

**Prevention of Sexual Exploitation and Abuse
(PSEA)**

PSEA POLICY



**Action for Community Empowerment
(ACE)**

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May 2021



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Definitions

1. Child and vulnerable adults

A child is any individual under the age of 18,

2. Vulnerable adults are defined as:

- 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.

3. Physical Abuse

Physical abuse occurs when a person purposefully injures or threatens to injure a child or vulnerable adult. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

4. Child Emotional Abuse

Emotional abuse is inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence.

5. Neglect

Neglect is the failure to provide a child or vulnerable adult with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

6. Vulnerable Adult Abuse

A Vulnerable Adult is defined as someone "who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself

against significant harm or exploitation". Vulnerable Adult Abuse can take many forms

7. Communities

The communities that Action for Community Empowerment (ACE) works with includes, communities in general, service providers, women, men, girls, boys, people with special needs, vulnerable adults and marginalized groups.

8. Staff

Action for Community Empowerment's (ACE) **staff** refers to individuals who receive a regular salary or honorarium for work in any part of Action for Community Empowerment's (ACE), including all Offices, Field Offices, Headquarter and any other location where Action for Community Empowerment (ACE) operates.

9. Managers:

Refers to the staff who have responsibility for line managing or supervising the work of Action for Community Empowerment's (ACE) staff.

10. Sexual Harassment:

Sexual Harassment is defined as: "Any unwelcome, sexually determined behaviour (whether directly or by implication) such as:

- Physical contact and advances;
- Demand or request for sexual favours, whether verbal, textual, graphic, electronic or by any other action;
- Sexually coloured remarks;
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- implied or explicit promise of preferential treatment in employment ; or
- implied or explicit threat of detrimental treatment in employment; or
- implied or explicit threat about present or future employment status; or

- interference with work or creating intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect health and safety.

In addition, the following conduct construes Sexual Harassment

11. Verbal harassment

e.g., epithets, derogatory comments, slurs, kidding, teasing, jokes commenting about another's body or appearance, offensive sexual flirtations, sexual advances or propositions, gender based comments and ridicule, inquiries into one's sexual experiences, discussion of one's sexual activities, threats, insults, name calling, whistles or catcalls, sexually explicit or offensive language.

12. Physical harassment

e.g., assault, stalking, staring, trick or horse play, impeding or blocking movement, physical contact such as patting, pinching, hugging or brushing against another's body.

13. Visual and nonverbal forms of harassment, e.g., derogatory posters, sexually oriented cartoons or drawings, the display of sexually suggestive objects or pictures, such as calendars and screen savers, or demeaning graffiti, demeaning or sexually suggestive gestures.

1. Safeguarding Framework:

This document is part of Action for Community Empowerment's (ACE) Safeguarding Framework that consists of this policy, procedures and resources.

2. Policy Introduction:

Action for Community Empowerment's (ACE) has a zero tolerance for sexual exploitation and abuse. Action for Community Empowerment's (ACE) will not tolerate its staff, associates, partners or any other representatives associated with the delivery of its work to engage in any form of sexual exploitation or abuse. Vulnerable adults, women and children are particularly at risk of sexual exploitation and abuse.

Action for Community Empowerment's (ACE) is committed to protecting all communities that the organization works with from sexual exploitation and abuse at all times.

The purpose of the PSEA Framework, including the policy, procedures and resources, is to establish an outline of the importance of the framework and clear procedures. The PSEA Framework also affirms Action for Community Empowerment's (ACE) commitment to the United Nation's PSEA Policy

This policy ensures that all the Action for Community Empowerment's (ACE) staff, associates, and partners are aware of their role and responsibilities in keeping communities and stakeholders safe from any form of sexual exploitation or abuse. The policy clarifies definitions and responsibilities regarding prohibited behaviour and the associated PSEA procedures outline the reporting and investigation processes.

3. Accountability Statement

Action for Community Empowerment's (ACE) takes this policy very seriously, and the mandate prohibiting any form of sexual exploitation and abuse comes from Action for Community Empowerment's (ACE) Executive Committee and senior management.

The PSEA policy applies to all the Action for Community Empowerment's (ACE) staff, associates, and partners who must comply with its requirements and

understand the sanctions that may be applied for breaches of the policy. Where required by law or local practices, Action for Community Empowerment's (ACE) may enhance the standards as set out in this policy. This commitment will be evidenced through signing the policy and the Code of Conduct. Training in this policy is mandatory for all Action for Community Empowerment's (ACE) staff, associates, and partners.

The Executive Board of Action for Community Empowerment's (ACE) is accountable for this policy. The Secretary and Heads of ACE offices are responsible for its implementation. It is the responsibility of all representatives of Action for Community Empowerment's (ACE) to raise any concerns regarding sexual exploitation and abuse. Action for Community Empowerment's (ACE) takes all concerns and complaints seriously and will initiate a comprehensive investigation of complaints that are in violation of this policy and take disciplinary and possibly legal action as warranted.

4. Policy Approach

This policy details how Action for Community Empowerment's (ACE) achieves its obligations and applies to all staff, associates and partners regardless of their location.

5. Framework Principles

This policy and the entire Safeguarding Framework are guided by the following principles:

5. 1 Safeguarding

Action for Community Empowerment's (ACE) is committed to all community members as having the right to safeguarding and protection from sexual exploitation and abuse irrespective of ability, ethnicity, faith, gender, sexuality, and culture. A key principle within this is that all processes are survivor led. Action for Community Empowerment's (ACE) commits to survivors leading the complaint process where it is possible and appropriate to do so.

5.2 Shared Responsibility

For the PSEA policies and practices to be effective in reducing the risks to beneficiaries and communities, all at Action for Community Empowerment's (ACE) must share the responsibility for implementation and improvement.

5.3 Effective Communication

Action for Community Empowerment's (ACE) effectively communicates with all staff, associates, and partners in simple and accessible language to create a positive and accessible culture where responsibilities for PSEA are clear.

5.4 Continuous Improvement

Action for Community Empowerment's (ACE) provides assessment, reflection and feedback mechanisms to inform the organization of any improvements that can be made to policies and practices.

These mechanisms include regular incident reviews, as well as regular policy review and refresher training for staff and associates.

5.5 Dignity and Respect

Action for Community Empowerment's (ACE) creates a work environment where the principles of dignity and respect for all staff, associates, and partners, in all locations are at the heart of what the organization does. Included in this are the principles of being non-judgemental when hearing the concerns and complaints of survivors of sexual exploitation and abuse.

5.6 Zero Tolerance

Action for Community Empowerment's (ACE) has zero tolerance for any forms of sexual exploitation and abuse.

5.7 Confidential

Action for Community Empowerment's (ACE) is committed to confidentiality and information will not be shared outside of the Safeguarding Committee unless it is absolutely necessary, and the safety of the person involved is a concern.

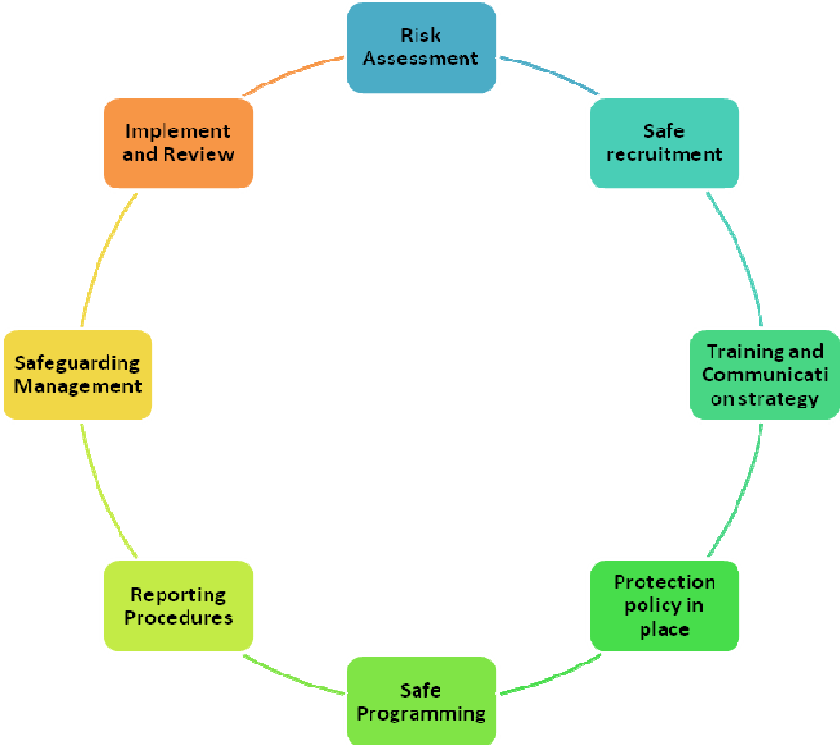
6. Policy Implementation

This policy will guide Action for Community Empowerment's (ACE) staff through the definitions of sexual exploitation and abuse as well as governance and responsibilities. The associated procedures and resources will provide information on how to report any complaints, the format of the reporting, and how these complaints will be managed.

The President together with the Executive Board, has ultimate responsibility for this policy and the PSEA Framework and its proper management, using a systematic approach. As such, the President and the Executive Board will receive a summary of any reported sexual exploitation and abuse incidents and follow-up measures taken at each Executive meeting.

7. Responsibilities

Action for Community Empowerment's (ACE) is committed to following through on the following measures in order to ensure that the organization is observing its PSEA commitments:



PSEA

8. Action for Community Empowerment's (ACE) Obligations

Action for Community Empowerment (ACE) believes that all people have a right to live their lives free from sexual exploitation and abuse and will not tolerate its staff, associate, or partners engaging in any sort of behaviour that puts beneficiaries or communities at risk. To that end, Action for Community Empowerment (ACE) commits to:

- Creating a safe culture for both those it serves and those who work for and represent the organization.
- Following through on any complaints and concerns in a timely manner through its Safeguarding Committee and taking each complaint seriously. Sensitizing staff, associates, and partners, around how to make a complaint. Ensuring zero tolerance towards sexual exploitation and abuse.
- Building a culture of dignity, honor and respect where all those who work with and are served by Action for Community Empowerment (ACE) feel empowered to report complaints.
- Educating staff, associates, and partners that sexual exploitation and abuse constitute gross misconduct and are grounds for termination of employment and possibly legal action.
- Providing information on how to report complaints and the investigations procedure. Ensuring that all staff, associates and partners have access to the PSEA policy and procedures as well as other related safeguarding policies
- Providing training to all staff, associates and partners

9. Staff Responsibility

All staff, associates, and partners are required to adhere to this policy at all times and are obliged to report any suspicious of sexual exploitation and abuse of others. All staff, associates, and partners are required to sign the associated Code of Conduct and an acknowledgement of having read and understood the policy.

10. Management Responsibility

All Managers and Directors/ office In-charges hold overall accountability for this Policy and its Implementation. Managers also have a responsibility to support and develop systems that maintain an environment where all parties involved with Action

for Community Empowerment (ACE) understand how to behave, how to raise complaints and concerns, and what action will be taken.

11. Safeguarding Committee

A Safeguarding Committee has been established at Patna for all the offices of Action for Community Empowerment's (ACE) as well as in each field location, as per the need. The Committee will function for a period of three years. The Safeguarding Committee is comprised of 5 members:

1. One woman in a Senior Management Role / Member of the Executive Committee
2. Three members will be from across different offices of Action for Community Empowerment (ACE) o in the country.
4. A fifth member who is an external expert in harassment, sexual exploitation or abuse.

Safeguarding Committee will ensure that there is diversity and equal gender representation on the committee.

The Safeguarding Committee will be responsible for informing and training all staff in safeguarding, PSEA and harassment policies and procedures. They will also be responsible for receiving and investigating any safeguarding complaints, including PSEA.

The Safeguarding Committee will be trained in all of the Safeguarding policies as well as reporting and investigations. The Safeguarding Committee will also be provided with training so that they are able to offer appropriate support as required.

12. Confidentiality of Complaint

Action for Community Empowerment (ACE) will protect the confidentiality of sexual exploitation and abuse allegations to the greatest extent possible in order to protect the integrity of the investigation and prevent embarrassment, further discrimination or harassment, or retaliation.

Confidential or sensitive information obtained by any staff member during the course of an investigation shall not be disclosed to others unless required by law. Concerns of individuals regarding confidentiality of information provided by them will be handled as sensitively as possible, and information shall not unnecessarily be disclosed to others.

Action for Community Empowerment (ACE) cannot guarantee, however, complete confidentiality, because the organization cannot conduct an effective investigation without revealing certain information to the alleged perpetrator and potential witnesses. Action for Community Empowerment (ACE) will share information about allegations of sexual exploitation, abuse and harassment only with those who need to know about it. Records relating to sexual exploitation, abuse and harassment complaints will also be kept confidential on the same basis.

13. Whistle-Blowing

As per Action for Community Empowerment's (ACE) whistle-blowing policy, all disclosures will be treated in confidence. Reports may be submitted anonymously to the Secretary of the organization.

14. Prohibited Retaliation

Action for Community Empowerment (ACE) maintains a zero-tolerance policy for retaliation against anyone for reporting sexual exploitation or abuse, assisting in making a complaint, or participating in an investigation. Any staff, associate, or partner who makes a good-faith complaint of sexual exploitation or abuse, assists, testifies, or participates in any investigation or proceeding or who reasonably opposes such conduct in the workplace will not be adversely affected in the terms and conditions of his or her employment and will not be discriminated against or discharged for engaging in such activity.

Complaints of retaliation will be promptly investigated. If retaliation is substantiated, appropriate disciplinary action, including possible dismissal, will be taken.

15. PSEA Commitments

All Action for Community Empowerment's (ACE) staff, associates, and partners are expected to conduct themselves in accordance with the PSEA policy. Following are the core commitments relating to sexual exploitation and abuse that all staff, associates, and partners are expected to follow. The following behaviours are prohibited:

16. Sexual Activity with Children and Vulnerable Adults

Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of the child is not a defence. Sexual activity with vulnerable adults, as outlined in the definitions, is also prohibited.

17. Child Marriage

Any staff, associates, or partners who engage in child marriage (marriage to anyone under the age of 18) will be in violation of the PSEA policy. As per the definition of child marriage, anyone under the age of 18 for Girls and 21 for boys is not able to give or withhold consent and is considered a form of sexual violence. Any staff married to a child under the age of 18 as per the custom or law of India, before Action for Community Empowerment's (ACE) PSEA policy came into force will not be subject to disciplinary action. Action for Community Empowerment (ACE), however, prohibits any such relationship from occurring once the PSEA policy came into effect.

18. Sexual Activity with Action for Community Empowerment's (ACE) Beneficiaries

Sexual activity with any beneficiary is prohibited due to inherently unequal power imbalances. An Action for Community Empowerment (ACE) beneficiary is defined as anyone who receives services or support from Action for Community Empowerment (ACE) or an Action for Community Empowerment's (ACE) partner

19. Grooming and/or Coercion

Any grooming and/or coercion of a child or vulnerable adult for the purposes of obtaining sex is prohibited.

20. Sexual Exploitation

Any form of sexual exploitation is prohibited including:

20.1 Buying Sex

Exchange of money, material assistance, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitive behaviour is prohibited.

20.2 Profiting from Sexual Exploitation

Any monetary, social or political gain from sexual exploitation is prohibited.

20.3 Sexual Harassment

Any act of sexual harassment including unwelcome sexual advances or requests for sexual favours is prohibited both under the PSEA policy and the Anti-Harassment policy.

20.4 Sexual Violence

Any act of sexual violence is prohibited. This includes, but is not limited to, sexual violence including intercourse, sexual touching, and threats of sexual violence.

20.5 Physical/Emotional Abuse

Any physical or emotional abuse is prohibited.

This list may be expanded at any time and details will be communicated with staff, associates and partners through the Safeguarding Committee. Additional prohibited behaviours related to abuse can be found in the Child Safeguarding and Adult Safeguarding policies.

21. Consequences

Any staff, associate, or partner who is in violation of the PSEA policy will face disciplinary procedures, which may result in disciplinary action, termination of employment or contract and/or referral to the appropriate law enforcement agency or legal authority.

22. Communication and Training

It is Action for Community Empowerment's (ACE) responsibility to ensure that all staff, associates and partners are aware and fully compliant with the PSEA policy. In order to take the steps to prevent any forms of sexual exploitation or abuse, Action for Community Empowerment (ACE) will ensure that:

- Training is provided for all staff who has a specific responsibility for implementing this Policy and associated Procedure or who may be involved in dealing with complaints, which arise.
- Awareness raising training is provided to all staff, associates, and partners on PSEA. The training will equip staff, associates, and partners to develop awareness as well as an understanding of when and how to report any concerns.
- Proactive steps are taken to communicate the zero-tolerance message.
- All staff is informed of and trained in the policy and procedure.
- All staff is aware of the definitions under this policy.
- All staff is aware of reporting procedures.
- All staff has signed and acknowledged that they have read and understood the policy.
- Action for Community Empowerment (ACE) will develop appropriate communication materials on PSEA to share and disseminate messages with its staff, partners and vendors and communities it works with

23. PSEA Reporting Procedures

Anyone working with Action for Community Empowerment (ACE) or its partners or the people with whom it works may report any incidents of sexual exploitation or abuse, which then will be investigated by the Safeguarding Committee.

It is the duty and the responsibility of all staff, associates, and partners to report any PSEA concerns. Failure to report may lead to disciplinary action.

24. Support for Survivors

Support will be offered to survivors regardless of the outcome of any investigations. This support can include psychosocial counseling and/or access to other specialist support as needed.

25. Policy Review

To meet with sector best practice, Action for Community Empowerment agrees to review this policy and the entire PSEA Framework every two years, as a minimum. It is the responsibility of the President and the Executive Committee to complete this review, in collaboration with any key internal stakeholders or external third-party providers.



SECRETARY
ACTION FOR COMMUNITY EMPOWERMENT

Mahesh Agrawal

Secretary