



# Child Safe and Sexual Exploitation, Abuse and Harassment Allegation Management Procedure

## In this Section

This section contains the following topics:

1. Reporting allegations or concerns about child safety, or sexual exploitation, abuse and harassment towards an adult ('SEAH')
2. Investigating allegations or concerns about child safety or SEAH
3. Concluding investigations about child safety or SEAH

## Before you start you need access to:

- Child Safe Policy and/or Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy
- Child Safe and SEAH Reporting Form
- Child Safe Code of Conduct
- Whistleblowing Policy
- Gender Policy

## Overview

### Who should report?

All TAI representatives and external stakeholders (e.g. supporters, partner organisation staff, community members, participants in events or trips conducted in whole or part by TAI or its subsidiaries) "the information provider" must report any concerns they have:

- For the safety or wellbeing of a child including child exploitation or abuse, the possession of child exploitation material, or policy noncompliance. (Please refer to the Child Safe Policy for definitions.)
- Regarding incidents of SEAH towards an adult. (Please refer to the PSEAH Policy for definitions)

Please note, if your concern relates to:

- A grievance not covered under this Allegation Management Procedure (such as a grievance related to discrimination, vilification, bullying and conflict) please see the Grievance Policy.
- A complaint other than those addressed by the PSEAH, Child Safe or Grievance Policies, please see the Complaints Handling Policy.

## What should I report?

Any behaviour that you suspect or/and report made to you\* about a TAI representative, supporter, associate or implementing partner regarding;

- child exploitation and/or abuse
- possession of any child exploitation material
- breach of the Child Safe Policy or Safeguarding Code of Conduct (“COC”)
- criminal proceedings being undertaken in regard to child exploitation and/or abuse
- sexual exploitation of an adult
- sexual abuse of an adult
- sexual harassment of an adult
- criminal proceedings being undertaken in regard to sexual exploitation and abuse of an adult
- any other concerns

\*Includes reports made by a child.

## What if I am not sure if what I have seen is a Child Safe or SEAH matter?

TAI requires that you report any concerns, rather than investigate yourself. You should report any concern or allegation, regardless of whether you believe that it is substantiated or not. Relevant TAI representatives who will respond to the matter are equipped to determine whether or not there has been a Child Safe or SEAH incident.

## When should I report?

Immediately or as soon as it is practically possible.

## Who do I report to?

After completing a Child Safe and SEAH Reporting Form (which can be found on the Policies and Procedures Portal on SharePoint or on our website), follow the steps in the below Procedure to determine who to provide that Form to.

## What happens to the information I provide?

*Recording and sharing of information:*

All misconduct complaints must be recorded, subject to the wishes and welfare of the complainant.

All information provided will be treated in accordance with relevant Commonwealth legislation, including the Privacy Act 1988. Records that may be or are required as evidence in any judicial proceeding must not be destroyed under section 317 of the *Crimes Act 1900* (NSW).

All information gathered is to be clearly documented, filed and maintained in a safe and secure repository either physically or electronically.

Information will only be shared with those persons who are directly involved in the investigation and decision-making process and/or the provision of professional advice on the matter.

*Interests of those involved:*

TAI will ensure that the best interests of the child are reflected in the actions that the organisation takes to handle the abuse. TAI has a commitment to operating within a survivor-centric approach and will respect the wishes and dignity of the survivor.

TAI will treat all concerns raised seriously and ensure that all parties will be treated fairly. TAI will meet country, state or territory specific legislative requirements. TAI will treat victims/survivors with dignity and respect, and ensure that their needs are prioritised in the actions that the organisation takes to handle the incident. This may include involving them in decision making, providing them with comprehensive information, protecting their privacy and confidentiality, not discriminating, and considering needs for counselling

Transform Aid International (“TAI”) will treat all concerns raised seriously and ensure that all parties will be treated fairly. TAI will meet country, state or territory specific legislative requirements. Any person who intentionally makes a false allegation or malicious allegation will face disciplinary action (see Disciplinary Policy).

*Reporting to authorities:*

In relation to Child Safe matters, TAI must immediately notify the relevant authorities including the Department of Foreign Affairs and Trade (DFAT) Child Protection Compliance Section of any concerns relating to the abuse or exploitation of children in DFAT funded activities. These reports must be immediately reported per the below process. The Director of International Programs will facilitate notification to DFAT.

In relation to SEAH matters, TAI must notify the relevant authorities including the Department of Foreign Affairs and Trade (DFAT) of any concerns relating to SEAH in DFAT funded activities. These reports must be reported per the below process. The Director of International Programs will facilitate notification to DFAT.

Where allegations are made against an implementing partner or its representatives, the implementing partner will investigate and report to TAI. Where appropriate, TAI may conduct its own investigation pre- or post-finalisation of the implementing partner’s investigation.

## **Guide to Dealing with Children**

This information provides guidance on how to respond to a child who raises a concern, before following the Allegation Management Procedure. When discussing abuse with the child during the first telling ensure that there is a clear understanding of the emotional distress the child may be experiencing. Ensure a caring and sensitive approach to the child and assure him or her of a willingness to listen and assist if there is a problem.

TAI will show care and concern for the rights of the child at all times.

- Listen carefully to what the child says about his or her concern or allegation
- Reassure the child that you believe what he or she is telling you
- Ensure that the child understands and is reassured that he or she is not responsible for the abuse and it is not his or her fault that it has occurred
- Ensure that the child understands that a report will be made to those with the necessary authority to stop the abuse and that the child is assisting in that process by sharing about his or her experience
- Provide assurance to the child that it was right that they shared the information with you
- Organise appropriate professional support for the child including physical and/or mental medical support
- Follow the Allegation Management Procedure for reporting purposes

It is also important when handling a disclosure that you don't:

- attempt to investigate or confront persons accused in the disclosure
- panic or show other negative emotions e.g. anger
- make promises you cannot keep
- ask why
- ask closed or leading questions
- give an impression that you blame the child
- touch the child.

## Procedure

1. Complete the following steps to respond to allegations or concerns about child safety or SEAH.

Step	Action
1	TAI representative or Implementing Partner suspects or receives allegation regarding: <ul style="list-style-type: none"> <li>• Child exploitation or abuse</li> <li>• Possession of exploitation or abuse material involving children</li> <li>• Breach of Child Safe Policy or Code of Conduct</li> <li>• Criminal proceedings being undertaken in regard to the sexual exploitation and/ or abuse of a child</li> <li>• Sexual exploitation of an adult</li> <li>• Sexual abuse of an adult</li> <li>• Sexual harassment of an adult</li> <li>• Criminal proceedings being undertaken in regard to the sexual exploitation and abuse of an adult</li> </ul>
2	The TAI representative or implementing partner will take immediate necessary actions to protect the child/adult from exploitation or abuse, including reporting the suspicion or allegation to:



	<ul style="list-style-type: none"> <li>the relevant IPC and/or a member of the Safeguarding Committee (mandatory)</li> <li>police and/or government authorities (inform the Director of International Programs)</li> </ul> <p>The TAI representative or implementing partner will contact the child's parent(s) or guardian(s) immediately unless this would jeopardise the child's welfare.</p>
3	<p>In relation to DFAT-funded activities, TAI's Director of International Programs will:</p> <ul style="list-style-type: none"> <li>In relation to child safe matters, immediately notify the Department of Foreign Affairs and Trade (DFAT) Conduct and Ethics Unit (via <a href="mailto:childwelfare@dfat.gov.au">childwelfare@dfat.gov.au</a>) of any concerns relating to the abuse or exploitation of children, including suspected or alleged instances of child abuse.</li> <li>In relation to SEAH matters, will notify DFAT using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form (<a href="http://www.dfat.gov.au/pseah">www.dfat.gov.au/pseah</a>) and emailed to <a href="mailto:seah.reports@dfat.gov.au">seah.reports@dfat.gov.au</a></li> </ul> <p>This notification will be made:</p> <ul style="list-style-type: none"> <li>Within two working days of any alleged incident of SEAH;</li> <li>Within five working days of any policy non-compliance.</li> </ul> <p>In relation to non-DFAT or TAI funded activities, TAI may still receive reports or information regarding a safeguarding incident. In this event, TAI representatives should complete section 2 of this procedure.</p>
End of Procedure	

- Complete the following steps to report and assess the allegation or concerns about child safety or SEAH. A 'quick-reference' overview of this Procedure is located in Appendix 1.

Step	Action
1	<p>Once a TAI representative receives a Safeguarding allegation, they are to complete the Child Safe and SEAH Reporting Form. If the person who is raising the allegation has already completed the Form, the TAI representative will review and complete any missing details. This can be found on the Policies and Procedures Portal on SharePoint or on our website, and includes:</p> <ul style="list-style-type: none"> <li>Name and contact details of person lodging the Form.</li> <li>Date/s of incident/s</li> <li>Name of organisation/s involved</li> <li>Alleged offender's details including name, nationality and occupation or relationship to TAI or Implementing Partner organisation</li> <li>Details of alleged incident/s</li> <li>Whether local law enforcement authorities or Australian Federal Police have been involved</li> <li>If incident/s occurred in the course of a TAI activity or TAI funded activity, the name of the activity</li> </ul>



	<ul style="list-style-type: none"> <li>• Steps taken</li> <li>• Any other relevant information</li> </ul>
2	<p>For Safeguarding incidents relating to International Programs, this form is to be submitted, either in person or via email, to the Chief of Staff and Chair of the Safeguarding Committee, who will notify the Director of International Programs and the relevant International Programs Coordinator about the allegation (if they are not already aware of the allegation). A report will be created in the Safeguarding entity in the NEO database by the Chief of Staff and the Chair of the Safeguarding Committee.</p> <p>For Safeguarding incidents <b>not</b> relating to International Programs, this form is to be submitted to Chief of Staff and the Chair of the Safeguarding Committee, who will notify the relevant Departmental Director about the allegation. A report will be created in the Safeguarding entity in the NEO database by the Chief of Staff and the Chair of the Safeguarding Committee.</p>
3	The Child Safe and SEAH Reporting Form is to be reviewed by those to whom it was submitted, and the legitimacy of the allegation is to be assessed.
4	<p>If it is determined that the allegation requires investigation, continue with the next stage of this Procedure below.</p> <p>If it is determined that the allegation does <b>not</b> require investigation, the Chief of Staff and Chair of the Safeguarding Committee are to respond to the allegation and resolve the matter. This will include logging all relevant information in the report in the Safeguarding entity on the NEO database.</p>
End of Procedure	

3. Complete the following steps to investigate allegations or concerns about child safety or SEAH

Step	Action
1	<p>The Chief of Staff and Chair of the Safeguarding Committee, who received the Child Safe and SEAH Reporting Form and determined that investigation is required (as per the above), are to take the matter to the CEO and brief them on the allegation.</p> <p>If the CEO is unavailable, the Chief of Staff will act in the capacity of the CEO within this matter.</p>
2	<p>The CEO will:</p> <ul style="list-style-type: none"> <li>• Authorise the Chief of Staff and Chair of the Safeguarding Committee to act as the key Investigating Officers in the matter. If the CEO deems this to be inappropriate, they may take this role on themselves.</li> <li>• The CEO may determine that the Investigating Officers require the support of other TAI representatives, who will collectively make up the Investigating Committee (e.g. the Director of International Programs, a relevant Departmental Director, the CEO, an IPC).</li> </ul>



	<ul style="list-style-type: none"> <li>If a TAI representative is implicated in the allegation, determine alongside the Chief of Staff and HR whether to suspend their employment / engagement until the investigation is concluded.</li> </ul> <p>In the event the allegation has been made against the CEO, the Board Chair will perform the duties assigned to the CEO in this process.</p>
3	The CEO appointed Investigating Committee will make all decisions throughout the process. A representative from the Implementing Partner organisation will be included if incident/s occurred during implementation of TAI-funded program.
4	<p>The Investigating Committee will commence the investigation.</p> <p>The following principles will apply during the investigation:</p> <ul style="list-style-type: none"> <li>When investigating take care to act in a fair and reasonable manner.</li> <li>The nature and extent of the investigations will depend on the matter.</li> <li>Keep an open mind and look for evidence.</li> <li>Give all attendees warning and time to prepare for investigation/fact finding meetings.</li> <li>Investigatory meetings should be conducted by the Investigating Officer and should be confined to establishing the facts of the case.</li> </ul> <p>It is important that disciplinary action is not considered at an investigatory meeting. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal meeting at which the employee will have right to be accompanied.</p> <p>Any updated or new information is to be logged by the Chief of Staff and the Chair of the Safeguarding Committee in report in the Safeguarding entity on the NEO Database.</p>
End of Procedure	

4. Complete the following steps to conclude investigations about child safety or SEAH matters

Step	Action
1	The Investigating Committee are to meet at the conclusion of investigation.
2	<p>If the allegation or concern is found to be:</p> <ul style="list-style-type: none"> <li>Unsubstantiated               <ol style="list-style-type: none"> <li>Provide ongoing monitoring and review</li> <li>The Chief of Staff and HR will develop a return to work plan for a TAI representative that was suspended pending the investigation. For any TAI representative subject to investigation, counselling will be made available as per the Employee Assistance Program</li> </ol> </li> </ul>



	<ul style="list-style-type: none"> <li>• Substantiated but not require mandatory reporting to statutory and regulatory authorities, then:             <ol style="list-style-type: none"> <li>i. For TAI Representatives, implement Disciplinary Procedure (up to and including termination of employment)</li> <li>ii. For supporters, manage relationship up to and including termination of the relationship with the supporter</li> <li>iii. For implementing partners, Safeguarding Committee, Director of International Programs and CEO to monitor and advise on management of ongoing partnership and projects.</li> </ol> </li> <li>• Substantiated and require mandatory reporting to statutory and regulatory authorities             <ol style="list-style-type: none"> <li>i. For TAI Representatives:                 <ol style="list-style-type: none"> <li>a. Individual to be suspended from work (if applicable) until conviction determined by authorities</li> <li>b. Disciplinary procedure implemented following conviction result (up to and including termination of employment)</li> <li>c. Details of disciplinary procedures and/or conviction to be included in employee's file</li> </ol> </li> <li>ii. For supporters, manage relationship up to and including termination of the relationship with the supporter</li> <li>iii. For implementing partners, Safeguarding Committee, Director of International Programs and CEO to monitor and advise on management of ongoing partnership and projects.</li> </ol> </li> </ul>
3	<p>The Investigating Committee will determine to whom the outcome will be reported, for example: -</p> <ul style="list-style-type: none"> <li>• Safeguarding Committee,</li> <li>• Executive</li> <li>• Board</li> <li>• Parents/caregivers of the child/children involved. If police and state authorities have been informed then the provision of information will be undertaken in line with the direction of those authorities</li> <li>• DFAT or other external bodies</li> </ul>
4	<p>The Investigating Committee will review: -</p> <ul style="list-style-type: none"> <li>• Whether this process and the Child Safe Policy or PSEAH Policy was followed;</li> <li>• Consider the outcomes of the investigation;</li> </ul>





	<ul style="list-style-type: none"><li>• Consider whether the best interests of the child were served throughout the process;</li><li>• <u>D</u>etermine steps to be taken to improve the process.</li></ul>
5	All documentation evidencing the processes in this procedure must be stored by the Chief of Staff and Chair of the Safeguarding Committee in the report in the Safeguarding entity on the NEO database.
End of Procedure	



## Appendix 1: Child Safe and Allegation Management Flowchart

The below Flowchart is a 'quick-reference' overview of the above Procedure:

