

SAFEGUARDING POLICY STATEMENT			
TITLE	PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT		
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DATE COMMENCED	01/01/2020	DATE OF NEXT REVIEW	31/01/2022

INTRODUCTION

Red Cross is committed to providing a safe environment free from sexual exploitation, abuse and harassment. We recognise that the nature of the work undertaken by Australian Red Cross places us in contact with vulnerable adults and children. All Red Cross People, Contractors and Partners have an obligation to uphold the highest standards of personal and professional conduct and must not use their position in order to exploit and abuse another person.

With this Policy and its associated action plan, Australian Red Cross actively seeks to prevent and respond to sexual exploitation, abuse and harassment to foster a culture of safety so that people reporting have confidence that any incident or concern raised will be handled with the utmost sensitivity.

This Policy sets out the Red Cross principles and objectives, and the expected behaviour required of Red Cross People and others within the scope of the policy, to prevent and respond to sexual exploitation, abuse and harassment. It builds on the IFRC Secretariat Policy on Prevention and Response to Sexual Exploitation and Abuse (2018) and internationally recognised principles by the UN, the Inter-Agency Standing Committee, the Core Humanitarian Standard, SPHERE, the Steering Committee for Humanitarian Response and other rules and guidance in areas including sexual and gender-based violence, child protection, disability inclusion and LGBTIQ. It also builds on our commitment to joining the [National Redress Scheme](#) which provides support to people who experienced institutional child sexual abuse as part of the Royal Commission into Institutional Responses to Child Sexual Abuse.

BOARD POLICY STATEMENT

The aim of this policy is to ensure that Red Cross takes every necessary step to prevent sexual exploitation, abuse and harassment by Red Cross People, Contractors and Partners; and to respond adequately to those incidents it cannot prevent.

Ensuring the well-being of the survivor and accountability and integrity of our engagement with members of local communities is inherent to this aim. Further, ensuring fair treatment of Red Cross people and contractors accused of sexual exploitation, abuse and harassment is inherent to this policy.

Engaging with local communities, promoting community-based complaint mechanisms and assisting survivors, are important components of this policy. The policy's approach aligns with the [IFRC Secretariat Policy on and Response to Sexual Exploitation and Abuse, Red Cross Red Crescent Guide on Community Engagement and Accountability \(2017\)](#) and resolution [3 of the 32nd International Conference](#).

The policy draws on ideas elaborated in the IASC's Global Standard Operating Procedures on inter-agency cooperation in CBCMs (2016), including their approach to complaint referral and survivor assistance. In developing and enforcing our own Policy, this Policy has drawn on best practices from across the Red Cross Movement and the Australian Aid sector.

POLICY INTENT

As a Red Cross Person, or as a person engaged by a Contractor or Partner organisation, I am responsible to ensure that I protect the safety and wellbeing of vulnerable people, groups and communities in my Red Cross activity or work by:

- Not committing any act of sexual exploitation, abuse or harassment.
- Not engaging a child in any form of sexual activity or acts, including paying for sexual services or acts.
- Not engaging in any sexual activity with adults who are likely to benefit or already benefit from Australian Red Cross' protection or assistance.
- Not exchanging money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior with anyone who looks to benefit or already benefit from Australian Red Cross' protection or assistance
- Not producing, procuring, distributing or using pornographic material in Red Cross offices or on Red Cross equipment, including reading/surfing pornographic websites or message boards or sending or engaging with pornographic emails
- Maintaining appropriate professional boundaries at all times and ensuring I understand and comply with the standards of behaviour expected of me in my role

As a Red Cross Person or as a sole trader, I must:

- Read, understand and act in accordance with the Red Cross Ethical Framework
- Undertake any required screening by:
 - providing relevant Working with Children Checks (or Working with Vulnerable Persons Checks), when required to do so by law, this Policy or by the Child Protection Policy
 - undertaking a criminal record or police check
 - NB: In limited circumstances, it may prove impossible to obtain a reliable criminal record check in or from other countries. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and, if permitted by law, spent convictions relating to sexual exploitation, abuse and harassment may be accepted instead

- Support and comply with all Red Cross activity in connection with the prevention of sexual exploitation, abuse and harassment
- Report any suspected or known incidents of sexual exploitation, abuse and harassment that I have witnessed, heard about, suspect or believe based on reasonable grounds may be at risk of occurring;
- Cooperate fully with any investigation into suspected sexual exploitation, abuse and harassment;
- Ensure the confidentiality of any reported incident (subject to the rights set out in the [Whistleblower Policy](#)).

POLICY SCOPE

In accordance with *Annexure 2*, this Policy applies to:

- **all Red Cross People** - staff members, Red Cross members, board members, volunteers, delegates and work experience students;
- **Contractors (including sub-contractors and sole traders)** who come into contact with vulnerable people, communities and/or groups as part of their engagement with Red Cross or who represent Red Cross; and
- **Partner organisations** who are engaged by Red Cross to work with Red Cross or to provide services to or in connection with projects (whether within or outside Australia). This would also include Red Cross Red Crescent Movement Partners such as the International Federation of Red Cross and Red Crescent Societies (IFRC), the International Committee Red Cross and Red Crescent (ICRC) and Red Cross and Red Crescent National Societies.

POLICY EXCLUSIONS

The Policy **does not apply** in the following context:

- People engaged by or work with the Australian Red Cross Blood Service (other than a staff member who is engaged in the International Humanitarian Blood Program of Red Cross).
- In some instances, the CEO may determine that this Policy is not to be applied to a Partner organisation in a Red Cross response to an international emergency, if:
 - the funds to be used in the emergency response by Red Cross are not provided by DFAT (unless DFAT has permitted a variation to the application of the DFAT Prevention of Sexual Exploitation, Abuse and Harassment Policy in the circumstances)
 - the funds are provided to ICRC for the emergency response
 - a risk assessment in relation to the prevention of sexual exploitation, abuse and harassment has been undertaken
 - the proposed Partner organisation has processes to mitigate identified risks and reasonably protect the interests of vulnerable people.

If the Partner organisation is a multilateral organisation or a bilateral donor funded by DFAT, and the funding to the body provided by Red Cross is DFAT funding, the expectations set out in the DFAT Policy in relation to these bodies apply.

POLICY APPROACH

We prevent sexual exploitation, abuse and harassment by adopting the Principles outlined in *Annexure 1* and through:

1. *Facilitating opportunities for vulnerable people, groups and communities to build on their strengths and enhance their resilience, by:*
 - providing opportunities for vulnerable people, groups and communities to design and engage in activities that are inclusive, meaningful, safe, and educational.
 - Modelling and teaching protective behaviours and self-advocacy

2. *Giving voice to vulnerable people, groups and communities by working closely with vulnerable people, groups and communities to make them aware of:*
 - ways which are available to them to report concerns relating to sexual exploitation, abuse and harassment and their rights and responsibilities under the Red Cross Client Service Charter, when:
 - there are reasonable grounds to suspect that a person or persons may be at risk or that an incident has occurred
 - sexual exploitation, abuse and/or harassment has been disclosed
 - there are reasonable grounds to consider that a breach of this Policy or of the Ethical Framework and its associated policies and codes including the Child Protection Code of Conduct and Policy may have occurred.

3. *Embedding an ethical and accountable culture, by:*
 - managing the risk of employing or engaging persons who may pose a danger to the safety or wellbeing of vulnerable people, groups and communities
 - providing Red Cross People and contractors with the knowledge and skills needed to prevent the sexual exploitation, abuse and harassment of vulnerable people
 - providing Red Cross People and contractors with easy and anonymous ways to report concerns relating to sexual exploitation, abuse and harassment, when:
 - there are reasonable grounds to suspect that a person or persons may be at risk or that an incident has occurred
 - sexual exploitation, abuse and/or harassment has been disclosed
 - there are reasonable grounds to consider that a breach of this Policy or of the Ethical Framework and its associated policies and Child Protection Code of Conduct may have occurred.
 - requiring Contractors and Partner organisations to apply child protection standards in their activity with Red Cross.
 - Advising Partner organisations of prevention of sexual exploitation abuse and harassment standards and the mechanisms available to report concerns regarding sexual exploitation, abuse and harassment.

4. *Managing sexual exploitation, abuse and harassment risks in programs and activities*

Red Cross must undertake a risk assessment which will include risks associated sexual exploitation, abuse and harassment on all programs and activities that may have contact with vulnerable people/groups.

Sexual Exploitation, Abuse and Harassment risks are assessed across Red Cross operations:

- in development of job descriptions
- in recruitment screening processes
- in contracts of employment, independent contractor agreements and partner agreements
- in development of mandatory training
- in programs and activities; and
- if Red Cross is considering partnering with another organisation, an organisational assessment.

The risk assessments must:

- identify risks
- classify any high-risk positions, individuals, activities and/or organisations
- document steps to be taken to reduce or remove risks
- be reviewed and updated annually (at a minimum) over the life of assessed activities; and
- Identify services and supports available to vulnerable people/groups who may be impacted by sexual exploitation, abuse and/or harassment.

An allocation will be made in program budgets where required to support prevention of sexual exploitation, abuse and harassment. This might include training, awareness raising and development of reporting tools.

5. *Undertaking capacity assessment of Partners*

This Policy is to apply to Partner organisations and any other Contractors or Subcontractors within the scope of the Policy as follows:

- Red Cross must undertake a risk assessment of an organisation being considered by Red Cross for a partnership arrangement in connection with activities that involve working with vulnerable people/groups.
- A 'partnership arrangement' is an arrangement under which the proposed Partner would become a Partner organisation or other Contractor or Subcontractor supplying services to or working with Red Cross.
- Existing partnership arrangements are also required to comply with this Policy.
- Red Cross will not enter into a partnership arrangement unless the proposed Partner organisation satisfies the requirements of this Policy.

Engagement of individual sole traders is covered under *Annexure 4*.

6. *Managing risks for any exceptions to the full requirements of this Policy*

In some circumstances, Red Cross may decide to not apply certain obligations in relation to this Policy. In these instances, a determination may be made by the relevant Manager in consultation with the Senior Safeguarding Adviser (Domestic Operations) or Safeguarding Coordinator (International Programs) and the Legal and Policy Team to apply only some of the measures required by the Policy in respect of:

- a service being provided to Red Cross in Australia, by any person or organisation within the Scope of the Policy or
- an activity being conducted in Australia by Red Cross (excluding a services program or activity)

IF:

- a risk assessment is carried out in accordance with the procedures set out in the Red Cross risk framework; and
- after the risk assessment has been conducted and controls and mitigation mechanisms have been applied, the residual risk is assessed as being low.

Example: The risk assessment determines that the residual risk may be low, if:

- time period of attendance of the contractor on site is brief; and/or
- the extent of potential contact with vulnerable people is minimal; and/or
- suitable mitigation strategies are identified and implemented (e.g. direct supervision).

Overall, any exception or obligation in this Policy which is not applied may only be implemented by the relevant Manager in consultation with the Senior Safeguarding Adviser (Domestic Operations) or Safeguarding Coordinator (International Programs) and the Legal and Policy Team.

Helping to apply the Policy

The attached *Annexures* provide further detail:

- Annexure 1: Principles** – details the principles Red Cross will adopt to prevent and respond to incidents of sexual exploitation, abuse and harassment.
- Annexure 2: Definitions** – the glossary for use when reading this Policy.
- Annexure 3: Scope and Application** – details who is within the scope of this policy and how the policy applies to them.
- Annexure 4: Reporting and Investigations** – details how reported incidents are to be governed and investigated including appropriate action for any breaches.
- Annexure 5: Recruitment and Engagement** – applies to recruitment and engagement of any person or contractor within the scope of this Policy.
- Annexure 6: Related Red Cross Documents** – includes reference to relevant Red Cross policies.
- Annexure 7: Reporting, Notification and Appeal Procedures** – details the procedures to follow with respect to reporting under the Whistleblower Policy, notifying any relevant authorities and lodging an appeal against the findings of an investigation with respect to a breach of this Policy.

Review of Policy

Monitoring application of the policy is the responsibility of the Executive Team.

Version	Authors	Approved by the Board	Planned Review
Final v0.4	A. Prouse and K. Hay (Final v0.4)	June 2020	January 2022

Annexure 1: Prevention of Sexual Exploitation, Abuse and Harassment Principles

Principle 1: Australian Red Cross has zero tolerance for detected sexual exploitation, abuse and harassment. This means that all reasonable efforts are taken to prevent sexual exploitation, abuse and neglect and perpetrators are to be held to account.

Principle 2: Australian Red Cross applies a survivor-oriented approach to sexual exploitation, abuse and harassment whilst ensuring respect for due process. This entails the following principles:

<i>a.</i>	Do no harm	No action should be taken that would worsen the situation of a survivor of sexual exploitation or abuse or harassment.
<i>b.</i>	Respect	All actions taken are guided by respect for the choices, wishes, rights and dignity of the survivor. When these choices or wishes directly impact on due process, these will be discussed with the survivor.
<i>c.</i>	Safety	The safety and security of the survivor is the number one priority for all actors.
<i>d.</i>	Confidentiality	There must be strict adherence to confidentiality regarding the survivor's identity and other identifying information in every aspect of case handling. All actions are to be taken to ensure that any matter is handled in full confidentiality.
<i>e.</i>	Non-discrimination	Australian Red Cross provides equal and fair treatment to anyone in need of help due to a sexual exploitation, abuse or harassment incident involving anyone who falls within the scope of this policy.
<i>f.</i>	Child protection	Child survivors are to benefit from particular attention and their specific needs must be addressed. Child protection specialists will be consulted regarding the care for children.

Principle 3: Investigations of alleged sexual exploitation, abuse and harassment incidents are to be fair and respect the rights of all parties involved.

Principle 4: Prevention of sexual exploitation, abuse and harassment efforts are to use person-centered approaches, which helps put communities at the center of what we do. All investigations are to be developed

in a manner that ensures respect for due process and a survivor-centered approach. Furthermore, any outcomes of an investigation should be guided by respect for choices, wishes, rights and dignity of the survivor.

FOR MORE INFORMATION: [Human-Centered Design Approaches](#)

FOR MORE INFORMATION: [COMMUNITY ENGAGEMENT AND ACCOUNTABILITY](#)

Principle 5: Australian Red Cross People will:

- a. Not commit any act of sexual exploitation, abuse or harassment.
- b. Not engage a child in any form of sexual activity or acts, including paying for sexual services or acts.
- c. Not engage in any sexual activity with adults who are likely to benefit or already benefit from Australian Red Cross' protection or assistance.
- d. Not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior with anyone who looks to benefit or already benefit from Australian Red Cross' protection or assistance
- e. Not produce, procure, distribute or use pornographic material in Red Cross offices or on Red Cross equipment, including reading/surfing pornographic websites or message boards or sending or engaging with pornographic emails.

[Refer Disciplinary Action Policy](#)

Principle 6: Anyone who raises a concern about the ethical behaviour of someone or some people covered by the scope of this policy will be protected from any negative consequences or action by anyone on behalf of Red Cross.

[Refer Whistleblower Policy](#)

Principle 7: A Red Cross Person who raises a concern under this Policy maliciously, may be subject to disciplinary action (including employment termination) or other legal action.

[REFER WHISTLEBLOWER POLICY AND DISCIPLINARY ACTION POLICY](#)

Annexure 2: Definitions

Term	Definition
Adult	A person aged 18 years or more.
Affected Persons	Persons who look to or benefit from the IFRC's protection or assistance. This may include any person in the country or local community where the IFRC is operating.
Child	A person under the age of 18 years.
Child exploitation	One or more of the following: <ul style="list-style-type: none"> • committing or coercing another person to commit an act or acts of abuse against a child • possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material • committing or coercing another person to commit an act or acts of grooming or online grooming • using a child for profit, unlawful labour, sexual gratification, or some other personal or financial advantage.
Child exploitation material	Material, irrespective of its form, which is child abuse material or child pornography material.
Child pornography	Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.
Child protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child abuse, neglect and exploitation or responding to a specific incident of child abuse, neglect or exploitation.
Contractor	Any person or organisation (other than a staff member or volunteer of Red Cross or Red Cross Member) who comes into contact with vulnerable people, communities and/or groups as part of their engagement with Red Cross or who represent Red Cross, including any individual or sole traders (such as consultants).
DFAT	Department of Foreign Affairs and Trade (or any subsequent Department of the Australian Government, with responsibility for foreign or external affairs).
Partner/ Partner Organisation	A partner organisation engaged by Red Cross to work with Red Cross or to provide services to or in connection with projects (whether within or

Term	Definition
	outside Australia), including projects that are undertaken with funding provided in whole or in part by DFAT.
Prevention and Response to Sexual Exploitation, Abuse and Harassment” (PSEAH)	Refers to policy, rules and actions intended to prevent Red Cross People and contractors from engaging in any form of sexual exploitation, abuse and harassment and to respond where it has occurred.
Red Cross	Australian Red Cross Society (ABN 50 169 561 394).
Red Cross Contact person	The person nominated as the main point of contact for contractors (including sole traders), partners, volunteers and Red Cross Members.
Red Cross Member	A person who is a member of Red Cross in accordance with the Rules of Red Cross.
Red Cross People	Members of staff and volunteers engaged by Red Cross or a Red Cross Member.
Red Cross Person	A member of staff or volunteer engaged by Red Cross or a Red Cross Member.
Retaliation	<p>Refers to any direct or indirect detrimental action recommended, threatened or taken because an individual has been a victim or has reported on reasonable grounds a suspicion of alleged misconduct, such as sexual exploitation or abuse, or participated in an authorized audit or investigation. Retaliation may include denial of aid or inequitable allocation of assistance, adverse administrative actions, such as, but not limited to, unwarranted poor performance evaluations, changes in job duties, a hostile work climate or other negative decisions affecting the individual’s terms and conditions of employment.</p> <p>Retaliation may also take the form of verbal abuse or harassment.</p>
Sexual abuse	Refers to the actual or threatened physical or psychological intrusion of a sexual nature, whether by force or under unequal or coercive conditions when committed against Affected Persons.
Sexual Exploitation	Refers to any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes with respect to Affected Persons, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. Any payment (through cash or any other commodity or favour) for sexual services is considered to constitute sexual exploitation.

Term	Definition
Sexual Exploitation and Abuse (SEA)	Refers to the above-defined acts together. (i.e. Sexual abuse; Sexual Exploitation)
Sexual Harassment	Refers to any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature between Red Cross Personnel. This is distinct from SEA, which refers to exploitation or abuse of Affected Persons.
Sole trader	An individual person (other than a staff member, or a volunteer or a Red Cross Member, or a company or other incorporated organisation) who comes into contact with vulnerable people, communities and/or groups as part of their engagement with Red Cross or who represent Red Cross.
Sub-Contractor	A person or organisation which, under a contract with a Contractor which provides services to Red Cross, undertakes the provision of some or all of the service obligations to Red Cross of that Contractor.
Survivor	<p>The words ‘victim’ and survivor’ both refer to a person who has been exposed to sexual exploitation, abuse or harassment. We use the word ‘survivor’ when speaking of a person after the incident, such as when they are sharing their story or accessing support.</p> <p>We understand that many people do not like the terms ‘victim’ or ‘survivor’.</p>
Victim	<p>The words ‘victim’ and survivor’ both refer to a person who has been exposed to sexual exploitation, abuse or harassment. We use the word ‘victim’ when speaking of the person at the time of the incident.</p> <p>We understand that many people do not like the terms ‘victim’ or ‘survivor’.</p>
Volunteer	<p>A person who:</p> <ul style="list-style-type: none"> ● is a volunteer in accordance with Rule 4 of the Rules of Red Cross or provides voluntary service with the agreement of Red Cross as defined and required by the Red Cross Volunteer Framework or <p>provides voluntary service as a member of:</p> <ul style="list-style-type: none"> ● the Board of Red Cross ● a Committee of the Board ● a Divisional Advisory Board ● a Committee of a Divisional Advisory Board. <p>A ‘volunteer’ does not include any person who is a blood donor, organ donor, ‘umbilical cord’ donor, milk donor or tissue donor with the Australian Red Cross Blood Service.</p>

Term	Definition
Whistleblower	Refers to an individual who raises a concern which would be covered by the Red Cross Whistleblower Policy.
Work experience student	<p>A student who is engaged in activities of Red Cross as a consequence of participating in a course of formal study, including:</p> <ul style="list-style-type: none"> • a school-based work experience program • a TAFE/University or other accredited educational provider of work experience • a compulsory work placement program • a government labour market work experience program • internships.

Annexure 3: Scope and Application

This Policy applies to all work undertaken on behalf of the Australian Red Cross Humanitarian Division.

THESE GROUPS ARE WITHIN THE SCOPE OF THIS POLICY REGARDLESS OF WHAT THEY DO:

- Members of staff
- Members of staff engaged in the International Humanitarian Blood Program of Red Cross
- Volunteers
- Delegates
- Red Cross Members
- work experience students, trainees and apprentices
- Contractors or Sub-contractors, including sole traders, and the personnel of these organisations who personally provide services to or work in connection with any activity of Red Cross
- Partner organisations providing services to or working with Red Cross.

APPLICATION TO RED CROSS PEOPLE

Providing Safe Environments

We do not permit any Red Cross person to work with or have contact with vulnerable people, groups or communities, if that person poses an unacceptable risk to that person, group and/or community's safety or wellbeing.

In all our programs and services:

- we undertake risk assessments and institute mitigation activities to prevent harm to people, groups and communities with whom we come into contact;
- we inform people, groups and communities with whom we work of:
- their rights to feel safe and well, and to be safe and well, at all times
- our reporting obligations
- our feedback and complaints processes; and
- we include suitable and relevant prevention of sexual exploitation, abuse and harassment requirements in contracts, agreements and other arrangements with Partners and Contractors (including subcontractors and sole traders).

Responsibility to Prevent and Respond to Sexual Exploitation, Abuse and Harassment

All Red Cross people are responsible for championing good practice and maintaining an organisational culture that prioritises safeguarding against sexual exploitation, abuse and harassment.

Managers are responsible for maintaining an environment that facilitates implementation of this Policy and which prevents sexual exploitation, abuse and harassment.

Managers must create a safe environment for anyone to come forward and raise allegations or concerns of sexual exploitation, abuse and harassment and will take action to immediately respond to any reports in accordance with relevant organisational policies, in particular, the Whistleblower Policy.

All Red Cross people must report any concerns, suspicions or allegations of sexual exploitation, abuse and harassment or breach of the Prevention of Sexual Exploitation, Abuse and Harassment Policy.

Responding to Concerns of Sexual Exploitation, Abuse and Harassment

In all our activities:

- we treat a report of sexual exploitation, abuse and harassment or a breach of this Policy seriously;
- we ensure that the safety and wellbeing of vulnerable people, groups and communities remain the overriding concern at all times;
- we undertake to respond to all reports of alleged breaches of this policy and, where relevant, conduct an internal investigation and follow-up as required; and
- we work to ensure that all parties are treated fairly.

APPLICATION TO SOLE TRADERS

If a sole trader enters into an agreement with Red Cross, the agreement must require that the sole trader comply with the requirements of this Policy and the Child Protection Policy, as applicable to the specific engagement.

APPLICATION TO CONTRACTORS, SUB-CONTRACTORS OF CONTRACTORS AND PARTNER ORGANISATIONS, FOR ACTIVITY INSIDE AUSTRALIA

If a Contractor or Partner organisation in Australia enters into an agreement with Red Cross, that agreement must require that the Contractor or Partner organisation:

- must apply its own equivalent policy or policies, if that policy or policies complies with the standards and procedures set out or referred to in this Policy; or
- demonstrate to the reasonable satisfaction of Red Cross that it is working towards establishing and implementing appropriate prevention of sexual exploitation, abuse and harassment standards and processes; or
- prevent and respond to sexual exploitation, abuse and harassment in accordance with this Policy.

Through agreement between Red Cross and a Contractor, any Sub-contractor must be required to:

- apply its own policy or policies, if that policy complies with the standards and procedures set out or referred to in this Policy; or
- demonstrate to the reasonable satisfaction of Red Cross that it is working towards establishing and implementing appropriate standards and processes; or
- enter into contractual arrangements with Red Cross providing for the prevention and appropriate response to sexual exploitation, abuse and harassment obligations to be undertaken by the contractor which are in accordance with this Policy and subject to approval by Red Cross.

APPLICATION TO PARTNER ORGANISATION OUTSIDE AUSTRALIA FUNDED BY DFAT

Any Partner organisation outside Australia which is within the scope of this Policy and enters into arrangements with Red Cross to undertake an activity which is funded by DFAT, must have and implement a Prevention of Sexual Exploitation, Abuse and Harassment Policy which complies with the DFAT Prevention of Sexual Exploitation, Abuse and Harassment Policy standards. This must be set out in agreement between Red Cross and the Partner organisation.

SPECIFIC ARRANGEMENTS FOR MULTILATERAL ORGANISATIONS AND BILATERAL DONOR PARTNERS:

DFAT's Preventing Sexual Abuse, Exploitation and Harassment Policy states the following:

"Partner governments and multilateral organisations:

- Australian Government and Australian State and Territory Government agencies which have agreements in place with DFAT (funded or unfunded)
- Multilateral partners
- Other partner governments.

These groups are expected to act in accordance with the principles and reporting requirements outlined in this Policy. They must also abide by their own relevant policies, international declarations, conventions, agreements and domestic legal frameworks that relate to preventing sexual exploitation, abuse and harassment. Through our partnership agreements and board memberships, DFAT will ensure PSEAH is part of due diligence processes for these organisations, and seek assurances of their application.

Downstream DFAT partners, that is, contractors, subcontractors, partners and any other entity engaged by DFAT partners to perform any DFAT-related work. Application of the Policy to downstream partners is the responsibility of the partner with whom DFAT has an agreement. DFAT will require evidence of this application as part of their risk management processes."

APPLICATION TO PARTNER ORGANISATION OUTSIDE AUSTRALIA **NOT** FUNDED BY DFAT

A Partner organisation outside Australia which enters into arrangements with Red Cross to undertake an activity which is not wholly or partly funded by DFAT:

- must have and implement a Prevention of Sexual Exploitation, Abuse and Harassment Policy which complies with the standards and procedures set out in this Policy, as set out in agreement between Red Cross and the partner organisation, or
- Red Cross must conduct an initial risk assessment of the Partner organisation and their activities must be undertaken and the Partner organisation must demonstrate to the reasonable satisfaction of Red Cross that it is working towards establishing and implementing appropriate child protection standards and processes; or
- enter into contractual arrangements with Red Cross providing for prevention and appropriate response to sexual exploitation, abuse and harassment obligations to be undertaken by the Partner organisation which are in accordance with this Policy.

Helping to apply the Policy

The attached *Annexures* provide further detail:

- Annexure 3: Scope and Application** – details who is within the scope of this policy and how the policy applies to them.
- Annexure 4: Reporting and Investigations** – details how reported incidents are to be governed and investigated including appropriate action for any breaches.
- Annexure 5: Recruitment and Engagement** – applies to recruitment and engagement of any person or contractor within the scope of this Policy.
- Annexure 6: Related Red Cross Documents** – includes reference to relevant Red Cross policies.
- Annexure 7: Reporting, Notification and Appeal Procedures** – details the procedures to follow with respect to reporting under the Whistleblower Policy, notifying any relevant authorities and lodging an appeal against the findings of an investigation with respect to a breach of this Policy.

Review of Policy

Monitoring application of the policy is the responsibility of the Executive Team.

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Annexure 3: Scope and Application

This Policy applies to all work undertaken on behalf of the Australian Red Cross Humanitarian Division.

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- Members of staff engaged in the International Humanitarian Blood Program of Red Cross
- Volunteers
- Delegates
- Red Cross Members
- work experience students, trainees and apprentices
- Contractors or Sub-contractors, including sole traders, and the personnel of these organisations who personally provide services to or work in connection with any activity of Red Cross
- Partner organisations providing services to or working with Red Cross.

APPLICATION TO RED CROSS PEOPLE

Providing Safe Environments

We do not permit any Red Cross person to work with or have contact with vulnerable people, groups or communities, if that person poses an unacceptable risk to that person, group and/or community's safety or wellbeing.

In all our programs and services:

- we undertake risk assessments and institute mitigation activities to prevent harm to people, groups and communities with whom we come into contact;
- we inform people, groups and communities with whom we work of:
- their rights to feel safe and well, and to be safe and well, at all times
- our reporting obligations
- our feedback and complaints processes; and
- we include suitable and relevant prevention of sexual exploitation, abuse and harassment requirements in contracts, agreements and other arrangements with Partners and Contractors (including subcontractors and sole traders).

Responsibility to Prevent and Respond to Sexual Exploitation, Abuse and Harassment

All Red Cross people are responsible for championing good practice and maintaining an organisational culture that prioritises safeguarding against sexual exploitation, abuse and harassment.

Managers are responsible for maintaining an environment that facilitates implementation of this Policy and which prevents sexual exploitation, abuse and harassment.

Managers must create a safe environment for anyone to come forward and raise allegations or concerns of sexual exploitation, abuse and harassment and will take action to immediately respond to any reports in accordance with relevant organisational policies, in particular, the Whistleblower Policy.

All Red Cross people must report any concerns, suspicions or allegations of sexual exploitation, abuse and harassment or breach of the Prevention of Sexual Exploitation, Abuse and Harassment Policy.

Responding to Concerns of Sexual Exploitation, Abuse and Harassment

In all our activities:

- we treat a report of sexual exploitation, abuse and harassment or a breach of this Policy seriously;
- we ensure that the safety and wellbeing of vulnerable people, groups and communities remain the overriding concern at all times;
- we undertake to respond to all reports of alleged breaches of this policy and, where relevant, conduct an internal investigation and follow-up as required; and
- we work to ensure that all parties are treated fairly.

APPLICATION TO SOLE TRADERS

If a sole trader enters into an agreement with Red Cross, the agreement must require that the sole trader comply with the requirements of this Policy and the Child Protection Policy, as applicable to the specific engagement.

APPLICATION TO CONTRACTORS, SUB-CONTRACTORS OF CONTRACTORS AND PARTNER ORGANISATIONS, FOR ACTIVITY INSIDE AUSTRALIA

If a Contractor or Partner organisation in Australia enters into an agreement with Red Cross, that agreement must require that the Contractor or Partner organisation:

- must apply its own equivalent policy or policies, if that policy or policies complies with the standards and procedures set out or referred to in this Policy; or
- demonstrate to the reasonable satisfaction of Red Cross that it is working towards establishing and implementing appropriate prevention of sexual exploitation, abuse and harassment standards and processes; or
- prevent and respond to sexual exploitation, abuse and harassment in accordance with this Policy.

Through agreement between Red Cross and a Contractor, any Sub-contractor must be required to:

- apply its own policy or policies, if that policy complies with the standards and procedures set out or referred to in this Policy; or
- demonstrate to the reasonable satisfaction of Red Cross that it is working towards establishing and implementing appropriate standards and processes; or
- enter into contractual arrangements with Red Cross providing for the prevention and appropriate response to sexual exploitation, abuse and harassment obligations to be undertaken by the contractor which are in accordance with this Policy and subject to approval by Red Cross.

APPLICATION TO PARTNER ORGANISATION OUTSIDE AUSTRALIA FUNDED BY DFAT

Any Partner organisation outside Australia which is within the scope of this Policy and enters into arrangements with Red Cross to undertake an activity which is funded by DFAT, must have and implement a Prevention of Sexual Exploitation, Abuse and Harassment Policy which complies with the DFAT Prevention of Sexual Exploitation, Abuse and Harassment Policy standards. This must be set out in agreement between Red Cross and the Partner organisation.

SPECIFIC ARRANGEMENTS FOR MULTILATERAL ORGANISATIONS AND BILATERAL DONOR PARTNERS:

DFAT's Preventing Sexual Abuse, Exploitation and Harassment Policy states the following:

“Partner governments and multilateral organisations:

- Australian Government and Australian State and Territory Government agencies which have agreements in place with DFAT (funded or unfunded)
- Multilateral partners
- Other partner governments.

These groups are expected to act in accordance with the principles and reporting requirements outlined in this Policy. They must also abide by their own relevant policies, international declarations, conventions, agreements and domestic legal frameworks that relate to preventing sexual exploitation, abuse and harassment. Through our partnership agreements and board memberships, DFAT will ensure PSEAH is part of due diligence processes for these organisations, and seek assurances of their application.

Downstream DFAT partners, that is, contractors, subcontractors, partners and any other entity engaged by DFAT partners to perform any DFAT-related work. Application of the Policy to downstream partners is the responsibility of the partner with whom DFAT has an agreement. DFAT will require evidence of this application as part of their risk management processes.”

APPLICATION TO PARTNER ORGANISATION OUTSIDE AUSTRALIA **NOT** FUNDED BY DFAT

A Partner organisation outside Australia which enters into arrangements with Red Cross to undertake an activity which is not wholly or partly funded by DFAT:

- must have and implement a Prevention of Sexual Exploitation, Abuse and Harassment Policy which complies with the standards and procedures set out in this Policy, as set out in agreement between Red Cross and the partner organisation, or
- Red Cross must conduct an initial risk assessment of the Partner organisation and their activities must be undertaken and the Partner organisation must demonstrate to the reasonable satisfaction of Red Cross that it is working towards establishing and implementing appropriate child protection standards and processes; or
- enter into contractual arrangements with Red Cross providing for prevention and appropriate response to sexual exploitation, abuse and harassment obligations to be undertaken by the Partner organisation which are in accordance with this Policy.

Annexure 4: Reporting and Investigations

Red Cross will take all concerns seriously and respond immediately. Regardless of whether substantiated or a full investigation is undertaken, all reports of sexual exploitation, abuse and/or harassment will be recorded and take into consideration the wishes and welfare of the complainant. The principles of natural justice will apply to all investigations.

A report can be made via **StopLine** or to any 'Responsible Person' outlined in the [Whistleblower Policy](#).

Anyone wishing to make a report anonymously
can do so using the StopLine on 1300 304 550.

Investigations will be carried out in a manner that is timely, sensitive, fair and objective. Documentation will be held securely, and information related to reports of sexual exploitation, abuse and/or harassment shall be shared only with Australian or local law enforcement and other statutory authorities, when required under legislation and best practice and with, whenever possible, the knowledge and consent of the victim.

NB: Some reporting to Australian or local law enforcement and other statutory authorities is mandated regardless of whether the victim consents. In these instances, Australian Red Cross will inform the victim of this requirement before their information is shared.

WHAT SHOULD I DO IF I HAVE A CONCERN ABOUT SEXUAL EXPLOITATION, ABUSE AND/OR HARASSMENT THAT ARISES DURING MY ENGAGEMENT WITH RED CROSS?

If I have reasonable grounds to suspect a Red Cross person, contractor or staff member of a Partner organisation has engaged in sexual harassment, exploitation and/or abuse I must report this suspicion via **StopLine (1300 304 500)** or to any 'Responsible Person' as outlined in the [Whistleblower Policy](#).

In addition:

- If, as a 'Responsible Person', I am required by law to report sexual exploitation, abuse or harassment to the relevant police or authority, I will do so as soon as practicable.
- If, as a 'Responsible Person', I am required by Red Cross contractual obligations to report sexual exploitation, abuse or harassment to the relevant funding Partner, I will do so as soon as practicable.

Annexure 7 outlines the Red Cross procedure with respect to reporting incidents both internally and with respect to relevant authorities.

WHAT IF I AM UNCERTAIN ABOUT WHAT TO DO OR HAVE A CONCERN ABOUT REPORTING?

- If I am uncertain about what to do, including whether I must report a matter to the police or an authority and/or
- worried about the consequences of making a report for the safety of the victim, their family and/or Red Cross people and related parties,

I will contact **StopLine** or one of the 'Responsible People' outlined in the Whistleblower Policy for support and assistance.

Referral process for complaints that don't fall within the scope of the policy

During the course of our work, should we become aware of complaints that sit outside of the scope of this policy (third party incidents) we will determine the appropriate action based on the following considerations:

- Does the complaint warrant Australian or local or other national law enforcement and other statutory authorities being notified?
- Does the complaint warrant other Australian or local or other national authorities or bodies being notified (e.g. Child Protection Agencies)?
- Does the complaint expose Red Cross People or its Clients/Beneficiaries to risk?
- Does the complaint result in the potential breach of other Red Cross Policies, Codes or Frameworks?

Support and Assistance

Red Cross will ensure survivors of sexual exploitation, abuse and harassment are offered support and assistance such as referral to safe health, medical, psychosocial and legal support as appropriate and where required, to specialised children's, women's services, LGBTQI services or disability services.

Survivors will be provided with information on the progression of an investigation and final outcomes.

False or Malicious Report

Any Red Cross Person who knowingly makes a false report, or makes a malicious report, may be subject to disciplinary action including dismissal or other appropriate action as outlined in the Disciplinary Action Policy.

A sole trader, contractor or subcontractor who knowingly makes a false report, or makes a malicious report, may be subject to termination of contract.

Consequences of Breach of the Policy

We have the right to dismiss any Red Cross staff member or terminate the services of a volunteer or suspend or transfer them to other duties or undertake other disciplinary action, if they breach this Policy.

We have the right to terminate or suspend any Red Cross member or undertake other action if they breach this Policy in accordance with Divisional Regulations.

A breach of or failure to comply with the Policy may result in a range of actions including:

- legal action
- criminal investigation and prosecution
- dismissal (if a staff member) or termination (if a volunteer or member)
- for a Contractor who is a sole trader – termination of contract
- for personnel of a Partner organisation, or other Contractor or a Subcontractor (“organisation”):
 - a direction to the organisation requiring cessation of the services of the person concerned; and/or
 - termination of the contract or other arrangement with the organisation.

Failure to notify or make a report when you are obliged to do so

If you fail to notify or make a report of sexual exploitation, abuse and/or harassment or breach of the Policy, when obliged to do so, you will be in breach of this Policy. Failure to report may result in disciplinary action by Red Cross.

Annexure 5: Recruitment or Engagement

Annexure 5 applies to recruitment of any person within the scope of this Policy.

Recruitment of an individual person within the scope of this Policy is to be undertaken in accordance with the following other relevant Red Cross policies:

- the Recruitment and Selection Policy (HR ATT 01)
- the Police Check Policy (HR ATT 04)
- the Work Experience Policy (HR DEV 04)
- Finance - Procurement Policy (2017)
- Child Protection Policy
- Annexure 3 (i.e. this document)

This annexure provides additional information on key aspects of recruitment and engagement to supplement the above policies.

GENERAL PROVISIONS

Red Cross screens all workers to reduce the risk of engaging a person with a background of unacceptable risks to children or adults, particularly vulnerable children and adults.

These procedures include:

- Verbal referee checks, and will include a question regarding any concerns of sexual misconduct.
- HR records include performance or conduct issues regarding concerns or allegations of sexual exploitation, abuse and/or harassment.
- All employment/assignment contracts must contain provisions for potential disciplinary action, including termination of employment/assignment following breach of this policy.

ADVERTISING FOR ALL STAFF AND VOLUNTEER ROLES

In respect of any recruitment or engagement, a statement, the substance of which is that Red Cross has zero tolerance to any form of sexual exploitation, abuse and harassment and is a child safe organisation.

Red Cross screens applicants for suitability to work with or to have contact with children and vulnerable adults, will be included in the relevant section of the Red Cross website or other relevant place.

EMPLOYMENT CONTRACT PROVISIONS

Each employment contract of a Red Cross staff member must include an entitlement for Red Cross to dismiss the staff member, or suspend or transfer them to other duties, if they breach the Ethical Framework, which includes any breach of this Policy.

WORKING WITH CHILDREN CLEARANCE PROVISIONS

A Working with Children Check is required if a person, within the scope of the Child Protection Policy and Handbook, is required by law or equivalent to hold a specific 'Clearance Notice' or card issued by a governmental authority in order to work with children (e.g. a 'Blue Card' in Queensland) in accordance with the applicable legislation.

Further requirements on role screenings are outlined in the [Child Protection Policy](#).

Criminal Record Check

No Criminal Record Check may be undertaken, unless the person has consented to it being obtained.

A satisfactory Criminal Record Check is a pre-condition of:

- appointment of the preferred candidate as a staff member, volunteer or Red Cross Member whose services are to be utilised or
- engagement of the preferred person as a sole trader.

For further detail in relation to how the criminal record review is to be conducted and what it has to cover, please refer to the [Police Check Policy](#).

DECLARATION - IF FORMAL CRIMINAL RECORD CHECKS ARE NOT AVAILABLE OR RELIABLE

In limited circumstances, it may prove impossible to obtain a reliable criminal record check in or from other countries. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and, if permitted by law, spent convictions relating to sexual exploitation, abuse and harassment may be accepted instead.

The preferred candidate for employment, volunteering (where required under the Volunteering Framework), or sole trader will be asked to sign a legally binding declaration in respect of any criminal record in connection with any aspect of sexual exploitation, abuse and harassment.

A satisfactory declaration is a pre-condition of:

- appointment of the preferred candidate as a staff member, volunteer or Red Cross Member whose services are to be utilised or
- engagement of the preferred person as a sole trader.

RECORDS OF RECRUITMENT PROCEDURES

A record of the recruitment is to be maintained including the response to the request for disclosure of any charges of a child abuse offence, a referee's comments (in the case of volunteers, only where applicable under the Volunteer Framework) and the reference number and date of the criminal record check or other process.

Annexure 6: Related Red Cross Documents

- Ethical Framework
- HR ATT 01 – Recruitment and Selection Policy
- HR ATT 04 – Police Check Policy
- HR DEV 04 – Work Experience Policy
- Disciplinary Action Policy
- Grievance Policy and Procedure
- Whistleblower Policy
- IT – Computer and electronic devices use policy
- Finance – Procurement Policy
- Child Protection Policy
- Child Protection Code of Conduct
- Child Protection Handbook
- Volunteer Framework
- CEA Guidelines
- Human Centered Design Approach

Annexure 7: Reporting, Notification and Appeal Procedures

If:

- you suspect or have had disclosed to you a report of sexual abuse, exploitation and/or harassment, and/or
- there is a breach or possible breach of the Prevention of the Sexual Exploitation, Abuse and Harassment Policy

The procedures for you to follow are set out below.

NB: If the report relates to a child (person under 18 years of age), please refer to the Child Protection Policy and Child Protection Handbook

Please also refer to the Whistleblower Policy including

- ATTACHMENT A Whistleblower Flow Chart – People Raising Concerns
- ATTACHMENT B Whistleblower Flow Chart – Responsible Persons
- ATTACHMENT C Flowchart for notifying relevant authorities

NB: If a report is made through the IFRC's whistleblower hotline system, Safecall, and it relates to any person or organisation who falls within the scope of this policy, it will be treated under the Whistleblower Policy and relevant procedures until deemed otherwise.

Your fundamental obligation

Depending on what you know or on reasonable grounds suspect has happened, you may be obliged by law to notify the matter to the relevant authority of the matter. Even if you do not have a legal obligation to notify an external authority, you must report the matter to Red Cross in accordance with this Policy. How these obligations work is covered in the following sections.

How do I know or suspect on reasonable grounds that sexual exploitation, abuse and/or harassment has occurred, or that there is a risk of sexual exploitation, abuse and/or harassment?

To report or notify suspected or disclosed sexual exploitation, abuse and/or harassment:

- you might have personal knowledge sexual exploitation, abuse and/or harassment; and/or
- you may have reasonable grounds to suspect that sexual exploitation, abuse and/or harassment has occurred, or that there is a risk of it occurring.

When do I have personal knowledge of abuse or exploitation?

You have 'personal knowledge' of sexual exploitation, abuse and/or harassment – e.g. from something which you have observed.

What are reasonable grounds to suspect abuse or exploitation?

If you do not have personal knowledge that sexual exploitation, abuse and/or harassment has occurred, then – before you make a report - you need to have formed a suspicion on reasonable grounds that sexual exploitation, abuse and/or harassment has occurred, or that there is a risk of it occurring.

Reasonable grounds to report or notify suspected sexual exploitation, abuse and/or harassment may include:

- when someone tells you that he or she has been sexual exploited, abused and/or harassed;
- when you observe a person's behaviour and/or injuries, or your knowledge of the person generally leads you to suspect exploitation, abuse and/or harassment is occurring;
- a person tells you that they know of someone who has been exploited, abused and/or harassed (their observations lead you to believe that he/she could possibly be referring to him/herself);
- when you hear about it from someone who is in a position to provide reliable information (e.g. a relative or friend, neighbour, community member or sibling).

Other situations may come to light through disclosures, allegations and/or direct observation of sexual exploitation, abuse and/or harassment.

Key points:

- If you have formed a suspicion on reasonable grounds, you should take action and report that concern as per the Whistleblower Policy.
- Trust your judgement and don't ignore your concerns. People who sexually exploit, abuse and/or harass others can go to great lengths to hide it.
- You are not expected to investigate the concerns. The 'Responsible Persons' outlined in the Whistleblower Policy will identify the appropriate person to investigate.
- You can also raise the matter through StopLine as outlined in this Policy and the Whistleblower Policy.
- Any alleged incident of sexual exploitation, abuse and/or harassment must be treated in strict confidence, including disclosure to other persons only on a strict 'need to know' basis. More detail is outlined in this Policy and the Whistleblower Policy

General rules about notifying and reporting sexual exploitation, abuse and/or harassment

When preparing to report, it is important to remember the following:

- It is not the role of Red Cross people to decide whether a crime has occurred - this is the role of the relevant authority and legal system.
- If acting in good faith in making a report where you are obliged to make by law or Red Cross policy, you cannot incur civil or criminal liability.
- If acting in good faith by making a report where you are obliged to make by law or Red Cross policy, you are not breaching any professional etiquette or ethics, confidentiality or privacy.
- A notification can be made at any time.

Other contractual or statutory reporting requirements

In some cases, Red Cross also has additional reporting requirements under the terms of contracts for services (e.g. Department of Foreign Affairs and Trade).

What am I required to report to Red Cross under Red Cross Policy, in Australia?

If you have a concern about sexual exploitation, abuse and/or harassment, which arises in relation to suspected or actual conduct by any person or entity within the Scope of the Policy, in connection with, or arising from, any Red Cross activity; or

you have a concern about any other sexual exploitation, abuse and/or harassment in relation to any person who is participating in a Red Cross activity in Australia (even if the concern does not arise in connection with that activity)

As a matter of Red Cross policy, you must report to Red Cross:

- a suspicion (on reasonable grounds), knowledge or disclosure of sexual exploitation, abuse and/or harassment;
- a suspicion (on reasonable grounds), knowledge or disclosure of any sexual exploitation, abuse and/or harassment, as defined in this Policy;
- a breach or possible breach of this Policy.

You can seek help:

If you are uncertain about whether you are obliged to report – promptly seek assistance from one the ‘Responsible Persons’ outlined in the Whistleblower Policy.

How do I make a report?

Each Red Cross Person is required by Red Cross to report any suspected or disclosed sexual exploitation, abuse and/or harassment, or breach of this Policy by following the steps set outlined in [Attachment A: Whistleblower Flow Chart – People Raising Concerns](#).

If your report relates to historic child abuse in a Red Cross home which occurred prior to 1 July 2018, you also have the additional option to raise your concerns through the [National Redress Scheme](#).

Reporting by a sole trader or personnel of a Contractor or Subcontractor which is bound by the Red Cross policy

The above reporting procedure also applies to a sole trader or personnel of a sub-contractor.

What am I required to report to Red Cross under Red Cross policy, outside Australia?

If you have a concern about a specific case of sexual exploitation, abuse and/or harassment, you must make a report as set out here.

What if I am concerned about any risks of making a report to local police or other authority outside Australia?

In some cases, you may have concerns about making a notification to the local authority. In this case, you should discuss the issue with the Director International Programs and Movement

Relations. In some cases, a taskforce may be activated comprising representatives from Legal and Policy, HR and the Director International Programs and Movement Relations.

How do I appeal a finding or lack of finding relating to an investigation with respect to this Policy if I am a Red Cross person?

In some cases, you may have concerns about the findings of an investigation which is undertaken with respect to this Policy. This could be in relation to the substantiation of a finding, the inability to substantiate a finding or the way the investigation was conducted. A Red Cross person can appeal a decision, if they believe that:

- Inadequate consideration was given to their individual circumstances, or
- The decision was made contrary to policy, or
- The decision was made contrary to procedural fairness, or
- The decision involved a poor interpretation of policy

If this is the case, you can appeal any of the above. The mechanism to do so is the [Grievance Policy and Procedure](#).

How do I appeal a finding or lack of finding relating to an investigation with respect to this Policy if I am a Red Cross client?

In some cases, you may have concerns about the findings of an investigation which is undertaken with respect to this Policy. This could be in relation to the substantiation of a finding, the inability to substantiate a finding or the way the investigation was conducted. A Red Cross person can appeal a decision, if they believe that:

- Inadequate consideration was given to their individual circumstances, or
- The decision was made contrary to policy, or
- The decision was made contrary to procedural fairness, or
- The decision involved a poor interpretation of policy

If this is the case, you can appeal any of the above. The mechanism to do so is outlined below.

How do I appeal a finding or lack of finding relating to an investigation with respect to this Policy and still protect my anonymity?

If you have made a claim under this Policy either through STOPLine or under the protections of the Whistleblower Policy, the Whistleblower Policy outlines that appeals can be made to the President of the Red Cross Society. In addition, you can also outline to STOPLine your concerns relating to any of the above and they will ensure your identity is protected before sharing with Red Cross.

Client Appeals

Clients will be advised of their appeal rights by the original reviewer of their complaint at the time of communicating outcomes or decision associated with a complaint.

NOTE: Where the investigation of a complaint was terminated due to insufficient evidence, the complaint may be reopened if there is new evidence available relating to the original complaint that was not available to the Investigator at the time the original determination was reached. No appeal is required in this instance.

The objective of the appeals process is to ensure that:

- There is a fair mechanism for decisions to be reviewed, and
- The correct decision has been made in each individual case under appeal.

There are three levels of appeal:

- First tier – internal review by the local team who made the decision regarding the complaint,
- Second tier – independent review by a senior Red Cross authority, and
- Third tier – Independent review by a third party

First Tier Appeal

These appeals will normally be dealt with by the next most senior staff member within the relevant area. For example, where the initial investigation was undertaken by the Head of Program, the appeal would be dealt with by the Business unit Director or State Director. However, there are situations where the local investigator will refer a client's file directly to a Red Cross responsible person for a second tier independent review when it relates to a matter covered under the Whistleblower Policy. See below for details on second tier appeals.

The general approach to first tier appeals is:

- A client requests an appeal within three months of the original decision being made;
- The review of the decision is conducted by a staff member or staff members who was/were not involved in making the original decision;
- The client is offered a phone or face to face interview to explain the reasons they think the decision should be changed, to understand the decision-making process and to provide any relevant, further information; and
- The recommendations of the review are then considered by the senior staff member who will make the decision on the appeal.
- The client will be informed of the appeal decision in writing.

When reviewing the original decision, the staff member will consider matters such as:

- Was the original decision consistent with policy?
- Were the client's circumstances and all relevant information fairly and properly considered?
- Was there any bias or prejudice involved on the part of the original decision maker?
- Whether any new, relevant information is available?

The outcome of the appeal will be any of the following:

- The original decision is being placed under review and further investigation is required.
- The original decision is upheld.
- The original decision is changed in part.

If a client’s first tier appeal is unsuccessful and the original decision is upheld, the client will be offered an opportunity to be referred directly to the second tier appeal process.

Second Tier Appeals

If a client believes the decision made in the first tier appeal is incorrect, they can ask a Red Cross responsible person to review the decision.

Generally, the Red Cross responsible party will not review a decision until after the first tier internal review of the decision has been completed. However, there are situations where the local investigator will refer a client’s file directly to the Red Cross responsible person for a second tier independent review when it relates to a matter covered under the Whistleblower Policy but prior to doing this the client’s consent must be given prior.

After investigating the complaint, the responsible person will determine that:

- The original decision is being placed under review and further investigation is required.
- The original decision is upheld.
- The original decision is changed in part.

The responsible person will also advise the client of their recommendation.

Appeal Timeframe Overview

In most cases, clients must lodge an appeal within three months of the original decision being made except for the following appeal issues.

Timeframe to Appeal	Appeal issue
No limit	Child Protection and Prevention of Sexual Exploitation, Abuse and Harassment complaints

Timeframe for consideration of appeals

Red Cross will attempt to make a decision on a first tier internal review within 20 calendar days of receiving a client’s application form. Priority is given to appeals of certain decisions as outlined below.

If an appeal is not resolved within the relevant timeframe, the client will be advised in writing of the reasons for the delay and the expected timeframe for completion.

Appeal issue	Timeframe for consideration
General Appeals	Within 20 days
Urgent situations regarding health and safety	Within 48 hours
Urgent situations regarding eligibility for service	Within 72 hours

Formal External Review

Complaints can be lodged with external organisations at any time, subject to the procedures of the particular organisation.

There are a number of external organisations that deal with complaints. The details of some of the key organisations are provided below:

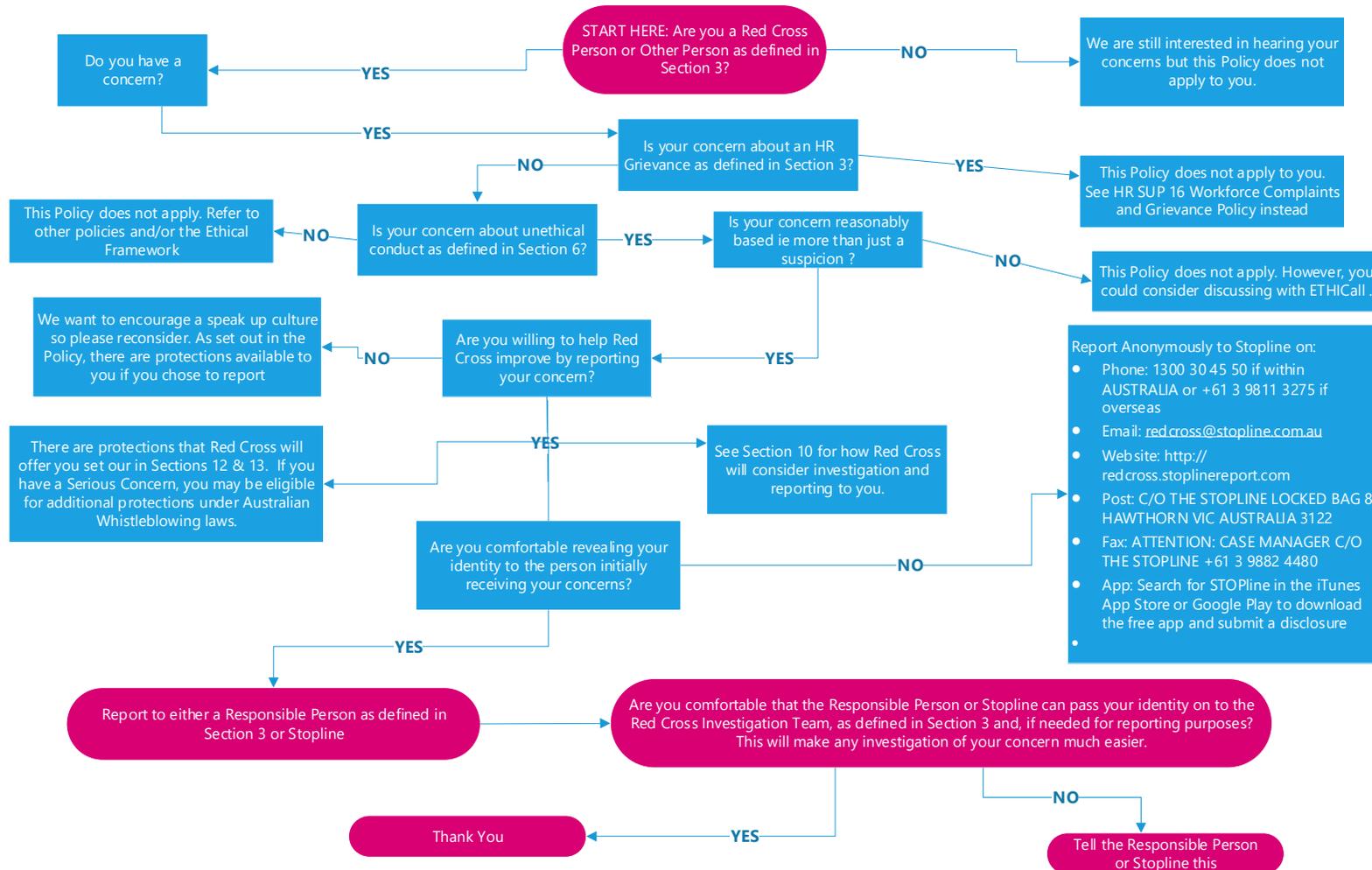
- ACFID - <https://acfid.asn.au/content/complaints>
- ACNC - <https://www.acnc.gov.au/raise-concern/concerns-about-charities/how-raise-concern>
- Fair Work Ombudsman – <https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues>
- State/Territory Equal Opportunity/Human Rights Commission

Complaint investigations undertaken by external organisations will be conducted in accordance with the procedures of the external organisation.

Complainants should be aware that external organisations will normally notify Red Cross when they receive a complaint. When the Red Cross becomes aware that a complaint has been lodged with an external organisation it will record the complaint in its Complaint Handling System.

Once a complaint has been lodged with an external organisation, Red Cross will normally suspend any internal investigation until such time as the external organisation has completed its investigation and submitted all reports related to its findings.

Attachment A: Flow Chart for people raising concerns



ATTACHMENT C: Flowchart for notifying relevant authorities

