



SEXUAL MISCONDUCT PREVENTION AND RESPONSE POLICY

1 Purpose

This policy sets out NACCHO's commitment **to zero tolerance** for behaviours that could, or could be perceived to, lead to establishment of an emotional connection or building of trust with a vulnerable person with the intent to engage in sexual activity at a later time (grooming), or sexual abuse and/or molestation of a child or vulnerable adult in any activity or workplace related to NACCHO.

NACCHO is committed to providing a safe environment for its staff and all who interact with it. This policy clearly articulates expectations and mandatory standards of behaviour when dealing with vulnerable individuals, particularly in situations where an inequity in power may exist.

2 Scope

This policy applies to all staff, volunteers, contractors and consultants employed by NACCHO to undertake work on its behalf. This policy also applies to NACCHO Board members.

3 Policy Statement

3.1 Tolerance Statement

NACCHO expressly prohibits grooming or sexual abuse and/or molestation of a child or vulnerable adult in its workplace or any activity related to it. Such behaviour will not be tolerated and where proven will result in immediate termination of the relationship with NACCHO and reporting to the relevant authority.

3.2 Definition

Sexual abuse and molestation includes any conduct or activity leading to, or resulting in, sexual arousal or gratification of one or all of the parties involved. It includes, but is not limited to inappropriate touching, inappropriate physical contact, taking and or sharing sexually explicit photographs of a person without their informed consent or sexually suggestive comments that may lead to intimate relationships.

Grooming is when a person engages in manipulative conduct to prepare a vulnerable person for sexual activity at a later time. It can include communicating or attempting to befriend or establish a relationship or other emotional connection with a vulnerable person, their parent or carer.

3.3 Engagement with Vulnerable Adults and/or Children

From time to time NACCHO staff, contractors, consultants and Board members will be required to interact with sections of community that may be regarded as vulnerable due to their age, living circumstances, health, disability or other circumstance where they are unable to protect themselves against harm or exploitation. In these instances, staff are required to immediately undertake a risk assessment of the situation and where possible ensure they are not alone when interacting with vulnerable sections of the community.

If a staff member has been required to interact with a vulnerable person in the course of their work they should immediately notify their manager of the reasons for this and outline the nature of their interactions with the person.

In interacting with vulnerable people when representing NACCHO, staff, contractors, consultants and Board members must treat individuals with respect and ensure they feel safe in interacting with the NACCHO representative.

3.4 Reporting

Allegations of Sexual Misconduct

Individuals are encouraged to report allegations of sexual misconduct (grooming, sexual abuse or molestation) to NACCHO's HR Manager as soon as they become aware of, or suspicious of, such behaviour occurring.

Such reports will be treated in confidence and the reporting individual will be protected where it can be demonstrated that they have acted in good faith and with a genuine belief that such behaviour may be occurring.

Where a report is made for vexatious reasons and is proven to be false the individual may be subject to follow up actions.

Investigation and Follow Up

Upon receipt of a report the HR Manager shall inform the Deputy CEO (or CEO if complaint involves the Deputy CEO) who will initiate an immediate assessment of the allegation, taking into account the complainant's wishes, the risk to the health and safety of the persons involved, NACCHO's duty of care and any other legal obligations.

Where it is considered there is a risk to the health and safety of individuals involved in the allegation, the Deputy CEO (or CEO if the allegation involves the Deputy CEO) shall immediately take steps to remove the individual(s) involved from the situation where this behaviour is alleged to have occurred.

Individuals may also be encouraged and supported to make a formal report to police or relevant authorities, depending on the nature of the allegation.

Where an investigation is required, it will be undertaken either internally or by engaging an external expert and a report prepared. Allegations deemed by the Deputy CEO (or CEO in cases involving the Deputy CEO) to be of a serious nature will be automatically referred to an external expert for investigation.

Depending on the nature of the allegation this may also be reported to the relevant authorities at the time of initiating an investigation.

Allegations of sexual misconduct involving the NACCHO CEO will be reported to the NACCHO Board Chair by the Deputy CEO who will authorise the appropriate next steps in line with this policy.

All investigations will be undertaken in line with NACCHO's Managing Allegations of Employee Misconduct Policy.

In initiating the investigation consideration must be given to all parties involved to ensure they receive the appropriate support and further trauma does not occur, particularly to the alleged victim.

Where it is determined that further investigation is not appropriate the reasons for this will be communicated to the person making the report in writing.

Where an investigation has found the allegation to be substantiated, the person who is found to be in breach of this policy having engaged in the grooming, sexual abuse and/or molestation of a child or vulnerable adult will have their relationship with NACCHO terminated immediately and will be reported to the relevant authorities if this has not previously occurred.

3.5 Recruitment of Staff

NACCHO will implement appropriate safeguarding procedures as part of recruiting, managing and approving staff to travel to communities. This will include ensuring all staff have current police and working with vulnerable people check, in addition to including behavioural questions relating to a person's suitability to work with vulnerable people as part of referee checks.

3.6 Contractors and Consultants

All contracts to engage contractors and consultants by NACCHO will include a requirement for staff working for or on behalf of NACCHO to have a Police and Working with Vulnerable People check. Such check must be provided to NACCHO prior to the contractor or consultant commencing work with NACCHO.

3.7 Training

All NACCHO staff, volunteers, contractors and consultants must undertake training on reporting and preventing sexual abuse and/or molestation of a child or vulnerable adult.

4 Responsibilities

Role	Responsibility
NACCHO Board	Approval of this Policy and regular monitoring of adherence to it through its Audit and Assurance Committee
NACCHO CEO/Deputy CEO	Promotion of the policy among NACCHO staff, contractors and volunteers and
HR Manager	Implementing training and procedures to support this policy
NACCHO employees, contractors and volunteers	Observance of this policy, treating others with respect at all times, undertaking risk assessments of situations where they may be required to interact with vulnerable people

5 Related Internal Documents

NACCHO's Staff Code of Conduct
Managing Allegations of Misconduct Policy

6 Document Information

Document type	New policy
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Responsible officer	Deputy CEO
Approver	NACCHO Board
Enquiries	NACCHO Human Resources Manager

7 Document History

Version	Author	Changes	Creation Date	Approval Date
0.1	GMFC	New Policy Draft	2 August 2022	6 September 2022

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