

**ASSOCIAÇÃO HAMUTUK NASAUN SAUDAVEL  
(HAMNASA)**

**Preventing Sexual Exploitation, Abuse and Harassment  
(PSEAH) Procedure**

| <b>Administration</b>              |   |
|------------------------------------|---|
| Effective Date:                    | 1 October 2022 (pending translation and Board approval) |
| Responsibility for Monitoring:     | Executive Director and Board President                  |
| Responsibility for Implementation: | All HAMNASA personnel                                   |
| Board Representative:              | President   |
| Board Representative Signature:    |   |
| Signing Date                       |   |
| Last Review Date:                  | N/A   |
| Next Review Date                   | 1 October 2023  |

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## **AIM**

This procedure supports the implementation of HAMNASA's other policy and procedure as part of the broader safeguarding and incident management frameworks, including the Child Protection Policy (refer to HAMNASA ethics policy).

## **PERSONNEL RESPONSIBILITIES**

HAMNASA Code of Conduct provides clear boundaries on behaviour and conduct expected of all Personnel.

In summary, HAMNASA staff and associated personnel must not:

- Engage in sexual activity with anyone under the age of 18
- Sexually abuse or exploit children or vulnerable adults
- Subject children or vulnerable adults to physical, emotional, or psychological abuse, or neglect
- Exchange money, employment, goods, or services for sexual activity
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics.

Additionally, HAMNASA staff and associated personnel are obliged to:

- Contribute to creating and maintaining an environment that prevents violations and promotes the implementation of this Policy
- Report any concerns or suspicions regarding violations by a HAMNASA personnel member or associated personnel to the appropriate staff member.

## **APPLICATION / SCOPE**

This procedure applies to all HAMNASA's employees, advisers, consultants, contractors, volunteers and the like, operating in the scope of all HAMNASA program activities in the territory of Timor-Leste (referred to herein as "**Personnel**").

## **PROCEDURE**

It is mandatory for all Personnel to immediately report any concerns or allegations relating to child abuse; sexual exploitation, abuse, harassment, or non-compliance with associated policies, once they become known to the individual either directly or indirectly. This concern or allegation may involve Personnel and/or non-HAMNASA Personnel working for or with HAMNASA.

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

| Step             | Action  |
|------------------|---|
| 1                | <p>Any of HAMNASA's Personnel suspects or receives allegation regarding:</p> <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 Protection Policy or Code of Conduct</li> <li>• Criminal proceedings being undertaken regarding 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 regarding the sexual exploitation and abuse of an adult</li> </ul>  |
| 2                | <p>Any of HAMNASA's Personnel will take immediate necessary actions to protect the child/adult from exploitation or abuse, including reporting the suspicion or allegation to:</p> <ul style="list-style-type: none"> <li>• the relevant HAMNASA Safeguarding Focal Point 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>Any of HAMNASA's Personnel 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, HAMNASA's Executive Director 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 email 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 funded activities, HAMNASA may still receive reports or information regarding a safeguarding incident. In this event, HAMNASA Safeguarding Focal Point should complete section 2 of this procedure.</p> |
| End of Procedure |   |

2. 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 in Appendix 1.

| Step             | Action  |
|------------------|---|
| 1                | <p>Once HAMNASA Safeguarding Focal Point 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, HAMNASA Safeguarding Focal Point will review and complete any missing details. This can be in form of hard copy or electronic copy saved in the HAMNASA Safeguarding Focal Point files, 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 HAMNASA or individual HAMNASA Personnel</li> <li>• Details of alleged incident/s</li> <li>• Whether the Timor-Leste National Police (PNTL) has been involved</li> <li>• If incident/s occurred during a HAMNASA's activity, the name of the activity</li> <li>• Steps taken</li> <li>• Any other relevant information</li> </ul> |
| 2                | <p>For Safeguarding incidents relating to DFAT Funded programs, this form is to be submitted, either in person or via email, to the HAMNASA Safeguarding Focal Point, who will notify the Program Facility that manages DFAT's funds about the allegation (if they are not already aware of the allegation). A report will be created in the DFAT's by the Program Facility database by the HAMNASA Safeguarding Focal Point.</p> <p>For Safeguarding incidents not relating to DFAT Funded programs, this form is to be submitted to the HAMNASA's Safeguarding Focal Point, who will notify the HAMNASA Board of Directors about the allegation. A report will be created in the HAMNASA Risk Assurance database by the HAMNASA Safeguarding Focal Point.</p>   |
| 3                | <p>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.</p>  |
| 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 not require investigation, HAMNASA Safeguarding Focal Point and Executive Director are to respond to the allegation and resolve the matter. This will include logging all relevant information in the report for DFAT's Program Facility's Risk Assurance Manager database.</p>  |
| End of Procedure |   |

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

| Step             | Action  |
|------------------|---|
| 1                | <p>HAMNASA Safeguarding Focal Point, 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 HAMNASA Executive Director and brief him/her on the allegation.</p> <p>If the Executive Director is unavailable, a designated Manager, delegated by the Executive Director will act in the capacity of the Executive Director within this matter.</p>  |
| 2                | <p>The Executive Director will:</p> <ul style="list-style-type: none"> <li>• Authorise the HAMNASA Safeguarding Focal Point to act as the key Investigating Officer in the matter. If the Executive Director deems this to be inappropriate, they may take this role on themselves.</li> <li>• The Executive Director may determine that the Investigating Officers require the support of other HAMNASA Personnel, who will collectively make up the Investigating Committee (e.g., Finance Manager, Project Manager, Inclusion Manager, HR Manager with a Board member if she/he is requested by the Executive Director).</li> <li>• If a HAMNASA Personnel is implicated in the allegation, the Executive Director and HR to determine whether to suspend their employment / engagement until the investigation is concluded.</li> </ul> <p>In the event the allegation has been made against the Executive Director, the Board President will perform the duties assigned to the Executive Director in this process.</p>  |
| 3                | <p>The Executive Director appointed Investigating Committee will make all decisions throughout the process. A representative from the Program team members will be included if incident/s occurred during implementation program activities.</p>  |
| 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 the right to be accompanied.</p> <p>Any updated or new information is to be logged by the Executive Director and the report in the HAMNASA Safeguarding Focal Point Database.</p> |
| End of Procedure |   |

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

| Step | Action |
|------|--------|
|------|--------|

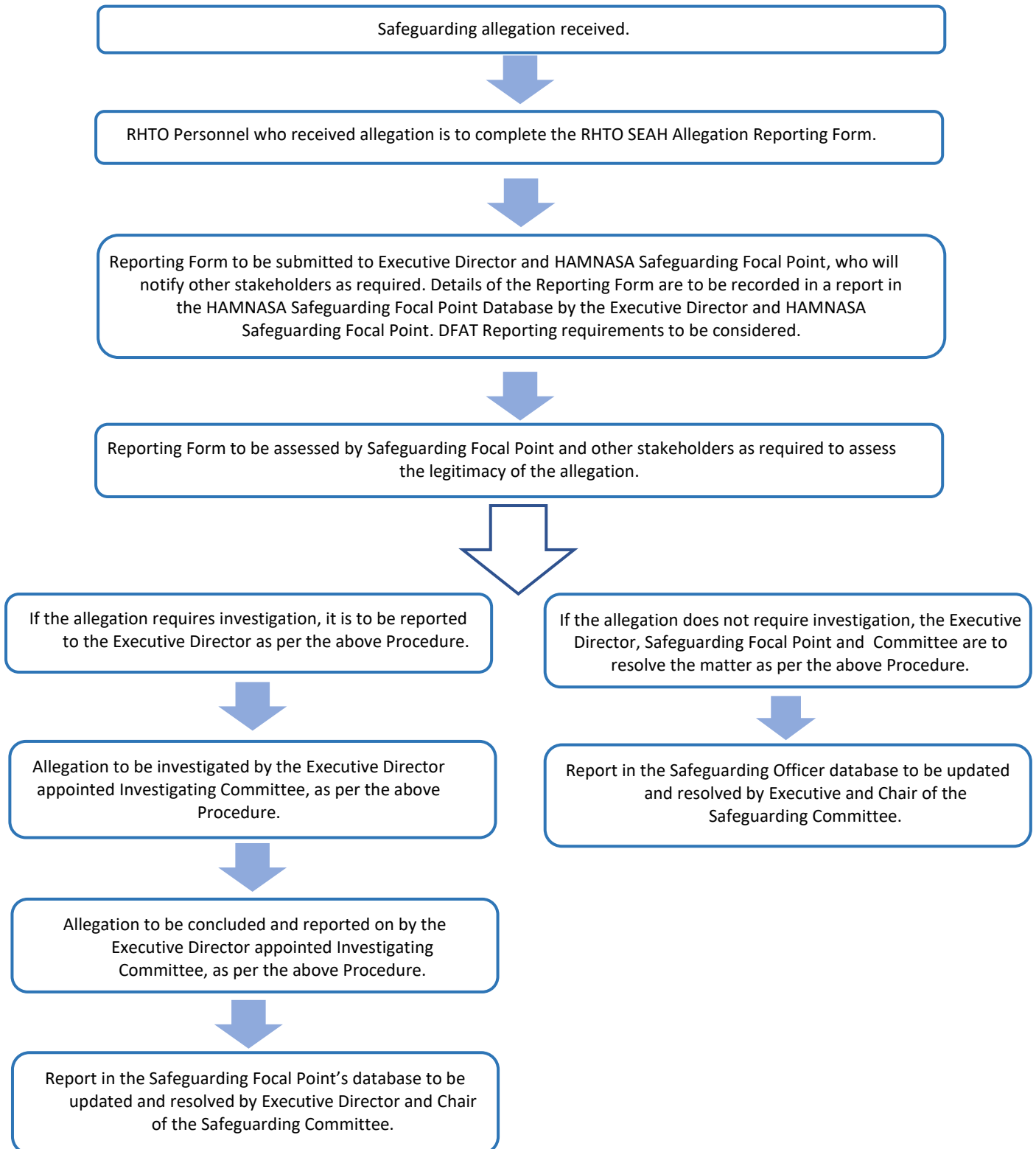
|   |   |
|---|---|
| 1 | The Investigating Committee are to meet at the conclusion of investigation.   |
| 2 | <p>If the allegation or concern is found to be:</p> <ul style="list-style-type: none"> <li>• Unsubstantiated <ul style="list-style-type: none"> <li>i. Provide ongoing monitoring and review</li> <li>ii. The Executive Director and HR will develop a return-to-work plan for the HAMNASA personnel that was suspended pending the investigation.</li> </ul> </li> <li>• Substantiated but does not require mandatory reporting to statutory and regulatory authorities, then: <ul style="list-style-type: none"> <li>i. For HAMNASA Personnel, implement Disciplinary Procedure (up to and including termination of employment)</li> <li>ii. For contractors/suppliers or consultants or volunteers, manage relationship up to and including termination of the relationship</li> <li>iii. For other beneficiary groups under HAMNASA support, Safeguarding Committee, Executive and HR to monitor and advise on management of ongoing performance and capacity building.</li> </ul> </li> <li>• Substantiated and require mandatory reporting to statutory and regulatory authorities <ul style="list-style-type: none"> <li>i. For HAMNASA Personnel: <ul 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> </ul> </li> <li>ii. For contractors/suppliers or consultants or volunteers, manage relationship up to and including termination of the relationship</li> <li>iii. For other beneficiary groups under HAMNASA supports, Safeguarding Committee, Executive and HR to monitor and advise on management of ongoing performance and capacity building.</li> </ul> </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 team</li> <li>• Board of Directors</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> <li>• Consider whether the best interests of the child were served throughout the process</li> <li>• Determine steps to be taken to improve the process.</li> </ul>   |

|                  |   |
|------------------|---|
| 5                | All documentation evidencing the processes in this procedure must be stored by the HAMNASA Safeguarding Focal Point in the report in the HAMNASA Safeguarding Focal Point database. |
| End of Procedure |   |



## Appendix 1: Child Safe and Allegation Management Flowchart

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



## **Oversight**

As the HAMNASA Executive Committee has responsibility for oversight of culture, conduct and ethics, the Executive will submit details of incidents on an incident basis to the HAMNASA Board of Directors and/or relevant donor under DFAT funding. This information must be treated according to the confidentiality protections. Unless consent has been provided, data should be de-identified prior to reporting to the board.

## **REFERENCES**

- Child Protection Policy
- Grievances & Complaints Policy
- Whistle-blower Protection Policy

## **REVIEW PERIOD**

This procedure will be reviewed by the Custodian and Owner every two (2) years or earlier as warranted.

## **PROCEDURE CUSTODIAN**

HAMNASA Executive Director is the custodian of this procedure through which any requests to review the contents of this procedure should be directed.

## **PROCEDURE OWNER**

President of HAMNASA Board of Directors – HAMNASA Executive Director is the Executive owner of this procedure.

## **PROCEDURE APPROVAL**

This procedure has been approved by the President of HAMNASA Board of Directors.