



Communitas Scotland
Creating a culture that works



Safeguarding - the Basics.



Short Course for International NGO Staff

UK Based and Country Directors



About Us

Consultants to the Third Sector in Scotland and Beyond

Communitas Scotland Ltd is a collaborative partnership of experienced Third Sector Consultants. We work with charities, voluntary and community organisations large and small to support robust governance, inspired leadership and effective management.

Our services include

Governance Support – Governance Reviews, Trustee and Chief Officer Appraisals, Trustee Recruitment, Facilitation of Strategic Planning and Board Reflection Days and Board Learning and Development Programmes.

Support to CEO's and Management Teams – Strategic Planning and Performance Management, Service and Programme Design and Evaluations, Stakeholder Engagement, Organisational Learning and Development, Facilitation of Staff Away Days, Post COVID Service Redesign, Procurement Support.

Interim Management – we can provide experienced Third Sector Leaders on an Interim basis to ensure that your organisation continues to deliver its core services during periods of change at the top.

Change Management – we are experienced in change management and fostering healthy working cultures which enable your organisation to grow and innovate. These services include programme planning, design and implementation, workforce planning and stakeholder engagement.

Risk Management – we can support your organisation to put in place BS ISO31000 and BS ISO9000 Risk Management.

Crisis Support to Boards and CEO's – because sometimes things just go wrong – and experienced help is needed to set things to right again.

Provision of training courses on governance, leadership and management

About THET

THET trains and educates health workers in Africa and Asia, working in partnership with organisations and volunteers from across the UK. THET is the only UK charity with this focus. THET has reached over 100,000 health workers across 31 countries in Africa and Asia in partnership with over 130 UK institutions. THET works closely with the British government and is an organisation in Official Relations with the World Health Organisation.

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Short Course: Safeguarding – The Basics A Short Course for International NGO Staff - UK Based and Country Directors

Scope: Safeguarding in the UK and SEAH in INGO country and field offices.

Out of Scope: PSEA interventions with local communities and operationalising PSEA

August 2020

Course Descriptor

Section 1:	Background
Section 2:	Organisational Responses to SEAH
Section 3:	Recognising and Responding to abuse
Section 4:	Actions for the Country Director/Responsible Office

Learning Outcomes

Participants will be aware of the policy, organisational and wider International context

- What safeguarding is, and why it is an important tool in the protection of vulnerable adults and children
- Safeguarding in UK based organisations
- Safeguarding in an International Context

Participants will know what to look for in the safeguarding policies and organisational cultures they encounter

- The essential elements of a robust safeguarding policy and procedures
- The role and importance of the Code of Conduct in the safeguarding process

Participants will know how to react and respond when they suspect or are informed of abuse

- A definition of harm and abuse
- Recognising some of the signs and symptoms of abuse
- Raising and reporting concerns
- Reacting to disclosures
- Recognising barriers to reporting abuse

Methodology

- This course will be delivered online with remote participation by 15 – 20 participants.

- The course will be delivered over 2.5 hours.
- To maximise learning, participants are requested to read the course handbook prior to the training event.
- Efforts have been made to ensure that different learning styles are accommodated.
 - The course will be delivered by a live trainer who will provide PowerPoint presentations on the 4 course sections.
 - Groupwork discussions on a case study will enable participants to actively engage in learning,
 - Further reading/resources will be provided at the end of the handbook to enable participants to deepen their learning after the event.
- The course will be provided as an online package to the client to enable them to insert it into the induction programmes offered to new staff/ interns and volunteers.
- The course will be delivered in English.

Deliverables

- Course Handbook (this document)
- PowerPoint Presentation (narrated)
- Case Study
- Further Resources – links to videos and publications for further reading included in Handbook

Section 1: Background

Definitions

Safeguarding

In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.

For INGO's with overseas operations or staff it means

- protecting people, including children and at-risk adults, from harm that arises from coming into contact with the organisation's staff or programmes
- taking all reasonable steps to prevent harm, including sexual exploitation, abuse and harassment from occurring, protecting people, especially vulnerable adults and children, from that harm.
- responding appropriately when harm does occur.

A child

means a person below the age of eighteen years, as defined by the UN Convention of the Rights of a Child.

A vulnerable/ at risk adult

means a person aged 18 years or more who

- Identifies themselves as unable to take care of themselves or protect themselves from harm or exploitation
- due to their gender, age or frailty, mental health problems, learning or physical disabilities as well as disasters and conflicts, may be unable or unwilling to identify themselves as vulnerable or subject to abuse, but are deemed to be at risk.

UN definitions for Sexual Exploitation and Abuse and Sexual Harassment (SEAH)

Sexual Exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. Includes profiting momentarily, socially, or politically from sexual exploitation of another. Under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationship.

Sexual Abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It should cover sexual assault (attempted rape, kissing / touching, forcing someone to perform oral sex / touching) as well as rape. Under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse.

Sexual Harassment: A continuum of unacceptable and unwelcome behaviours and practices of a sexual nature that may include, but are not limited to, sexual suggestions or demands, requests for sexual favours and sexual, verbal or physical conduct or gestures, that are or might reasonably be perceived as offensive or humiliating.

SOURCES:

[UN GLOSSARY ON SEXUAL EXPLOITATION AND ABUSE 2ND EDITION](#)

[UN GENERAL ASSEMBLY RESOLUTION “INTENSIFICATION OF EFFORTS TO PREVENT AND ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS: SEXUAL HARASSMENT” \(A/RES/73/148\)](#)

Introduction

Safeguarding Policies and Procedures are an important means of ensuring

- The welfare of children and vulnerable adults is paramount.
- All children and vulnerable adults have protection from harm irrespective of their age, culture, disability, gender, language, racial origin, religious beliefs, pregnancy / maternity, gender reassignment and/or sexual orientation.
- Physical and virtual spaces are safe and secure and promote enjoyable and positive experiences.
- All suspicions and allegations of harm are taken seriously and responded to speedily and appropriately.
- All staff should be aware of their responsibility to ensure the safeguarding of children and vulnerable adults.

6 Rules for Effective Safeguarding

1. Ensure all staff have access to, are familiar with and know their responsibilities concerning our Safeguarding policy.
2. Undertake our operations in a way that protects people from any risk of harm that may arise from their coming into contact with INGO.
3. Implement appropriate safeguarding procedures when recruiting, managing and deploying staff and associated personnel.
4. Ensure staff receive orientation on safeguarding at a level commensurate with their role in the organisation.
5. Appoint a Designated Person to ensure that safeguarding is given a high priority within INGO.
6. Follow up on reports of safeguarding concerns promptly and according to due process.

INGO Context

The UNHCR and STCFUK undertook a joint assessment mission in West Africa in 2002 which found that

“not only was sexual exploitation widespread, it was also perpetrated by aid workers, peacekeepers, and community leaders. Humanitarian workers traded food and relief items for sexual favours. Teachers in schools in the camps exploited children in exchange for passing grades. Medical care and medicines were given in return for sex. Some forty-two agencies and sixty-seven individuals were implicated in this behaviour. Parents pressured their children to enter sexually exploitative relationships in order to secure relief items for the family”.

[HTTPS://WWW.BROOKINGS.EDU/ARTICLES/ABUSE-OF-POWER-SEXUAL-EXPLOITATION-OF-REFUGEE-WOMEN-AND-GIRLS/](https://www.brookings.edu/articles/abuse-of-power-sexual-exploitation-of-refugee-women-and-girls/)

In July 2002, the UN's Interagency Standing Committee (IASC) adopted a plan of action which stated that sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are, therefore, grounds for termination of employment. The plan explicitly prohibited the *“Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour”*. The major NGHAs¹ and the UN agencies engaged in humanitarian response committed themselves to setting up internal structures to prevent sexual exploitation and abuse of beneficiaries.

The UN Secretary-General issued a Bulletin, *Special measures for protection from sexual exploitation and sexual abuse*. The purpose of the bulletin was to draw up

¹ Non-Governmental Humanitarian Agencies

standards for protecting vulnerable populations (particularly women and children) from sexual exploitation and abuse. It defined sexual exploitation as:

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from sexual exploitation of another.

It prohibited such behaviour by all UN staff and by the staff of all organizations working in cooperative arrangements with the UN.

In 2004 a collaborative effort by a number of NGOs set up the **Building Safer Organisations** project (BSO), to develop the capacity of NGOs *"to receive and investigate allegations of sexual exploitation and abuse brought by persons of concern, including refugees, displaced persons and local host populations"*. It is hosted by the International Council of Voluntary Agencies (ICVA) and produces the Building Safer Organisations Handbook.

[HTTP://WWW.CONFLICTRECOVERY.ORG/BIN/ICVA-SAFERHANDBOOK-FEB07.PDF](http://www.conflictrecovery.org/bin/icva-saferhandbook-feb07.pdf)

In 2008 2 studies for Save the Children UK reported that the reason that disaster survivors who have been sexually exploited (or abused) by aid workers often do not complain were because

- Children (and adults) are inadequately supported to speak out about abuse against them.
- The international community does not exercise strong-enough leadership or managerial courage on this issue.
- There is a lack of investment in child protection by governments and donors.

More recently, the focus on safeguarding and protecting women and children from SEAH arose when reports that Oxfam had failed to investigate reports that staff in Haiti had been sexually abusing women and girls in 2011 surfaced. The case led to more allegations and similar cases being reported across the charitable sector.

The Sunday Times reported that over 120 workers at other UK charities had been accused of sexual harassment. Other allegations of sexual misconduct, harassment and inappropriate behaviour were also reported.

Questions arose over whether Oxfam and other such organisations, including the regulator, had effective systems for monitoring, evaluation, accountability and governance.

[HTTPS://WWW.FUTURELEARN.COM/COURSES/BUSINESS-CONTINUITY-MANAGEMENT-CRISIS-MANAGEMENT/0/STEPS/71996](https://www.futurelearn.com/courses/business-continuity-management-crisis-management/0/steps/71996)

The **House of Commons International Development Committee Sexual exploitation and abuse in the aid sector Eighth Report of Session 2017–19** reported that

“The aid sector, collectively, has been aware of sexual exploitation and abuse by its own personnel for years, but the attention that it has given to the problem has not matched the challenge. Repeatedly, reports of sexual exploitation and abuse by aid workers and/or peacekeepers have emerged, the sector has reacted, but then the focus has faded. This episodic response has led to the existence of safeguarding policies and procedures that have never been effectively implemented. This has meant that where worthwhile safeguarding measures have been developed, they have never been adequately funded. A reactive, cyclical approach, driven by concern for reputational management has not, and will never, bring about meaningful change.”

DFID Requirements

In 2018 DFID adopted two international standards for SEAH:

- [THE INTER-AGENCY STANDING COMMITTEE MINIMUM OPERATING STANDARDS ON PREVENTING SEXUAL EXPLOITATION AND ABUSE](#)
- the relevant elements of [THE CORE HUMANITARIAN STANDARD ON QUALITY AND ACCOUNTABILITY](#)

These standards are reflected in DFID's [ENHANCED DUE DILIGENCE ON SAFEGUARDING GUIDANCE](#).

All DFID partners delivering a programme via an accountable grant or MoU must have an enhanced due diligence assessment in place before funding is dispersed to assess risks and the organisation's adherence to these standards (there are some exceptions in humanitarian crisis response where the due diligence can be conducted at a later date to enable quick dispersal of funds to reach those in urgent need).

The standards are reflected in DFID's [Supply Partner Code of Conduct and Terms and Conditions](#). The Supply Partner Code of Conduct will also apply to partners with whom DFID has an accountable grant from late 2019.

DFID's Safeguarding Principles

The safeguarding principles that underpin DFID approach are as follows:

- everyone has responsibility for safeguarding
- do no harm
- organisations have a safeguarding duty of care to beneficiaries, staff and volunteers, including where down-stream partners are part of delivery. This includes children and vulnerable adults in the community who are not direct beneficiaries but may be vulnerable to abuse
- act with integrity, be transparent and accountable
- all activity is done in the best interests of the child/vulnerable person
- a child is defined as someone under the age of 18 regardless of the age of majority/consent in country
- all children shall be treated equally, irrespective of race, gender, religion/or none, sexual orientation or disability
- organisations that work with children and vulnerable adults should apply a safeguarding lens to their promotional communications and fundraising activities.

Safeguarding UK and International Context

Safeguarding in the UK and International context is essentially the same, however the context and focus will be different in the following respects: -

- In UK organisations the safeguarding lens should extend to communications and fundraising messages and activities
- In-country the safeguarding lens extends to downstream partners who are part of delivery and to ensuring that the same duty of care towards all vulnerable adults and children which exists in the UK for everyone, extends to all vulnerable adults and children in the community who are not beneficiaries.

Section 2: Organisational Responses to SEAH

Essential Elements of a Robust Approach to Safeguarding

Safeguarding

Does the organisation have a written child safeguarding policy to which all staff and associates, including partners, are required to adhere?

Is the policy clear that all children have equal rights to protection and that some children face particular risks and difficulties in getting help, because of their ethnicity, gender, age, religion, disability or sexual orientation?

Is the definition of a child in the policy any person under the age of 18?

Has the policy been publicised and communicated to children and caregivers, in a child friendly and accessible format for all needs?

Does the policy address safeguarding children from harm through misconduct by staff, volunteers, associates and others, from poor practice, and from its operational activities?

Does the organisation have internal processes to address child protection concerns appropriately? For example, child safeguarding training, communications policy, case management processes, risk assessment, reporting process, and a safeguarding focal point.

Has the organisation conducted a mapping exercise of local child protection services and child safeguarding risks? For example, if a serious child protection (safeguarding) issue is reported, does the organisation know when this should be reported to relevant authorities (e.g. police, social welfare)?

Whistleblowing

Do staff and volunteers know how to report a child safeguarding concern?

Are there child-friendly and disability inclusive reporting mechanisms in place with clear step-by-step guidance on how to report safely and where to get help?

Are there child-friendly reporting mechanisms in place with clear step-by-step guidance on how to report safely and where to get help?

Is there a mechanism to report anonymously?

Are staff and volunteers trained in receiving disclosures and allegations from children and able to communicate in a child friendly manner and disability inclusive with children, especially when conducting investigations?

Are investigation procedures appropriate for children (so that children are not re-traumatised by the process and the 'every action should be in the best interest of the child' principle is upheld)

HR, Recruitment and Selection

Does the organisation designate key people at different levels (including senior level) as “focal points” with defined responsibilities to champion, support and communicate on child safeguarding and for effective operation of the child safeguarding policy?

Do recruitment processes have child safeguarding checks in place? Recruitment adverts, interviews and contracts all outline a commitment to child safeguarding and make clear staff roles and responsibilities regarding child safeguarding, such as mandatory reporting?

Do staff and volunteer induction and training include specific material on safeguarding needs of children, risks, types of abuse and barriers to reporting faced by all children?

Risk Management

Are there specific risks and mitigating controls identified to protect children that come into contact with programme staff, operations and downstream partners?

Do the organisation's procedures include a case management process, risk assessment tool, risk management guidelines and case management checklist? And are risk management strategies included in design, monitoring and evaluation of programmes?

Code of Conduct

Does the organisation have a Code of Conduct for working with children, including at events, which all staff and associates need to adhere to on taking up employment?

Governance and Accountability

Does the governing body understand where the organisation comes into contact with children and the risks involved; and is there a formal system of reporting to the board to track progress and performance on child safeguarding, including information on cases?

Are children and care givers consulted in the design, development and monitoring of safeguarding measures in an inclusive way? Are beneficiary feedback mechanisms in place and are they tailored towards child-friendly and disability inclusive feedback?

The role and importance of the Code of Conduct

INGO's are engaged in promoting the rights of vulnerable people, and human rights in general. The respect and dignity of beneficiaries of INGO actions, and of their communities are at the heart of the engagement of INGO's staff and collaborators in all intervention settings.

The organisation's reputation depends to a large extent on the quality and accountability of its staff, and so on their conduct.

Failure to respect of the organisation's values undermines the reputation of the whole organisation.

INGO staff will regularly find themselves in positions of trust or power with regard to the beneficiaries and communities where they operate. This is the unavoidable result of the economic and symbolic differences between an NGO's personnel and the people benefiting from its actions.

The Code of Conduct is an important **declaratory** document, it informs staff and partners of the

- need to respect the INGO's values
- need to behave in an appropriate fashion
- need to comply with its codes and ethical principles.

The Code of Conduct is an important **descriptive** document.

- It informs staff of the expected behaviours and practices which the organisation requires of its employees, suppliers and partners

Managers have the additional responsibility of ensuring their team members respect the Code and at all times adhere to its provisions.

Governing Bodies are responsible for ensuring that there is proper scrutiny to ensure adherence to the Code of Conduct, that breaches are reported, investigated and remedial action including disciplinary action, is taken where appropriate and that all breaches are reported to the Board and appropriate external authorities.

Managing the Risks

The sexual exploitation, abuse and harassment of beneficiaries of aid programmes has been found to be “endemic” in a number of inquiries into abuse across the aid sector.

This can take place

- Within the organisation where female or male members of staff are subject to sexual exploitation abuse and/or harassment by colleagues
- In the course of service delivery/ distribution of aid to beneficiary communities where staff buy sexual services or trade access to goods/services provided by the agency for sexual services
- Where members of the local community are persuaded or coerced into providing sexual services in exchange for cash or employment by the organisation’s employees out with the formal workplace/ organisational environment

Cultural factors which can contribute to sexual exploitation can include: -

- Economic Inequality
- Inferior status of women/ children
- Tendency to resolve conflict through physical violence
- Practice of child marriage
- Lack of education
- Lone working by children (street hawkers, care givers, domestic servants)

Cultural barriers to disclosure can include: -

- Taboos around speaking about sex, genitals or sexual behaviour
- Value attached to female modesty
- Value attached to virginity
- “Honour” systems
- Shame

Risk Factors include

- A predominantly male workforce or leadership team
- Lack of transparency around Safeguarding Policies and Procedures
- Failure to inform staff and beneficiaries of whistleblowing mechanisms
- Failure to undertake proper risk assessment to identify and manage opportunities for sexual exploitation (distribution of aid, lone working by aid workers, contractual arrangements with delivery partners and suppliers)

Protective Factors

- Women in the leadership team and at all levels of the workforce
- High visibility of safeguarding messages including where to report concerns
- Public awareness of safeguarding policy and procedures
- Co-ordination with other agencies (Inter Agency Protection from Sexual Exploitation and Abuse Network – where it is present)
- Risk Management around SEAH
- Organisational culture of transparency and accountability

Section 3: Recognising and Responding to Abuse

Signs and Symptoms of Abuse

The table below describes the main types of abuse along with their associated signs and/or symptoms:

Type of abuse	Definition	Signs/symptoms
Physical abuse	Physical harm to an individual's body from, for example, hitting, restrictive practices and medication	Untreated or unexplained injuries including cut, bruises, burns, bites, hair loss etc.
Domestic abuse	Threats, violence and abuse between individuals that are family members or in an intimate relationship.	Domestic abuse can be recognised by the signs of one or more of the other types of abuse or neglect.
Sexual abuse	Sexual relationships or activities that an individual does not or cannot consent to.	Pain or bruising around the inner thigh, anal or breast areas. Pain/discomfort when walking or sitting. Bloodstained underwear. Unexplained STIs/pregnancy

Type of abuse	Definition	Signs/symptoms
Emotional/ psychological abuse	Threats, humiliation, controlling behaviour, blaming, verbal abuse, harassment, intimidation.	Anxiety, depression, lack of sleep, poor self-esteem and self confidence
Financial/ material abuse	Use of an individual's money or possessions without permission. Includes theft, fraud, scamming, coercion, self- serving involvement in an individual's financial affairs.	Not having enough money for bills or food. Expenditure appearing unusually high. Missing possessions or monies. Poor living conditions.
Modern slavery	Individuals being forced into a life of slavery, human trafficking, domestic servitude or forced labour.	Signs of other abuse (e.g. physical, psychological etc.) Unable or unwilling to interact with others. Seemingly always in the company of others. Appearing to not know their surroundings. Having no (or very few) personal possessions.

Type of abuse	Definition	Signs/symptoms
Discriminatory abuse	Individuals being treated differently due to personal traits such as age, gender, race, sexual orientation etc.	Verbal abuse or harassment Disrespect Lack of person-centred approaches Exclusion
Institutional/organisational abuse	When an organisation's needs are put above an individual's needs e.g. telling an individual that they have to go to bed at a certain time	Inflexibility Poor staff knowledge and training Non person-centred approaches Poor standards
Self-neglect	An individual being unable to see to their own basic needs, such as nutrition or hygiene	Malnutrition Dehydration Dirty clothes/bedding Poor hygiene Taking medication incorrectly Bedsore
Neglect by others	People responsible for an individual not seeing to their basic needs such as nutrition or hygiene either	Malnutrition Dehydration Dirty clothes/bedding Poor hygiene

Type of abuse	Definition	Signs/symptoms
	deliberately or inadvertently.	Taking medication incorrectly Bedsore

It is important to note that these are signs and symptoms of abuse for the UK context. There is no internationally recognised list of signs and symptoms of abuse for use in the field for INGO's.

Responding to Disclosure

Receiving a disclosure of sexual exploitation or abuse will be upsetting and may be difficult to hear. It may involve an allegation of abuse against a colleague or someone that has been a trusted member of staff. It is important that you do not

- become defensive, argue with the person or dismiss their concerns.
- make assumptions or attempt to investigate the matter yourself.
- make promises that you cannot keep.

You should

- Listen carefully
- Empathise with the person
- Ask who, when, where – but not why
- Repeat to check your understanding of the situation
- Let them know that you take what they have said very seriously, and that they were right to speak to you
- Let them know that it is not their fault
- Explain what you will do next.

Immediately the discussion is concluded you should write down

- Name of person making report
- Name(s) of alleged survivor(s) of safeguarding incident(s) if different from above
- Name(s) of alleged perpetrator(s)
- Description of incident(s)
- Dates(s), times(s) and location(s) of incident

You should then ensure that this information is provided to the Safeguarding Focal Point within 24 hours.

You should maintain confidentiality and refrain from discussing this incident with colleagues.

Protection of the Victims/Witnesses

Confidentiality is important because it protects the privacy and safety of all the people involved in the complaint.

All witnesses may fear retaliation from the perpetrator, community or co-workers. Moreover, for survivors, the experience of abuse can be very intimate and a matter of shame for them, their family and/or community; it may even lead others to reject or harm them.

The victim and any witnesses have an interest in confidentiality – her/his/their reputation will suffer if people know about the complaint and s/he/they may be targeted in revenge attacks.

Therefore, breaches of confidentiality undermine everyone's confidence and trust in the investigation, and the investigators' ability to find out what happened.

Section 4: Actions by the Country Director

Appoint an investigation team comprising

- Decision Maker/ Investigation Manager
- Person receiving the report
- Head of Finance/Operations
- Safeguarding adviser (if there is one – if not obtain external expert advice)

(The Country Director could decide to appoint the Safeguarding Adviser/Expert as the Investigation Manager – the person responsible for ensuring the investigation proceeds according to best practice and robust risk management).

Roles and Responsibilities

Investigation Managers

The investigation manager's responsibilities are to oversee the investigation, take strategic decisions and create the conditions for investigators to do their work. This includes:

- making the key decisions about the direction of the investigation, such as whether to suspend or redeploy the SOC during the investigation
- ensuring that safety and confidentiality plans are implemented, and that the investigation is conducted according to key principles and procedures
- liaising with external institutional stakeholders, such as national authorities and other agencies
- appointing personnel to the investigation team and managing the relationship between the investigation team and the rest of the organisation
- receiving the final investigation report on behalf of the organisation and, if the complaint is substantiated, determining if disciplinary measures are appropriate
- ensuring that investigators are trained, supervised and referred for emotional/psychological support when necessary

Qualifications of Managers

Managers should be chosen on the basis of their integrity, appreciation of SEA issues, knowledge of human resource practice and ability to negotiate conflicting interpersonal and institutional interests.

Investigators and observers

Number of investigators Ideally two investigators will work on every investigation. If only one investigator is available, the investigation manager should also appoint an independent observer to sit in on interviews and provide the investigator with feedback and support.

Responsibilities of investigators

Investigators are responsible for the day-to-day conduct of the investigation, as defined by a Terms of Reference (TOR). Normally, their responsibilities include:

- developing the investigation plan
- assessing and making recommendations on safety, confidentiality
- securing evidence
- making recommendations on the work status of the SOC for the duration of the investigation
- gathering evidence
- preparing and submitting the report
- making a finding on the evidence
- making recommendations on the policies and practices that may have enabled the exploitation/abuse to occur

Qualifications of investigators

Basic qualifications – at a minimum, investigators must be:

- professional – exercise sound judgement and exhibit skill
- responsible – trustworthy, dependable and personally accountable for the decisions they take throughout the investigation
- qualified – experienced in interviewing and (at least) trained in SEA investigations

- independent – have no material, personal or professional interest in the outcome of the complaint and no personal or professional connection with any witnesses (especially the complainant and SOC).

Interpreters

Interpreters Ideally, investigators will speak the language of most of the potential witnesses. If this is not possible, they should choose an interpreter who, like them, is competent, discrete, independent and appropriate. In addition, the interpreter must understand the nuances of witnesses' language, including local slang and veiled allusions to sex. Moreover, interpreters must sign a confidentiality agreement and should be relied on to maintain that agreement.

Interpreters must be instructed to interpret directly what witnesses say without comment or inference.

Other experts

Sometimes, managers should consider taking expert advice or assistance from outsiders. Commonly, these will be computer specialists, lawyers with in-country legal expertise and specialists in interviewing children or people with disabilities.

Tasks of the Investigation Team

Undertake a Risk Assessment

Identifying the risks – who could be at risk and how?

- Identifying risks means thinking broadly about what has happened and could happen to everyone involved in the investigation, including the survivor, the complainant, the witnesses and the Subject of Complaint (SOC).
- Some risks are physical and may be obvious (e.g. pregnancy, injuries from attack by the SOC or relatives etc).
- Other risks may not be so obvious e.g. sexual infections, psychological trauma and economic loss. All of these are harmful and reduce a person's quality of life and may inhibit her/his ability (or desire) to contribute to the investigation.

Prioritise the risks – which are most urgent?

After the investigators have identified the risks, they need to rank them by person, type of danger and likelihood of those risks occurring i.e.: which risks are most pressing for each person and, between people, whose needs are most urgent? (Generally, the complainant's needs come first because s/he is most vulnerable).

Minimise risks – how to respond

Finally, the organisation has a responsibility to reduce the likelihood that anyone involved in the investigation will suffer harm.

Mostly this means referring people at risk to specialists who have the expertise to help (e.g. doctors, trauma counsellors, housing agencies or security specialists). Those experts then take steps to minimise the risks under the supervision of the investigation manager.

Exceptionally, when a person is in immediate physical danger, investigation teams may need to take a more active role, for example, by helping the person relocate.

Do not underestimate the complexities of ensuring people's safety.

Once the investigators have formulated a response to all the risks, they should design a protection plan and agree on this with the investigation manager.

Secure the evidence

Witness testimony

The first step in preserving witness testimony is to interview witnesses as soon as possible after receiving the allegation. In this way, it may be possible to capture information while the witnesses' recollections are fresh. In some cases, it may be necessary to protect witnesses from intimidation or interference by the person accused. Usually, it will be sufficient to tell the SOC that s/he must not contact witnesses nor speak to anyone about the case. If there are particular concerns that the SOC may try to intimidate witnesses, the investigator should tell the witnesses to alert the investigators immediately if the SOC makes contact. In the very rare cases that a witness is in immediate danger, the organisation may need to offer to relocate that witness (and her/his family).

Managers may also consider suspending the SOC (on full pay) pending the outcome of the investigation if this will prevent him/her from coming into contact with witnesses.

Physical evidence

Physical evidence should be collected, photographed, photocopied and/or described in detail. We recommend investigators conduct a site visit soon after receiving the complaint as part of the investigation and photograph any relevant objects, locations or items. To prevent tampering with documents or records, investigators should:

- secure the SOC's office computer
- back up (completely) her/his computer hard drive
- remove, for the duration of the investigation, all data storage devices (floppy disks, CD-ROMs, Zip drives, etc) that s/he has used and that belong to the organisation
- obtain office records such as financial records, payment vouchers, contracts and individual case files

- obtain all official telephone records, including mobile phone records
- place records in a secure environment such as a locked cabinet with access limited to the investigation team

Medical evidence

It is rare to use medical evidence in workplace SEA investigations, given that in most cases it will not help establish whether exploitation or abuse occurred. It is more common for the initial contact person to note any obvious physical signs of abuse when s/he first meets a witness and to record these details in the file. If they consider it to be absolutely necessary, the investigators may ask the witness whether they have seen doctor or other medical personnel and seek their permission to talk to that medical officer. Investigators should only speak to medical personnel about a witness if they have first sought the witness' permission.

Following up the Investigation

The Country Director will receive a report from the Investigation Team. If the complaint is substantiated, the report will be sent to the disciplinary decision maker/s.

Who makes decisions about discipline?

Disciplinary decisions are **never** taken by anyone involved in the investigation, including investigator/s, investigation managers and observers. They are taken by senior management as defined in the organisation's policies (usually policies nominate the human resources department).

The policy will also determine the decisions-maker's role and authority. Generally, the disciplinary decisionmaker is required to accept the conclusions in the report, though s/he has absolute discretion as to how the organisation will respond, subject to any avenues for internal appeal.

What is appropriate discipline?

Discipline implies that the subject of a substantiated complaint suffers some kind of negative consequence as punishment for her/his misconduct. Those consequences can range from verbal and written warnings to dismissal and referral to national authorities for prosecution. Where the complaint involves sexual exploitation and abuse, serious disciplinary measures will always be appropriate.

Updating the human resources file

The investigation manager is responsible for ensuring that the outcome of the report, whatever it is, is recorded on the SOC's human resources file.

Informing participants of the outcome of the complaint

The SOC

The investigators' manager is also responsible for informing the SOC of the outcome of the investigation in writing (usually by letter). If the complaint is not substantiated, the clearance letter must not disclose the name of any witness, informant or complainant.

The manager should not notify the SOC if the allegation has been referred to the national authorities for criminal prosecution as further action will be taken by the national prosecuting authority.

The Complainant

The complainant does not 'own' the complaint so, strictly speaking, s/he has no 'right' to know the outcome of the investigation. Still, it is appropriate to inform him/her of the outcome of the investigation in most cases. It will generally be sufficient to say that the complaint has been substantiated (and referred to management for a decision on discipline) or that the complaint is not substantiated. When giving this explanation, the identities or the evidence of other witnesses should never be disclosed.

Other staff and witnesses

Other staff who are aware of the investigation should also generally be informed of its outcome. Witnesses other than the SOC and complainant do not need to be notified.

Head of Office

When the SOC's supervisor is aware of allegations or of the ongoing investigation, s/he must be advised of the outcome in general terms; the name of any complainant or witness should not be disclosed.

External people and organisations

During an investigation, requests from external individuals or entities for information should be handled by the investigation manager. Generally, the manager should not disclose any information about the investigation, including whether an investigation is underway. However, if the allegations and investigation become a matter of public record, then management within your organisation may formulate a standard response to media and public inquiries. That response should be adhered to strictly.

Key Documents and Resources

<file:///C:/Users/redma/OneDrive/MLC%20LTD%20Current%20-%20Sept%202019/Clients%20Current/THET/Building%20Safer%20Organisations%20-%20ICVA%20-%20Key%20Doc.pdf>

<https://www.bond.org.uk/resources-support/safeguarding-resources>

https://www.bond.org.uk/sites/default/files/iasc_six_core_principles_relating_to_sexual_exploitation_and_abuse_sept_2019.pdf

https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf

<https://corehumanitarianstandard.org/the-standard>

https://extranet.unfpa.org/Apps/PSEA2017/story_html5.html?lms=1



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