



Standard Operating Procedures for Engaging PSEA Network Pool of Investigators

1. Introduction

This Standard Operating Procedure (SOP) has been developed to guide PSEA Network organizations and their partners that wish to engage a member of the pool of investigators to assist the organization to conduct an investigation into an allegation of sexual exploitation and abuse (SEA).¹ It is designed to build the capacity of Network members and/or their partners that may lack sufficient in-house capacity to conduct their own investigations. Some PSEA Network members may wish to participate in the pool only to offer assistance, but not engage an investigator from the pool.

2. Scope

This document is intended to guide the process of engaging an investigator only – it does not provide guidance or minimum standards regarding conducting an investigation and the procedures that should be in place. It has been designed so that members of the Myanmar PSEA Network have a common understanding of how to engage an investigator from the pool of trained national investigators that have undertaken either internal training (i.e. within their own organization) or by the CHS Alliance during a training coordinated by the PSEA Network in September 2020. Other agencies that are not part of the PSEA Myanmar Network may refer to this SOP to understand how members may engage an investigator.

3. What is the PSEA Network pool of investigators?

The PSEA Network pool of investigators is a group of 16 individuals who were trained by CHS Alliance in September 2020 to conduct an investigation into an allegation of SEA. Each of the individuals trained received a certificate upon completion and demonstrated their capacity to plan an investigation, conduct interviews with witnesses, maintain confidentiality, and draft an investigation report.² Following the completion of the course, training participants were contacted to express their interest to join the PSEA Network pool of investigators. The participants who expressed interest have consented to having their information shared and to be deployed to assist other Network members upon request.

Individuals who have been trained by their own organizations and/or who have experience conducting an investigation into an allegation of SEA are also invited to join the pool. All participants in the pool commit to continual learning, including participation in any refresher training as well as a community of practice that may be coordinated by the PSEA Network Coordinators.

4. When can a Network member engage an investigator from the pool?

A Network member can engage an investigator from the pool when:

1. There is sufficient information (Annex A) indicating that the organization should conduct an investigation, *and* a decision has been made by the organization's senior management, following internal complaints handling procedures, to conduct an investigation; OR

¹ For definitions of sexual exploitation and abuse, see Secretary General's Bulletin on Special measures for protection from sexual exploitation and abuse, ST/SGB/2003/13, available at: <https://undocs.org/ST/SGB/2003/13>.

² The individuals were selected to participate in the training following an open application process to the PSEA Network Coordinator who reviewed applications and made recommendations in consultation with PSEA Network Technical Working Group members from UNICEF and UNOPS.



2. An organization is unsure whether an investigation process should take place and wishes to seek external advice of an investigator.

In either of the above two scenarios, a risk analysis should be carried out and the organization considers it safe to conduct the investigation for all parties involved.

5. The right not to investigate

If there is insufficient information available, or if the risks involved in conducting an investigation are considered too serious, the PSEA Network pool of investigators reserves the right not to engage in an investigation. In this case, the decision not to investigate will be conveyed as quickly as possible to the organization making the request.

6. Remuneration

Investigators may or may not receive remuneration for their services. This is an individual decision and may be dependent on whether or not they are currently employed, and if so, whether or not they have received permission from their workplace to assist. The responsibility for seeking permission lies solely with the individual investigator.

The PSEA Network Coordinators may assist a requesting organization to access the OCHA Investigation Fund or other pooled/inter-agency funding available for investigations. This request must be clearly made to the PSEA Network Coordinators as soon as a decision is made to engage in investigator from the pool. The issue of remuneration and who is responsible for what (DSA, accommodation, reimbursement etc.) should be made clear from the beginning of the process so that expectations are managed.

7. Timing

Investigators shall try to complete all interviews, drafting and submission of reports as quickly as possible.

8. Assistance to survivors/victims

It is the requesting organization's responsibility to ensure that the survivor is provided with adequate services (e.g. gender-based violence support, health and psycho-social services, legal aid advice) and assistance as quickly as possible, upon receiving the complaint;³ an organization should not wait until the allegation is investigated.

Step 1: Incident/Allegation Information

The requesting organization should have gathered the incident/allegation information from the complainant according to internal procedures. This information should be sufficient to guide the requesting organization's senior management to make a decision on whether or not an investigation should take place.

If there is insufficient information, the requesting organization's senior management should make a decision based on the facts available as to whether or not to conduct an investigation.

³ UN Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse, 12 December 2019, available at: <https://www.un.org/en/pdfs/UN%20Victim%20Assistance%20Protocol%20English%20Final.pdf>



If the information is unclear or vague, an investigator can be engaged to consider the information (see above).

If a decision is taken not to conduct an investigation based on insufficient information, the organization should:

- Review its complaints handling procedures to identify any gaps in the system;
- Conduct a PSEA refresher training for all staff, focusing on the complaints handling procedures, whistleblower protection and the obligation to report; and
- Assess whether a renewed awareness-campaign with beneficiaries and/or communities is necessary.

Step 2: Contacting PSEA Network Coordinator or Co-Chairs

Once a decision to engage an investigator has been made, the requesting organization's senior management should contact the PSEA Network Coordinator or one of the Network Co-Chairs if the Coordinator is not available, using either the personal email addresses or the central PSEA email address: mmrpsea@unfpa.org (which is directed to the PSEA Network Coordinators). If not already received from the requesting organization, the senior management OR the PSEA Focal Point of the organization should only provide the PSEA Coordinator with summary information of the allegation as specified in the PSEA Network's Reporting Framework.⁴ No further information should be provided to the PSEA Coordinator.

The PSEA Coordinator will send out a message of request to the Pool of Investigators and seek expressions of interest. The first three available investigators (i.e. the first three that will be available to be deployed, not necessarily the first three to respond) will be sent to the requesting organization with their names, contact details and a brief biography. The Organization shall choose one or two investigators from the three names provided and inform the PSEA Coordinator of their choice. The number of investigators required by the organization will depend on the scope of the allegation, but in general, for any investigation there should be one lead investigator and one co-investigator. The requesting organization will then contact the selected investigator(s) directly to start making preparations for the investigation.

Step 3: Conducting the investigation

Once engaged, the selected investigators will liaise with the relevant staff from the requesting organization to conduct the investigation. The requesting organization should facilitate access to witnesses for interview, arranging a safe space to conduct the interview, in addition to transportation of the investigator if required. If an interpreter is required, the requesting organization should also facilitate this (in addition to ensuring that the interpreter sign a confidentiality undertaking, see Annex C). The requesting organization should also make available all relevant policies, codes of conduct etc. to the investigators.

The investigators should conduct the investigation with reference to CHS Alliance Investigation Guidelines.

⁴ Endorsed by the Myanmar Humanitarian Country Team, March 2020.



At the end of the investigation, the investigators are responsible for drafting an investigation report with recommendations to the requesting organization's senior management so that action can be taken. To ensure data protection:

- The report document should be password protected, and the password shared to senior management in a separate email;
- The report should not contain names of witnesses, survivor/victim, complainant or subject of complaint;
- A separate list of witnesses, survivor/victim, complaint and subject of complaint should be kept by the investigators and sent as a separate file to the requesting organization;
- The report should only be shared to the requesting organization's senior management members, unless a particular senior management staff is the subject of the complaint.
- Once shared with the requesting organization's senior management, and the senior management has acknowledged receipt, the report should be deleted from the investigator's computer/hard drive after 14 days, so that no copies are kept.

There may be circumstances where the investigation report is requested by a partner or donor. Care should be taken before the full report is shared, and guidance should be sought from any partnership and/or donor agreement (i.e. contract) to ensure that this is expressly stipulated.

The PSEA Network and/or the investigation pool shall not request or keep copies of investigation reports.

Step 4: Action

Any corrective and/or disciplinary action should be taken by the requesting organization after review of the investigation report and preferably without unnecessary delay. The investigators and/or the PSEA Network Coordinators will not be involved. It is the obligation of the requesting organization to inform the complainant of the outcome of the investigation and keep them up to date regarding the investigation process.

Step 5: Monitoring and reporting

To the extent possible and in line with internal investigative policies and procedures, the IASC Global Standard Operating Procedures on Inter-Agency Cooperation in Community Based Complaints Mechanisms on PSEA state that the inter-agency mechanism (or, in this case, the PSEA Coordinator) should receive information on a number of areas. These are:

1. When the complaint was received by the investigative unit
2. When/whether the investigation commenced or the complaint was determined an insufficient basis to proceed;
3. When the investigation concluded;
4. The outcome of the investigation; and
5. When/whether outcome (or any information) was provided to the survivor, or if providing feedback is prohibited by the investigating agency's internal policies.

The PSEA Network Coordinator will request the above information from the requesting organization as per the PSEA Network's Reporting Framework document for tracking purposes.



Annex A: How to make a decision whether or not an investigation should take place

The following questions should be asked, with the answer 'yes' to each:

1. Does this concern constitute a potential breach of organizational policy?
2. Is there an identified victim and Subject of Complaint?
3. Is further information required to determine either of the above?



Annex B: Confidentiality undertaking – Investigator

CONFIDENTIALITY AGREEMENT - INVESTIGATOR

I, _____ have been engaged as an investigator in [organization name's] investigation into an allegation of sexual exploitation and/or sexual abuse. I understand that I am required to interview witnesses, take notes and draft an investigation report in this role. In carrying out these activities, I undertake to perform them fully and faithfully, to the best of my abilities.

I understand that all information provided by witnesses and the organization is confidential, and I agree not to use or disclose this information except as required in the course of my duties as investigator. I also undertake to store any records of interviews securely as directed by the requesting organization, and to destroy any copies of these records remaining in my possession once my involvement in the investigation ends.

Investigator signature

Date



Annex C: Confidentiality undertaking – Interpreter

CONFIDENTIALITY AGREEMENT - INTERPRETER

I, _____ have been engaged as an interpreter in [organization name's] investigation into an allegation of sexual exploitation and/or sexual abuse. I understand that I am required to interpret and translate interviews in this role. In carrying out these activities, I undertake to interpret information fully, faithfully, and accurately, to the best of my abilities.

I understand that all information provided by witnesses is confidential, and I agree not to use or disclose this information except as required in the course of my duties as interpreter. I also undertake to store any records of interviews securely as directed by the Lead Investigator, and to destroy any copies of these records remaining in my possession once my involvement in the investigation ends.

Interpreter signature

Date