



## **Protection from Sexual Exploitation and Abuse (PSEA) Policy**

**Last Approval Date: Feb 5, 2022**

**Approving Body:** Agami Education Foundation Executive Committee Members

**Policy Owner:** Agami Inc and AEF

### **Cross Reference/ Related policies**

- Child Safeguarding/ Protection Policy
- Whistleblowing policy

### **Purpose:**

Agami Education Foundation (AEF) is committed to working with others to end injustice and eradicate poverty and build a world that upholds the rights and dignity of all. We recognize that to work with integrity we must 'walk the talk' and ensure that anyone who comes into contact with AEF is protected from any form of injustice, discrimination, or abuse.

AEF will not tolerate any form of abuse, exploitation, or harm carried out towards rights holders, community members, or adults-at-risk (defined as someone over the age of 18 who, for physical, social, economic, or environmental factors are more vulnerable to abuse, exploitation and other harms). The purpose of this policy is to ensure that procedures are in place to protect rights holders and communities we work with, including adults at-risk, from sexual abuse or exploitation, or other harmful and inappropriate behavior, carried out by any member of the AEF or Agami Inc representative. Every aspect of our work must be carried out in a way that ensures the rights and dignity of rights holders, community members, and adults at risk. We are committed to working with them to ensure that they are not simply safe from harm but safe to realize their rights and be active agents of change.

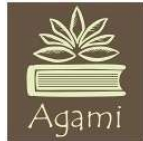
This applies to everyone irrespective of race, age, gender, gender identity, sexual orientation, culture, dress, language, political affiliation, health status, class, caste, ethnicity, marital status, disability, location, pregnancy, and religion.

### **This policy provides guidance and direction to anyone associated with AEF so that:**

- All AEF staff, volunteers, and other representatives understand the importance of preventing sexual exploitation and abuse, and their responsibility to ensure that they and their work do not deliberately or inadvertently cause harm to rights holders and community members, including adults-at-risk.
- All AEF staff and other representatives understand their role in preventing sexual exploitation and abuse and the consequences of breaching this policy.
- All AEF staff and other representatives understand their responsibility to report any concerns relating to sexual exploitation and abuse and have access to clear guidelines on how to report suspected abuse.
- All organizational processes and structures reflect our duty of care towards rights holders and the communities we work with, including adults at-risk, and put in place procedures to safeguard them in every aspect of our work so that we build a culture free from abuse, discrimination, and harm.
- AEF commits to uphold the highest level of personal and professional conduct amongst its staff, contractors, volunteers, board members, and partners working in or visiting all programming contexts, particularly humanitarian settings, ensuring zero tolerance of all forms of sexual exploitation and abuse against affected populations and in times of conflict, disaster, and occupation.

### **Scope:**

This policy is binding for all offices and working locations of AEF, and at both the organizational and project level. Policies created at national office levels will include all elements of this policy and may only differ to ensure alignment with national legislation. Should this policy demand a higher standard than the local laws then this policy will prevail. This policy is binding for all AEF staff members, whether full-time, part-time or engaged on fixed-term contracts. In line with AEF's Code of Conduct, this policy is binding both in and outside of working hours and in all aspects of a staff member's life. It is also binding for other representatives working with AEF, including (but not limited to) partners, volunteers (including board and assembly members), consultants, contractors/suppliers/vendors, interns, visitors (e.g. donors), dependents accompanying staff while working for AEF, and other individuals acting as representatives of AEF. All staff and representatives named above can raise a complaint via the procedures outlined in this policy. AEF



Directors/International Leadership Team and International Board hold overall accountability for this Policy and its implementation. They are responsible for ensuring the policy is reviewed and updated every three years. Adherence to this policy will be reviewed through auditing mechanisms. Updates to the policy will be recommended through the platform of Agami Inc and Safeguarding Lead of AEF who will seek approval from the AEF Board. In the case of substantive changes to this policy, the Board of AEF will seek approval from the Board meeting.

### **Section 1: Our Values and Principles**

This policy is concerned with the Protection from Sexual Exploitation and Abuse (PSEA) of adults and/or children. This includes direct or indirect beneficiaries of our programming, adults and/or children in the wider communities in which we work and those who encounter Agami Education Foundation (AEF) or our representatives. AEF has a “Zero Tolerance” approach to Sexual Exploitation and Abuse (SEA) and does not allow any partner, supplier, sub-contractor, agent, or any individual engaged by AEF to engage in any form of sexual abuse or exploitation against vulnerable or other adults or children associated with its work. All adults and children have the equal right to protection regardless of any personal characteristic, including their age, gender, ability, culture, racial origin, religious belief, and sexual identity. This policy applies to all persons working for us or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives, suppliers, and project partners. It applies during or outside of working hours, every day of a given year.

### **Section 2: What is Sexual Exploitation and Abuse (SEA)?**

Sexual Exploitation and Abuse refer to all forms of inappropriate conduct of a sexual nature. This includes, but is not limited to:

- Exchanging money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior;
- Sexual activity with commercial sex workers; and
- Use of a child or adult to procure sex for others.

### **Section 3: Definitions of Sexual Exploitation and Abuse:**

#### *Sexual Abuse:*

The threatened or actual physical intrusion of a sexual or sexualized nature, including inappropriate touching, by force or under unequal or coercive conditions, sexual assault, and rape. It may also include threatened or actual nonphysical intrusion (unwanted and/or uninvited exposure to pornography, texts, images, and so on, the sharing of images, texts and so on, demands for sexualized photographs etc.).

#### *Sexual Exploitation:*

Any actual or attempted abuse of a position of vulnerability, differential power, trust, or dependency, for sexual or sexualized purposes. This includes the offer or promise of monetary, social, political benefits as an incentive or form of coercion.

#### *Sexual Favors:*

Any sexual or sexualized acts, in exchange for something such as money, goods, services, opportunities, and so on. Also includes demands for inappropriate photographs, filming, exposure to pornography, and so on.

#### *Grooming:*

The cultivation of emotional relationships with those in positions of vulnerability or inequitable power, with the



intention of manipulating these relationships into sexualized dynamics in the future

***Zero Tolerance:***

At AEF, we have a culture of zero tolerance for all forms of abuse and mistreatment, including Sexual Exploitation and Abuse, Harassment, Intimidation, and Bullying. This means that every single concern is fully responded to and where necessary prompt action (including investigating and taking disciplinary action, if applicable) is taken. It also means that we will hold our people accountable against the same standards and subject them to the same processes, like everyone else regardless of their position or reputation within the organization.

***Community member:***

A person living in a community within which AEF operates, however, they are not necessarily engaged with any programmes.

***Complainant:***

This is the person making a complaint; it may be the person who experienced what is being reported (the survivor), or it may be another person (a third-party complainant) who becomes aware of an issue and makes the complaint.

***Investigation:***

A process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons responsible. At AEF this will take the form of an internal fact-finding process.

***Gender-based violence (GBV):***

Gender-based violence is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences between males and females"

***Rights holder:***

A rights holder is someone receiving assistance through AEF's work. This is alternatively referred to in other organizations as a member of the affected population, the person we seek to assist, the person affected by the crisis, or the beneficiary. A rights holder is different from a community member in that a community member may not be engaging in our programmes and AEF must therefore be more aware of the risks that they face.

***Survivor:***

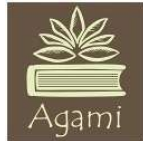
A person who has experienced sexual abuse, exploitation, or harassment. The terms 'victim' and 'survivor' can be used interchangeably. 'Victim' is a term often used in the legal and medical sectors. 'Survivor' is the term generally preferred in the psychological and social support sectors because it implies resiliency." AEF uses the term survivor as part of our survivor-centered approach as it emphasizes the power of the individual, which the term 'victim' can remove, and their agency.

***Staff/ Representatives:***

This refers to "staff, volunteers (including board and assembly members), consultants, interns, visitors, dependents accompanying staff while working for AEF, and other individuals acting as representatives of AEF, such as partners working in communities." When we refer to staff and other representatives in the document, we are referencing this entire group. This is not an exhaustive list and covers anyone who is a representative of AEF.

***Additional Details and Reference Standards:***

Sexual exploitation and abuse is a violation of fundamental human rights. It can also be a criminal act. AEF is



committed to acting ethically and with integrity in all our business dealings and relationships and to implementing and enforcing effective systems and controls to ensure the exploitation and abuse of adults and/or children is not taking place anywhere in our own business or in any of our supply chains or partnerships. AEF is committed to ensuring there is transparency in our own business and in our approach to preventing and responding to any safeguarding violations against adults and/or children throughout our supply chains, and relationship with third parties. In addition, we are committed to ensuring our approach is consistent with our national and international disclosure obligations, and shall comply with all applicable laws, statutes, regulations, and codes from time to time in force, including:

- All relevant Bangladesh laws related to protection from sexual abuse, violence, and harm, and those outlining measures for reporting known or alleged cases of abuse;
- Applicable laws in Bangladesh where AEF operates; and
- UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Abuse.

Where the guidance in this policy conflicts with any applicable laws or regulations, the higher standard must be always observed.

#### **Section 4: AEF's Approach to Preventing the Abuse and Exploitation**

AEF is committed to preventing the sexual exploitation and abuse of adults and children, through the following means (but not limited to):

**Awareness:** Ensuring that all staff, representatives and third parties connected to AEF are aware of the high standards of behavior and conduct expected of them to protect adults and/or children from any form of sexual abuse and exploitation in their private and working lives.

**Prevention:** Ensuring, through awareness and good practice, that staff and those who work with AEF minimize the risks of any form of sexual exploitation and abuse, including but by no means limited to conducting relevant vetting and background checks of staff as part of their recruitment process.

**Reporting:** Ensuring that all staff and those who work with AEF are clear on what steps to take where suspicions or concerns arise regarding allegations of sexual exploitation or abuse of adults and/or children in vulnerable populations where we work.

**Responding:** Ensuring that immediate action is taken to identify and address reports of sexual exploitation and abuse and ensure the safety and well-being of the person being sexually exploited or abused.

To help you identify SEA incidents the following are examples of prohibited behavior:

- a. Engaging in relationships, which could be an abuse of trust, are abusive and/or exploitative.
- b. Your employees engaging in commercial sexual exploitation of a person, for example, a hotel employee facilitating sexual abuse by hotel guests.
- c. Sexual assault.
- d. Forcing sex or someone to have sex with anyone.
- e. Forcing a person to engage in prostitution or production of pornography.
- f. Unwanted touching of a sexual nature.

#### **Section 5: Expected Commitment from External Parties**

AEF expects the same high standards from all our partners, contractors, suppliers and all third parties working with or for AEF, including taking measures to prohibit their staff and representatives from engaging in any sexual exploitation and abuse in their working and personal lives.

- (a) You must have a zero-tolerance policy on SEA and take all measures available to you to prevent and respond to any actual, attempted or threatened of sexual exploitation or abuse involving AEF staff or representatives, or your organization's employees or representatives that arises during performance of



the tenure of any project and service engagement.

(b) You must ensure that your staff members and those working with AEF under your control are fully aware of this policy and encourage them to report incidents of suspected, or actual, concerns of sexual exploitation and sexual abuse involving AEF staff or representatives, or your organization's employees or representatives that arises during performance of the tenure of any project and service engagement.

(c) You must immediately report any suspicion or incident of sexual exploitation or abuse occurring in AEF, your organization or sub-contractor in relation to your business partnership with AEF. Failure to report will be treated as serious and may result in termination of any agreement and/or engagement with AEF.

(d) When you or any staff working for/with AEF under your control suspect or become aware of a safeguarding concern in relation to work for AEF, you are obliged to:

- Act quickly and immediately report suspicions or knowledge of a safeguarding concern or incident to a relevant contact at AEF.
- Keep any information confidential between you and the person you report this to.

(e) You will cooperate with AEF authority in any investigations of concerns reported and keep AEF authority promptly updated on any concerns reported, including but not limited to actions taken by you in response.

### **Section 6: Confidentiality:**

Confidentiality is vitally important to PSEA, Safeguarding, and Protection unit. We are committed to working with survivors/complainants and all others involved in an incident management process in a confidential and respectful manner. Breaches of confidentiality undermine confidence and trust in Agami Education Foundation's Safeguarding and complaints management processes and in the organization itself. Maintaining confidentiality around people's personal data and information is particularly important while managing issues relating to sexual harassment, exploitation and abuse. From the point of disclosure to the final outcome of any investigation, every effort will be made to maintain and promote confidentiality in order to protect the safety and privacy of everyone involved.

Information must be shared on a 'Need to Know' basis – that is, only those who need to be informed so they can support an investigation or because they hold overall accountability will be given information, and they will receive only as much information as they need in order to be effective. If information is shared confidentially which relates to a child or suggests that someone's life is in danger, then action will be required to be taken outside of standard confidentiality procedures in order to ensure that everyone is safe. This will be managed on a case-by-case basis, and the safety and wellbeing of the child or adult in question is always paramount. As noted above, only those who need to know will be informed so that they can take effective action.

### **Section: 7: Data Protection:**

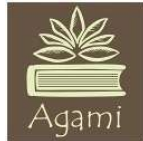
Agami Education Foundation will ensure that it complies with local and international data protection laws when gathering, storing, or sharing any data relating to individuals and Safeguarding (e.g. in our fundraising, communications, and incident management approach), and will follow the guidance on retaining data on incident management that is issued by the Board members of AEF and Agami Inc and Safeguarding Team.

### **Section: 8: Roles and Responsibilities:**

The Code of Conduct states that it is the duty and the responsibility of all staff and other representatives to report any suspicions or incidences of sexual harassment, exploitation and abuse. Failure to report to an appropriate person is a breach of AEF's Code of Conduct and this policy and could lead to disciplinary action being taken. In line with AEF's survivor-centered approach, individuals do not have to report about something that they have experienced.

#### **Staff must always:**

- Ensure their behavior is based on AEF's values, adheres to this policy and AEF's Code of Conduct, and always upholds and promotes the rights and welfare of **rights holders and the communities we work with, including adults-at-risk**.
- Promote and raise awareness of this policy to everyone they come into contact within their work.
- Ensure they are aware of their SEA and Safeguarding Focal Point who is responsible for advising on and mitigating risk in line with this policy.



- Report any suspicions, concerns, or behaviors that breach this policy to the appropriate person(s). This includes (but is not limited to) any suspicions or incidents of sexual abuse and exploitation carried out by staff, other Agami Education Foundation representatives, partners, community members, and others.
- Ensure that the rights of rights holders and communities are central to any activities carried out in their area of work.

**Staff must never:**

- Sexually exploit or abuse anyone they come into contact with through their work, this policy addresses harms carried out towards **rights holders and community members, including adults-at-risk** in particular.
- Engage in any sexual activity with rights holders or adults-at-risk
- Engage in any sexual activity with children.
- Engage in any kind of exploitative or harmful behavior towards members of a community that AEF works with or near to.
- Raise malicious complaints or use the policy for purposes other than what it is intended for.

**Section 8.1: Country/Executive Directors**

Country/Executive Directors **must always:**

- Create a safe environment where staff and others feel able to raise concerns without fear of retribution.
- Be aware of the local and international laws and best practices applying to **rights holders and community members, including adults at-risk**, ensuring that all activities reflect these and that staff members are made aware of them.
- Ensure a SEA and Safeguarding Focal Point is in place, having undergone a selection process, who will raise awareness of SEA and Safeguarding and act as a reporting point for suspicions, concerns, and complaints.
- Ensure adequate funding is in place to support SEA and Safeguarding activities in their country (e.g. funding to ensure that all staff receives annual training).
- Ensure that the SEA and Safeguarding Focal Point raise all concerns and complaints to the Board members of AEF and Agami Inc SEA and Safeguarding Team, within 24 hours where possible.
- Work with SEA and Safeguarding Stakeholder Panel to respond robustly when any concerns relating to sexual exploitation and abuse of rights holders or community members are raised. Ensure that procedures for reporting and investigating suspected cases of abuse and exploitation are followed and ensure they are in line with this policy and local laws including reporting to appropriate authorities for investigation and follow-up.
- Ensure that the relevant disciplinary procedures are implemented for staff members who have violated this policy.
- Ensure all staff members are trained on the PSEA and other safeguarding policies and community members, how to recognize different forms of abuse and exploitation, and how to raise concerns through the appropriate channels.
- Set a positive example both on and off duty.

**Section 8.2: Line Managers:**

Line Managers **must always:**

- Create a safe environment in their area of responsibility and directly with the staff they manage, to ensure that staff and others feel able to raise concerns without fear of retribution.
- Ensure staff members in their line of authority receive an induction on this policy and that any concerns raised about staff in the line of management are addressed through appropriate means (e.g. investigation, performance management).
- Ensure that staff members are aware of their responsibilities and accountability for the welfare of **rights holders and community members, including adults at risk** during AEF activities.





- Ensure that staff members are aware of their responsibilities for reporting and the procedures for doing so.
- Ensure that all processes, procedures, and activities are carried out in a way that seeks to minimize the risk to rights holders and communities (e.g. through carrying out routine risk assessments).
- When managing recruitment, work with HR to ensure that appropriate measures are put in place to prevent individuals who may harm others from entering AEF (e.g. through safer recruitment processes).
- Ensure that poor practice or potentially abusive behavior towards rights holders and community members by AEF or partner staff members does not go unchallenged.
- Ensure this policy is included as part of any partnership agreement or memorandum of understanding (MoU) with AEF partners.
- Set a positive example both on and off duty.

### **Section 8.3: SEA and Safeguarding Focal Points:**

SEA and Safeguarding Focal Points **must always**:

- Work with others to create a safe environment where staff and others feel able to raise concerns without fear of retribution.
- Ensure that this policy is displayed at prominent places within the office, as well as online, and to make it accessible to all members of staff.
- Ensure that all inductions include a discussion of this policy.
- Deliver training to all staff on this policy and other policies that fall within the SEA and other Safeguarding concerns remit.
- Work with others to ensure that the values, commitments, and procedures set forth in this policy are embedded throughout all AEF's programmes and activities, and those of our partners.
- Ensure that they raise all concerns and complaints relating to SEA and Safeguarding to the AEF & Agami Inc Safeguarding Team.
- Work with the SEA and Safeguarding Stakeholder Panel to address concerns relating to sexual exploitation and abuse, and ensure incident management is carried out in line with AEF's SEA and Safeguarding approach.
- Set a positive example both on and off duty.

### **Section 8.4: Human Resources Focal Points:**

Human Resources **must always**:

- Work with others to create a safe environment where staff and others feel able to raise concerns without fear of retribution.
- Work with the SEA and Safeguarding Focal Point to ensure that this policy is displayed at prominent places within the office, as well as online, and to make it accessible to all members of staff.
- Work with the SEA and Safeguarding Focal Point to ensure that all inductions include a discussion of this policy.
- Ensure that the values, commitments, and procedures set forth in this policy are embedded throughout the employee life cycle (including safer recruitment, performance management, and exit).
- Work with the SEA and Safeguarding Stakeholder Panel to address any concerns relating to abuse or exploitation of rights holders and communities, including adults at-risk by providing strong employment law and employee relations advice, and ensuring that all relevant AEF policies and processes are followed correctly throughout the incident management process.
- Set a positive example both on and off duty.

### **Section 9: Working with Partners:**

- AEF partners must abide by AEF's Code of Conduct and all SEA and safeguarding-related policies. All memorandum of understandings (MoU) with partner organizations and consultancy agreements



with consultants and suppliers should include this policy as an appendix when starting any project. Breaches can lead to the termination of contractual and/or partnership agreements.

- AEF will work with all partners to ensure they receive training on AEF's SEA and Safeguarding policies and approach, and to ensure that spaces are created to share knowledge on best practices to address sexual exploitation and abuse and recognize the expertise of its partners in this area as well as its own approach.
- Staff working with partners must ensure that partner organizations and their staff sign up and abide by the AEF Code of Conduct. AEF must work with partners to carry out SEA and Safeguarding risk assessments and/or ensure that partners carry out their own SEA and Safeguarding risk assessments.
- AEF partners, by the nature of their work, interact with at-risk communities and will therefore be aware of sensitive information concerning **rights holders and community members, including adults at risk**. AEF will work with partners to ensure that partners have a robust reporting mechanism for partner staff and community members to access. AEF and partners must have agreements in place to ensure that concerns relating to SEA and Safeguarding (for partner staff, rights holders, and community members) are shared through designated roles to maintain confidentiality.
- Concerns regarding partner staff members must be reported immediately via the reporting mechanisms detailed below. If AEF receives a complaint about a member of staff at a partner organization, AEF will work with the partner to ensure this is responded to quickly and appropriately. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, AEF must consider whether they will withdraw funding or end the relationship.

#### Section 10: Safer Recruitment and Employee Lifecycle:

In line with best practice, stringent recruitment processes will be put in place in order to reduce the likelihood of engaging someone who may pose a SEA or Safeguarding risk to the communities AEF works with, and to staff and other representatives within the organization. The following steps must be included in all Recruitment and Selection procedures:

- Job adverts and job descriptions clearly detail any role responsibilities relating to **rights holders and communities, including adults at-risk**, and the organizational values and commitment to SEA and Safeguarding. The job description is to be used as the primary basis of assessing an applicant's abilities.
- All interviews will include questions that assess an applicant's understanding of SEA and Safeguarding (including child safeguarding) and assess their ability to reflect on AEF's values and feminist approach.
- Interviews for positions that involve working with adults-at-risk or children must include behavioral based questions that assess the candidate's suitability to work with adults at-risk or children.
- Gaps in employment and/or education history will be discussed at the interview.
- AEF will not knowingly appoint any person with a history of perpetrating any form of or sexual harassment, exploitation, and abuse, e.g. adult at-risk abuse, child abuse, or Gender-Based Violence. AEF will ensure that recruitment of staff and other representatives will include reference checks (written and verbal where necessary).
- Consent will be sought from the successful applicant to request two references, including one from their most recent employer (or place of education), which provides, where permitted, the reason for leaving, and where appropriate, whether the candidate is suitable to work with adults-at-risk.
- Relevant police/criminal records checks will be carried out in line with country requirements. Staff and other representatives in roles that involve having direct access to rights holders and community members, particularly adults at-risk, will require a self-disclosure of any convictions (relating to adult at-risk abuse and child abuse in any form) prior to the interview stage and a criminal record check, wherever this is obtainable.
- This also applies to staff changing roles internally, and those who are likely to be deployed, in which case a check should be completed in advance. In countries that have a database of sexual offenders or people not suitable to work with adults at-risk or children then this too will be checked.
- Proof of identity should be confirmed at the interview stage, and a hard copy added to the staff file.
- The Code of Conduct and the SFA and Safeguarding overarching policy should be included alongside the offer letter to all new staff and representatives. The Code of Conduct must be signed





by all staff and other representatives before commencing duties.

- HR staff drafting employment contracts should, where possible under national law, include a clause that specifies the staff member can be dismissed if they are found to have breached this policy or AEF & Agami Inc's Code of Conduct.
- All performance management processes and appraisals must include an assessment of how the individual upholds AEF's values and how SEA and Safeguarding intersects with their work.
- It should be ensured that exit processes are carried out in person or remotely, learning is recorded and acted upon as appropriate, and any SEA and Safeguarding concerns raised at this stage are addressed appropriately
- It should be ensured that references are provided in line with our HR policies, and that information on staff misconduct/disciplinary proceedings is shared with the prospective employer in line with best practice and our HR procedures

It is recognized that it may be difficult or impossible to obtain police checks, statutory declarations of previous convictions, and references in some operating contexts, or that time constraints in humanitarian contexts may justify the need to start work before obtaining the outcome of the police checks. In such instances, other checks must be put in place. Recruiting managers must ensure they put in place all reasonable steps to manage risk including extensive questions on Safeguarding and AEF's values at interview, and a more intensive form of reference check (e.g. mandatory written submissions and telephone conversations with referees). Line managers and HR should also use the probationary period to observe the employee for any signs of policy violations that should be dealt with expeditiously and in accordance with this policy.

Where police checks/references raise concerns about the suitability of the candidate and AEF takes the decision whether to proceed with the recruitment; justification for the decision to proceed must be recorded in the HR files and signed off by the Country/Executive Director and by Cluster Directors in the General Secretariat.

#### **Section 11: Induction:**

The SEA and Safeguarding Focal Point and HR will ensure all joining staff and other representatives have an induction on AEF's SEA and Safeguarding approach and this policy **no later than one month** after they have been appointed. It is the responsibility of the individual's Line Manager to ensure that this briefing is carried out. Depending on the nature of the role, more extensive inductions on AEF's SEA and Safeguarding approach and country-specific risks and challenges should be carried out.

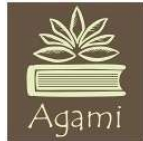
#### **Section 12: Training:**

Regular training and refresher courses on SEA and Safeguarding must be planned and delivered for all staff and partners on a regular basis. This can include but is not limited to:

- AEF's SEA and Safeguarding policies
- International and local laws relating to sexual exploitation and abuse, and other forms of abuse
- Information on how to recognize sexual exploitation and abuse, and other forms of abuse
- Information on how to report sexual exploitation and abuse, and other forms of abuse.

All programmes must establish a training programme, including stand-alone and refresher training on AEF's SEA and Safeguarding approach so that all staff receive at least one SEA and Safeguarding training per year, with further training for specific teams as required. Evidence of training must be captured and retained (e.g. training attendance records, training materials). Informal discussions in team meetings are also encouraged. Further communications on AEF's SEA and Safeguarding approach could include information campaigns, regular updates on new developments in the sector, or policy revisions.

Further specialist SEA and Safeguarding training will be provided depending on the nature of the work being



undertaken, the context, donor requirements, and where staff and other representatives are in contact with adults-at-risk or other vulnerable populations, such as displaced communities. The SEA and Safeguarding Focal Point, in line with the Agami Inc. SEA and Safeguarding Team, will work together to identify and address these needs.

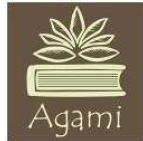
### Section 13: Safer Programming:

AEF recognizes that PSEA must be integral to its humanitarian, resilience and wider development work. We must recognize that **rights holders and communities, including adults at- risk** can be harmed as a result of poorly designed programmes and projects, and related activities. Staff members responsible for programme or project design and implementation must ensure that SEA and Safeguarding is accounted for at all stages of the programme/project cycle.

- Ensure the active participation of **rights holders and communities, including adults at- risk** in assessing, planning, implementing, monitoring and evaluating programs through the systematic use of participatory methods;
- Recognize that sexual exploitation and abuse is often grounded in gender and other inequalities, AEF will ensure that development and humanitarian activities are conducted in a gender-sensitive manner, drawing on intersectional feminist analysis. This will include:
  - Creating separate spaces for women, men, transgender, and gender non-binary people to raise concerns and share ideas;
  - Creating safe spaces for consultation and monitoring of programme activities based on strong contextual intersectional feminist and power analyses;
  - Having a clear risk assessment in place for all programmes outlining sexual exploitation and abuse and safeguarding risks within the programme and putting in place measures to address these in programme plans (e.g., looking at where and when activities take place, assessing staff (including drivers, partners, etc) awareness of risks, ensuring services are safe and accessible, etc.)
- All development and humanitarian programmes will include community-based complaints mechanisms and reporting processes that are designed in collaboration with communities. A complaints mechanism should be set up to receive both safeguarding and non-safeguarding-related concerns. We must enable concerns to be raised internally and externally, be transparent and accessible to the communities being supported, and ensure that concerns are responded to in a timely and robust manner.
- Ensure that this policy is in place, translated into a local language, and communicated to and understood by AEF staff and other representatives, and the communities we work with
- Ensure that all responses are developed in a manner that balances respect for due process with prioritizing the safety, dignity, and rights of survivors;
- Integrate and mainstream PSEA into all development and humanitarian work, as well as promote standalone protection programming in humanitarian settings with clear complaints mechanisms.
- Ensure that all staff and other representatives recognize their responsibility to maintain an environment that is free from sexual exploitation and abuse and to report any abuse they suspect or witness, whether within AEF or outside, in line with the reporting protocols outlined in this policy.
- Ensure that a copy of this policy will accompany all partner MOUs and discussions held with partners to further embed understanding and compliance.

### Section 14: Risk Assessment:

Risk assessments help identify areas in programme or project design where there is risk of exploitation and abuse taking place, or not being responded to adequately. Safeguarding risk assessments must be carried out at the organizational and project level and integrated into the organizational risk matrix. AEF must work with



partners to carry out SEA and Safeguarding risk assessments and/or ensure that partners carry out their own SEA and Safeguarding risk assessments. Risk assessment should be carried out at the project inception stage and regularly reviewed as part of standardized monitoring activities and monitored by the Senior Management Team and the Board.

Efforts should be made by all parties concerned to reduce the identified risks. Mitigation strategies must be developed and be incorporated into the design, delivery, and evaluation of all programmes, operations, and activities which in any way involve or impact on rights holders and community members, including adults-at-risk. If this is not possible then the programme/activity should not proceed.

### **Section 15: Complaints Mechanisms:**

As part of embedding SEA and Safeguarding into all programme design and activities, complaints mechanisms must be established in order to ensure that **rights holders and community members, including adults at-risk** are able to raise concerns. Staff should work in a participatory way with rights holders and communities (e.g. local committees) to create, strengthen, and evaluate existing complaints mechanisms in line with best practice, and ensure that the mechanisms used are relevant to the local context, translated into local languages, and made publicly available (e.g. published on the website). As part of their commitment to accountability, staff must ensure that policies and procedures are shared with rights holders and community members, including adults at-risk so they can provide feedback and be instrumental in developing their approach.

The SEA and Safeguarding Focal Point can work with relevant teams to ensure that any complaints mechanisms are accessible, inclusive, survivor-centered, and relevant to the local context (e.g. to ensure that people with disabilities are able to access complaints mechanisms and report concerns). It is critical that any complaints mechanisms provide a variety of ways of reporting, recognizing that many people prefer to disclose allegations of abuse or exploitation to someone they trust and that people are provided with the assurance of confidentiality.

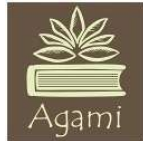
Staff should work with relevant internal teams and children to build complaints mechanisms to ensure that children are able to raise concerns and have a voice in how safe spaces are created. Alongside developing complaints mechanisms, staff and partners must continually engage with rights holders and community members, including adults-at-risk about AEF's values, what behavior is and is not appropriate, their rights, and how to report concerns.

### **Section 15.1: Monitoring and Evaluation:**

As part of embedding Safeguarding into all programme design and activities, staff must ensure that all Monitoring and Evaluation activities address Safeguarding considerations and that data is analyzed and shared so that lessons can be learned, and good practice disseminated. It is necessary to make sure that Monitoring and Evaluation activities such as complaints mechanisms focus groups, and surveys are accessible to all **rights holders and community members, including adults at-risk**, for example, older people or people with disabilities. From initial needs assessments to final project reports, Monitoring and Evaluation is a vital part of safer programming and ensuring safe outcomes for rights holders and communities.

### **Section 15.2: Emergency Response:**

Emergencies cover a wide range of events, from environmental disasters to politically driven, religious or ethnic conflict or any kind of pandemic situation. During emergencies, there can be an increased risk of sexual exploitation and abuse by staff, partners, and other representatives (e.g. from a sudden increase in staff, who have not been recruited in line with our standard procedures, or agreements being established with new



partners more quickly than usual). The following provisions must be carried out during emergencies to mitigate risk:

- Ensure that this policy is in place, translated into a local language and communicated to and understood by all people connected with AEF during an emergency. This includes carrying out training, as appropriate, to ensure all AEF staff and other representatives are aware of our approach. This should be done as soon as is reasonably possible, and within 2 weeks at the latest. Referral and support mechanisms must be mapped as soon as possible. The Emergency Programme Manager and SEA and Safeguarding Focal Point are responsible for identifying the relevant statutory authorities (such as the police and/or social services) and other referral mechanisms in the country. An emergency mapping exercise should be carried out with support from the Protection Cluster.
- HR will follow safer recruitment and selection procedures as far as possible during an emergency. For example, asking questions around protection of **rights holders and communities, including adults at-risk** for those working directly with them.
- Carefully check offers of assistance (e.g. from new staff, partners, and volunteers). Where it is not possible to check backgrounds put measures in place to prevent abuse and exploitation, including carrying out risk assessments, carrying out regular 'spot' checks, and ensuring that rights holders and community members have access to complaints mechanisms.
- All Emergency Response Team members will be expected to undertake SEA and Safeguarding training in their country of residence.

#### Section 16: Visits:

- Agami Inc. representatives, Supporters, donors, and other visitors should receive a briefing on our values and AEF's Code of Conduct (with a copy to be signed), the *SEA and Safeguarding Overarching Policy*, and our SEA and Safeguarding approach (including instructions on content gathering, appropriate behaviors and how to raise concerns) before any visit.
- All content gathering should be carried out by authorized staff or representatives. Because of the risks that can result from the content being gathered and shared outside of AEF's procedures, it is strongly advised that no photos/videos are taken by staff, partners, volunteers or visitors to a programme for personal use. All visitors must receive a pre-travel briefing on AEF's approach to content gathering and its rights and risk-based approach to impart understanding on the stance of AEF on this issue. If an individual wants to take or share any photos for personal use this must be authorized by an appropriate AEF staff member or representative (e.g Communications Lead, SEA, and Safeguarding Focal Point) prior to any action being taken. They must ensure that any content is taken in line with AEF's approach and will be guided at all times by the advice and permission given by the relevant AEF staff member or representative. To avoid the risk of children or others being identifiable and/or put at risk, where possible only AEF devices should be used to take photos and videos; devices should be encrypted and meta-data such as GPS should be removed, and content should be gathered, in a way that does not identify the location.
- A visitor should always be accompanied by an AEF staff member or representative while visiting an adult at-risk, a child, or any other vulnerable individual or group.

#### Section 17: Reporting Procedures:

- If any AEF staff or other representatives have concerns that a rights holder or community member, including adults at-risk, has been or is at risk of being abused, exploited, or harmed in any way they must report this immediately.
- Individuals do not have to report their own experience of sexual harassment, exploitation, or abuse, in line with AEF's survivor-centered approach.

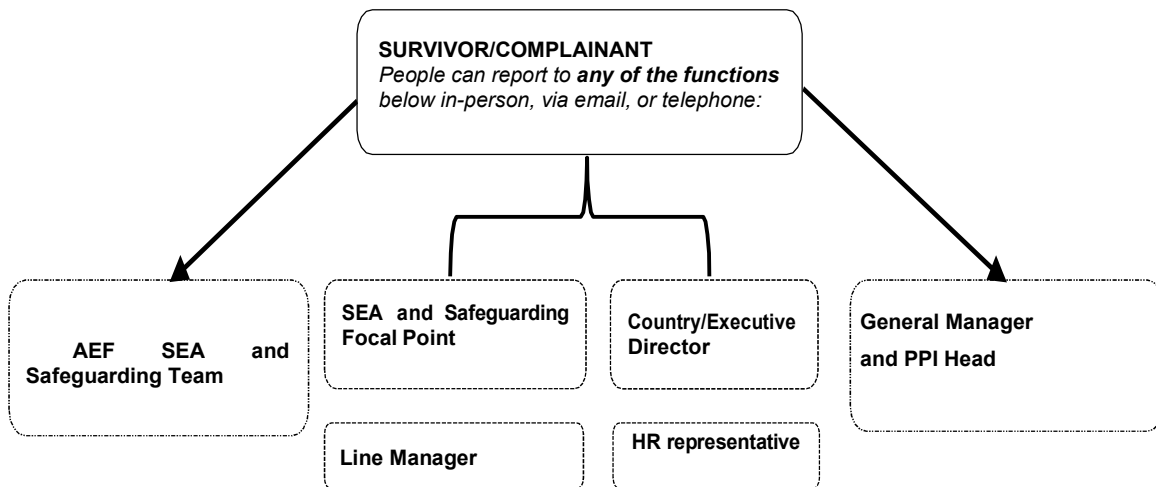
AEF staff members and other representatives can report SEA and Safeguarding concerns in their AEF country to any of the following channels in person, via email, or telephone:

- SEA and Safeguarding Focal Point



- Country Director/ Executive Director
- General Manager
- Line Manager
- HR Representative
- PPI Head

If AEF staff or representatives have concerns about first reporting in the country or if they want to raise concerns (i.e. appeal against) how a process has been managed in the country, they can report directly to:





The SEA and Safeguarding Focal Point must complete a SEA and Safeguarding Incident Reporting Form and send this to the concerned person within 24 hours of a concern being raised, where possible. The SEA and Safeguarding Team will update the case register and support the Focal Point and AEF on a case-by-case basis to respond to all concerns and complaints raised, and monitor action taken.

Any concerns raised relating to sexual exploitation or abuse of **rights holders or community members, including adults-at-risk** by AEF staff or other representatives will be addressed as a priority, in line with our SEA and Safeguarding approach. AEF will ensure that the safety, dignity, and rights of the survivor are respected at all times. There is no time limit on when someone can raise a concern about something they have experienced. There may be limitations to how a historical concern can be addressed but AEF will take every reasonable measure to address the concern. We are committed to carrying out robust and fair investigations that protect the rights of all involved, with a particular focus on the survivor/complainant and the subject of the complaint, ensuring that confidentiality is maintained and that the wellbeing of all is protected.

As part of our survivor-centered approach, survivors/complainants can choose if, when, and how to make a report and decide whether they want AEF to take formal action. However, there may be occasions where AEF has a duty of care to respond even if the survivor/complainant does not want to take forward action. This will be managed on a case by case basis, following clear risk assessments and the safety and wellbeing of the survivor/complainant will be paramount.

All staff and other representatives are required to report if:

- A **rights holder or community member, including an adult at-risk** alleges that they or another person is experiencing or at risk of experiencing sexual exploitation or abuse – whether carried out by AEF staff and representatives, or others.
- A staff member or other representative suspects that someone connected to AEF is or may be about to carry out sexual exploitation and abuse towards **rights holders, community members, adults at-risk or others**.
- A staff member or other representative suspects that someone external to AEF (e.g. a Teacher or Community Leader) is or may be about to carry out sexual exploitation or abuse towards **rights holders, community members, adults at-risk or others**.

If a staff member or other AEF representative **does not** report an incident or suspicion, they will be in breach of the Code of Conduct and may face disciplinary proceedings.

## Section 17.1: Management of complex SEA & Safeguarding Reports:

### *Management of complex SEA and Safeguarding reports:*

Nature of Concern	Response
Allegation about staff at a Partner Organisation	Concerns about staff at a Partner Organisation must be reported to the SEA and Safeguarding Focal Point. They will report to the designated person in the partner and work with the partner to ensure the matter is addressed swiftly and appropriately. This may be through the partner's internal process or through a joint process agreed by AEF and the partner. If AEF has concerns that a complaint has been dealt with inappropriately or inadequately by a partner, AEF should raise concerns to the appropriate channels in the partner organization and if these concerns are not addressed they must consider whether they will withdraw funding or end the relationship.





The allegation about the staff at another international aid agency	Concerns raised about the behavior of staff of another international aid agency must be reported to the SEA and Safeguarding Focal Point. They will report to the designated person in the other organization to ensure the matter is addressed. This may be through the other organization's internal process or through a joint process agreed by AEF and the organization. If AEF has concerns about the robustness or timeliness of the other organization's response they should raise concerns to the appropriate channels in the organization and consider termination of engagement if no action is taken.
Allegation relating to criminal activity and/or relating to a child where others have a remit to investigate	<p>Allegations that staff or other representatives have carried out a criminal activity will be assessed by the SEA and Safeguarding Focal Point and the Agami Inc. Safeguarding Team. They will assess on a case by case basis if there are any risks involved in sharing to the police or other external bodies (e.g. if there are concerns that informing the police or others would put the survivor/complainant at risk).</p> <p>AEF is not a child protection agency and does not have the expertise required to carry out investigations of child abuse itself. This will be carried out by external experts brought in specifically for this purpose.</p> <p>For allegations in which external bodies (e.g. police) rather than AEF have a remit to investigate AEF will support the external process. AEF will monitor the external response to ensure that as far as possible it is carried out in line with AEF's values, and using AEF's advocacy role to promote change where needed.</p>
AEF staff member or other representative raises concerns about how a complaint was managed in an AEF country and wants to appeal the decision	AEF staff members and representatives who disagree with actions taken must first appeal in country. If they are dissatisfied with the response they receive to their appeal, they can make a second and final appeal to the Agami Inc. SEA and Safeguarding Team, who will work with the AEF Board to review the case. They can repeal the decision made by the AEF country if they find in favor of the staff member or other representative making the appeal.
Allegation raised by staff member or representative from one AEF country against a staff member or representative from another AEF country	Concerns raised that involve staff from more than one AEF country must be raised to the Agami Inc. SEA and Safeguarding Team to take action. Recognizing the shared reputational risk, when possible (e.g when a complainant wants to raise a complaint and or there is sufficient information to take forward an investigation) a joint incident management process will be established, involving staff from both countries as appropriate, and led by the Agami Inc. SEA and Safeguarding Team and AEF Board. The risk will be monitored at the AEF Board level.



Allegation raised against a Country/Executive Director	Concerns raised about a Country/Executive Director must be raised to their National Board, the AEF Board, and the Agami Inc. SEA and Safeguarding Team. Recognizing the shared reputational risk, when possible a joint incident management process will be established between the Board of AEF & Agami Inc., and led by the Agami Inc. SEA and Safeguarding Team and AEF Board. The risk will be monitored at the AEF Board level
Allegation raised against anyone in the Agami Inc. or International Leadership Team (ILT).	Concerns raised about anyone in the International Leadership Team (ILT) must be raised to the AEF Board and the Agami Inc. SEA and Safeguarding Team who will ensure, when possible, that an incident management process takes place. The risk will be monitored at the AEF Board level.
Allegation raised against an AEF Board Member	Concerns raised about a Board Member must be raised to the Agami Inc. SEA and Safeguarding Team. If the allegation relates to a National Board Member then the AEF Board and the Agami Inc. SEA and Safeguarding Team will ensure, when possible, that an incident management process takes place, working with other members of the National Board as appropriate. The risk will be monitored at the AEF Board level. If the allegation relates to Agami Inc. Board Member then the Agami Inc. SEA and Safeguarding Team will ensure, when possible, that an incident management process takes place, working with other members of the Agami Inc. Board as appropriate. In both cases if a complaint is upheld, an assessment will be made on whether it is appropriate for the Board member to continue to serve on the Board.
Allegation about a SEA and Safeguarding Focal Point	Concerns raised about SEA and Safeguarding Focal Points must be reported to the Country/Executive Director and to the Agami Inc. SEA and Safeguarding Team who will take a joint decision on how to respond to the allegation and what incident management response is appropriate. The risk will be monitored at the AEF Board level.
Allegation about anyone in the Agami Inc. SEA and Safeguarding Team	Concerns raised about anyone in the Agami Inc. SEA and Safeguarding Team must be reported to the President of Agami Inc. and the SEA and Safeguarding Lead on the AEF Board. They will ensure that appropriate action is taken and the risk will be monitored at the AEF Board level.



## **Responding to Concerns and Complaints:**

### **Section 18.1: Incident Management Process:**

Anyone can raise a concern or complaint. An individual can raise a complaint even if they have no evidence other than their own experience, recognizing that sexual harassment, exploitation and abuse usually occur away from the public eye and therefore it can be difficult to produce evidence (e.g. a witness). AEF will work with survivors and complainants to understand how they would like the issue they raised to be addressed; this policy does not prejudice the right of survivors and complainants to use external procedures (e.g. criminal justice procedures) where that is their preference to do so. Support options will be offered to survivors and complainants regardless of whether or not they decide to make a formal complaint.

If a survivor or complainant makes a formal complaint and wants an investigation to be carried out, or if AEF takes the view that they have a duty of care to carry out an investigation, then an investigation process will be initiated and must follow the Agami Inc. SEA and Safeguarding Team's Investigation Guidelines.

The Agami Inc. and all AEF countries must have put measures in place to ensure that any investigations carried out are objective, timely, fair, and transparent and built on AEF's SEA and Safeguarding approach. All parties should be able to participate in the investigation without fear of retaliation.

#### Step 1: Complaint received (timeframe: actions taken within 48 hours)

- a) Within 24 hours the complaint is acknowledged and the SEA and Safeguarding Focal Point (or other staff member as appropriate) will engage with complainant/survivor to ensure they are safe and their concerns are understood. The Agami Inc. SEA and Safeguarding Team is informed so they can support as appropriate.
- b) The SEA and Safeguarding Stakeholder panel will triage all cases to assess what action can be taken. If an investigation cannot be carried out (e.g. if survivor does not want an investigation or there is insufficient information to proceed) then the Panel will close the case and assess what other actions can be taken to address concerns e.g. awareness-raising.
- c) Within 48 hours the SEA and Safeguarding Stakeholder Panel meeting.
- d) Risk assessment carried out to address any immediate security or welfare concerns, and legal guidance sought.
- e) Investigation Team and separate Decision-Making Panel appointed. This must be done in line with national laws.

#### Step 2: Investigation (timeframe: 17pprox.. 4 weeks but this may differ depending on nature and complexity of the case)

- f) Following the investigation guidelines set out by the Agami Inc. SEA and Safeguarding team, an investigation can include carrying out any interviews, gathering any available evidence, and producing an investigation report.
- g) The complainant/survivor should be interviewed first (or provide a written response to



questions submitted by the Investigation Team where a verbal interview is not possible), followed by any witnesses and the complainant if not the survivor, and then the subject of complaint. It is important to note that sexual exploitation and abuse in all its forms usually occurs away from the public eye and it therefore may be difficult to produce evidence. An individual can raise a complaint even if they can point to no objective evidence other than their own experience.

- h) The Investigation Report is submitted to the Decision-Making Panel.

#### Step 3: Decision (timeframe: actions taken within 72 hours)

- i) Decision-making panel review the report and take a decision on the report and its findings.
- j) The Decision-Making Panel or others as appropriate to carry out any recommendations agreed on (e.g. disciplinary hearing, termination, awareness-raising, policy development) with support from HR as required.

#### Step 4: Outcomes shared, and lessons learnt (timeframe: up to 1 week following a decision made)

- k) Decision Making Panel document the decision and inform the complainant and subject of complaint.
- l) The subject of complaint and the complainant have the right to appeal against the decision, in line with AEF's HR policies and procedures. The complainant and subject of complaint can appeal in country.
- m) A case conference convened so that the SEA and Safeguarding Stakeholder Panel, Investigation Team, and Decision Making Panel can discuss learning from the case. Feedback must be sought from the survivor/complainant and incorporated into the lessons learnt conversation. Lessons learnt to be shared as appropriate, removing identifiable information, with governance boards and other relevant bodies to ensure key learning is shared and improvements made to practice

AEF is not a protection agency and does not have the expertise required to carry out investigations into adult at-risk abuse. This will be carried out by external experts brought in specifically for this purpose. However, AEF will refer cases to appropriate professionals and organizations and will ensure that referrals are made to professionals and organizations that act in line with AEF's values and puts the welfare of the adult at-risk as the highest priority.

### **Section 18.2: Security in SEA and Safeguarding incident Management:**

Recognizing the inherent risk in addressing allegations of sexual exploitation and abuse, any internal responses to allegations of sexual exploitation and abuse must be carried out in line with AEF's security approach and Agami Inc. Staff Safety and Security Policy.

### **Section 18.3: Retaliation Against Complainants, victims and witnesses:**

AEF will take action against any staff or other representatives who seek to or carry out retaliatory action (e.g. intimidation, threatening behavior) against complainants, survivors, witnesses or any others involved or believed to be involved in an incident management process. Staff who are found to have done this will be subject to disciplinary action, up to and including termination of employment.



### **Section 18.3: False or malicious complaints:**

False or malicious allegations of sexual harassment, exploitation and abuse are extremely rare. However, if a member of AEF staff 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. It must be noted that if a case is not upheld that does not mean that the complaint was false, rather that there was insufficient evidence or that, even if the complaint is found not to reach the threshold for sexual harassment, it may represent harassment or sexist behavior that is contrary to AEF policies and Code of Conduct.



For additional information, the AEF Human Resource department can be consulted.

**Version Control:**

Version Number	Version Date	Section(s) Revised	Revisions Made by
Version 1.0	September 13, 2021	Drafted entire document	Sonia Afroz
Version 1.1	September 13, 2021	Reviewed and minor edit done	Dilruba Chowdhury
Version 1.2	September 14, 2021	Reviewed and some major edits done	Sabir Majumder
Version 1.3	September 14, 2021	Reviewed and accepted comments and edits from Version 1.2	Dilruba Chowdhury
Version 1.4	September 14, 2021	Reviewed/ accepted comments/edits from v 1.3 and adjusted the format	Sabir Majumder
Version 1.5	September 23, 2021	Edit for applicability to Agami.	Dilruba Chowdhury
Version 1.6	January 2022	Reviewed/ accepted comments/edits from v 1.4 and adjusted the format	Monika Biswas
Version 1.7	Feb 5, 2022	Approved by AEF EC with no modifications.	Somiron Gregory