

**Anticipated Questions for the InterAction SEA Modules:
Community-Based Complaints Mechanisms,
Investigations and Management of Investigations**

March 2012

Key Questions that may arise about SEA, the Secretary General's Bulletin, Community-Based Complaints Mechanisms, Investigations and Management of Investigations

Participants are likely to ask many questions regarding procedures, details about disciplinary action, decisions to be made, and various action to be taken by senior management, the investigation team, and others. This training is unable to answer specific and detailed questions about an agency's policies, procedures and overall system. It is important to remind participants that each complaint is looked at individually on a case-by-case basis and the steps carried out are determined by the agency receiving the complaint based on their internal policies and procedures. What this training can provide and answer are questions about how to set up a system that adheres to the core principles of investigation, community-based complaints mechanisms, and roles and responsibility of senior management in managing an investigation. The training intends to strengthen participants understanding of the barriers for making a complaint, the barriers that might be faced during an investigation, as well as those during an interview. What the facilitator cannot answer directly is the specific details of how to respond to a complaint or a barrier because the issues will vary.

When such questions arise, the facilitator should reiterate this fact, but also redirect the questions back to the audience to answer the questions. Some agencies may have details they can share. Participants in the room might be senior management or HR and have specific policies and procedures they follow. They are in a better position to offer an answer to the question than the facilitator. **If you do not know the answer, for legal reasons, say you DO NOT KNOW and suggest that participants CHECK WITH YOUR OWN ORGANIZATION (LEGAL COUNCIL) FOR THE ANSWER.**

Secretary General's Bulletin (SGB)

General application of the Secretary General's Bulletin (SGB):¹

1. To whom does the SGB apply?

The SGB applies to:

- All Non-Governmental Organizations (NGOs) and their employees, volunteers, and consultants.
- All internationally-recruited and locally-recruited UN staff, including staff of separately administered organs, funds and programmes of the United Nations;
- All categories of UN peacekeeping personnel (see General Assembly Resolution 59/300 of 22 June 2005), including military members of national contingents, experts on mission, including police officers, corrections officers and military observers; and members of national formed police units;
- Personnel or employees of non-United Nations entities or individuals that have entered into a cooperative arrangement with the UN, including interns, JPOs, international and local consultants, and corporate and individual contractors, including day labourers; and
- United Nations Volunteers

¹ Questions and Answers related to the SGB come from the Facilitator's Guide for To Serve with Pride, 2006

- All Non-Governmental Organizations (NGOs) and their employees, volunteers, and consultants that have a cooperative arrangement with the UN

2. “Sexual exploitation and abuse is a problem that exists primarily in another country/location. It is not likely to happen in my country/place of work.”

Sexual exploitation and abuse, in a variety of different forms, have been found to exist to a greater or lesser extent in all countries around the world. Regardless of your perceptions of the problem in the country you are working in or the likelihood of it occurring, all organizations have an obligation to create and maintain an environment that prevents sexual exploitation and abuse and to uphold the standards of conduct.

3. Aren’t the rules on sexual exploitation and abuse an intrusion into my private life? Isn’t what I do in the privacy of my own home, or outside of office hours, my own business?

When you are serving with an organization you are a representative of the organization during your free time as well as during your working day. You accept this when you accept the job. You are held to a very high and very strict standard of conduct because your behaviour, both professional and personal, is always associated with and reflects on the image of the organization you are working for/with.

4. Are staff expected to be celibate for the entire time they are working with an organization?

No, you are not expected to be celibate. However, working with an organization that supports and protects people that have been affected by conflict, emergencies or poverty, is job that is not for everyone. You are not completely prohibited from having sexual relations, but they must not violate the SGB, i.e. they must not be exploitative or abusive as defined in the SGB.

5. We wish to respect the rules regarding sexual exploitation and abuse, but this work can sometimes be lonely and is not always easy. We are targeted by prostitutes and constantly solicited by them. What is the UN and other organizations doing to protect me from this constant harassment?

Once again, working with the UN and other organizations in some areas can be a very difficult occupation and it is not for everyone. You must have a great deal of personal discipline. You will be subject to a wide variety of dangerous, frustrating and awkward situations, including desperate people soliciting you to violate the SGB and the agency’s standard of conduct. Your response is to continue to say no.

6. After all you have said, why doesn’t the organization simply prohibit sexual relationships for staff?

Agencies and NGO’s are not concerned with preventing sexual relationships but with preventing abuse, particularly of vulnerable populations. As long as a sexual relationship does not violate the SGB or the agency’s code of conduct and policies, it is allowed.

7. If someone is in the field for a long time, it’s not fair to prevent them from having sex.

The SGB does not prevent people from having sexual relations. It prohibits staff, volunteers, and partners from engaging in acts that are sexually exploitative or abusive (as defined in the SGB). These rules are in place to prevent people from being harmed. It is not a question of fairness.

8. Why should we have to follow UN rules (SGB) or the organization's code of conduct and policies when the laws of my country say something different? Shouldn't the UN respect local customs?

The SGB sets out the standards of behaviour expected and forms part of our contractual obligations. However, we should respect local customs. Having an additional set of standards does not mean that we do not respect local laws and customs; it simply means we have adopted an additional higher standard and require staff to behave in a particular way. The two are not contradictory.

9. Is the SGB implying that everyone in the country where an agency/NGO is working is vulnerable? Isn't this insulting?

No. The SGB does not imply that everyone in the country is vulnerable. The SGB is concerned with the behaviour of personnel and partners and prohibits them from engaging in sexual exploitation and abuse with anyone. Sexual exploitation includes abusing a position of vulnerability for sexual purposes. The SGB acknowledges that we frequently work amongst vulnerable populations and that there may be an inherently unequal power dynamic between staff and beneficiaries of assistance. If there is any risk that a sexual act might constitute exploitation or abuse, it is better to err on the side of caution.

10. Does sexual exploitation and abuse apply to staff members?

Sexual exploitation and abuse can be committed against staff within agencies/NGO's, as well as members of the community. The definitions are concerned with the behaviour of personnel and partners and not with the person against whom the act is committed. In addition to the SGB, a number of agencies/NGO's and partners have a policy regarding workplace harassment dealing with harassing, abusive behaviour at the workplace. Any act that constitutes sexual exploitation, sexual abuse or sexual harassment is serious misconduct and should be reported. The person reporting does not have to specify which category applies; they just need to report the relevant information.

Specific standards:

11. Do sexual exploitation and sexual abuse constitute serious misconduct?

Yes. Sexual exploitation and sexual abuse are considered acts of serious misconduct (SGB, section 3.2(a)) and constitute a basis on which:

- All staff members, whether internationally or locally recruited, may be summarily dismissed by the Secretary-General (staff regulation 10.2 and ST/AI/371 (Revised disciplinary measures and procedures), paragraph 9(c)).
- A military member of a national contingent, an expert on mission (including police officers, corrections officers and military observers), a member of a national formed police unit or a Volunteer may be repatriated.

- A cooperative arrangement with a non-agency, non-NGO entity or individual, including contractual arrangements with an intern, international or local consultant, or individual or corporate contractor, may be terminated.

12. Can I have sexual relations with a national from the host country?

Yes, as long as it is not exploitative or abusive and in violation of the SGB.

13. So you are saying no sex with prostitutes and no sex with under 18 year olds – then is it OK to have sex with a national who does not fall under the previous categories and she/he consents?

The focus is not on the individual or whether there is consent, but on the nature of the relationship. If the relationship is an abuse of a position of vulnerability, differential powers or trust for sexual purposes, it is sexual exploitation and is prohibited. NGO's and agencies are often in a position of considerable power over the local population. Agency/NGO staff has money, food and shelter whereas the local population might often be very vulnerable and not always have easy access to these essentials. Because of the risk of abuse of power, sexual relationships between staff and the local population are strongly discouraged.

14. How can I know if the person I am having sex with is over 18 or not?

That is your responsibility. People lie and even have false birth certificates or identity documents. If you are not sure, don't do it. If you have sexual relations with a person under 18 years old, it may not only be a violation of the SGB, but a criminal act as well.

15. Are there any exceptions to the prohibition on sexual activity with children?

No, there are no exceptions. Sexual activity with persons under the age of 18, regardless of the age of majority or age of consent locally is prohibited (section 3.2(b) of the SGB). Mistaken belief in the age of the child does not constitute a defense.

16. What does it mean to “strongly discourage” sexual relationships with beneficiaries of assistance?

Sexual relationships between agency/organization staff/partners/volunteers and beneficiaries of assistance are “strongly discouraged” (SGB, section 3.2(d)). Sexual relationships between staff and beneficiaries of assistance are strongly discouraged because they are likely to be based on inherently unequal power dynamics. Where an agency has a mandate to serve the population at large, “beneficiaries of assistance” should be broadly interpreted to cover the local population. However, the focus should be on whether the relationship is an abuse of a position of vulnerability, differential power or trust for sexual purposes. Because of the risk of sexual exploitation occurring, relationships between staff and beneficiaries are strongly discouraged. The SGB does not impose a blanket prohibition on such relationships but any relationship that is sexually exploitative or sexually abusive is prohibited by the SGB. The determination of whether a relationship with a beneficiary of assistance is sexually exploitative or sexually abusive is made by the employing organization on a case-by-case basis. The standards in the SGB are minimum standards of behaviour. If there is any doubt, the relationship should not be entered into. Staff are expected to uphold the highest standards of conduct.

Even the perception of sexual exploitation and abuse can result in damage to the credibility of the individual and the organization.

17. I am a national staff member in a country where the legal age of consent for sexual activity is lower than 18 years of age. Does the SGB standards apply to me?

Yes. The SGB standards of conduct still apply to you. There is one standard of conduct for staff regardless of what country or culture they are from and regardless of the country or culture in which they are serving. The SGB is the minimum standard of conduct, irrespective of local laws. When you agree to work for an agency/organization, you agree to abide by its standards of conduct.

18. I am a national contractor working for a humanitarian organization. Does the SGB standards of conduct apply to me?

Yes. Under the SGB, all organizations receive a written undertaking from all contractors that they agree to abide by the standards. In case of breach of these contractual conditions, the contract may be terminated.

Prostitution:

19. What is wrong with having sex with a prostitute if the person is an adult and fully consents to it? I'm not harming anyone and in my home country/culture as well as the host country/culture, prostitution is legal and using the services of prostitutes is accepted.

There is one standard of conduct for all humanitarian agencies regardless of what country or culture they are from and regardless of the country or culture in which they are serving. The SGB is the minimum standard of conduct, irrespective of local laws. When you accept an assignment or position with an agency/NGO you accept to abide by its standards of conduct. Furthermore, prostitution in war-ravaged societies, developing countries and in countries hosting a peacekeeping mission frequently involves extremely vulnerable women and children, including persons who have been trafficked for sexual exploitation. In most communities, the vast majority of women in prostitution don't want to be there. Few seek it out or choose it, and most are desperate to leave it. The lack of economic options for women in vulnerable circumstances may result in prostitution and exploitative sex being one of the few avenues they have for obtaining money to meet basic needs.

20. Prostitution with an adult is a victimless crime. Why is the UN interfering with consensual sex between adults?

Prostitution is not a victimless crime. On the contrary, it is well documented that prostitution is inherently harmful and dehumanizing, and in certain communities may fuel trafficking in persons, a form of modern-day slavery. The vast majority of women in prostitution don't want to be there. Few seek it out or choose it, and most are desperate to leave it. Field research in nine countries concluded that 60-75 % of women in prostitution were raped and 70-95 % were physically assaulted. A recent study has revealed high rates of post-traumatic stress disorder (PTSD) in prostitutes stemming from physical and sexual assault. The study included male and female prostitutes aged from 12 to 61 who worked on the street and in brothels in Africa, Thailand, Turkey and the United States. In the study, the measure of PTSD severity of prostitutes was higher than that of Vietnam War veterans.

21. Is it possible to enforce a prohibition on sexual activity with prostitutes? Is it realistic to have such strict rules on sexual conduct? How will humanitarian agencies be able to enforce them?

Strictly upholding the SGB standards of conduct is both realistic and necessary, including the prohibition against sex with prostitutes. Standards of conduct are now being applied, investigations are being stepped up and many colleagues involved in sexual exploitation and abuse are facing disciplinary action, including repatriation, dismissal, and, where appropriate, also criminal action.

22. Is the solicitation of a prostitute also a violation of the Secretary- General's SGB?

Yes, the definition of sexual exploitation refers to actual or attempted abuse and thus includes solicitation.

Reporting:

23. When are staff members and other personnel obliged to report sexual exploitation or sexual abuse?

Always. Staff members and other personnel are obliged to report concerns or suspicions regarding sexual exploitation or abuse to the appropriate office within their organization or to the United Nations Office of Internal Oversight Services (OIOS). It is for the appropriate authorities and organizations, and not the individual, to investigate and confirm those concerns or suspicions. However, reports should be made in good faith. The submission of allegations with knowledge of their falsity constitutes misconduct. Persons who report allegations that subsequently prove to be untrue will not face repercussions where the reports were made in good faith.

24. Can people complain anonymously?

Yes. Not all complainants may be willing to reveal their identity. This does not necessarily have any bearing on the truth of the complaint but may be an indication of fear of reprisal. Anonymous complaints should be treated just as seriously as complaints where the identity is known. Because of the reporting obligation, the substance of the allegation should still be reported through the proper channels, along with the identification of the alleged perpetrator, if known. The wish for anonymity only applies to the complainant and not to the subject of the complaint. The SGB addresses staff behaviour and preventing sexual exploitation and abuse. If a staff person is named in the complaint, this information should always be reported.

25. What if I report a rumour of sexual exploitation that is revealed to be false?

Under the SGB, all staff are required to report their concerns and suspicions regarding sexual exploitation and abuse. All reports should be made in good faith. If you have made a report in good faith which turns out to be false, you will not face repercussions. If you submitted an allegation with knowledge of its falsity, you will be subject to disciplinary consequences. Rumours must be taken seriously. If left unchecked, rumours may damage the individual(s) concerned and the mission. Rumours can serve as early warning of a greater problem. All rumours must therefore be reported and investigated. However, you should not conduct any investigations or try and find out more information; your obligation is only to report your suspicions or concerns.

Sexual harassment:

26. What is the difference between sexual harassment and sexual exploitation and sexual abuse?

In the UN Secretariat, ST/AI/379 (Procedures for dealing with sexual harassment) defines “sexual harassment” as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Similar definitions exist in the UN Funds and Programmes. The SGB defines the term “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 the sexual exploitation of another. It defines the term “sexual abuse” as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. There is often confusion about whether a particular action or conduct would constitute sexual harassment, sexual exploitation or sexual abuse. Sexual harassment is associated with the workplace. Not all sexual harassment involves an abuse of a position of vulnerability, differential power or trust or the actual or threatened physical intrusion of a sexual nature. If it does, it also constitutes sexual exploitation or sexual abuse. Sexual harassment and sexual exploitation and abuse are all considered serious misconduct. All three should be reported. The person reporting does not have to specify which category the conduct falls into.

Zero-tolerance:

27. What does zero-tolerance mean?

Zero-tolerance means that the culture of impunity and complacency toward sexual exploitation and abuse is no longer tolerated. Zero-tolerance for impunity means that active measures are being introduced to prevent sexual exploitation and abuse and appropriate disciplinary action will be taken against all persons who are found to have violated the SGB standards of conduct.

28. You talk about zero tolerance for sexual exploitation and abuse, but we know that nothing happens to people who violate the SGB.

People have been sanctioned for violating the standards of conduct on sexual exploitation and abuse. Staff has been summarily dismissed; volunteers have had their contracts terminated and UN uniformed personnel have been repatriated and faced disciplinary measures instituted by their own states. Commanders have also been sent home for failing to take preventative action in relation to troops under their command. We still have a lot to do to eradicate the problem and organizations are currently improving the system for receiving and investigating complaints and ensuring appropriate action against everyone who is found to have violated the standards.

Issues concerning children and sexual exploitation and abuse²

1. How do you handle a sexual harassment case between members of staff within the same or differing organizations?

² All questions and answers for the remaining sections come from the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse, **Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation**

The legal framework and Secretary General's Bulletin do not cover sexual harassment. Sexual harassment occurs when power differentials between staff members are abused. Each agency/NGO has its internal policy, code of conduct and mechanism for handling cases of sexual harassment. If sexual harassment occurs it is the agency/NGO's responsibility to follow its procedures and internal investigation mechanism for handling such cases. Many agencies/NGO's have a similar reporting system or the reporting mechanism is linked to the SEA reporting system, and therefore many of the same principles and standards would apply. However, other agencies/NGO's may have a different system in place and therefore it is important to refer to the agency's guidelines and codes of conduct to determine the best form of action.

2. It seems that most of the reports about sexual exploitation and abuse come from Africa, does the issue happen less in Asia because of specific cultural aspects? Is Africa more 'sexual'?

Sexual exploitation and abuse is not limited to Africa or any specific country. It is a practice that happens globally regardless of culture and traditions. In some instances because of the openness of a culture or its language, the gross violations of sexual exploitation and abuse might be spoken more openly, but that does not mean that the practice does not occur in a culture where issues of sexual exploitation and abuse are taboo to speak about. In fact, in many cultures there is a great deal of fear and barriers that prevent individuals from speaking or reporting on cases of sexual exploitation and abuse. Keep in mind too, that the world is becoming more global and therefore humanitarians of all races, cultures, nationalities, and ethnic groups participate around the world during an emergency or to support development.

3. If a member of staff, who was affected by the emergency, announces that he is getting married to a member of the community (beneficiary) should this be considered a breach of the rules or grounds for making a complaint?

It is important to remember that the SGB states that "sexual relationships between staff and beneficiaries of assistance are strongly discouraged because they are based on inherently unequal power dynamics and undermine the credibility and integrity of the work by humanitarians." Each case must be looked at on a case by case basis. Because the issue involves a staff member and a beneficiary the incident should be reported. As a reminder, in many emergencies the risk of early marriage and forced marriage increases because of the challenges, constraints and vulnerabilities that emergencies create. It is better to report the issue than to let it go undetected.

4. What happens if an employer is having sexual relations with someone in the community outside of the work environment or the direct project site of the organization, but the person is still affected by the emergency, does this still count if the person is not a direct beneficiary of the organization?

Yes. All individuals affected by an emergency are considered beneficiaries regardless of whether they benefit directly from your agency's programs and activities.

5. Does the code of conduct and Secretary General's Bulletin apply to community volunteers?

Yes. Volunteers, like staff, are held to the same standards and rules in the Code of Conduct and SGB. It is important for the organization to ensure that all volunteers receive the code of conduct and that volunteers are trained on sexual exploitation and abuse and understand the reporting procedures.

6. Does the code of conduct and Secretary General’s Bulletin apply to youth volunteers?

Yes. Regardless of the age of the volunteer or staff, the code of conduct and SGB applies to all volunteers and staff. The training and language of the code of conduct should be done in a youth-friendly manner to ensure understanding and compliance.

7. What do you do if the accused is a youth of 17 years who is a volunteer with the organization and the youth is accused of sexual exploitation of another child within the program? They are both children, does this need to be reported? Does the procedure for planning an investigation need to take place given the fact that the accused is only a child?

It is true that both the victim and the alleged perpetrator are children. This does not excuse the act nor does it limit the responsibility of others to report the issue. The youth is a volunteer who is required to sign the code of conduct and follow the same rules and standards as adults. Therefore, the issue should be reported and investigated. Because the youth is a child it will be important that the management of the investigation process be done with the utmost care to ensure that principles and procedures during the investigation consider the unique needs and vulnerabilities of the child who is accused. A child protection specialist or social welfare officer who works with children might be someone to include on the investigation team to ensure that protection standards are put in place that might be different for an adult who was accused of the same crime.

8. Are you required to always tell the parents of a child (victim/witness) of an investigation?

No. Best practice generally dictates that parents (or guardians/caregivers) should be informed as they are best placed to support and protect the child. However, there are circumstances where the decision not to inform parents might be best. This might include situations where:

- The parent is suspected to be collusive.
- This might subject the child to retaliation, including physical or emotional abuse, expulsion from home, or otherwise compromise the child’s well-being.
- Evidence might be lost.
- The child does not want parental involvement and is competent to take that decision.
- The child is unaccompanied/displaced and has no responsible adult around.

Community-based Complaints Mechanisms

1. What is the purpose of the complaints mechanism?

The purpose of the complaints mechanism is to provide fair and consistent means of addressing concerns with regard to violations of Agency or NGO policies and procedures and applicable codes of conduct regarding sexual exploitation and abuse by staff members.

2. Is there a difference between a complaints mechanism for agency/NGO staff and members of the community or outside the agency/NGO?

It is important to establish a complaints mechanism where all beneficiaries and staff in both emergencies and development contexts know where to go to make a complaint and receive assistance. A confidential mechanism for making a complaint must be accessible to all staff, partners, and

beneficiaries, irrespective of the individual's sex, age, physical ability, language, level of literacy, ethnicity, or any other background characteristic or factor, that may prevent or discourage him/her from making a complaint safely. To accommodate complaints, various mechanisms may be used and therefore, it is very likely that there are differences in how a staff member might complain vs someone from the community.

It is recommended that there be an overall inter-agency complaints management system in-country, coordinated by an appropriate individual or body. The inter-agency management system should comprise agency focal points from UN, NGOS, and INGOs and representatives from national governmental authorities.

3. How do you ensure that someone reporting a complaint is ensured anonymity?

There is a difference between anonymity and confidentiality. A complaint can be given anonymously by various means: a written complaint in a drop box, an unidentified phone call, a mailed letter written or with photographs, a message left on a tree, carved or painted on a building, and so forth. If the person wishes to remain anonymous in reporting sexual exploitation and abuse, the complaints mechanism in place must allow for several means for receiving different types of complaints.

Confidentiality, on the other hand, requires that information is shared on a need to know basis and the principle of informed consent must be upheld. It is also important to store records securely to avoid accidental or unauthorized disclosure of information. The identity of those involved in the parameters of the case (witness, victim, subject of the complaint, complainant) and the stories they share should also be kept confidential when conducting interviews.

4. Is the reporting mechanism and plan of action the same if the complaint and abuse occurs between two members of the community but not within an organization or UN agency? For example, cases of domestic violence or a member of the community with food pressuring another member of the community to have sex who does not have food.

No. The complaints mechanism is designed to look at violations against staff and beneficiaries, not between beneficiaries and other beneficiaries who are not employed or volunteering with any humanitarian organization. The community-based mechanism for handling issues of domestic violence, sexual abuse or other forms of abuse is likely to be in place and established by national authorities. Where this is not, agencies can support the development of such reporting and referral systems and help build the capacity of communities and national authorities to strengthen these systems, but in such cases the issue is likely to fall outside the responsibility of an agency's mandate.

5. Should you set up a complaints mechanism if your staff is not trained or the focal points have little capacity?

Yes. Agencies may approach the issue of responding to sexual exploitation and abuse from many different levels of capacity and resources. Some agencies may have trained staff but no focal points. Other agencies may have a code of conduct but no trained staff. Still, others may have set up a reporting system but have no capacity to respond. Each scenario is very possible and likely. It is important to approach the issue of sexual exploitation and abuse from wherever you are. Every agency's starting point is likely to be different. The process of handling an investigation if you have no trained staff and no capacity may be that you need to outsource the procedure in order to respond

appropriately to the allegations. Establishing an interagency coordination and focal point can support issues that might arise, for example the lack of funds to carryout an investigation or no trained staff.

6. How do you ensure that a complaints mechanism is accessible to all?

There is no one-size fits all mechanism. What works in some cultures may not work in others. What works in one community may not work in the community next door. It is important to establish community-based complaints mechanisms that build on the participation of all stakeholders. This includes women and girls, men and boys, leaders within the community such as camp leaders, religious leaders, elders, and others. It also means taking into consideration issues concerning language, disability, literacy, gender dynamics, power dynamics, traditions, customs, age, sex, and other characteristics that might prevent someone from making a complaint.

To do this means setting up several types of mechanisms to receive complaints. In some instances it might mean a comments box. It might also mean appointing teachers as a focal point or setting up a formal post within the community that allows people to go to and report issues of abuse.

A checklist can be created to help you think through accessibility. Setting up the system may require several changes as information about the system is evaluated and monitored.

Consider including some basic features:

- Designated focal points, often trusted members of the local community³
- Multiple 'entry points' for lodging complaints, catering to the most at-risk in the population, including methods that can be used by people who cannot read or write
- Clearly explained roles for all the parties to the complaint
- Clear rules regarding disclosure of information about the complaint
- Safe spaces for witnesses who may be in danger as a result of the complaint
- Clear, published and well understood timelines
- Procedures for making complaints by proxy (i.e. that allow one person to complain for another) and/or that allow people to make anonymous complaints

7. Complaint boxes may not work in all contexts, so what is an alternative approach for the community to make complaints anonymously?

The most appropriate approach for establishing a community-based complaints mechanism requires full participation and consultation with all stakeholders within a community. An alternative approach to the complaint box could be a variety of mechanisms depending on the factors surrounding the particular community and context you are working in. Some examples of community-based complaint mechanisms include:

- Teachers as point persons
- Formal office where complaints can be heard
- Religious Leaders or Elders as point persons
- Child Protection Committees
- Women's groups
- Telephone Hotlines
- Internet/Email Hub

Remember, the most suitable mechanism will differ from one context to the next and the method of reporting will differ even between persons within the same community. A multi-channeled system that factors all stakeholders in terms of literacy, gender, sex, language, disability, ethnicity, religion, and other characteristics will be the most effective.

8. How do you set up a community-based complaints mechanism if you know the community's suggestion is discriminatory or has flaws that could prevent reporting? You do not want to disrespect the community decision-makers, but you recognize the method will not work.

It is important to acknowledge the community's effort in establishing one method for reporting abuses. Keep in mind that there should be several methods for individuals to tap into. The community method will certainly work for some members of the community. To ensure that all individuals have equal and protective reporting venues, communicate with the community that additional methods can be used to support and build on the system they have in place. Work together with the community to identify gaps in their own system as well as gaps within the system the agency might propose. In collaboration acknowledge all methods to be used and ensure regular coordination takes place so that one method does not undermine another.

It is also important to speak to a variety of people within the community. Relying only on camp committees, community leaders, elders, religious leaders, and others to set up a reporting mechanism may limit the effectiveness of reporting from those most vulnerable to abuse.

Reporting

1. What happens if you hear about an issue from someone telling you about something they heard from someone else? Are you required to report the issue? (Rumor)

Yes. All rumors must be reported and investigated as they can serve as early warning of a greater problem. Keep in mind; however, acting without a complaint may invalidate an investigation if there is a challenge to the termination of the subject of the complaint's contract. On the other hand, failing to act when there is a suspicion of exploitation or abuse may be a breach of the organization's duty of care to the person of concern.

It may be appropriate for the investigators to make informal inquiries with the person/s who originally alerted them to the possible abuse and to try to trace the allegation back to its source. They may be able to find a victim or witness to talk to about the possibility of bringing a complaint. They should be very careful, however, that they do not compromise their impartiality by acting both as prosecutors and investigators.

2. What happens if the Focal Point or the Senior Manager is the subject of the complaint? Who do you report to in these cases?

In most cases it is encouraged that there are at least two focal points and a manager above the Senior Manager (perhaps at HQ or at the Regional Level) that will receive complaints. Although it is important to have your focal point be someone that has regular interaction with the beneficiary community as someone seated in an office may not be accessible or can be seen as unsafe, these focal points can serve as an alternative to the community-based focal point. It is also important to link with any UN-Led SEA

focal point network within the country. This provides an alternative reporting point if an individual fears going to the agency directly.

3. What do you do if you report an issue to the Focal Point and the Senior Managers decide there is no need for an investigation and the case closes but you still believe there is a problem? What do you do or who do you report to in these cases?

Organizations equip senior managers and other management staff to respond to allegations of abuse. Senior staff go through a series of checklists, protocols, and measures to determine whether the organization can and should carry out an investigation. The process may involve the consultation with other managers at HQ level. As the complainant, the manager has a responsibility to report back to you about whether or not the incident will be investigated or not and the next steps in the process. However, it is also known that managers have failed to carry out investigations due to protection of staff, their own personal involvement in the allegation, and simply neglect. Some organizations have set up systems that create a check and balance system that all the complainant to report to two focal points and/or outside agency staff (interagency mechanisms) to ensure the report is taken seriously and to avoid those that might be directly involved. A second review of the issues may not lead to an investigation still. The decision whether to investigate an allegation is based on many factors and the senior managers will assess each of these factors when deciding to investigate.

4. What if a complaint is made by an anonymous person but no names are given, only the issue is described to be happening in a community. Are you required to investigate? And if so, where do you start?

Yes. All anonymous reports must be followed up and a wider investigation plan could be organized. This plan will vary depending on the context, the issue, the security and protection risks, and overall situation surrounding the complaint. In general, the following issues should be looked at to begin the investigation:

- What rule or code has been allegedly breached?
- Decisions about who needs to know and briefing those individuals
- Planning an investigation around the key principles and procedures
- Deciding whether to notify national authorities
- Informing other agencies if they are implicated in the allegation/investigation
- Checking records to establish prior complaints
- Establishing a protection protocol
- Establishing a Plan of Action for the possibility of an investigation:
 - o What the tasks are
 - o Who is to undertake the tasks
 - o When they are to be undertaken
 - o How progress is to be reviewed

5. What needs to be collected at the time of a complaint?

If the complaint is coming to a person and is not made through anonymous complaints box, for example, the staff member or focal point should follow the good practice principles when receiving the complaint. These include:

- React calmly and listen

- Reassure the complainant that he/she was right to raise the concern
- Address issues of confidentiality
- Take what is said seriously
- Avoid asking too many questions
- Ensure that his/her safety is not at risk
- Consider his/her need for medical attention
- Inform him/her of the next steps in the procedure
- Make a written record of what has been said
- Report on the complaint

At a minimum, the following information should be collected:

- Correct names of all involved, identity numbers of witnesses, victims and if possible photo records of the subject
- The nature of the complaint
- A description of any visible sign of abuse or other injuries including a body map if helpful
- An accurate account of what was said by the complainant in his/her own words
- Any observations made by staff member receiving the complaint
- Times, locations, dates given
- Whether anyone else knows or has been given the information
- The relationship between the complainant and staff member receiving the complaint.

The Focal Point can use a Complaints Referral Form to gather information.

6. What do you do if the victim does not want you to report it?

It is important to remember that there are many blocks to making a complaint such as:

- Fear of reprisal
- Fear of not being taken seriously
- Respect for/fear of a senior officer and/or expatriate staff member
- Fear of getting it wrong
- Fear that source of income will be cut off
- Fear of losing job, status or prospects
- Cultural issues and norms—it is seen as acceptable practice in the country/region
- Cultural issues and norms—it is not seen as acceptable to challenge those in authority
- Attitudes towards women and children
- A socio-economic or political context which might sustain a belief that sexual exploitation/abuse is unimportant
- Isolation, lack of management and support
- Age—children may be less likely to report
- Lack of knowledge concerning the reporting process, access to anyone with power or will intervene
- Lack of awareness sexual exploitation and abuse is wrong

Given the above it is important for agencies to create a number of entry points for making a complaint. At the same time, witnesses or those directly linked to the victim still have an obligation to report if they are a staff member of an agency. When reporting, it is important to convey the issue around why the victim does not want the issue to be known. What are the protection risks? What are the fears? What

are the consequences? These should be explored by the investigation team after receiving the complaint from the Focal Point who should highlight the plea from the victim or witness not to report.

These considerations must be thought through when deciding to proceed with the investigation, contact national authorities, or close the case. Each case is unique and should go through the proper steps to determine the best strategy for taking action.

Investigation

1. How is an investigation handled between agencies?

Although it may not be possible to handle complaints between agencies, organizations may handle SEA complaints that involve personnel from other agencies, whether as complainants, witnesses or SOCs.

This can create a number of issues, including:

- How and to whom should people of concern complain?
- How can investigators access information in the control of other agencies without compromising confidentiality?
- How can investigators avoid re-interviewing witnesses?
- How can organizations and managers supervise a process which is at least partially outside their control?

Though organizations have their own cultures and strategies for dealing with their operating environments, they can minimize the potential problems by developing frameworks for joint investigations and information sharing.

Listed below are steps for developing and implementing effective collaborative complaint mechanisms.

Presuming that there is no existing collaborative mechanism in the region, organizations should consider which agencies, teams and personnel they are *most likely* to have contact with and *in what ways* they may need to cooperate. Having identified possible partners, they should take feedback from local people and design their mechanism together. Key questions for partners are:

- How will the organizations alert each other to complaints while maintaining confidentiality?
- What are the potential partners' systems regarding confidentiality?
- Who will know about the complaint within each organization? How much will they know?
- What are each organization's responsibilities and reporting obligations?
- Who will manage the investigation?
- How will partners choose investigators?
- How will they organize and fund a joint investigation?
- How will they deal with problems that might arise between organizations?
- Who should receive the report?
- If there are multiple SOCs from multiple agencies, how will organizations ensure that penalties/responses are consistent?

Organizations that address these questions when developing their complaint mechanisms will avoid compromising investigations due to inter-agency conflicts.

2. What happens if there is a joint interagency investigation but the agencies cannot agree to a plan of action?

Creating a joint interagency complaints mechanism requires that agencies agree upfront on standards, methods, systems, channels, and procedures for carrying out an investigation and how reports will be written and decisions made. Each issue under investigation by the interagency mechanism will be handled differently. When there is disagreement, like with any conflict, the steps taken will depend on the circumstances, what the differing issues entail, and whether senior managers have been involved.

3. How do you protect the reputation of the organization if information is leaked or disclosed?

By setting up a complaints mechanism, investigation procedures and most importantly, establishing protocols, codes of conduct and standards, the agency is demonstrating its commitment to preventing sexual exploitation and abuse and that it takes allegations seriously. All agencies at one point or another have or will likely face allegations of misconduct by their staff, volunteers, partners, and others under contract with the agency. Senior management and human resource personnel will have standards and protocols on how to handle the press and information disclosed to the public.

4. Who makes up the “pool” of investigators on an investigation team?

Senior management will need to appoint an investigation team. The investigation team generally comprises managers and investigators and, in some cases, observers, interpreters and outside experts. In choosing the individuals to undertake these tasks, a senior manager (usually the Country Director or International Director of Human Resources), will need to consider the size of the team, their qualifications, and Terms of Reference (TORs) and the budget for the investigation.

Generally the investigation team consists of four key personnel:

1. Managers
2. Investigators and observers
3. Interpreters
4. Other needed experts (lawyers, security personnel, HR staff, specialists knowledgeable about interviewing children or people with disabilities, etc)

5. What happens if the police conduct an investigation and tell you that the organizational investigation is interfering with proper police procedures?

If a complaint is considered a violation of national law the police may be involved in the investigation to determine if there was a crime committed and if legal enforcement should take place. Not all violations of the SGB are criminal. The incident or allegation can be considered a breach of an agency’s policies and codes of conduct, but it does not necessarily mean the incident was a crime. When national police have decided to carryout an investigation, it may be necessary for the organization to hold off from its own internal investigation. Each incident must be assessed on a case by case basis.

6. What does a witness plan look like?

A witness plan entails anticipating what the witnesses’ (including victim/survivor and the subject of the complaint) needs might be and identify some potential resources to meet them. The principle consideration is for the witnesses’ need for protection and, to this end, a witness protection plan needs to be established at the planning stage. There needs to be a discussion around possible reprisal from the subject of the complaint or other members of the community, and how to tackle this.

A witness plan also means recognizing that witnesses may have other needs which be anticipated at the planning stage, including any need for additional support or counseling, and help to understand the criminal justice implications and make an informed view as to whether he/she wishes to make a complaint. The plan needs to consider how the victim, the witness and complainant will be kept informed of the progress and outcome of the inquiry.

7. What is a reasonable timeframe?

A timeframe must be set throughout the process and each stage of the investigation and should ensure completion (without prejudice of quality) at the earliest opportunity. Each incident will vary and although agencies may set a number of days mandated to carryout an investigation, the number may be arbitrary given each unique circumstance.

8. What does it mean when someone says, “every effort must be made to ensure the security of files”? What does this entail?

This means that there must be a plan in place to ensure confidentiality with respect to the identity of the witness and the subject. When handling files, this includes:

- Only disclosing identities to those who need to know
- Accessing interpreters in such a way as to maximize the preservation of confidentiality
- All records and reports being made anonymous-via the removal of names and substitution of witness A, witness B, subject A, etc.
- All records being kept within a locked filing cabinet accessible only by investigators

9. Can the investigation team make recommendations on a course of action/disciplinary measures?

The investigation team does not determine the disciplinary action or any course of action that should be taken by the organization. The investigation team, however, can make recommendations and include these in the report. It is up to Senior Management to determine the best course of action and disciplinary measures.

10. Does it really matter the order of who should be interviewed during an investigation?

The general principle for the order of the investigation is to interview the complainant first and the subject of the complaint last. This means that the general order of witnesses is:

- 1) Complainant or original survivor
- 2) Other potential survivors
- 3) Witnesses with indirect knowledge of the misconduct
- 4) Witnesses with direct knowledge of the misconduct
- 5) Subject of the complaint

If the complainant and survivor of the alleged abuse are different, the complainant should be interviewed first. The order may change if the witnesses are leaving the organization or place of the investigation.

11. How do you guarantee impartiality if the investigation team is made up of your staff?

Each organization will handle investigations differently in terms of whom they summon to participate on the investigation team. Organizations may choose to use staff within their organization but may choose staff outside the country or office where the subject of the complaint is working. There is no standard or rule in what the investigation team should look like, however Senior Managers are equipped with checklists and protocols to follow when designing the investigation team.

The investigation team is reminded that they are to look at the incident and investigate the alleged breach in the organization's code of conduct/policy. They are not investigating an individual. To do this effectively, a good investigator remains neutral and makes no prejudgment of any person (witness, victim, subject of complaint, or others) when carrying out the investigation.

12. How can you tell if something is a fact verses an opinion?

Investigation teams should be equipped with strong interviewing skills and techniques that assist them in asking questions in a manner that can help determine if a person is giving an opinion or if an issue is fact. Part of the investigation plan and the importance of revisiting the investigation plan throughout the process is to check to see where information that has been given needs to be verified for fact or opinion. The team will assess if additional people should be interviewed or if places should be visited or revisited to verify information that is gathered and conveyed by witnesses and others. Each incident will require different steps and a plan of action.

13. Should an organization investigate an allegation that a staff member abused or exploited a beneficiary in the past while working for another organization?

As part of HR policies, new staff and/or prospective employees undergo a background check, verifying references, past employment records and reports prior to receiving a letter of acceptance from the hiring organization. Where allegations arise after the staff has been hired, each organization will decide whether or not to follow-up on the allegation and if an investigation needs to be carried out. Different information may be sought, including whether the staff lied on employment applications, whether an incident had been reported in the past but was dismissed based off of false accusations or unfounded evidence, and/or whether or not the current report is true or malicious in nature.

Management of Investigation

1. Is it the responsibility of the Senior Manager to decide how the investigation should be carried out? Is there anyone else involved?

The role of Senior Management is to decide if an investigation is needed and to pull together a competent, responsible, independent investigator team. The investigation team will decide an investigation plan and who should be involved in this process.

2. Besides the investigation team, who else receives detailed information about the investigation plan? Does this plan require approval from others? Can the plan change? Does the investigation team have the discrepancy to change the plan as new information arises or if the plan needs to change do they need approval?

The investigation plan is carefully monitored by Senior Management, who ensure that the investigation is conducted according to key principles and procedures. The Senior Management facilitates the investigation plan by ensuring the co-operation of staff, the availability of premises, interpretation and office facilities. The senior management also facilitates the implementation plan to meet the needs of complainant and or victims, specifically their need for protection, including possible relation, and any health/medical needs.

The investigation team will periodically throughout the course of the investigation revisit the plan and change it accordingly. The senior management should be informed of each change as the plan is carried out.

3. Who decides who “needs to know” information concerning a specific case/investigation?

The investigation team, along with the senior manager appointing the investigation team, will determine who needs to know information as they design the investigation plan. Each incident will be handled differently.

4. If a case is closed, what are the next steps?

Senior managers will inform the subject of the complaint and relative persons that the case is closed and what measures were or were not taken depending on the outcome of the procedures and report.

The agency may also use this as an opportunity to reflect and revise its own policies and procedures to strengthen the standards, code of conduct and allegation management system within the organization.

5. If a case is closed, can it be reopened?

As with any report, there is a period of time that is needed to determine whether or not an investigation is deemed necessary. If there is new information regarding a past allegation or if the allegation is reported again, the senior manager/s will decide whether or not an investigation should be carried out.

9. What happens if the accused turns around and reports wrong-doing by the organization to the police because of the organization’s investigation?

Individuals, including victims, witnesses, the subject of the complaint, can each decide to take legal action if they are inclined to, this does not mean that an agency will be sued or that a charge against an agency will stand up in a court of law. The vast majority of complaints that come through a complaints mechanism are not criminal in nature. If the agency has purposively or neglectfully harmed an individual or member of its own staff, and a lawsuit is pursued, whether the case goes before a court and is found innocent or guilty is determined on a case by case basis.

10. If an alleged abuse has occurred, for example rape, and it is a national requirement that you must report rape to the police, but the organization decides to carryout an investigation first before reporting to the police, can the organization be at risk of committing a crime for not reporting to the police?

Each agency will need to evaluate the situation and make the best decision given the information they have. If, after proper investigation, there is evidence to support allegations of sexual exploitation and sexual abuse, these cases may, upon consultation with appropriate internal legal advisors, be referred to national authorities for criminal prosecution. Reminder: an allegation is simply that, a report of an alleged crime. At the time of report, without an investigation, there is no evidence to indicate the incident occurred.

11. Can the victim sue the organization where the accused staff member is from?

Individuals, including victims, witnesses, the subject of the complaint, can each decide to take legal action if they are inclined to, this does not mean that an agency will be sued or that a charge against an agency will stand up in a court of law. The vast majority of complaints that come through a complaints mechanism are not criminal in nature. If the agency has purposively or neglectfully harmed an individual or member of its own staff, and a lawsuit is pursued, whether the case goes before a court and is found innocent or guilty is determined on a case by case basis.

12. If the accused is found not guilty does the information stay within the person's file? Are you required to report on this information if the person seeks another job and the prospective employer asks for background information on the person?

If the case is deemed "not guilty" because of misinformed information, malicious reporting or unfounded information, the case is cleared from the person's file. The process of carrying out an investigation allows that agency to reflect on its system and procedures in place and even if a report is not found to be true, aspects or decisions made by the subject of the complaint might conflict with agency policy and procedures. It might be necessary to provide additional training, review rules and procedures, and/or create additional systems to prevent suspicion in the first place.

13. Should the alleged perpetrator always be suspended from work until the case concludes and finds him/her guilty or innocent? Who makes this decision?

Not necessarily. Senior management will assess the situation to determine next steps to take if an investigation is to be carried out. Each allegation is different and the circumstances surrounding the issue will be made according to the agency's policies and procedures.

14. What happens if you do not have the resources to carry out an investigation?

Ensuring that the agency/NGO has the necessary resources to carryout an investigation is an important part of the planning stages and putting in place an allegation management system as well as a community-based complaints mechanism. All agencies/NGO's may not have the ability to carryout an investigation due to resource constraints. Steps will be taken given the constraints and a plan will be put in place. Each incident will be handled differently by each organization. It may be necessary to seek outside or interagency assistance, but this is not required or necessary.

- 1. How do you create a protective and safe environment to conduct interviews when in many camp settings or community environments there are people living in close quarters and your very presence can create suspicion or curiosity by other members?**

Each situation is different. The investigation team should discuss these issues within the planning stages. In some instances it will be impossible to avoid an interview within a camp setting, in other situations, an interview can be done in an office or other location. The person conducting the interview should also be part of the investigation plan to determine the most protective and safe approach to gather information.

- 2. What do you do if you are the note taker in an interview and you notice that the person asking the questions to the witness/victim/complainant is asking questions in a manner that is disrespectful, or causing emotional distress, or is accusatory in nature? Would there be disciplinary measures taken against this person too?**

It is important that each person assigned to interview a witness/victim/subject of the complaint or others has a level of skill and knowledge on how to follow the principles of interviewing. When this does not happen, the co-facilitator can stop the interview and ask that the person refrain from asking further questions at this time. As part of the investigation team, it will be important to report back to the entire team how the interview process went, what issue arose, what changes should be made in the investigation plan, and who should continue to carry out interviews. Each agency would determine whether there would be disciplinary measures taken against a member of the investigation team. Each agency would also determine if a level of capacity-building is needed for future teams.

- 3. Do you need to share the story or summary of the complaint to the subject of the complaint?**

The subject of the complaint needs to know they are under investigation and the reasons why they are being investigated and interviewed. The subject of the complaint should be given a summary of the complaint and given sufficient time to assimilate any evidence and make an informed response. The names of others interviewed, witnesses, victims should be kept confidential when summarizing the complaint.

- 4. How do you ensure informed consent if the person interviewed is a child?**

Common practice seeks to involve the child's primary caretakers, however, this may not always be possible or advisable given different circumstances. It is important that a child is given all necessary information that could harm or create protection risks if agreeing to participate in an interview. This does not necessarily mean the child understands the risks and it is therefore the responsibility of the person conducting the interview and the investigation team to determine what those risks are and to put in place steps and safety measures to minimize any harm or risk that may come upon a child (or other person) person involved in the investigation.

- 5. What happens if you interview a witness and receive a written confirmation of what they have said and then a week later they return to you and change their story and tell you nothing of what was written is actual or true? Do you believe them? Do you keep the original written report or do you change it? Do you turn in both?**

Both records are kept and this should be noted in the report.

6. What do you do if the person you need to interview is a girl child, but the father of the household insists that he can represent the views of the child and the child does not need to be present during the interview?

Each issue must be handled on a case-by-case basis. There may be limitations in what an investigation team can do and aspects of a community's culture may impact the extent of your investigation plan. These issues should be discussed during the initial stages of an investigation plan and recommendations put forward to look at anticipated roadblocks should be considered.

7. Should females always be interviewed by females?

No. It will be depend on the individual and the comfort level of that individual in answering questions by a given person. The investigation team should assess the culture, language, context, protection issues, and other factors when determining who should lead interviews with specific people.

8. What if the interviewer asks a child to draw a picture of what was witnessed or occurred, however, after examining the drawing the interviewers have differing interpretations of the drawing?

Engaging children in alternative forms of expression/communication require the support of experienced and well-trained individuals that understand how to work with children and how to gather correct information from children. The results of a drawing should be verified with the child not between members of the investigation team. Every person looking at a drawing may have a different interpretation, working with children requires their involvement, their interpretation and the participation of child protection experts trained and skilled in working with children.

9. What does it mean to have a Free Narrative Account?

The purpose of the 'free narrative' stage is to get a witness' uninterrupted account of events. To stimulate free narrative, the interviewer should:

- Ask very open questions e.g. "Can you tell me about your duties?"
- Use neutral prompts that relate to the witness' account (without referring to other witness' testimony) e.g. "And then what happened?"
- Repeat key phrases
- Ask for further clarification
- Adopt an "active listener" posture

The interviewer should not interrupt or clarify ambiguities at this stage. If unsure of something, the interviewer should make a note to return to it in the 'specific questions' phase.

10. How do you know when to use an open-ended question, a specific question, and/or a closed question when conducting an interview? Is there a rule that can be followed to assist in making this decision?

When conducting an interview it is always advisable to begin the interview by allowing the individual to speak freely through what is called a "free-narrative account". The purpose of the free narrative phase is to allow the individual to provide spontaneous evidence, this being the most reliable source of

accurate information. The interviewer's role during this phase is to facilitate this process, not interrogate. Some individuals will respond more readily than others to this approach. In general, younger children provide less free narrative than older children or adults.

Following this, the interviewer should use various styles of questioning if information is needed to verify information. Interviewers should keep their questions clear and simple. Research has shown that vulnerable victims may well have great difficulty with questions that are too complex, abstract or suggestive.

The questioning sequence should be (whenever possible)

1. Open-ended
2. Specific
3. Closed
4. Leading question (and only as a last resort or never)

11. How do you know if you need to return and conduct a second interview with someone?

The general principle is to avoid re-interviewing witnesses whenever possible. However, if interviewees provide conflicting information or you find new information relevant to their testimony, it may be appropriate to seek a second interview, if this does not compromise the witness' health or well-being.

Disciplinary Action

1. What happens if there is a joint interagency investigation but the agencies cannot agree to the final decisions and disciplinary measures that should be served?

Creating a joint interagency complaints mechanism requires that agencies/NGO's agree upfront on standards, methods, systems, channels, and procedures for carrying out an investigation and how reports will be written and decisions made. Each issue under investigation by the interagency mechanism will be handled differently. When there is disagreement, like with any conflict, the steps taken will depend on the circumstances, what the differing issues entail, and whether senior managers have been involved.

2. What would be an example of disciplinary measures taken against someone that reported an issue in a malicious manner or knowingly spreading false information? What if that person is a member of the community and not staff?

Each agency will have its own set of standards for determining what kind of disciplinary measures should take place. Staff reporting an incident may face a disciplinary measure, but community members reporting false allegations do not adhere to the same standards and principles of staff of an organization and therefore would not be held accountable by the organization.

There is no set standard for the type of disciplinary measure that would take place but examples could include dismissal, relocation of assignment, step down from a position of authority/responsibility,

3. What type of disciplinary measures might a manager take if someone breaches confidentiality about the case?

Discipline implies that the subject of a substantiated complaint suffers some kind of negative consequence as punishment for her/his misconduct. At the same time, disciplinary measures are also expected if a known abuse is not reported or if various aspect of the investigation process are compromised, for example breaching confidentiality.

It will be the discretion of the Senior Manager and Agency Policy/Human Resources to determine the best course of action. The 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.

4. What do you do if after the investigation you have no real proof, just speculation? Do you still administer disciplinary measures against the subject of the complaint?

Each agency/NGO will have its own methods for handling allegations and its important to remember that each allegation will be handled differently based on its unique issues. For the most part, carrying out an investigation often helps agencies reflect on their own processes and procedures and where it might be necessary to strengthen different channels or capacity within the system and with its own policies, codes of conduct and protocols. Disciplinary measures will be decided on a case by case basis given the information reported on by the investigation team.

Victim Care and Support

1. Are agencies/NGO's required to provide protection and medical/psychosocial support to the victim and others (accused, complainant, family members of each)? If yes, to what extent?

In some cases urgent medical attention is indicated. This must take priority over any other procedure as it may be necessary for victims/survivors to undertake a medical investigation to ensure their own health and well-being. Protocols should be in place for referral to appropriate services and consent for this should be sought from the victim/survivor.

2. How do you protect the reputation of the alleged perpetrator if the investigation reveals information was false and untrue?

If there is evidence to clear the subject of the complaint, he/she should be enforced of this, and the managers encouraged to inform those staff involved in the investigation or otherwise aware of the nature of the allegations, that the person has been cleared of the allegation. Should the investigation indicate that the allegations have not been substantiated, the case will be closed.

3. What is the most appropriate type of support an agency/NGO should provide to a victim?

This will vary by agency/NGO. The capacity, resources, and level of support will differ for each agency. Agencies have a responsibility to refer victims to the necessary support services if they do not have the means or skill to provide such support.

4. What happens if the interviewer or interpreter is emotionally affected or distressed by the accounts they hear? What is required of managers to support the investigation team?

As with any investigation, it is important to put in place a plan and this includes assessing the various types of emotional and psychosocial support that might be needed for all individuals involved in the plan including the victim, witnesses, subject of the complaint, and others including the investigation team. An assessment of the referral system should be part of the planning process when agencies do not have the means or skill to provide direct support services.

Other

- 1. When hiring candidates for employment, how do you secure a background check if a country's systems and resources are unavailable for this requirement? What steps can you take to ensure the person is safe?**

Each agency/NGO will have its own mechanisms in place and steps it will take to ensure the necessary background checks and documents are gathered before offered employment. Most agencies/NGO's have a HR department that has steps and protocols to follow.

Questions that are likely to be asked but there is no specific answer

Participants are likely to ask many questions regarding procedures, details about disciplinary action, decisions to be made, and various action to be taken by senior management, the investigation team, and others. This training is unable to answer specific and detailed questions about an agency's policies, procedures and overall system. It is important to remind participants that each complaint is looked at individually on a case-by-case basis and the steps carried out are determined by the agency receiving the complaint based on their internal policies and procedures. What this training can provide and answer are questions about how to set up a system that adheres to the core principles of investigation, community-based complaints mechanisms, and roles and responsibility of senior management in managing an investigation. The training intends to strengthen participants understanding of the barriers for making a complaint, the barriers that might be faced during an investigation, as well as those during an interview. What the facilitator can not answer directly is the specific details of how to respond to a complaint or a barrier because the issues will vary.

When such questions above arise, the facilitator should reiterate this fact, but also redirect the questions back to the audience to answer the questions. Some agencies may have details they can share. Participants in the room might be senior management or HR and have specific policies and procedures they follow. They are in a better position to offer an answer to the question vs the facilitator. **If you do not know the answer, for legal reasons, say you DO NOT KNOW and CHECK WITH YOUR OWN ORGANIZATION (LEGAL COUNCIL) FOR THE ANSWER.**

Use the table below to come up with additional questions that you anticipate might arise that are not listed in this document or that you envision being a question that is not possible to answer in detail by the facilitator.

Question according to Topic	Answer	Redirect back to Participants
Secretary General's Bulletin		

Issues Concerning Children		
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Investigation		
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Reporting		
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Community Based Complaints Mechanisms		
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Disciplinary Measures and Action		
Senior Management/ Management of Investigations		
Protection and Security/Victim Care and Support		
Interviewing		