regular review of the Preventing Sexual Exploitation, Abuse and Harassment Policy.
Key Management Personnel (Loreto Human Resources Manager, EO (MWIA), Supervisors)	Key management personnel must ensure that all personnel and project partners understand and comply with this policy. The Human Resources Manager is responsible for robust recruitment, induction and training as per Procedure point 1, and monitoring and reporting as per Procedure point 7.1. The MWIA EO is responsible for the implementation of Procedure point 2, and monitoring and reporting as per Procedure point 7.2 within MWIA projects. Supervisors are responsible for individual personnel management to ensure the implementation of the policy. Notes feedback and opportunities for improvement within the Preventing Sexual Exploitation, Abuse and Harassment Policy.
Committee Members, Contractors, Employees, Sisters and Volunteers	Are familiar with the content of this Preventing Sexual Exploitation, Abuse and Harassment Policy and the Province's commitment to zero tolerance of sexual exploitation, abuse and harassment in each entity's operational activities. Informs project partners of the Province's zero tolerance of sexual exploitation, abuse and harassment.

7. RELATED POLICIES, LEGISLATION AND COMPLIANCE

[ACNC External Conduct Standard 4 - Protection of Vulnerable Individuals](#)

[Loreto Code of Conduct](#)

[Loreto Commitment to Child Safety](#)

[Loreto Child Safe Policy](#)

[Loreto Child Safeguarding Code of Conduct](#)

[MWIA Child Safe Policy](#)

[MWIA Child Safe Procedures and Guidelines](#)

[MWIA Child Safeguarding Code of Conduct](#)

[MWIA Child Safeguarding Reporting Process](#)

[MWIA Child Safeguarding Complaint-Handling Process](#)

[United Nations Conventions on the Rights of the Child](#)

[Conduct in UN Field Missions Glossary](#)

[LexisNexis Concise Australian Legal Dictionary](#)

[MWIA ACFID Compliance Requirements](#)

Australian Council for International Development (ACFID) Code of Conduct, Good Practice Toolkit, Quality Principle 1, Rights, Protection and Inclusion, specifically: [Compliance Indicator 1.5 'We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse'](#):

- **Compliance indicator 1.5.1:** Members demonstrate their organisational commitment to the prevention of sexual exploitation and abuse, through a survivor-centred approach.

8. POLICY GOVERNANCE

Action	Detail
Policy Owner	Province Leader
Approved	Province Council, Mary Ward International Australia Board, Loreto Ministries Ltd

Action	Detail
	Board
Approved Date	21 April 2022
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Review Date	28 April 2024

9. VERSION HISTORY

Version	Date	Amendment details
1.0	17 June 2022	First publication of policy

10. PROCEDURE

1. Human Resources

The Province and its ministries will operationalise its commitment to prevention of SEAH by fulfilling the following commitments:

- 1.1. Including the Province's commitment to prevention of SEAH as a core behaviour value within the Province's Code of Conduct.
- 1.2. Recruiting and retaining appropriately qualified and trained personnel.
- 1.3. Ensuring that recruitment processes:
 - a) communicate the Province's commitment to the prevention of SEAH to potential personnel.
 - b) ensure potential personnel are of good character by conducting personnel integrity checks during recruitment. These could include: reference checks, Working With Children Checks, police checks and/or other integrity screening checks.
- 1.4. Ensuring expected personnel behaviours, as per Policy point 2.1, are included in employment contracts and position descriptions.
- 1.5. Ensuring that personnel are provided with information on how to report actual, suspected or potential SEAH.
- 1.6. Building personnel capacity and skills in the prevention of SEAH, including suitable induction and training materials.
- 1.7. Reporting annually to the Province Council, the Loreto Ministries Board and the MWIA Board on the prevention of sexual exploitation, abuse and harassment, as detailed in Procedure point 7.1.

2. Projects

The Province and its ministries will operationalise their commitment to the prevention of SEAH, by:

- 2.1. Including the commitment to the prevention of SEAH, as a core value within project materials provided to project applicants and project partners.
- 2.2. Ensuring that project partners are of good character by conducting integrity checks during project partner consideration. These could include: reference checks, Working With Children Checks (within Australia), police checks and/or other integrity screening checks.
- 2.3. Ensuring all project plans reflect the commitment to prevention of SEAH.
- 2.4. As part of the application process, ensuring that a risk management plan is prepared for all projects, to identify and assess SEAH risk, and where SEAH is identified as a project risk, ensuring that suitable controls are implemented to manage the identified risk.
- 2.5. Ensuring that project partners are provided with a copy of this policy and procedural information on how to report actual, suspected or potential SEAH and understand their role in preventing SEAH.
- 2.6. Reporting annually to the MWIA Board on the prevention of sexual exploitation, abuse and harassment in projects, as detailed in Procedure point 7.2.
- 2.7. Taking measures to prevent and respond to all forms of SEAH risk by promoting project partner awareness and reviewing and supporting to develop effective systems for monitoring and reporting.

3. Reporting Procedures

- 3.1. Personnel and project partners must immediately report any concerns, suspicions or allegations of SEAH or breach of this policy.
- 3.2. All reports will be treated as confidential, unless disclosure is required as a compliance or mandatory reporting matter.
- 3.3. Instances of actual, suspected or potential:
 - a) personnel related SEAH should be reported to the Loreto Human Resource Manager.
 - b) project related SEAH to the MWIA Executive Officer.
 - c) child related SEAH to the Province's Professional Standards Officer on phone +61 3 9378 8516 or by email at: info@safeguardingservices.com.au and must comply with any reporting obligations imposed by law.
 - d) child related SEAH pertaining to Loreto Vietnam on phone +61 3 9813 4023 or email childsafe@loretoministries.org.au and must comply with any reporting obligations imposed by law.
- 3.4. Personnel may also report a concern regarding SEAH to any of the following people:
 - a) their Line Manager: if the personnel member feels comfortable doing so, and if the Line Manager is not directly or indirectly implicated in the alleged report.
 - b) the Province Leader.
 - c) the Loreto Ministries Chief Executive Officer.
 - d) the Mary Ward International Australia Executive Officer.
 - e) a member of the Human Resources team.
 - f) a member of the Province senior leadership team.
- 3.5. Recipients of SEAH reports are required to identify and advise a suitable Investigating Officer on receipt of the SEAH report, as detailed in Procedure point 4.1.

4. Investigation Procedures

- 4.1. SEAH investigations will be led by an Investigating Officer, being the:
 - a) Loreto Human Resource Manager for incidents relating to personnel.
 - b) Loreto Chief Executive Officer, the Mary Ward International Australia Executive Officer or the Province Leader for all other incident reports, as appropriate to the incident.
- 4.2. The Investigating Officer will:
 - a) Conduct the investigation or appoint a suitable team to conduct the investigation.
 - b) Ensure all investigation information and documented evidence is held securely and in the strictest confidence, as far as is appropriate to the report.
 - c) Ensure the name of the complainant is not revealed to the person(s) potentially implicated in the allegation or to any other person(s) unless the complainant personally authorises the disclosure of their identity, or unless the disclosure of the complainant's identity becomes a requirement in subsequent investigative processes.
 - d) Share SEAH reports 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.
 - e) Implement the necessary steps to address and finalise actions required by the incident detailed in the SEAH report, as dictated by the outcome of their investigation.
 - f) Utilising the survivor centred approach, liaise with and support the SEAH survivor, as dictated by the outcome of their investigation. This procedure may alternatively be guided by the investigator but actioned by the initial SEAH report recipient, or other internal or external support person, as is the survivor's preference.
 - g) Report on actions and outcomes of the SEAH report to the Loreto Human Resource Manager or the MWIA Executive Officer as appropriate to the incident, to facilitate appropriate Province Council and Board reporting.

5. Survivor Support and Assistance

- 5.1. Survivor support and assistance must be provided in accordance with policy point 6.
- 5.2. Survivor support and assistance may be accessed by calling 1800RESPECT on 1800 737 732 or visiting www.1800respect.org.au/services.
- 5.3. Survivors will be provided with information on the progression of the SEAH investigation and final outcomes, as detailed in Procedures point 4.2e.

6. Breach of Policy: Disciplinary Actions and Outcomes

Disciplinary actions and possible outcomes for breach of this policy include but are not limited to:

- reporting to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate
- reporting to Australian Federal Police, where appropriate
- Province internal investigation
- suspension pending investigation
- performance management
- formal warning and monitoring
- termination of employment for personnel
- termination of project contract for project partners.

7. Reporting to Province Council, Loreto Ministries Board and Mary Ward International Australia Board

7.1. The Loreto Human Resource Manager will:

- a) report to the Province Council and Loreto Ministries Board, MWIA Audit Risk and Finance Committee and MWIA Board on SEAH risk, including actual, suspected or potential incidents and investigation outcomes, where they occur
- b) make recommendations to the Council and the Boards for any changes or improvements to this policy and its attendant procedures.

7.2. The MWIA Executive Officer will:

- a) report to the MWIA Audit, Risk and Finance Committee and MWIA Board on project related SEAH, including actual, suspected or potential incidents and investigation outcomes, where they occur.
- b) make recommendations to the Board for any changes or improvements to this policy and its attendant procedures.