



Prevention of Sexual Exploitation and Abuse (PSEA) Policy

(March 2022)

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1.0 Acknowledgement

Prior to its adoption by Windle International Uganda, this Policy was reviewed by Ian Legget in May 2020 for Windle Trust International.

2.0 Introduction

Windle Trust International (WTI) is dedicated to increasing access to and improving the quality of education for conflict-affected communities and the marginalized in the Eastern Africa region. The organization is committed to ensuring that everyone is kept safe from harm or abuse while they are involved with the organization. WTI promotes respect, honesty, integrity and impartiality and will not tolerate harassment, coercion or sexual exploitation and abuse in any form.

WTI is aware that the opportunities and services provided through its programmes can create a power differential between those who are employed/contracted by us or partner with us. We acknowledge that there is a risk for this power imbalance to facilitate sexual exploitation and abuse.

This Prevention from Sexual Exploitation and Abuse (PSEA) policy has been developed to ensure prevention of exploitation of programme participants and to clarify the responsibilities of our staff, volunteers, visitors, partners and contractors to the projects and the standards of behaviour expected of them.

This PSEA policy should be read alongside the Safeguarding and Protection Policy and Code of Conduct as it is intended to strengthen and enhance already existing policies, rather than to replace them.

The Windle Family

The Windle International Family is managed by Windle International Council and has a secretariat to run the affairs of the International Office. All national offices subscribe to the Windle International Council.

The Windle International Fraternity comprises of:

- **Windle Trust International, Sudan:** based in Khartoum and Juba
- **Windle International Uganda:** based in Kampala, operating in the South West, Mid- West and West Nile regions of Uganda
- **Windle International Kenya:** based in Nairobi, Kakuma Refugee Camp and Dadaab Refugee Camp
- **Windle Trust International (UK):** with its main offices in Oxford, UK
- **Windle International Somalia** – Planning to start operations in Kismayu

Windle International Uganda

Windle International Uganda (WIU) is a member of Windle International with its headquarters in Oxford in UK and constituent national offices in Kenya, Sudan and South Sudan. The national offices are legally registered in the countries they operate. Windle International Uganda (WIU) was registered in 1996 as an International charity Organization.

Vision: 'Educated, Empowered and Inspired Young People'

Mission:

To promote peace and development in communities through provision and coordination of education and training for refugees and people affected by conflict.

Core Values:

- 1) Respect for individuals – WIU shall value and uphold with dignity the potential and worth of every individual, including beneficiaries, staff, stakeholders and partners.

- 2) Equity – WIU shall promote fairness through equitable treatment and nurturing of staff & beneficiaries.
- 3) Honesty and Transparency – WIU shall operate with honesty and transparency with donors, beneficiaries, stakeholders and within the organization.
- 4) Professional Conduct – WIU shall promote professional conduct in the management of its programs through hiring the retention of qualified, competent, experienced and motivated staff, through clear policies and adherence to the highest professional standards.
- 5) Stewardship – WIU shall practice responsible stewardship of resources by assuring the efficient and prudent use of funds and

Authority for establishing and amending the PSEA Policy

Country Directors of the Windle International fraternity are responsible to review this policy and ensure that it is appropriate given the local context and in terms of language used. It may be edited and adapted as appropriate, subject to final approval by the respective Executive Directors.

This document, like all other WIU documents, is considered proprietary and should not be copied or shared with any other company, agency, or individual without the authorization of the Executive Director.

Definitions:

Sexual exploitation and abuse - relates to the behaviour of WIU staff/consultants/ and partners intentional or unintentional towards third parties, often referred to as “beneficiary” populations.

Sexual exploitation - any actual or attempted intentional or unintentional abuse of a position of vulnerability, differential power, or, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse - the actual intended or unintended or threat of physical and emotional intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

3.0 Scope:

This policy applies to:

- All staff and Trustees of Windle International Uganda, including volunteers and anyone seconded or working temporarily for WIU.
- consultants recruited by WIU
- Partner organizations or members of a consortium led by WIU even if staff are employees of the partner organization.

A reference in this policy to staff should be understood as including any other person within the scope of this policy.

4.0 Key Principles

Windle International Uganda has adopted the Six Core Principles Relating to Sexual Exploitation and Abuse of the United Nations Inter-Agency Standing Committee, September 2019.¹

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

Windle International Uganda is also guided by the following principles with specific reference to the safeguarding of children:²

1. In all actions concerning children and when dealing with a concern for the safety or wellbeing of a child, the best interests of the child shall be a primary consideration.
2. WIU has a zero-tolerance approach to child abuse and exploitation. Windle International Uganda will not knowingly engage personnel to be in direct contact with children or access communities whom we work with if they pose an unacceptable risk to children's safety or wellbeing and will take immediate action upon report of any suspected child abuse or exploitation.
3. WIU believes child safeguarding and protection is a shared responsibility, which requires all personnel committing to and upholding the principles of this policy. WIU will also ensure that all partner organisations involved in the implementation of projects and activities have appropriate child safeguarding measures to implement the minimum standards outlined in this Policy.
4. WIU will continue to strengthen its internal safeguarding systems to ensure accountability to children and the families and communities with which it works. Specific child safeguarding roles and responsibilities will be delegated to staff to effectively embed child-safe organizational practice across all programs, operations and activities. WIU will strive to achieve an organisational child safe culture where any concerns about child safeguarding or poor practice can be raised and discussed.

¹ IASC, *Six Core Principles Relating to Sexual Exploitation and Abuse, 2019*, <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relatingsexual-exploitation-and-abuse> [accessed 2nd March 2020]

² Windle International, *Safeguarding and Protection Policy 2018*, https://windle.org.uk/sites/default/files/downloads/Safeguarding%20and%20Protection%20Policy%20080318_Final_approved.pdf [accessed 2nd March 2020]

5.0 Implementation Mechanisms

WIU takes a four-fold approach to ensuring protection:

- **Awareness** – educating all staff, consultants, volunteers, interns and visitors to the projects on WIU’s Code of Conduct and the PSEA policies. Staff and consultants will sign to agree to uphold these policies.
- **Deterrence** – making public, particularly in recruiting staff and volunteers, Windle International Uganda’s procedures and reference checks put in place to prevent incidents
- **Openness and reporting** – developing a culture where staff can be open about concerns, and a procedure and Whistleblowing Policy whereby staff and volunteers can report concerns.
- **Response** – All PSEA cases investigated or referred and responded to as quickly as manageable.

Awareness

1. Country Directors should review this policy and ensure that it is appropriate given the local context and in terms of language used. It may be edited and adapted as appropriate, subject to final approval by the Executive Director.
2. Managers should distribute copies of the WIU Code of Conduct to staff in relevant languages, including local languages as appropriate. A copy should be included in appointment and induction material for new staff.
3. All staff, visitors, and volunteers must be given a copy of the Code of Conduct.
4. All new staff inductions must include a briefing on this policy.
5. All staff will be expected to read this PSEA policy and sign and agree to follow it.
6. All staff are responsible for reporting any concerns or incidents to their line manager, the Country Director or the Executive Director, whichever may be most appropriate.
7. Country staff are responsible for ensuring that communities, schools, and other organizations are aware of the standards of behaviour expected of Windle International staff.
8. Monitoring adherence to the policy will be included in WIU’s internal audit processes.

Deterrence

1. All staff must sign the attached Participant Protection Declaration to abide by the WIU Code of Conduct.
2. Every workplace will display a summary of the PSEA policy and every member of staff will have contact details for reporting.
3. All jobs advertised will be with a job description and person specification that will refer to Windle International’s PSEA policy. Referees will be asked to comment on an applicant’s suitability in relation to this safeguarding policy.
4. All new staff are required to sign the Participant Protection Declaration before finalisation of contract.

Openness and Reporting

1. Each country programme office will appoint one person to be a focal point to ensure implementation of and adherence to the standards and behaviours set out in this policy. That person will be responsible for ensuring dissemination and understanding of this policy and the standards of behaviours that are expected; arranging for training for other staff and for ensuring application of the policy.

2. If you have a concern about a Windle International staff member, supporter or visitor, you should complete the incident form (Appendix 4), report your concern to your line manager, the Country Director or the Executive Director. The reporting of suspected or actual abuse is a professional obligation.
3. The Manager and/or Country Director will discuss the concern and agree further action: Considerations should include local culture and traditions, relevant provisions of national law, the best interest of the victim, the risk of re-offence, and our own organisational values and reputation, and the expectations we have of our staff.
4. Every complaint should be investigated fully and appropriately. Protecting the rights of the victims, and also those of potential future victims, should take precedence over a desire to protect our organisational reputation. Our organisational response should be driven by integrity and the imperative to do the right thing.
5. Serious abuses where a law has been broken (particularly rape and assault) should be reported to the local authorities unless there are exceptional circumstances not to do so. A decision not to report serious abuses must be approved by the Country Director and is subject to confirmation by the Executive Director.
6. If the alleged incident involves a Windle International employee, that individual will be suspended or removed from the area where the incident took place until the facts are established and conclusions can be drawn. The decision to suspend must be taken by the Manager or Country Director and is not open to challenge by the individual involved – or by the Executive Director if it involves the Country Director.
7. In conducting an enquiry into allegations of wrongdoing by commission or omission, both the alleged victim(s) and alleged perpetrator(s) shall be allowed to be represented or accompanied by a colleague or friend if they wish.

Respond:

1. WIU will investigate the SEA Complaint/ concern; In line with the Human Resources Policy, an investigation team will be established by the Executive Director and charged to investigate the complaint in line with the Guidelines for Investigating Grievances/ Complaints (WIU HR Policy Handbook, Section HR903)
2. WIU will act in response to concerns and incidents, including disciplinary actions where need be.
3. In compliance with the zero-tolerance approach to sexual exploitation and abuse, all established SEA Offences will be considered as Gross in nature and will be remedied as such according to the Human Resources Policy on Staff Discipline and the Employment Act, 2006 (or its amended document).
4. Where necessary, WIU will refer SEA cases reported for better management and or conclusion of the respective authorities or partners

6.0 Prohibited Behaviours

Prohibited Behaviours

WIU Personnel are strictly forbidden from engaging in any form of sexual exploitation and abuse whatsoever.

This applies at all times whether WIU Personnel are at or outside the workplace or during or outside of working hours. Other actions, such as inappropriate behavior toward or with a child, failing to report an allegation of exploitation or abuse, or retaliating against a complainant or a witness are also prohibited by this Policy.

Because sexual exploitation and abuse includes a broad range of activities, the following activities are meant to be illustrative and not an exhaustive list of prohibited behavior:

1. Acts of sexual exploitation or sexual abuse by WIU Personnel including, without limitation: a. Unwanted touching or physical contact of a sexual nature b. Forcing sex or sexual acts against someone's will c. Using sex or sexual acts as a condition of receiving support, treatment, or assistance d. Physical aggression, including rape, sexual battery, forcible fondling e. Recording sexual acts or interactions without consent.
2. The exchange of, or an offer to exchange money, goods, services, or assistance for sex, sexual favors or other forms of degrading or exploitative behavior. This prohibition against the exchange of money for sex means that WIU Personnel may not engage the services of sex workers.
3. The exchange of, or an offer to exchange, recommendation for employment, offer of employment or an employment reference for sex, sexual favors or other forms of degrading or exploitative behavior. For the purposes of this section, the employer or prospective employer includes WIU or any WIU vendor or contractor.
4. Any sexual activity, or an attempt to engage in sexual activity, with a child regardless of local age of consent; ignorance or misbelief of a child's age is not a defense.
5. Sexual interactions or relationships with a Beneficiary during the time they are receiving assistance from WIU, regardless of whether the Beneficiary consents to such interaction.
6. Physical force or violence against a Beneficiary regardless of cultural norms.
7. Behavior toward a child that is inappropriate or sexually provocative, including, without limitation, physical abuse, sexual abuse or exposing the child to sexualised images or pornography.
8. Use of language or behavior towards a Beneficiary that is inappropriate, harassing, abusive, sexually provocative or that is intended to shame, humiliate or emotionally abuse.
9. Use of a computer, mobile phone, tablet, camera, social media, email, or other form of technology, without limitation, to exploit or harass a Beneficiary, or to access or distribute child pornography through any medium.
10. Use of WIU or WIU affiliate's facilities, vehicles or any other property for the purposes of sexual abuse or sexual exploitation.
11. Doing things of a personal nature for an unsupervised child that the child can do for themselves (e.g., bathing, dressing). "Unsupervised child" means a child who is not supervised by an adult who is an immediate family member.
12. Sharing a bedroom with an unsupervised child.
13. Photographing a child who is not adequately clothed or who is in a pose that could be considered sexually suggestive.
14. Failing to report a suspected, alleged, or known violation of this Policy in a timely manner.

7.0 Roles and Responsibilities in implementation

WIU Executive Director

- Know and abide by commitments made in this policy statement and comply as a staff member with the standards and requirements of the WIU Code of Conduct
- Ensure that this policy and related policies are reviewed by Trustees as required and are incorporated into the risk register review
- Ensure that organisational budgets enable the provision of relevant training and supervision
- Review management systems to ensure that all managers include compliance with the policy as one ingredient of a performance management system
- Know the reporting mechanism for Protection from Sexual Exploitation and Abuse

WIU Senior Management Team

- Know and abide by commitments made in this policy statement and comply as a staff member with the standards and requirements of the WIU Code of Conduct
- Ensure that the Department and Project budgets enable the provision of relevant trainings and subsequent supervision and to participate in organizational or country-specific training programmes
- Review management systems to ensure that all managers include compliance with this policy as one ingredient of a performance management system
- Know the reporting mechanism for Protection from Sexual Exploitation and Abuse

Director of Programs

- Spearhead the review procedures for reporting of and investigating suspected cases of Sexual abuse and exploitation and ensuring they are in line with this policy and Ugandan laws.
- Co-ordinate the PSEA and Safeguarding procedures in WIU
- Report any PSEA and Safeguarding concerns to the Executive Director; coordinate communication to donors and external stakeholders on SEA and Safeguarding matters
- Oversee investigations relating to cases forwarded
- Follow up cases referred on Progress and provide information to WIU Staff and Management on this progress

WIU Programme, Settlement and Sector Managers

- Know and abide by commitments made in this policy statement and comply as a staff member with the standards and requirements of the WIU Code of Conduct
- Participate in organisational or country-specific training programmes
- Ensure compliance with this policy as one ingredient of a performance management system
- Know the reporting mechanism for Protection from Sexual Exploitation and Abuse
- Consider and include PSEA interventions during Project planning and budgeting
- Develop and implement approved annual PSEA Action plans to inform their PSEA interventions

Safeguarding Officer and Human Resources Manager

- Respond to PSEA Cases reported within the WIU Procedures for management and investigation
- Ensure confidentiality in management of PSEA Cases
- Maintain proper records of PSEA Cases managed, investigated and closed
- Ensure annual PSEA refreshers are conducted for WIU Staff
- Ensure that all WIU Staff receive and endorse the PSEA Policy

WIU Staff/Consultants and partner organizations

- Know and abide by the standards outlined in the WIU Code of Conduct
- Agree to and sign the WIU Code of Conduct
- Participate in relevant PSEA trainings

- Know the reporting mechanism for Protection from Sexual Exploitation and Abuse
- Report any known or suspected case of sexual exploitation or abuse to their Human Resources Manager, the Safeguarding Officer and/or the WIU Executive Director

WIU Trustees/ Board

- Actively support and supervise compliance with this policy
- Participate in relevant training
- Is legally responsible, as well as all staff in a supervisory capacity, to ensure a workplace free from harassment or discrimination
- Receive quarterly Safeguarding reports and provide guidance on best practices