



Adult Safeguarding and Preventing Sexual Exploitation, Abuse and Harassment Policy

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MSIAP Adult Safeguarding and Preventing Sexual, Exploitation, Abuse and Harassment Policy

1. Introduction

At MSI Asia Pacific (MSIAP) we recognise that living a life free from harm and abuse is a fundamental human right, and an essential requirement for health and well-being. Throughout the world there are adults who may be subject to a greater risk of abuse, harassment, bullying, or sexual exploitation due to their circumstances or a context outside of their control. Safeguarding adults is about protecting the safety and well-being of all adults and providing additional measures to protect those least able to defend themselves from harm or abuse.

Safeguarding is a way of working that promotes the safety and welfare of people involved in the delivery of, or receipt of, humanitarian aid and development assistance and protects them from harm, including all forms of exploitation, abuse and harassment. This definition applies not only to the activities of MSIAP, but to the activities of all programs within the MSI Partnership.

2. Key concepts

- **Adult** – An individual 18 years and above.
- **Vulnerable Adult** – An individual 18 years and above who is, or may be, unable to take care of themselves and/or is unable to defend themselves against significant harm or exploitation. This vulnerability could be either temporarily or permanently experienced.
- **Sexual Exploitation** – Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
- **Sexual Abuse** – The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences, including but not limited to, attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent is considered to be sexual abuse.
- **Sexual Harassment** – A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
- **Protection** – Measures and structures to prevent and respond to abuse, exploitation, neglect and violence affecting adults, particularly vulnerable adults in all sectors, contexts and environments.
- **Safeguarding** – The responsibility that organisations have to make sure their employees, operations, and programmes do no harm to individuals, and the active measures they take to prevent the harm and abuse of adults. Within this Policy ‘safeguarding’ refers to preventing harm, abuse and exploitation, and sexual exploitation, abuse and harassment to all MSIAP people, MSIAP clients and any adults who come in contact with MSIAP or the MSI Partnership.
- **MSIAP People** – Includes all employees, trainees, volunteers, sessional workers, and agency staff. All the people to whom this Policy applies are collectively referred to as “MSIAP People”.
- **Safeguarding System** – Consists of Six Core Standards that set benchmarks of good practice and accountability and require MSIAP People to be constantly vigilant to prevent and respond to exploitation, abuse and harassment, sexual or otherwise.

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- **MSI Code of Conduct** – A document that articulates the set of standards to which all MSI and MSIAP People will be held. This document must be signed by all MSIAP People upon commencement of their role.

3. Our commitment to adult safeguarding

MSIAP recognises that its services and operations may pose risks, or harm, to individuals. MSIAP is committed to actively preventing and minimising the likelihood of harm to clients and promoting a culture where abuse of any kind, including sexual abuse, exploitation and harassment is not tolerated and is dealt with promptly if it does occur.

We take our safeguarding duty of care very seriously. Our commitment is to:

- **Safeguard Clients:** by actively identifying clients who may be vulnerable and at risk of significant harm, by preventing intentional or unintentional harm, abuse, and exploitation within MSIAP operations, and by promptly responding if harm or abuse does occur.
- **Safeguard MSIAP People:** by promoting a safe working environment for MSIAP People, and by avoiding ambiguous workplace situations and behaviours which may be misinterpreted and potentially lead to false allegations against team members.
- **Safeguard MSIAP:** by demonstrating a genuine commitment to safeguarding all our clients and our team members, and by preventing cases of abuse happening which may tarnish MSIAP's reputation and affect its ability to continue work and receive funding.

4. Scope

This Policy applies to all persons in the MSIAP Partnership, including Marie Stopes Ladies, trainees, volunteers, sessional workers, agency staff and any other individual or organisation that provide services on behalf of MSIAP.

This Policy applies during and outside of working hours, whenever someone can be considered to represent the organisation, in line with MSIAP's zero tolerance approach.

MSIAP has a responsibility to ensure that implementing partners, and others engaged in implementation, follow this Policy or develop their own following the MSIAP guiding principles and standards. They include:

- Business partners (i.e., any individual or company contracted by MSIAP to conduct a service, including consultants and suppliers)
- Social franchisees
- Visitors (including donors, consultants, researchers, journalists, supporters and spouses/partners of MSIAP team members).

This Policy is a general policy that applies to all MSIAP People – it does not provide specific guidance on consent issues in the context of medical procedures for adults.

This Policy does not provide guidance on responding to clients who have experienced sexual and gender-based violence (SGBV) within their community, nor does it provide guidance on specific counselling or consent procedures for vulnerable adults seeking our services. For guidance on SGBV, counselling and consent please consult [MSI's Global Medical Development Team](#).

This Policy forms part of a suite of safeguarding policies and must be read in conjunction with the:

- MSI Code of Conduct
- MSIAP Child Safeguarding Code of Conduct
- MSIAP Child Safeguarding Policy

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- MSIAP Communications Policy
- MSI Speak-Up Policy
- MSIAP & MSA Bullying and Sexual Harassment Policy
- MSI Anti-Modern Slavery and Human Trafficking Policy
- MSI Sexual and Gender Based Violence Operational Guidelines
- MSI Policy on Client Counselling on Informed Consent
- MSI Duty of Care of Service Providers
- MSI Guidance on Safeguarding Clients and Staff During Site Visits
- MSI Safeguarding Code of Conduct for Partners
- Guiding principles

MSIAP's commitment to safeguarding is guided by the following principles:

1. **Zero tolerance:** MSIAP does not tolerate bullying, harassment, sexual exploitation or abuse of any adults, in any form, by anyone who works for or is associated with the organisation in any capacity.
2. **Empowerment and Client-centred Care:** MSIAP seeks to promote a culture of respect, dignity, empowerment and autonomy of vulnerable adults by promoting and respecting their own decision-making process, through client-led decision-making and informed consent. Where clients are unable to act on their own behalf, their interests are represented by a person authorised to make decisions on their behalf.
3. **Shared responsibility:** All MSIAP People must commit to, and uphold, the principles and standards of MSIAP's Safeguarding System.
4. **Prevention:** MSIAP understands that abuse, exploitation and harassment of adults can happen anywhere, including within MSIAP's operations. By accepting that this can happen, MSIAP is committed to its prevention.
5. **Equality and Diversity:** MSIAP is committed to supporting the well-being of all adults and safeguarding them regardless of their age, nationality, culture, ethnicity, gender, religious or political belief, socio-economic status, disability status, family or criminal background, or physical or mental health.
6. **Partnership:** Communities have an important role to play in preventing, detecting and reporting neglect and abuse. By forming strategic partnerships with existing services and experts in the local community, MSIAP works with those services to respond quickly and appropriately to the needs of vulnerable adults. MSIAP will identify and refer vulnerable clients, where possible, to other service providers who have expertise in the specific risk area.
7. **Survivor-focused:** All reported violations of this policy will be managed in a way which prioritises the best interests of the survivor. All safeguarding concerns are handled sensitively, confidentiality maintained at all times, and support provided to survivors where necessary.
8. **Confidentiality, safety and best interests of the individual:** All matters raised under the Safeguarding System are handled with integrity and with the utmost respect for the privacy of the adult at risk, putting their best interests first. Information will be shared only on a need to know basis; respecting client/provider confidentiality while protecting individuals. The level of response should be proportional to the risk presented, and least intrusive to the adult.
9. **Accountability and Transparency:** MSIAP has systems in place to document, monitor and report on the implementation of its Safeguarding System, as well as mechanisms to ensure that management and team members are committed to, and are undertaking, their safeguarding roles and responsibilities to the best of their capacity.
10. **Act professionally whilst at the same time showing genuine care and compassion:** The MSI Code of Conduct provides guidance to MSIAP People in relation to the standards and principles expected across the organisation. MSIAP requires that clients and colleagues are welcomed, informed and treated with respect.

5. Key roles and responsibilities

Regional Director

- Is responsible for adherence to and implementation of this Policy across the region;
- Serves as the focal point for receiving reports from the Country Director (CD) of an implicated country program, together with the Director of Safeguarding and Protection;
- Is part of the Decision Committee, together with the Director of Safeguarding and Protection, the Chief Operating Officer (or proxy), the CD of the implicated country programme, the relevant donor lead, and others as required;
- As part of the Decision Committee, provides guidance for the investigation and required follow up actions;
- In consultation and collaboration with the relevant donor lead, reports to the relevant donors;
- Reports to the local board on safeguarding;
- Maintains the risk register for the region, which includes safeguarding risks deemed as 'Significant';
- Maintains a Safeguarding Register that records allegations and reports of incidents in the region;
- Ensures Safeguarding risk management is a standing agenda item in quarterly review meetings with country programs.

Regional Safeguarding Lead (Australia Office)

- The Gender Equality, Safeguarding and Inclusion (GESI) Advisor will be the Regional Safeguarding Lead.
- The GESI Advisor will receive comprehensive training in both safeguarding issues, this Policy and related procedures from the MSI Director of Safeguarding and Protection.

The Regional Safeguarding Lead:

- Is responsible for ensuring that MSIAP's Safeguarding System is effectively put into practice across the partnership and documenting how this is done;
- Work with the country programmes to provide direct and practical support in understanding, implementing and monitoring the Safeguarding System;
- Carry out ongoing compliance calls with country offices in the region to monitor and support implementation;
- Ensure safeguarding risks are updated and fed into the risk register maintained by the Regional Director (RD) in collaboration with relevant program managers and Country-level Safeguarding Leads;
- Serve as MSIAP's focal point and representative regarding safeguarding matters, and support Country Programs in dealing with safeguarding investigations, if and as instructed and guided by the Decision Committee;
- Work with HR to organise structured and systematic training (i.e. following set criteria and reaching every team member on a regular basis) to ensure all team members are familiar with, and capable, of implementing this Policy;
- Maintain and update the **MSIAP Safeguarding Incident Reporting Procedures and Flowchart**, taking into consideration national laws and protection services available in their area of operation;
- Serve as a mentor for Country-level Safeguarding Leads and provide support to MSIAP managers as required in implementing safeguarding requirements;
- Are accountable to the MSI Director of Safeguarding and Protection on the implementation of the safeguarding policies across their region; and
- Report to the Regional Director on compliance and challenges.

Other Roles and Responsibilities

The **HR Manager** will support the implementation of safeguarding recruitment processes at MSIAP. They will ensure safeguarding is part of the induction of all new MSIAP staff and training is provided on a regular basis. The HR Manager will ensure that representatives, associates and volunteers whose employment or engagement they are responsible for, sign the MSI Code of Conduct upon joining the organisation and understand its content. The HR Manager is responsible for supporting managers when recruiting staff, temporary staff, consultants and/or engaging new partners in carrying out police checks, undertaking due diligence processes and adhering to safeguarding requirements in recruitment. They will also be responsible for implement disciplinary actions as required.

MSIAP Managers are responsible for the adherence to and implementation of this Policy in their area of responsibility. They should ensure visitors to any of MSIAP's supported Country Programmes or Support Offices who may have direct contact with clients have signed the MSI Code of Conduct. Manager must also ensure the Code of Conduct is signed by business partners or any other person or entity MSIAP enters a services agreement with. They will report to the Regional Safeguarding Lead on compliance and challenges and ensure Safeguarding is a standing agenda item in regular team meetings. Managers are expected to lead by example.

Regional Finance Director will support the implementation of safe procurement processes across the programmes in the region. They will also provide support for safeguarding audits.

All MSIAP People are expected to take active role in the implementation and adherence to this Safeguarding Policy. They must report any incidents or concerns they have regarding breaches to MSIAP's safeguarding policies and Codes of Conduct, in line with the established reporting process, and carry out Safeguarding audits when visiting country programmes and report to Regional Safeguarding Lead.

The MSIAP Board has overall accountability for ensuring MSIAP's Safeguarding System is appropriate for the management of risk and addressing any reported incidents.

The MSI Director of Safeguarding and Protection is responsible for the development and implementation of the Safeguarding System across the partnership. The Director provides support to country programmes implementing the Safeguarding System and further supports the implementation of continuous monitoring and compliance. They ensure that safeguarding is integrated into global business planning and risk assessment.

The Decision Committee will be established to review each complaint or incident separately. They will provide guidance to the country program on how to address such complaints, keeping in mind the interest of the complainant, the accused and MSI/MSIAP. At all times, they will ensure confidentiality, reporting as appropriate to donors, and local authorities. The Decision Committee is comprised of the Director of Safeguarding and Protection, the Chief Operating Officer (or proxy), the Regional Director, the Country Director and the relevant donor lead (on behalf of all donor leads when funding is involved). Other expertise may be seconded as needed. The Decision Committee is also responsible for ensuring Safeguarding incidents are included in the Country Safeguarding Register and Country Risk Register. They will also consolidate all incidents into the Global Safeguarding Register.

6. Implementation

The implementation of MSIAP's Adult Safeguarding and Prevention of Sexual Exploitation, Abuse and Harassment Policy is based on **MSIAP's 6 Core Standards of Safeguarding**. These core standards set benchmarks of good practice in areas of operations which have the potential to impact on the safety and well-being of adults.

MSIAP will ensure the adoption of similar policy and practices amongst its partner organisations and provide the necessary support to ensure they are able to meet the required standards.

MSIAP will support Country Programmes to implement MSI Adult Safeguarding Policy that incorporates preventing sexual exploitation, abuse and harassment.

Implementation of this Policy across the Partnership is documented and monitored at the country level, and Country Programmes are required to report progress and compliance on a regular basis to the Melbourne Support Office.

7. Core standards

Core Standard 1: Training and Awareness

All MSIAP People have a role to play in safeguarding and the prevention of sexual exploitation, abuse and harassment (SEAH). To fulfil that role effectively and with confidence, they need to:

- Develop an understanding of safeguarding and SEAH issues and risks in their region and in the programs they support.
- Undertake and engage with the training provided by MSIAP.
- Maintain knowledge of MSIAP's Safeguarding System and procedures.

MSIAP People will receive regular training on safeguarding and SEAH issues and risks, as well as MSIAP's Safeguarding System. Where appropriate, MSIAP will engage external support to deliver the component of training relating to adult safeguarding and SEAH and identifying safeguarding risks in their operations and the program they support. The Regional Safeguarding Lead will deliver the component of training focusing on this Policy and related procedures.

The training opportunities in the regional office will include, at a minimum:

- **Induction training** – delivered by Regional Safeguarding Lead as part of the general induction/orientation for new MSIAP People within two months of beginning employment.
- **Regular training and refreshers** – delivered by Regional Safeguarding Lead (with external support of an expert if required) for existing MSIAP People to ensure knowledge retention. This should take place every 12-18 months but no less than every two years.
- **Follow-up meetings for team members with safeguarding responsibilities** – facilitated by the Regional Safeguarding Lead. These bi-annual meetings will provide an opportunity for team members who have specific safeguarding share experiences and reflect on challenges and lessons learned.

Core Standard 2: Recruitment and Screening of Team Members

MSIAP is committed to the careful screening of people before we hire them to ensure that MSIAP People do not pose a risk to vulnerable people. MSIAP adopts safeguarding recruitment procedures for the selection of all MSIAP People. The procedures not only aim to identify possible offenders and people not suited to work in contact with vulnerable populations, but also to deter these people from seeking work with MSIAP in the first place.

The safeguarding recruitment procedures effective across the MSIAP Partnership aim to:

- **Ensure that a statement about MSIAP's safeguarding policies appears in the wording of any job advertisements** and notes that successful candidates will need to sign a Code of Conduct and undergo a background check (this may prevent offenders from applying).
- **Ensure candidates are only considered for selection if they demonstrate, throughout their interview, that they hold attitudes and values that promote safeguarding.**
- **Ensure formal and valid documentation is provided** to confirm the identity of a candidate and proof of relevant qualifications and background.
- **Ensure official background checks are conducted for all new team members as a condition for employment:** this is a document from a government authority which details the

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criminal (and sometimes penal) history of a person (we look out for charges, convictions or investigations related to violence against vulnerable, assault, domestic violence, child abuse in all forms, inappropriate social behaviour or similar).

- **Conduct verbal referee checks with at least two of the candidate's most recent employers as a condition for employment:** asking a specific question to draw out the candidate's attitude and values towards vulnerable adults, equality and diversity, and exploring whether the candidate has had any related or behavioural issues in his/her previous workplace.

Core Standard 3: Safeguarding Risk Management

MSIAP is committed to adhering to the Safeguarding System throughout all levels of the organisation. This means MSIAP will work to continuously identify, monitor and mitigate, to the best of MSIAP's capacity, all significant risk of harm in relation to vulnerable adults throughout MSIAP's operations.

MSIAP adopts a systematic and structured safeguarding risk management system for all day-to-day operations that is organised by the service delivery channel. The system includes:

- Identifying risks (i.e. detecting the potential for something to happen that will have an impact on clients, team members or MSIAP as an organisation).
- Assessing the risks (i.e. evaluating the likelihood and level of impact on clients, team members or MSIAP as an organisation).
- Mitigating the risk (i.e. developing strategies to minimise or address the risk, reducing the likelihood of harm and abuse from actually occurring).

The risk management system is documented, based on a standard template and is reviewed on a regular basis in order to adapt to changing conditions and context.

Management of risk also applies to all MSIAP partners who come in contact with MSIAP clients, whether they be sub-contractors or project partners. MSIAP's 'downstream partners' are required in their agreements with MSIAP to demonstrate adherence to safeguarding policies and processes, reporting promptly to MSIAP any adult at risk of abuse or exploitation, any incidents within their own operations, or in relation to MSIAP's operations.

Core Standard 4: Code of Conduct

It is important that all MSIAP People, as well as MSIAP business partners and visitors, clearly understand what is expected of them in terms of behaviour and professional boundaries with vulnerable adults and clients with whom they come into contact. It is also important that targeted communities understand what is expected of MSIAP People, social franchisees, business partners and visitors. This not only makes everyone accountable for their actions, but also ensures that clients can recognise infractions and report any concerns.

MSIAP has a Code of Conduct effective across the MSI Partnership which:

- Applies to all MSIAP People (who are required to sign it upon recruitment)
- Applies to all MSIAP social franchises and business partners.
- Provides for disciplinary measures in the case of breach, which are determined based on the severity of the breach, and may include dismissal of MSIAP People, termination of agreements with social franchisees or business partners, and reporting to local authorities.

MSIAP ensures that all MSIAP People, business partners and visitors, as well as clients, beneficiaries and targeted communities are made aware of MSIAP's Code of Conduct and understand how to report breaches and cases of misconduct.

Core Standard 5: Incident Reporting

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Even with all the preventive measures detailed above, abuse, exploitation or harm may still happen. Keeping that in mind, it is important that MSIAP has a system in place to respond in an appropriate, effective and timely manner, ensuring no further harm to the victim. For this to happen, it is crucial that all potential or confirmed breaches of this Policy and the Code of Conduct are detected and quickly brought to the attention of the Regional Director, who will then take appropriate action based on established internal principles and procedures.

All MSIAP People, business partners and visitors must report **witnessed, suspected or alleged cases** of:

- **Abuse, exploitation or harassment, sexual or otherwise**, by another team member, representative, social franchisee, business partner, associate or volunteer;
- **Breaches of the Code of Conduct** by another team member, representative, social franchisee, business partner, associate or volunteer;
- **Abuse, exploitation or harassment, sexual or otherwise, within the community**, by someone outside the organisation, and which has been raised by a team member, representative, social franchisee, business partner, associate or volunteer, or by a community member or any other person outside of MSIAP.

These cases are required to be reported in accordance with MSIAP's Speak Up Policy and MSIAP's Safeguarding Incident Reporting Guidelines.

Core Standard 6: Incident Investigation

When a report has been received through any of the above Speak Up channels, all incidents must be urgently reported to the Country Director, Regional Director or the Director of Safeguarding and Protection. A **Safeguarding Decision Committee** will then be convened to provide direction and support to the investigation and any disciplinary processes that may follow.

Our overriding concern is always for the **safety, wellbeing, dignity and best interests of the victim/ survivor**. **MSIAP treats all reported incidents relating to this Policy seriously**. MSIAP will ensure that all parties are treated fairly, and that procedures are transparent and in line with local law. MSIAP aims to manage reported cases in a timely manner.

MSIAP also commits to confidentiality as far as possible, in order to protect the alleged victim, the incident reporter, and the person against whom the allegation has been made. This requires all Program to have in place a clearly outlined and embedded **Incident Reporting Process and guidelines**, which not only reflect this Policy but also the context of their own internal structures, operations and management composition.

8. Breach of the policy or code of conduct

Following an investigation, any breach of Policy or the Code of Conduct by MSIAP People, social franchises, business partners and visitors will result in actions as appropriate. These may include:

- Meeting to discuss the breach and give an opportunity for the person to provide their account/understanding of the situation
- Further education on safeguarding policies and the Code of Conduct
- Formal warning and monitoring
- Transfer to other duties
- Performance management
- Dismissal of team members
- Report to police
- Termination of agreements (for social franchisees or business partners).

These measures will apply in a transparent and fair manner and alongside any criminal investigation where relevant.

9. Policy monitoring and review

- The Regional Safeguarding Lead in MSIAP are responsible for monitoring the overall implementation of MSIAP's Safeguarding System in the region. Based on input received from Country-level Safeguarding Leads in monitoring and support calls, they will provide advice on general measures that can be improved or adapted to ensure individuals are safe across MSIAP Country programs in the region.
- The Regional Safeguarding Lead will report to the Regional Director on compliance and challenges and consult with the Director of Safeguarding and Protection for guidance and support.
- This Policy will be reviewed every three years.
- The Regional Safeguarding Lead will review the information in their reporting flow chart and referral pathways one year from the date of adoption to ensure it is still current and do this on an annual basis thereafter.
 - The Policy will be reviewed earlier if there are changes in relevant legislation, compliance requirements, local context or organisational structures and systems.