

# **Protection from Sexual Exploitation and Abuse (PSEA) Policy** of the Community Empowerment for Creative Innovation - CECI

**July 2019**



**Community Empowerment for Creative Innovation (CECI)**

*"Building Empowered, Peaceful & Self-reliant Youth"*

## Policy Statement

At Community Empowerment for Creative Innovation - CECI, we believe all people have a right to live their lives free from sexual violence. We recognise that there are unequal power dynamics across the organisation and in relation to those we serve, and that we face an ***inherent risk*** of some staff exploiting their position of power for personal gain.

CECI will *not* tolerate its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out ***any form of sexual harassment, sexual abuse or sexual exploitation***.

It is the obligation of CECI representative to raise any concerns you have or those which are reported to you according to this policy. It is not your responsibility to decide whether or not sexual harassment, abuse, or exploitation has occurred.

It is the responsibility of all CECI managers to ensure the delivery of this policy and to promote it as relevant in all aspects of their work, to hold themselves and others to account and to help create a safe environment for all.

This policy will automatically apply in Uganda and in districts where CECI is the Executing Affiliate and must be used in conjunction with CECI's PSEA Procedures.

This policy does not form part of an employees' terms and conditions of employment and may be subject to change at the discretion of management.

## Content of Policy

1.	Purpose	of	this	
	Policy.....			4
2.	CECI		PSEA	
	Principles.....			4
3.	Roles		and	
	Responsibilities.....			5
4.	Support	for	Survivors	and
	Victims.....			6
5.			Policy	
	Guidance.....			6
6.			Safe	
	Programming.....			8
7.	How	to	Raise	a
	Concern.....			8
8.	Procedure	for	Responding	to
	Concerns.....			9
9.	Further	Guidance	for	Embedding
	CECI.....			10
10.				
	Definitions.....			11
11.				
	Declaration.....			14

## **1. Purpose of this Policy**

This policy sets out Community Empowerment for Creative Innovation's approach to preventing sexual exploitation and abuse. It sets out:

- the principles upon which we will base our decision making and actions,
- our expectations of all who represent CECI and
- Our commitments to ensure effective action are taken when problems occur.

All staff will be familiar with this policy.

## **2. CECI PSEA Principles**

At CECI we believe all people have a right to live their lives free from, sexual harassment and abuse, sexual violence, bullying, exploitation and any abuse of power regardless of age, gender, sexuality, disability, religion or ethnic origin. CECI will not tolerate its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of sexual harassment, abuse or exploitation. Such behaviour goes against the very beliefs, values and mission of our organisation. Safeguarding is a priority for Community Empowerment for Creative Innovation.

Sexual harassment, violence, exploitation and abuse, as well as a range of non-sexual abuses of power, take various forms and can happen to anybody at any time during their lives, but are more likely when one person is in a position of power over another. CECI recognises that this can happen in workplaces and that organisation working with vulnerable populations face an inherent risk of some staff exploiting positions of power

**CECI's Commitment is to**

- Create a safe working culture for all those whom CECI serves and those working for and representing the organisation.
- Ensure that all concerns or allegations of sexual harassment, abuse or exploitation are responded to in a timely and appropriate manner and there are multiple channels through which staff and other stakeholders can raise concerns
- Always adopt a survivor centre approach, that respects the confidentiality and decision making rights of survivors where possible and appropriate to do so.
- Ensure zero tolerance of sexual exploitation and abuse in the organisation through robust prevention and response work, offering support to survivors and victims and holding those responsible to account
- Build a culture where all those whom CECI serves and who work for CECI feel empowered to insist on non- discriminatory and respectful behaviour from each other, where poor behaviour is not accepted, and where power is not abused.
- Be transparent about safeguarding issues occurring within CECI, sensitive in our communications about our practices and open to learning and improving
- Support the creation of a unified CECI approach to safeguarding where there is equal capacity to safeguard properly throughout the confederation

**CECI adopts the following principles to guide our safeguarding work:**

- **Survivor-led:** we are committed to listening to survivors and being led by the wishes of the survivor where possible and appropriate to do so
- **Non-directive:** we aim to empower survivors and complainants by helping them explore their options in safe ways without imposing our own opinions
- **Non-judgemental:** we never judge survivors or complainants for their actions or decisions
- **Confidentiality:** we are committed to confidentiality when carrying out our work. Information will not be shared outside the team or the organisation unless we believe that someone is in danger or a child has been or may be harmed
- **Independent investigations:** through our safeguarding team we carry our independent and discrete investigations, recognising the rights and duty of care to everyone involved, including the complainant or survivor, witnesses and the person accused
- **Commitment to good practice:** we always strive to offer the best service possible, and are open to feedback and continual learning

**CECI will ensure that:**

- a) All staff, volunteers, partners and other representatives will have access to information about how to report concerns or allegations of sexual harassment, abuse and exploitation
- b) or allegations of sexual harassment, abuse or exploitation will always be taken seriously, investigated and acted on if appropriate, in line with our safeguarding principles set out above
- c) All managers, employees, volunteers and other representatives will have access to, and be familiar with this policy and know their responsibilities within it

- d) All staff will receive training in relation to PSEA. In addition, staff with specific responsibilities (e.g. managers) will receive additional training commensurate with their role;
- e) All managers are responsible for promoting awareness of this policy within their divisions, individual departments or teams.

This Policy will be used in conjunction with employment/labour, duty of care and relevant criminal laws to make decisions about how to respond to complaints and concerns raised by staff, volunteers and other representatives;

### 3. Roles and Responsibilities

***Creating a safe working environment at CECI is everyone's responsibility and failure to act on concerns or disclosures relating to sexual harassment, abuse and exploitation is not an option.***

CECI Managers, and ultimately Directors, hold overall accountability for this Policy and its implementation.

CECI's Directors and board of governance are responsible for reviewing and updating this Policy annually, and in line with legislative and organisational developments and hold overall accountability for CECI's PSEA work.

All staff, volunteers, partners and other representatives of CECI are required to adhere to this Policy and CECI's Code of Conduct at all times.

All CECI employees are obliged to report any suspicions of sexual exploitation, abuse or harassment of others. This can be done without sharing details of cases where information has been shared in confidence. Failure to report to a relevant person suspicion of abuse relating to someone else is a breach of CECI's policy, and could lead to disciplinary action being taken. For the avoidance of doubt, there is no obligation placed on any individual to report any incident that has happened to them.

CECI's Safeguarding Team and senior management teams can offer further support to help staff, volunteers and other representatives on implementing this Policy.

### 4. Support for Survivors and Victims

Support will be offered to survivors and victims, regardless of whether a formal internal response is carried out (such as an internal investigation). Support can include psycho-social specialist counselling, access to CECI's Employee Assistance Programmes and/or access to other specialist and appropriate support as needed. Survivors and victims can choose if and when they would like to take up the support options available to them.

### 5. Policy Guidance

All CECI staff, volunteers, partners and other representatives are expected to conduct themselves in accordance with the following core policies relating to their sexual and personal conduct. This is not an exhaustive list and further details can be provided by CECI's Safeguarding or People teams.

### **5.1. Sexual Activity with Children**

CECI strictly prohibits staff and other representatives from having sexual relationships with children, which is anyone under the age of 18 years (or older if the local law indicates as such). Mistaken belief of age is no defence. Staff and other representatives must make a reasonable effort to alert all applicants of this policy position before employment of staff who are married to children

### **5.2. Sexual Activity with CECI Beneficiaries**

CECI strictly prohibits staff, volunteers and other representatives of the organisation from engaging in any form of sexual activity with CECI's beneficiaries.

### **5.3. Sexual Activity with Staff from CECI's Partners and Donors**

CECI is clear that any partnerships we go into with others are based on mutual respect for values and beliefs (please see Partnership Principles). CECI strictly prohibits staff from engaging in sexual activity with staff from its partners where this is an abuse of power. All staff and other representatives engaged in relationships with partners of CECI must

- Declare their relationships as soon as possible to their line managers or HR, even if the relationship is at an early stage and may not continue. As long as relationships are conducted appropriately such disclosures will be treated confidentially.
- Behave professionally and conduct their relationships in a way that does not impact on CECI business.
- Ensure they do not make work decisions based on that relationship.
- Ensure that their relationships do not lead to fraudulent or corrupt behaviours

### **5.4. Buying Sex**

CECI's Code of Conduct strictly prohibits staff, volunteers and other representatives from buying sex.

CECI does not make a judgement against individuals who participate in selling sex in exchange for money or something else such as gifts or material support

(“transactional sex”). However, in line with the IASC Core Principles on PSEA, CECI has banned this activity in order to prevent sexual exploitation and abuse from occurring.

### **5.5. Sexual Activity with other CECI Colleagues**

CECI strictly prohibits staff and volunteers from having a sexual relationship with people who they line manage or supervise and, in the case of the most senior managers, any more junior staff in their direct management line.

CECI’s policy does not prohibit staff from beginning relationships with each other outside of the unequal power dynamics explained above, but all staff and other representatives engaged in or beginning relationships with other staff or representatives must:

- Declare their relationships as soon as possible to their line managers or HR, even if the relationship is at an early stage and may not continue. As long as relationships are conducted appropriately such disclosures will be treated confidentially;
- Behave professionally and conduct their relationships in a way that does not impact on CECI business;
- Ensure they do not make work decisions based on that relationship. This may include staff who share responsibility for sign off on the same budget lines; or are involved in carrying out joint decision-making relating to resourcing or programme issues; or are carrying out or acting as decision makers for internal investigative processes;

### **5.6 Failure to Act upon Suspected or Reported Sexual Harassment, Abuse or Exploitation**

The Code of Conduct and the IASC Core Principles on PSEA state that it is the duty and the responsibility of all managers, employees and representatives to report in line with this policy any suspicions or incidences of inappropriate behaviour. All CECI employees are obliged to report any suspicions or incidences of inappropriate behaviour towards others. This can be done without sharing details of cases where information has been shared in confidence. Failure to report to a relevant person suspicion of abuse relating to someone else is a breach of CECI’s policy, and could lead to disciplinary action being taken. For the avoidance of doubt, there is no obligation placed on any individual to report any incident that has happened to them.

### **5.7 Responsibility of Managers for Creating and Maintaining an Environment that Prevents Sexual Harassment, Abuse or Exploitation.**

CECI’s Code of Conduct states that managers at all levels have a particular responsibility to support and develop systems that maintain an environment in which beneficiaries, volunteers, staff, contractors and other representatives know how CECI



expects them to behave, how they can raise complaints and concerns, and that CECI will take action when they do.

## **6 Safe Programming**

We recognise there is always a possibility of imposing unintended harm, particularly in relation to vulnerable populations. For this reason, we have minimum standards in place intended to minimise this risk in our work. These are published in CECI's PSEA Procedures.

Responsibility for ensuring these programme standards are applied lies with CECI's Country Directors and Programme Managers. However, all CECI staff and partners must take personal responsibility for upholding these minimum standards.

## **7 How to raise a Complaint or Concern?**

Anyone can raise a concern or make a complaint to CECI about something they have experienced or witnessed. You can do this verbally or in writing to your Safeguarding Focal Point or the Safeguarding Team, your Line Manager, HR or via CECI's Whistleblowing Service.

You can contact the Safeguarding Team confidentially on safeguarding [ceciuganda@gmail.com](mailto:ceciuganda@gmail.com)

Those who work with or for CECI (including CECI's beneficiaries) can also raise a concern without fear of retribution to CECI's Whistleblowing Service by emailing [whistleblowing.CECI@gmail.com](mailto:whistleblowing.CECI@gmail.com)

If an allegation is made against you, then you must inform your manager immediately. You should create a signed and dated record of the details as you know them and send a copy of this to HR. All those accused will be treated with respect and all allegations are treated confidentially. You may wish to seek support from your Union or Staff Representative.

## **8 Procedure for Handling Complaints and Concerns**

CECI is committed to responding to all complaints and concerns of abuse. CECI's Safeguarding Team are responsible for this work, and have specialist expertise in prevention, carrying out investigations, and delivering support to survivors of and victims.

When a complaint or concern has been raised, it must be referred within 24 hours to CECI's Safeguarding Team. This can be done on behalf of somebody else, and may only involve a suspicion.

### **Internal Response**

Within 72 hours of receiving a complaint or concern, CECI's Safeguarding Team must convene a case conference. An email must be sent to the complainant acknowledging the complaint as soon as possible. CECI must refer suspected cases of child or vulnerable adult abuse to local statutory authorities where possible. The decision about whether to refer to local police or statutory authorities in other cases is made by the person who it is alleged has been the subject of abuse ("the

victim/survivor” - who may or may not be the complainant). The Safeguarding Team will support the victim/survivor and/or complainant regardless of whether they wish to report to local police / statutory authorities or not. (See “support for survivors and victims” above.) Our approach will always be to comply with reporting obligations under local law, as long as we have the victim’s consent to do so. If someone’s life is in danger or the matter relates in any way to a child or adult at risk, then some decisions may have to be taken by CECI (for example, to contact the Police). This recognises that the principle of being survivor led must be balanced against risk and protection of vulnerable groups in every instance. If the victim/survivor is a child or adult at risk, then decisions about their welfare may have to be made by others. However, as far as is possible and appropriate they will be engaged in the conversation about their own welfare.

The process for addressing complaints is outlined in CECI’s PSEA Procedures. Confidentiality must be maintained throughout the complaints process by all staff and witnesses. Staff members who breach confidentiality will be subject to disciplinary action up to and including termination of employment. In some cases, such breaches constitute breaking the law.

#### **Retaliation Against Complainants, Victims and Witnesses**

CECI will take action against any staff, volunteers or other representatives, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, victims or other witnesses. Staff who are found to do this will be subject to disciplinary action, up to and including termination of employment.

#### **Outcomes of Misconduct**

Employees who are found to contravene CECI’s clearly stated expectations of their sexual conduct will be subject to disciplinary action that may result in dismissal. Volunteers, contractors and other representatives will have their relationship with CECI terminated.

#### **False Allegations**

It is extremely rare that staff or other stakeholders are found to have raised allegations which they knew to be false. If a member of staff from CECI is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment.

#### **Complaints about CECI’s Partners**

If CECI receives a complaint about a partner organisation, CECI will expect the partner to respond quickly and appropriately. CECI should assist the partner to ascertain its obligations under local law to refer the matter to the police or other statutory authorities for criminal investigation.

Where appropriate, CECI should work with the partner to address the issue through an appropriate independent investigation. If the outcome is that abuse has occurred, ongoing work with the partner cannot involve the individual(s) concerned.

If there is reason to believe that an allegation of abuse has been dealt with inappropriately by a partner, then they risk withdrawal of funding or ending the relationship (including networks and consortia).

### **Receiving External Complaints and Concerns**

Complaints raised from outside the organisation must be referred to CECI's Safeguarding Team and must adhere to CECI's policy and procedures as outlined in this document

## **9 Further Guidance for embedding PSEA across CECI**

### **9.1 Safeguarding Focal Points**

CECI high level Safeguarding Focal Points support the Safeguarding Team to prevent and respond to sexual harassment, abuse and exploitation by receiving concerns and forwarding these to the team, raising awareness and promoting best practice.

### **9.2 Inductions**

All staff must receive inductions on PSEA and Safeguarding when they join CECI, including a briefing on CECI's policies and values, information about how to report concerns and advice about where to seek further information about safeguarding and safer practices across the organisation

### **9.3 Training / Awareness Raising for Staff, Volunteers, Partners**

Training on PSEA and Safeguarding at CECI will be mandatory for all staff. This training will be carried out on a regular basis.

Overall responsibility for ensuring that staff receive regular training and awareness raising activities lies with managers. Managers will need to prioritise PSEA training for themselves and their staff, and provide budget lines for some activities

### **9.4 Awareness Raising for Beneficiaries**

CECI's PSEA and wider Safeguarding policies should be promoted throughout our engagement work with beneficiaries. Feedback from communities on CECI's role, staff behaviours, and complaints should be actively sought. Designated, and ideally senior, CECI staff should present feedback to communities on what changes have been made resulting from complaints.

Staff working directly with beneficiaries must receive training on how to receive complaints and disclosures.

### **9.5 Safer Recruitment**

CECI is committed to recruiting staff, volunteers, consultants and other representatives safely. As part of this all application forms, interviews and references must address Safeguarding and equality requirements and attitudes, and follow CECI's Recruitment Policy

## **9.6 Discrimination and PSEA**

In some countries, homosexuality is illegal and LGBTI people face significant discrimination. CECI does not discriminate on the basis of sexuality or gender, and recognises its duty of care to provide support to manage the risks which can be associated with being openly non-heterosexual in some parts of the world. For further information, please review CECI's Sexual Diversity and Gender Identity Rights policy. CECI does not have a dress code and is clear that what somebody is wearing will never be considered justification for carrying out sexually exploitative or abusive acts towards them.

## **10 Definitions**

### **10.1 Sexual Abuse**

The term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions

### **10.2 Sexual Exploitation**

The term "sexual exploitation" means 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. CECI recognises that the terms sexual abuse and exploitation represent a wide spectrum of behaviours and is not limited to the act of sexual intercourse. It is in recognition of this that CECI works to a more detailed set of definitions (set out below) to guide work carried out to address and prevent 'sexual violence' in all its forms.

### **10.3 Sexual Violence**

- any sexual act or attempt to obtain a sexual act
- unwanted sexual comments or advances or acts to traffic that are directed against a person's sexuality using coercion by anyone, regardless of their relationship to the victim, in any setting, including at home and at work.

Three types of sexual violence are commonly distinguished: sexual violence involving intercourse (i.e. rape), contact sexual violence (i.e. unwanted touching, but excluding intercourse) and noncontact sexual violence (i.e. threatened sexual violence, exhibitionism and verbal sexual harassment). While coerced sex may result in sexual gratification for the perpetrator, its underlying purpose is to express power and dominance over the other person.

### **10.4 Sexual Harassment**

Sexual harassment is unwanted conduct of a sexual nature. It can be directed towards one person, groups of people or towards everyone and can occur as a one-off incident or be a pattern of harmful behaviour. Anyone can experience sexual harassment, and CECI recognises the specific and varied challenges faced by women, men, transgender people and others when experiencing it. The effect of sexual harassment is to violate the dignity of another person, and to create an intimidating, hostile, degrading, humiliating or offensive environment for them and others. Sexual harassment can take many forms, including (but not limited to):

- Verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- Non-verbal such as displaying pornographic or explicit images, staring, sexual gestures or written comments of a sexual nature such as offensive or inappropriate
- Physical such as unwanted physical contact, touching, and assault (this includes attempts and threats to do these things) When addressing allegations of sexual harassment, CECI is concerned with the impact of the behaviours on the complainant, not the intention of the person accused. An action or behaviour can still be considered sexual harassment even if the alleged harasser didn't intend for it to be harmful. All workers are protected from sexual harassment in the workplace. This protection comes from both employment law and criminal law

### **10.5 Coercion**

Coercion covers a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats. For instance, threats of being dismissed from a job or of not obtaining a job that is sought. It may also occur when a person is unable to give consent. For example, while drunk, drugged, asleep or mentally incapable of understanding the situation

### **10.6 Child Abuse**

A child is defined as anyone under 18 years old. The five most commonly defined types of child abuse are neglect and physical, sexual, emotional abuse and child sexual exploitation

### **10.7 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”<sup>7</sup>. Vulnerable Adult Abuse can take many forms including: physical, sexual, psychological, financial/ material, discriminatory, domestic abuse and self-neglect.

*World Health Organization Global Status Report on Violence Prevention (2014) 5 ACAS 6 World Health Organization World Report on Violence and Health (2002) 7 Department of Health and Social Care No Secrets: guidance on protecting vulnerable adults in care*

### **10.8 Child Marriage**

The custom of marrying off young children, particularly girls, is found in many parts of the world. This practice – legal in many countries – is a form of sexual violence, since the children involved are unable to give or withhold their consent.

### **10.9 Domestic Abuse**

Domestic Abuse “is any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.”<sup>8</sup> This may include psychological, physical, sexual, financial and emotional abuse, so called ‘honour’ based violence, forced marriage and female genital mutilation (“procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons”<sup>9</sup>).

### **10.10 Modern Slavery**

Slavery is a situation where a person exercises (perceived) power of ownership over another person. Related terms include forced labour, which covers work or services that people are not doing voluntarily but under threat of punishment; human trafficking, which involves deceptive recruitment and coercion; and bonded labour, which is demanded in repayment of a debt or loan. Modern slavery encompasses a spectrum of labour exploitation, ranging from the mistreatment of vulnerable workers to human trafficking to child labour and forced sexual exploitation

*Home Office Guidance: Domestic Violence and Abuse 9 World Health Organization factsheet on Female Genital Mutilation*

## **Declaration**

This Protection from Sexual Exploitation and Abuse (PSEA) policy was adopted into law at the 2<sup>nd</sup> extra-ordinary meeting of the board of the organisation on (Date) 27<sup>th</sup> July, 2019.



Mr. Juma Robert John Paul  
The sitting Chairperson of the Board,  
Community Empowerment for Creative Innovations (CECI)