



PREVENTION AND RESPONSE TO SEXUAL HARASSMENT EXPLOITATION AND ABUSE

VELA FOUNDATION

(FUNDACJA VELA, ORGANIZACJA HUMANITARNA NA RZECZ OCHRONY I
EDUKACJI)



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1. INTRODUCTION

Vela Foundation is committed to protecting and supporting the most vulnerable. It is committed to holding itself accountable to people it supports and aims to prevent misconduct and any form of abuse to safeguard vulnerable populations. All staff and management are committed to upholding and protecting the principles of safeguarding the rights and dignity of people in need and the people we serve.

Vela Foundation are committed to demonstrating loyalty to serving the rights of people we serve with the highest ethical standards. They are also committed to engaging partners, vendors and allies in protecting the most vulnerable and that they understand the implications of their behavior and especially of breaching or violating the terms and principles included in this document.

This policy applies to all work performed by all staff members, volunteers and partners in and out of the workplace and is supported by other guidance, training and policy documents of Vela Foundation.

2. DEFINITIONS

Alleged Perpetrator(s): A person(s) against whom there is an allegation of SEA who, at the time, has not been proven guilty.

Beneficiary: Recipient of humanitarian aid and protection of Vela Foundation

Child or minor: A person under the age of 18 (regardless of the legal age of majority or the age of consent under national legislation).

Confidentiality: The disclosure of certain information is restricted. Sensitive information may be classified as “confidential” or “strictly confidential”. The designation “**confidential**” shall apply to information or material whose unauthorized disclosure could reasonably be expected to cause damage to the work of the Foundation. The designation “**strictly confidential**” shall apply to information or material whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to or impede the conduct of the work of the Foundation.

Complainant/declarant: A person who brings an allegation or complaint of SEA to the attention of the Foundation in accordance with established procedures. This person may be



a victim of SEA, a person acting on their behalf, or another person who is aware of the wrongdoing.

Corruption: Abuse of trust, power or position for improper gain. Actions taken to instigate, aid, attempt, conspire or cooperate in a corrupt act, also constitute corruption.

Discrimination: any unfair treatment or arbitrary distinction based on a person's race, sex, gender, sexual orientation, gender identity, gender expression, religion, nationality, ethnic origin, disability, age, language, social origin or other similar shared characteristic or trait. Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority.

Exploitation: Using inappropriately one's position of authority, influence or control over people and resources, to pressure, force or manipulate someone by means of threat or coercion, such as withholding aid or unduly threatening people with negative repercussions.

Gender-based violence (GBV): An umbrella term for violence directed towards or disproportionately affecting someone because of their actual or perceived gender identity. Such incidents include acts that inflict physical, sexual or mental harm or suffering; threats of such acts; coercion; and deprivation of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe violence targeted towards lesbian, gay, bisexual, transgender and intersex (LGBTI) people where such violence relates to norms of masculinity/femininity and/or gender.

Misconduct: Failure of a Foundation staff member to comply with their obligations under the internal rules or policies including this policy, regulations or other instructions issued by the relevant manager or authority including contextualized security provisions and sexual harassment. SEA constitutes serious misconduct, resulting in the initiation of a disciplinary process and the imposition of disciplinary measures.

Perpetrator(s): A person (or group of persons) who commits an act of SEA or other type of crime or offence.

Partner Organisation(s): Organisations with which the Foundation is working with on a steady basis, either through contractual relationship or informally.

Sexual abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a person under the age of 18 –



a child – is considered sexual abuse. Sexual abuse includes rape, sexual assault, sex with a child and sexual activity with a child. (United Nations Secretary General's Bulletin 2003/13).

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another. This includes any exchange of money, goods or services against sexual activities and favours (United Nations Secretary General's Bulletin 2003/13).

Sexual exploitation and abuse (SEA): Breaches of the provisions of the Secretary-General's bulletin ST/SGB/2003/13, or the same definitions as those adopted for military, police and other United Nations personnel.

Sexual harassment: any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual, including co-workers and managers. This definition includes sexual harassment that is directed at members of the same or opposite sex, harassment based on sexual orientation and sexual advances becoming a term or condition of employment or a basis for employment decisions.

Subject (of an investigation): A person or entity who/that is the focus of an investigation or has been implicated in unsatisfactory conduct/misconduct.

Victim/Survivor: A person who is, or has been, sexually exploited or abused. "Victim" is a term often used in the legal and medical sectors, while the term "survivor" is generally preferred in the psychological and social support sectors to refer a person who has experienced sexual or gender-based violence.

Whistleblower: any person, staff or non-staff member who reports a concern regarding sexual exploitation or abuse, sexual harassment or other misconduct. In the context of the policy for protection against retaliation, in defined circumstances, a staff member, intern or volunteer who reports misconduct, including sexual exploitation or abuse, may be entitled to protection under the terms of this policy.

Whistleblowing: the disclosure of information which relates to suspected wrongdoing or dangers at work. These may include a criminal offence, the breach of legal obligation, a miscarriage of justice, a danger to the health and safety of an individual, damage to the environment, failure to comply with any legal obligation or regulatory requirements, financial fraud or mismanagement, conduct likely to damage our reputation, unauthorized disclosure of confidential information, deliberate attempt to conceal any of the above.



Zero-tolerance policy: The Foundation policy establishing that SEA by personnel and staff and non-staff is prohibited and that every transgression will be investigated and subject to disciplinary or administrative action, as warranted.

3. OBJECTIVE AND SCOPE OF THIS POLICY

This policy stems from the mandate of the Foundation that it works with vulnerable people which often puts its staff in position of power vis a vis the people they serve and the communities where they work. The staff and management have an obligation to use their power with dignity and respect and in no way abuse their power or demonstrate such capacity. The main purpose of this policy is to safeguard and promote prevention and accountability to affected populations and to outline the key responsibilities with regard to staff and non-staff behavior and the steps for reporting alleged or observed exploitation and abuse.

The Vela Foundation is determined to prevent, combat and respond to exploitation and abuse of any person. The objective of this policy is to prevent misconduct, including harassment, exploitation and abuse by providing clear standards, guidance and procedures on effective protection and prevention.

When the minimum standards of this policy are higher than national laws and regulations of Poland or of donors, the provisions of this policy shall apply.

4. CORE PRINCIPLES

The following core principles apply to all Foundation staff. These principles determine the rules of conduct expected on and off duty, at all times and in all locations. These six core principles are based on the Inter Agency Standing Committee Core Principles Relating to Sexual Exploitation and Abuse, September 2019.

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.



3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.
7. Non-retaliation and non-discrimination – all complainants are able to raise complaints without fear of retaliation or discrimination.
8. Confidentiality – confidentiality of the complainant and of the subject or object of the complaint will be protected unless otherwise agreed by the respective parties
9. Due process – all complaints will be subject to an independent review or investigation, depending on the nature of the complaint

5. RULES ON SEXUAL CONDUCT FOR HUMANITARIAN WORKERS

The Foundation staff will be disciplined for unacceptable behavior in relation to sex. The following rules are to be followed by everyone working with the Vela Foundation:

- Staff are not allowed to have sexual relationships with anyone under the age of 18, even if it is legal in their country. Saying they did not know the person's true age is not a valid excuse.
- Staff are not allowed to pay for sex with money, employment, goods or services, including goods and services intended as aid to people in need. They must not use promises of the above to make other people accept any kind of behaviour that humiliates or exploits them. This includes paying or offering money for sex with a prostitute.
- Staff have influence over who receives goods and services. This places them in a position of power in relation to people who need assistance. Staff are strongly encouraged not to have sexual relationships with anyone affected by a humanitarian emergency. Such relationships make humanitarian action seem less honest and credible.



- If a staff member is worried or suspects that anyone in the Foundation or another organization may be breaking humanitarian rules on sexual conduct, they must report it to the President of the Foundation and follow inter-agency standing reporting procedures.
- Staff must create and maintain a work environment which prevents unacceptable sexual behaviour. Staff will behave as set out in the Foundation code of conduct. All management members are responsible for supporting and developing systems which maintain this environment.

6. VETTING AND REFERENCE CHECKING OF APPLICANTS

To prevent SHEA, all Foundation job announcements will include a statement of commitment to PSHEA and all shortlisted candidates will be required to provide references and must agree to appropriate vetting procedures.

Short-listed candidates for employment with the Foundation must notify the Foundation of any criminal convictions or charges in relation to provisions and standards of this policy. Short-listed candidates must also notify the Foundation of any findings by any previous employer that he/she has committed acts of misconduct related to sexual exploitation, sexual abuse or sexual harassment.

This vetting and reference checking policy is based on the OCHA Standard Operating Procedures on Sexual Misconduct.

The Vela Foundation has a zero-tolerance recruitment policy. Those who have committed violations of international human rights or humanitarian law, acts of sexual exploitation, sexual abuse or sexual harassment, or on the basis of reasonable grounds are believed to have been involved in the commission of any of these acts will not be considered for employment at the Foundation. Similarly, those who are found to be in any of the above situations during contracting or hiring process, or those working for the Foundation will be dismissed from their duties immediately and will cease to make part of the Foundation in any way.

In order to extend such checks against offenders across all humanitarian agencies, the Foundation will provide information about any ongoing investigation and/or disciplinary processes concerning a staff member to another protection system entity or prospective employer of a staff member upon the request of such entity or prospective employer, provided that written consent of the staff member to the disclosure of such information has





been obtained by the entity or prospective employer and a copy of such consent provided to the Foundation.

If a candidate was previously employed by an organization that informs the Foundation of such violations, the Foundation may consult the said organization and contact the relevant focal point to request a reference.

All contracts for consultants and individual contractors or volunteers include general conditions indicating that the said person must comply with the standards of conduct contained in this document. All staff, consultants, individual contractors and volunteers should sign the Foundation's Code of Conduct. Staff members are required to acknowledge in writing, upon entry into service, contract renewal and reassignment, their knowledge and understanding of the Foundation's standards of conduct, in particular regarding SEA, and the consequences for non-compliance.

7. PSEA CAPACITY BUILDING

A strong PSEA culture requires a comprehensive bundle of practices, which are regularly reviewed and updated as required, informed and trained staff and a clear action plan for commitments made. The Foundation is committed to the following:

- Staff will receive a thorough induction covering all aspects of our PSEA and implementation plan, and they will be introduced to the Safeguarding Lead.
- All staff, volunteers as well as visitors will sign the Code of Conduct, which clearly lays out the expectations of best practice and our goals for nurturing a safe working environment.
- All staff will receive annual (refresher) PSEA training.
- Staff with specific safeguarding responsibilities will be trained, informed, encouraged to be approachable and will respond to issues in a professional and timely manner.
- This policy will be reviewed at least annually by the Safeguarding Lead in collaboration with the Head of Policies and Programs and will be approved by the President and the Council of the Foundation.

8. NON- RETALIATION AND CONFIDENTIALITY





Any allegation of SEA is strictly confidential and classified information. Disclosure shall be restricted to a minimum number of persons, based on their need to know due to their responsibilities, including as it pertains to conduct and discipline functions.

Foundation staff shall not disclose any confidential information obtained as a result of their service with the Foundation. This obligation continues after separation from service.

Staff shall refrain from making public statements on the substance of a case or any proceedings.

Unauthorized disclosure of confidential information may constitute misconduct.

All file management and correspondence related to SEA allegations must comply with GDPR. Where physical records are kept, documents must be stored safely to prevent accidental disclosure. Where electronic records are kept, all computers used for data storage should be password-protected.

Anyone including staff, individuals outside of the Foundation, community members, third parties, beneficiaries or their families and other stakeholders must feel free to raise their concerns and report any incident or allegation without fear of retaliation, unfair treatment or discrimination as a consequence of filing such complaint or concern.

The Foundation management is committed to safeguarding the confidentiality of such complaints or concerns, to managing any investigation process with discretion and respecting the dignity of those involved without causing any risks to the continuing employment and career progression with the Foundation or any other forms of reprisal toward the staff member who filed such complaint or concern.

The related facts and nature of any complaint, the identities of those involved and the documentation resulting from any investigation or related process to the complaint will remain strictly confidential, and will only be shared on a need-to-know basis and with the aim to conduct the appropriate investigation or disciplinary action.

Such facts and data will be shared with any disciplinary authorities in the country of operation such as the police and judicial authorities as they are requested. Such disclosures to third party authorities when absolutely necessary, considering the risks to parties involved. Where possible, such disclosures will be done with the consent of the victim or person filing the complaint or allegation.

Disclosure to third parties may be necessary when:



- Required by law
- Required by Foundation management in the best interests of all parties involved
- Needed to obtain specific expertise i.e. medical, legal or other

In case of breach of confidentiality, the Foundation may take disciplinary action.

9. AWARENESS RAISING

Messaging for PSEA involve all stakeholders of the Foundation including, management, staff, volunteers, beneficiaries, and partner staff working with our targeted populations. Relevant actions include:

- Testing and adapting of communication materials and messages with target populations before dissemination. This involves sharing of intended content and messaging and receiving feedback on its appropriateness, usability and reach.
- PSEA policies, capacity building activities, trainings, and awareness raising campaigns are made widely available through our website and online presence, our staff, materials and handouts at locations where we operate etc.
- Capacity building on PSEA to partners working on joint initiatives through sharing of PSEA policies, shared staff trainings, information provision to beneficiaries and training of community leaders from refugee and other vulnerable populations.
- Sharing of PSEA policies and procedures with our donors, institutional, private or public for wide reach of our practices.
- Joining forces with other organisations operating in the same locations for communicating messages on beneficiary rights, sharing of materials, and informing site management

10. REPORTING OF SHEA

All staff, volunteers, contractors or others working with the Foundation have a duty to report any concern, allegation or suspicion of SHEA of which they are aware immediately. Such reporting will take place following the appropriate reporting pathways. If any person fails to fulfil such obligation immediately, he/ she will be considered to be in breach of this policy.

Complaints and reports can be submitted through the following confidential channels:

- Verbally to any staff member they trust. The staff member receiving the complaint will try to receive consent by the complainant on completing the Incident Report Form for SEA Allegations on their behalf. If not, the staff member will take notes with



the statements of the complainant. The completed Form or field officer's own report will be submitted to the General Manager and the Head of Policies and Programs. The complainant has the right to select between the two their complaint will be submitted to.

- In writing either through the Incident Report Form for SEA Allegations in print or by email at help@vela.ngo or by other forms of electronic text. The email is received by the Head of Policies and Programs (who does not have direct involvement in field projects and does not interact with persons served by the organization).
- By phone to the PSEA allegations dedicated phone number **+48 574 254 665** which is received by the General Manager.
- By any member of staff or other person acting on behalf of a complainant who does not wish to reveal their identity
- Secure suggestion box without a specific designation, placed at operating locations of the Foundation. The keyholder of the box is the on-location highest ranking officer i.e. center manager or field team leader of Vela and is also responsible for checking the box, collecting and reviewing any PSEA reports included therein. All allegations will be submitted to the General Manager and the Head of Policies and Programs.

For all the above, in the absence of the General Manager or because the complainant has chosen so, any complaints will be submitted to the Head of Policies and Programs of Vela.

The reporting of suspected or actual abuse is a professional and legal obligation. Failure to report information can lead to disciplinary action or dismissal. In any cases of suspicion of a safeguarding issue the person to whom it has been reported must immediately inform the Safeguarding Lead.

Anonymous complaints are treated under the same procedure as eponymous complaints. It is possible that a person reports exploitation and abuse committed by a person who is not on staff or a volunteer with the Foundation but another member of the community.

The staff member receiving the complaint should complete the form documenting the relevant details. The complaint should then immediately be referred to the General Manager.

The written complaints should be kept in locked filing cabinets in a safe location. The aim is to respect and protect the complainants, potential witnesses, alleged perpetrators and the offices and agencies involved.

All feedback and complaints are to be received in an open and respectful manner. Staff must listen, accept the feedback/complaint, and be courteous and respectful. If the feedback is



relevant, staff needs to demonstrate commitment to pass on feedback or resolving the complaint.

Any member of staff is obliged to forward such complaints or allegations to the General Manager and the Head of Policies and Programs. All communications and complaints from the community are confidential with disclosure of the information on a strict need-to-know basis. Any correspondence will be treated as confidential.

The complainant will receive a copy of the Incident Report Form for SEA Allegations as well as a response as to when a response can be expected. We take all reports of safeguarding concerns seriously and will treat them confidentially. The Foundation aims to respond within 48 hours of the concern being filed.

All staff are responsible for maintaining confidentiality of records and cases of allegations or suspicions. This information shall only be made available to the relevant parties. All staff and partners and beneficiaries shall receive additional support, guidance, and supervision during or following an incident or allegation.

11. INVESTIGATION

The investigation procedure is under development, in cooperation with the national network for Prevention of sexual exploitation and abuse (PSEA network). Until the investigation procedure is completed, each incident of sexual exploitation and abuse will be reported to UNICEF for investigation. POL-UNICEFSEAREporting@unicef.org and to UNICEF Office of Internal Audit and Investigations (OIAI) integrity1@unicef.org in order to conduct the investigation.

The section below covers the general Vela policy on SEA investigations that will be amended based on the PSEA Network recommendations.

Sexual exploitation and abuse (SEA) by Vela employees, contractors, volunteers, partners, affiliates, and other related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary action, up to and including termination of employment. Receipt of allegations of SEA by Vela personnel therefore require appropriate response with the aim of providing adequate support to survivors, investigating allegations for disciplinary action, and preventing recurrence of such misconduct.

11.1 Definitions

For the purposes of this document, the following definitions apply:



- *Sexual abuse* is defined as actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child, i.e. a person under the age of 18, is considered as sexual abuse'
- *Sexual exploitation* is defined 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.
- The *Alleged Perpetrator* refers to the humanitarian personnel against whom an allegation of sexual exploitation or abuse has been made.
- The *Complainant* refers to the person or persons who reported the allegation to Vela. This may or may not be the survivor.
- The *Victim* refers to a person who is, or has been, sexually exploited or abused. 'Survivor' is often used interchangeably with 'Victim'. This template uses the term Victim for consistency with the use of the term 'Victim' in the toolkit. However, neither designation is any way meant to imply a lack of strength, resilience, or capacity to survive.

11.2 Purpose and Scope

This document provides guidance and direction on the procedures to be followed when an allegation of sexual exploitation or abuse has been made that a Vela personnel has engaged in sexual exploitation or sexual abuse against affected populations. These procedures apply to all Vela personnel, including employees, contractors, volunteers, partners, affiliates, and other related personnel.

This document does not address cases of sexual harassment, defined as any unwanted sexual advances or verbal or physical conduct of a sexual nature by humanitarian personnel against another humanitarian personnel. Vela's policy and procedures for responding to allegations of sexual harassment between personnel are outlined in Vela's Internal Operating Procedures.

The following documents are included as annexes to this policy:

- Sample Incident Report Form on SEA (14.2)
- Template for Risk Assessment and Management during SEA investigations (Tool 14.9)



- Sample Terms of Reference for Investigators of SEA Allegations (Tool 14.5)
- Sample Confidentiality Reminder for SEA Investigations (Tool 14.6, 14.7, 14.8)

11.3 Principles

These procedures are based on the following principles:

- Confidentiality
 - Investigations are strictly confidential. Disclosure of the investigation to relevant stakeholders is on a need-to-know basis with confidentiality as the main guiding principle.
- Commitment to safety, health, and welfare
 - Safety, health, and welfare of all parties in an investigation is paramount. Risks must be continually assessed and managed. Investigations only proceed when risks to safety, health, and welfare can be appropriately managed.
- Independence
 - The investigation process is independent of any disciplinary action taken. This independence is maintained through separation of the roles of investigators and decision-makers.
- Impartiality
 - The investigation team is chosen on the basis of their ability to be impartial; conflicts of interest, including personal and working relationships with any parties to the investigation, are declared and members of the investigation team are replaced where necessary.
- Victim-centered
 - Victims are at the center of the investigation and *shall be informed on relevant aspects of the investigations process*. The investigation process is designed to empower victims and restore their sense of control over their lives and their bodies. Victims are given an opportunity to voice their wishes, needs, and concerns *and shall provide their informed consent for the investigation to proceed and for any potential disclosure of their information*. Investigators shall employ strategies to minimize the risk of re-traumatization of victims, *such as limiting the number of times victims*



are interviewed and considering factors as age, disability, level of trauma, cognitive development and language when preparing for the interview'. Assistance is offered to victims at the outset of the investigation process, without prejudice to the outcome of the investigation. This assistance is offered regardless of whether the victim initiates or cooperates with the investigation.

- Respect for the law
 - The investigation is conducted in accordance with all laws and statutes of [Country Name], including mandatory reporting of sexual abuse against children and relevant labour laws. Investigators follow accepted procedures in gathering evidence and interviewing witnesses, including the alleged perpetrator. The alleged perpetrator's rights to review evidence, review the Investigation Report, and appeal any decision made is in accordance with Polish labour law. Any disciplinary action taken is consistent with these laws and statutes.
- Due process
 - The alleged perpetrator is treated fairly and in accordance with established rules and procedures, in a way that maintains the rights of all stakeholders involved. Investigation must always be transparent, objective and fair.
- Timely
 - While the timeline may vary depending on the scope and complexity of the investigation, investigations shall be completed in a timely manner, balancing the need for expeditious disposal of the case against the requirement for investigations to be thorough and fair.
- Competence
 - Investigations are carried out by individuals with the requisite training and experience. Investigators conduct themselves within the limits of their professional competence. They seek support and guidance for any aspects of the investigation for which they have not been specifically trained and recuse themselves from the investigation if necessary.



11.4 Receiving Allegations

11.4.1 Obligation to Report

All Vela personnel have an obligation to report SEA allegations, concerns, suspicions or retaliation related to SEA. Allegations, concerns, suspicions, or retaliation shall be reported to the PSEA Focal Person. Personnel reporting concerns shall not attempt to gather further information, conduct a preliminary investigation, nor inform anyone else of the matter.

11.4.2 Protection Against Retaliation

Vela maintains a zero-tolerance policy for retaliation (such as intimidation, harassment, or violence or, in the case of personnel, loss of jobs or other adverse employment actions, against anyone for making a good faith report of sexual exploitation or abuse, assisting in making a complaint, or participating in an investigation.

Anyone who makes a good-faith complaint of sexual exploitation or abuse, assists, or participates in any investigation or proceeding will not be adversely affected in the terms and conditions of their employment and will not be discriminated against or discharged for engaging in such activity. However, knowingly and deliberately filing a false or malicious statement may constitute grounds for disciplinary measures.

11.4.3 Confidentiality

Any personnel who has knowledge of an SEA report or complaint must respect confidentiality to protect those directly involved. Information shall only be shared on a need-to-know basis in a strictly confidential manner in accordance with Vela's Data Protection Policy. The obligation of confidentiality continues after the matter has been closed. Failure to respect such confidentiality is considered misconduct and may result in disciplinary measures.

11.4.4 Immediate Action by PSEA Focal Person

Upon receiving an allegation of sexual exploitation and abuse, the PSEA Focal Person (FP) will take immediate action as follows:

- Complete an Incident Report Form on SEA, if one has not already been completed (see Annex A). In completing the Incident Report Form on SEA, the FP shall:
 - Use the complainant's own wording to describe facts, violations and persons involved in the case.
 - Indicate where relevant information is missing and add essential contextual information where needed.
 - Remember that their role is not to investigate but rather to relate the facts for others to follow-up.



- Report and manage any urgent safety concerns, keeping in mind the following:
 - It is not the responsibility of the FP to complete a risk management plan⁷⁰. However, there may be urgent safety concerns that require immediate action to protect the health and welfare of parties to the investigation.
 - If urgent safety concerns are identified by the FP, these, along with any actions taken, must be reported without delay to [Ethics Committee / Disciplinary Committee / Senior Management Team].
 - In managing urgent safety concerns, the FP shall remain mindful of the obligation to maintain confidentiality and protect the identity of the parties named in the allegation.
- Refer the alleged victim for assistance, keeping in mind the following:

If the FP receives the SEA disclosure directly from the victim, the FP shall listen, support and promptly refer the victim to relevant services of their choice, with their consent or the consent of a caregiver or guardian in the case of a minor, using GBV/Child Protection referral pathways. The FP shall also be able to provide guidance to the victim on “what comes next” and what will happen with the report. The FP shall [Depending on the country context / presence of a PSEA Network and PSEA Network Standard Operating Procedures], the FP shall inform the PSEA coordinator about the allegations, without sharing identifiable information.] If the victim chooses to participate in an investigation, the FP coordinate between the investigators and the service provider(s) to ensure that protection and assistance is provided to the victim during the investigation, as part of a victim-centred approach

- If the FP is not in direct contact with the alleged victim, i.e., if the information is received from a third party, the PSEA FP or the PSEA Coordinator shall not seek out the victim to provide assistance, as this may create risk of harm to the victim. If possible, the FP can follow up with the individual or organization that reported the SEA allegation to confirm assistance has been offered in accordance with the needs and wishes of the victim. The FP shall use this information to conduct SEA or GBV risk assessment and awareness raising activities in targeted areas to engage communities on PSEA, provide information on how to report and receive assistance. [Depending on the country context / presence of a PSEA Network and PSEA Network Standard Operating Procedures], the FP shall inform the PSEA coordinator about the allegations, without sharing identifiable information.



- Notify the Senior Management Team of the receipt of an allegation and provide them with a copy of the Incident Report Form on SEA.
 - Any documentation relating to the complaint, including the Incident Report Form on SEA, must be transmitted in a strictly confidential manner in accordance with Vela's Data Protection Policy. The obligation of confidentiality continues after the matter has been closed.
 - If the allegation concerns a member of the Senior Management Team, the FP shall avoid transmitting the allegation to the Senior Management Team as a whole, and instead identify a trusted member to receive the allegation.

11.5 Review of Allegations

11.5.1 Decision to Investigate

Upon receipt of an allegation, the Senior Management Team shall convene to review the allegation and decide whether an investigation is required. All complaints must be reviewed by the Senior Management Team but not all will require a formal investigation process.

In deciding whether an investigation is required, the [Senior Management Team shall consider whether the alleged behaviour violates one or more of the following standards:

- Vela's Code of Conduct / Policy on Prevention of Sexual Exploitation and Abuse or other element of the organization's rules and regulations
- National laws on sexual misconduct;

The initial assessment should also establish whether there is a reasonable likelihood that an investigation could reveal sufficient evidence to prove or refute the allegations, the credibility of the allegation (whether there is a reasonable factual basis that the misconduct occurred)", the availability of evidence and witnesses; verifiability of the information received, and risk(s) for the victim(s) associated with the investigation process. In general, organizations should always keep a written record explaining the rationale for their course of action, including where a decision is taken to close a case without initiating a full investigation; this is particularly useful if they decide to revisit the case at a later stage or if a report is subsequently made against the same alleged perpetrator.

If there is not sufficient information for the Senior Management Team to make a decision, they may decide to conduct a preliminary investigation to gather relevant information to take forward the complaint. This preliminary investigation shall be brief and aim only to gather the necessary information to make a decision whether to initiate a full investigation.



The Senior Management Team will be guided by the following in deciding whether to proceed with an investigation:

Type of Violation	Action
The behaviour alleged in the complaint is not a violation of the PSEA policy/code of conduct nor any other form of staff misconduct.	The matter shall be considered closed and no further action shall be taken.
The behaviour alleged in the complaint involves staff misconduct but not sexual exploitation or abuse.	The matter shall be addressed according to Vela's relevant policies on other forms of staff misconduct. An investigation may be opened to help determine the facts.
The behaviour alleged in the complaint involves sexual exploitation or abuse by personnel of another organization.	The complaint will be referred to the organization concerned for their follow-up as appropriate or as per the PSEA Network SOPs, is any.
The behaviour alleged in the complaint involves sexual exploitation or abuse by Vela personnel.	An investigation shall be opened after determining whether evidence is available, whether the information received is verifiable, and assessing the risks for the victims.

The [Ethics Committee / Disciplinary Committee / Senior Management Team] will convene within 48 hours of receipt of an allegation and make a decision as to whether to investigate within 3 days of receipt of the allegation.

11.5.2 Initiating an Investigation

If the Senior Management Team finds that the complaint alleges sexual exploitation or abuse by Vela personnel in violation of the code of conduct / PSEA policy or any other relevant internal regulation, they shall initiate an investigation into the allegation.

When a complaint alleges a criminal offence, Vela may refer the allegation to the authorities for investigation. The decision to refer the complaint to the authorities shall be based on the following:<

- Wishes of the victim
 - The wishes of the survivor and his/her capacity to give informed consent shall be taken into consideration



- Safety and welfare
 - Referral to local authorities for investigation shall only be made if Vela is confident that doing so will not put the victim and any other person involved in the case at risk. In cases where it is determined not to report to local authorities, it is advisable for organizations to consult with a lawyer and keep documentation and evidence to support the decision

11.6.3 Immediate Safety Concerns

In reviewing the allegation, the Senior Management Team shall consider whether any parties to the investigation are at imminent risk of harm. Where immediate safety concerns are identified, the Senior Management Team will take or direct appropriate risk management strategies to effectively manage the risk. They may be guided in this process by the Risk Assessment and Management Template (see Tool 21 in the toolkit).

In considering risks to safety for the victim, the Senior Management Team shall consider possible interim measures directed at the alleged perpetrator to protect the victim (e.g. suspension, change of job responsibilities, reassignment). The alleged perpetrator should only be suspended from work if there is a risk to anyone by their continuing to be at work.

11.6 Appointing an Investigation Team

Once a decision has been made to conduct an administrative investigation, Vela will appoint an [external / internal] investigation.

11.6.1 Team composition and roles

The investigation team will include one Investigation Manager, and two investigators, ideally one woman and one man who speak the same language as the victim and other witnesses. Where investigators do not share a common language with the victim or other witnesses, the investigation team will include one or more interpreters.

The Investigation Manager and the Investigators are required to declare any conflict of interest they may have at the outset of the investigation or as soon as they become aware of the conflict. This includes personal or professional relationships with any parties involved or likely to be involved in the investigation.

The Investigation Manager may be a member of the Senior Management Team. The Investigation Manager must have an appreciation of SEA and SEA investigations, have knowledge of human resource rules and protocols, and be able to negotiate conflicting interpersonal and institutional interests. The Investigation Manager is responsible for



several preliminary steps prior to the formal launch of the investigation: compiling all information available and preliminary evidence for the investigation team, gather administrative records for the alleged perpetrator and the victim, (if the victim is also a staff member), and provide information on context and security to the investigation team.

Once the investigation is launched, the Investigation manager is responsible for:

- Oversee the investigation
- Ensure that safety and confidentiality plans are in place;
- Ensure that a victim-centred approach is upheld throughout the interview and that the victim receives appropriate assistance;
- Review and approve the investigation plan and risk management plans;
- Ensure the investigation is conducted fairly and transparently
- Provide logistical, technical, and emotional support to investigators;
- Liaise between the investigators and the [Ethics Committee / Disciplinary Committee / Senior Management Team];
- Review final report before submission to the [Ethics Committee / Disciplinary Committee / Senior Management Team];

Whether the investigators appointed are internal to the organization or external (for drawn from the pool of investigator managed by the PSEA network in country or affiliated with a company contracted by the organization), the two Investigators will have the requisite competencies in SEA investigations (see Section 7.2 Investigator Competencies) and shall be responsible for:

- Develop and update an investigation plan;
- Develop and update a risk management plan, including possible interim measures to ensure the safety of the victim
- Ensure a victim-centred approach is upheld throughout the investigation.
- Although victim assistance is distinct from the investigation, investigators must be familiar with the available assistance and support options and able to facilitate referral pathways as needed
- Conducts interviews with victims, witnesses, alleged perpetrators
- Gather and secure evidence;
- Make a finding on the basis of the evidence;
- Prepare a final report outlining evidence and findings;

Of note, internal investigators cannot be members of the [Ethics Committee / Disciplinary Committee / Senior Management Team].



11.6.3 Investigator Competencies

At a minimum, the investigators must be:

- Qualified to conduct SEA investigations
 - Investigators must have completed training in SEA investigations from a recognized organization.
 - Investigators should have experience in conducting interviews, including interviews with victims of sexual exploitation or abuse.
- Professional
 - Investigators have demonstrated sound judgment in negotiating difficult interactions and situations.
 - Investigators have demonstrated an understanding of and ability to protect confidentiality.
- Responsible
 - Investigators are trustworthy, dependable, and personally accountable for the decision they take throughout the investigation.
- Impartial
 - Investigators 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 Alleged perpetrator).

11.6.4 Mandate to Investigate

The investigators are given a mandate to conduct an investigation on behalf of Vela. Their authority to investigate is detailed in the Terms of Reference (see Tool 17 in the PSEA Toolkit), which empower them to collect evidence without hindrance or prior clearance, to access staff promptly and to require the full cooperation of anyone working at Vela or with Vela. The Terms of Reference should be reviewed by the investigators prior to the investigation to identify the extent of their investigation authority.

11.7 Informing Stakeholders

Vela shall inform relevant stakeholders about the initiation of the investigation in accordance with the principle of confidentiality.

11.7.1 Reporting Allegations to UNICEF

As UNICEF Implementing Partner, Vela has an obligation to inform UNICEF of SEA allegations. This notification should be done upon receipt of the allegation, promptly and



confidentially, in a manner that assures the safety of all involved . The notification can be done to the UNICEF Head of Office, Office of International Audit and Investigations (integrity1@unicef.org) or the UNICEF PSEA Focal Person

11.7.2 Complainant

Vela will provide the complainant with formal confirmation that their complaint has been received and is being reviewed within 5 working days of receiving the complaint. Where it is practical and safe to do so, this confirmation will be provided in writing in a manner that is clear and discreet.

11.7.3 Relevant Managers and Supervisors

Relevant managers and supervisors may be informed that an investigation has been initiated on a need-to-know basis, i.e. it is necessary to facilitate investigators' access to evidence, premises, and witnesses.

In the event that it is necessary, they shall be made aware only that an investigation is underway and that they are obliged to cooperate with the investigators and grant them access as needed. Managers and supervisors who have been made aware that an investigation is underway will be obliged to keep the existence of the investigation and all other details confidential (see Annex D Sample Confidentiality Reminder Note).

If it is not necessary to facilitate this access, managers and supervisors shall not be made aware of the investigation.

11.8 Steps in the Investigation

Under the oversight of the Investigation Manager, the investigators will be responsible for conducting the investigation in a manner that is consistent with established standards on SEA investigations. At a minimum, they will be required to:

- Plan the investigation
 - At the outset of the investigation, the investigators will produce an Investigation Plan that describes the steps they will take to gather evidence, the plan for maintaining confidentiality throughout the investigation, and the witnesses they intend to interview. This plan will be reviewed by the Investigation Manager, and will be revised as needed during the course of the investigation.
- Manage risks



- At the outset of the investigation, the investigators will complete a Risk Management Plan that assesses the risks to each party to the investigation and identifies mitigating actions for these risks (see Tool 21 Template for Risk Assessment and Management during SEA investigations). This plan will be reviewed by the Investigation Manager, and will be revised as needed during the course of the investigation.
- Gather evidence
 - A SEA investigation is a fact-finding exercise in which investigators will gather evidence that is relevant to deciding if an allegation is true or not. Investigators may be required to gather multiple types of evidence, including documentary, electronic, physical, or testimonial evidence.
 - Investigators will gather information only to the extent that it relates to the elements of the case. They will not gather character evidence regarding the victim or Alleged perpetrator or any other witness. In particular, investigators will not gather nor consider relevant evidence pertaining to previous sexual activity by the victim.
 - Due to their specific vulnerability, investigators will avoid interviewing children as victims or witnesses unless it is strictly necessary and will instead seek to gain sufficient evidence from other sources. If it is deemed necessary, investigators shall ensure that the interview is conducted by an interviewer with expertise in interviewing child victims or witnesses. Children should be accompanied by a support person before, during and after the interview and the consent of the parent/guardian should be obtained prior to the interview.
- Facilitate access to victim assistance based on referral pathways as needed
 - The responsibility to ensure that assistance has been offered/provided in accordance with the needs and wishes of the victim lies primarily with the PSEA Focal Point. Although victim assistance is distinct from the investigation, investigators must be familiar with the available assistance and support options and able to facilitate referral pathways as needed, and such support should never be made dependent on an investigation or its outcome.
- Ensure a victim-centred approach is upheld throughout the investigation: this include ensuring the well-being, protection and security of the victim are also prioritized and safety measures are taken to ensure to avoid re-traumatisation of the victim. This also includes offering the victim to be accompanied by a support person during the interview. This also includes explaining to the victim the procedures,



consent requirements and due process requirements for the alleged perpetrator, allowing the victim to understand how the investigation may affect them. This also include notifying the victim before the subject is informed and interviewed as well as informing of the outcome of the investigation.

- Ensure due process for the alleged perpetrator: The alleged perpetrator is treated fairly and in accordance with established rules and procedures, in a way that maintains the rights of all stakeholders involved. The alleged perpetrator shall be informed of the alleged misconduct and provided the opportunity to respond to the allegations. The alleged perpetrator shall be notified on expectations around confidentiality.
- Make a finding
 - Investigators are obliged to make a finding on the allegation. This finding will be based on review of the available evidence, after all relevant evidence has been gathered or reasonable efforts have been made to gather all relevant evidence.
 - There are three possible findings: 1) the allegations are substantiated on the basis of the evidence; 2) the allegations are not substantiated on the basis of the evidence, or; 3) the allegations are not substantiated due to insufficient evidence. The last finding shall only be made when reasonable efforts have been made to gather sufficient evidence to make a finding.
- Submit reports on their findings
 - Investigators will submit a draft Investigation Report to the Investigation Manager for review and a final Investigation Report to the [Ethics Committee / Disciplinary Committee / Senior Management Team]. This report will detail the allegation, how and to whom it was reported, steps taken during the investigation, a summary of the evidence gathered, and the investigators' findings based on the evidence. This report must be submitted within 21 days of beginning the investigation.
 - The Investigation Report is strictly confidential and will be shared only with the [Ethics Committee / Disciplinary Committee / Senior Management Team].
 - Investigators shall be mindful that the Alleged perpetrator has the right to access the Investigation Report and therefore not include the name or identity of the complainant in the report.



- The report will be password protected, and the password shared to the Investigation Manager and other members of the [Ethics Committee / Disciplinary Committee / Senior Management Team] in a separate email;
- If requested, investigators can also submit a Management Observation Report. The purpose of the Management Observation Report is to provide feedback to Vela on workplace processes, procedures, and practices that contributed to the SEA incident, and make recommendations to mitigate future incidents. As this report may be shared with a wider audience, investigators will take care to provide an anonymised executive summary of the investigation that does not include names or identifying information regarding any of the parties to the investigation or details of the evidence gathered.

11.9 Decisions Regarding Disciplinary Action

Upon receipt of the Investigation Report, the Senior Management Team will convene to review the report and make a decision regarding disciplinary action based on their interpretation of the report and evidence as summarized in the report. This decision will be made promptly upon receipt of the investigation report.

If the allegation is not substantiated on the basis of the evidence, the matter shall be considered closed and no further action shall be taken. No record of the investigation shall appear on the personnel file of the Alleged perpetrator, unless that individual requests it.

If the allegation is not substantiated on the basis of insufficient evidence, [Senior Management Team shall identify whether there are management measures that could be put in place to better safeguard beneficiaries and community members.

If the allegation is substantiated on the basis of the evidence, Vela will take appropriate disciplinary action against the perpetrator and any other staff or personnel implicated in the incident. Disciplinary action may include dismissal, suspension, termination of collaboration or contract with volunteers/interns/partners, termination of partnership agreement or subcontractor agreement, and any other actions deemed necessary. If an allegation is partially or fully upheld, *a note should be placed in the perpetrator's personnel file to record that disciplinary action was taken against them following an investigation into allegations of SEA. The note shall not include any confidential details. Relevant information shall be shared with potential employers as part of their*



background checks to the extent legally possible¹. the full report should be kept in the Subject of Complaint's personnel file alongside all details of disciplinary action taken against them.

Where the investigation has uncovered misconduct by personnel from another organization, Vela will report to the other organization.

11.10 Appeal

If the Complainant or the Subject of the Complaint is not satisfied on the resolution of the complaint, he/she may lodge an appeal within 30 days upon receipt of the decision. The Investigation Manager will analyze the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation. The appeal will be considered only once.

11.11 Informing Stakeholders of the Outcome of the Investigation

Vela shall inform relevant stakeholders about the outcome of the investigation in accordance with the principle of confidentiality.

11.11.1 UNICEF

As UNICEF 's Implementing Partner, as per the project agreement, Vela will keep UNICEF informed during the conduct of the investigation, without violating due process rights of any persons involved. Upon completion of the investigation, Vela will also promptly provide reports on the outcome of the investigations and if requested, share any relevant details and evidence for examination and further use by UNICEF, to the extent legally possible.

[Section to be adapted according to different donor requirements]

11.11.2 Victim

Vela will inform the victim that the investigation has been completed and provide details on the outcome of the investigation.

11.11.3 Alleged perpetrator

The Alleged perpetrator will be informed of the outcome of the investigation in writing. If the complaint is not substantiated, the clearance letter must not disclose the name of any

¹ For example, the inter-agency misconduct disclosure scheme adopted by the Steering Committee for Humanitarian Response (SCHR) establishes a minimum standard for organizations to share information as part of their recruitment process about people who have been found to have committed sexual abuse, sexual exploitation or sexual harassment 'misconduct' during employment. <https://www.schr.info/the-misconduct-disclosure-scheme>



witness, informant or complainant. If the allegation has been substantiated, the Alleged perpetrator should be given an opportunity to review the factual findings of the Investigation Report (with the possibility to anonymize the statements to ensure the safety of the victim) and provide comments.

11.12 Follow-Up

11.12.1 Victim assistance

Every child and adult complainant or victim of sexual exploitation and abuse has the right to receive services irrespective of whether the victim cooperates with the investigation, regardless of the decisions by the organization to investigate the case and regardless of the outcome of an investigation.

11.12.2 Support to the Alleged perpetrator

Vela recognizes that being the subject of a complaint is emotionally taxing and difficult. If the allegation has not been substantiated, Vela shall facilitate psychosocial support for the Alleged perpetrator and provide assistance to ameliorate any damage to their reputation that may have occurred as a consequence of the investigation.

11.13 Case Management System

Vela shall maintain a case management system to ensure that all complaints are properly managed. This system will track allegations from receipt of the complaint to closure of the case. The system should be handled in accordance with Vela's Data Protection Policy.

At a minimum, the tracking system will include:

- Complaint number;
- Date of complaint;
- Nature of complaint;
- Decision regarding investigation;
- Investigation case number (for administrative investigations);
- Finding;
- Actions taken;
- Victim assistance provided directly or through referral;



11.14 Data Protection

Information collected at any point in the process from receiving a complaint, reviewing the complaint, during the investigation, to closing the investigation will be handled in accordance with Vela's Data Protection Policy. If emails are shared about the allegation or investigation, all shared documents must be encrypted and password-protected, while the number of people copied must be limited to the people working directly on the case.

12. WHISTLEBLOWER PROTECTION

A whistleblower is as an employee who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; Oxfam America management is charged with these responsibilities. Whistleblower protections are provided in two important areas—confidentiality and retaliation. It is Oxfam America's policy that these protections apply to employees located anywhere in the world. If an employee has knowledge of or a concern of dishonest, illegal or fraudulent activity, the employee is expected to contact his/her manager or the Director of Human Resources. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Insofar as reasonably practical, Oxfam America may attempt to protect the confidentiality of the whistleblower in an effort to protect the employee from retaliation. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments, and threats of physical harm. Please note that in some instances, it may not be possible to maintain the confidentiality of the whistleblower and the identity may have to be disclosed to conduct a thorough investigation, to comply with affirmative disclosure requirements, applicable law and/or to provide accused individuals their legal rights of defense.

12.1 Procedure

Any whistleblower who believes they are being retaliated against must contact the Head of Policies and Programs immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of dishonest, illegal or fraudulent activities can be submitted by email at help@vela.ngo

13. ACKNOWLEDGEMENT





This policy reflects the Foundation's standards and values on prevention of SHEA. Employment, cooperation and any other formal association with the Foundation are contingent upon agreeing to and abiding by this policy.

The signatory has read, understood and is in agreement with the provisions and standards of this policy.

This policy is subject to periodic review. The signatory is responsible for becoming aware of any revisions. The signatory also understands that breach of any clause or standard contain herein may result in disciplinary action and potentially dismissal, in accordance with respective national laws, labor regulations, the Foundation's terms of employment, and conditions and guidelines contained in other policy documents of the Foundation.

Place and Date

Full Name

Signature of staff member/ volunteer



14. ANNEXES

14.1. Consent for Release of Information

CONFIDENTIAL

This form should be read to the client or guardian in her first language. It should be clearly explained to the client that she / he can choose any or none of the options listed.

I, _____, give my permission for _____ to share information about the incident I have reported to them as explained below:

I understand that in giving my authorization below, I am giving _____ permission to share the specific case information from my incident report with the service provider(s) I have indicated, so that I can receive help with safety, health, psychosocial, and/or legal needs.

I understand that shared information will be treated with confidentiality and respect, and shared only as needed to provide the assistance I request.

I understand that releasing this information means that a person from the agency or service ticked below may come to talk to me. At any point, I have the right to change my mind about sharing information with the designated agency / focal point listed below.

I would like information released to the following:

(Tick all that apply, and specify name, facility and agency/organization as applicable)

Security Services (specify): _____

Psychosocial Services (specify): _____

Health/Medical Services (specify): _____

Safe House /Shelter (specify): _____

Legal Assistance Services (specify): _____

Livelihoods Services (specify): _____

UNHCR (specify to whom): _____

Other (specify type of service, name, and agency): _____

Authorization to be marked by beneficiary: Yes No (Or according to the capacity and best interest of client)





I have been informed and understand that some non-identifiable information may also be shared for reporting. Any information shared will not be specific to me or the incident. There will be no way for someone to identify me based on the information that is shared. I understand that shared information will be treated with confidentiality and respect.

Signature/Thumbprint _____ of _____ client:

Caseworker Code: _____ Date: _____

INFORMATION FOR CASE MANAGEMENT

(OPTIONAL-DELETE IF NOT NECESSARY)

Client's Name: _____

Name of Caregiver (if client is a minor): _____

Contact Number: _____

Address: _____

Survivor code:

___ - mother's first name, 1st letter Mary = M

___ - birth year, 3rd number 1982 = 8

___ - month of birth in letters, first letter August = a

___ - birth order to mother (not from father) Third born = 3

___ - place of birth, first letter Tripoli = T

1. Authorization to be marked by client: Yes No



14.2. Incident Report Form for SEA Allegations

CONFIDENTIAL:

Please restrict access to this document and keep it stored safely (e.g. using passwords or encryption for computers and locking lock offices when unattended). Always use code names when referring to individuals involved in the case, omit information that could reveal identities (e.g. date of birth, address, phone number, description of unique physical traits) and keep information on the identity and personal details of persons involved separate from incident and related reports.

1. Details on how, when, and by whom, the allegation was received:

2. Description of alleged incident, including dates, times and locations:

3. Description of alleged or suspected **victims** (e.g. name, age, gender, ethnic origin/nationality, specific needs):

4. Description of alleged or suspected **perpetrators** (e.g. name, age, gender, nationality, organizational affiliation/position, previous record of misconduct):

5. Actions taken by organization in response to allegations to date (e.g. referral for assistance, investigations, notification of UN/Host Government):



6. Actions taken by other organizations or entities (e.g. UN, Host Government) in response to the allegation:

7. Requested support from partners (e.g. support for SEA victims, investigations)

Report transmitted by:	
Name:	Contact info (email, phone):
Title:	Date:



14.3 Template Self Declaration Form

Name and surname:	
ID card or passport number:	
Date of birth:	
Place of birth:	
Nationality:	
Place of residence:	
Phone number:	
Email address:	
1. Have you ever been the subject of a police investigation or court proceedings, in this country or abroad, as a result of charges of sexual abuse or sexual misconduct against minors or adults that do not appear on your criminal record?	YES/NO <i>If yes, please provide additional information below.</i>
2. Have you ever been subject to sanctions (disciplinary, administrative or criminal) arising from an investigation in relation to sexual exploitation and abuse or sexual misconduct, or left employment pending investigation and refused to cooperate in such an investigation?	YES/NO <i>If yes, please provide additional information below.</i>
3. Have you ever been identified by a government department or judicial or other competent authority in this country or abroad as a risk or potential risk to children or vulnerable adults?	YES/NO <i>If yes, please provide additional information below.</i>



4. Have you ever been or are you currently subject to disciplinary proceedings?	YES/NO <i>If yes, please provide additional information below.</i>
5. Have you left a previous job pending an investigation and refused to cooperate with such an investigation?	YES/NO <i>If yes, please provide additional information below.</i>

Confirmation of statement (please check the boxes below)	
☐ I agree that the information provided here will be processed for recruitment purposes and in confidentiality. I understand that a job offer may be withdrawn or termination may result if I fail to disclose timely information and if such information is subsequently communicated to the organization.	
☐ I agree to notify the organization within 24 hours if I am subsequently investigated by any agency or organization regarding concerns about my behavior toward children, youth or vulnerable adults.	
☐ I hereby authorize any person, organization, or educational/training institution I mentioned as a reference in my application to disclose in good faith and in confidence any information in their possession about my qualifications or suitability for the job.	
☐ I assume no liability to any employer, person or educational/training institution for information provided about me necessary and inherent to the employment process.	



	I understand that the information included in this form and submitted by third parties may be provided by the organization to other persons or organizations in cases where it is deemed necessary to protect other children or vulnerable adults.	
Signature:		
Name and surname in capital letters:		
Date:		



14.4 PSEA Clauses for partnership contracts, service providers and suppliers

Clause for subcontractors:

[The contractor] and its employees, staff and/or subcontractors shall not be involved in any sexual exploitation or abuse. [sub-contractor] shall ensure that its employees, agents, contractors and sub-contractors comply with the highest standards of moral and ethical conduct. Any incident of SEA shall be reported to Vela. Any failure by [sub-contractor] to take preventive measures against sexual exploitation or abuse, or to investigate allegations or take corrective action, shall constitute grounds for termination of the Agreement.

For the purposes hereof, the following definitions shall be used²:

Sexual exploitation means 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.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Clause for Partners:

[The partner] acknowledges and agrees that *Vela* has a policy of "zero tolerance" for sexual exploitation and abuse. [The partner] and its employees, staff and/or subcontractors shall not be involved in any sexual exploitation or abuse. For the purposes hereof, the following definitions shall be used³:

Sexual exploitation means 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.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

[The partner] shall take all necessary action to prevent sexual exploitation or abuse of any of its employees or any other person engaged and under its control, as well as any corrective action in the event that a situation of sexual exploitation or abuse occurs⁴.

Measures required to prevent and respond to sexual exploitation and abuse may include, but are not limited to: (1) A clear prohibition against any involvement in a situation of sexual exploitation or abuse; (2) Mandatory background checks for all personnel prior to recruitment; (3) PSEA training for all personnel; (4) Mandatory reporting of all allegations of SEA; (5) Referral of all survivors of SEA to immediate and professional assistance; and (6) Investigation of all reported allegations of SEA and implementation of corrective action.

Any breach of the provision by the Partner shall entitle Vela to terminate the contract with immediate effect."

² UN Secretary-General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

³ UN Secretary-General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

⁴ Corrective action is defined as actions taken to correct or rectify the situation following a SEA incident.



14.5 Sample Terms of Reference for Investigator of SEA Allegations⁵

Terms of Reference:

Investigator of SEA Allegations

1. Background

[Include brief description of the SEA allegation and other relevant information that may support the investigation.]

1. Purpose and Objectives

The purpose of this investigation is to conduct a thorough, objective and effective investigation of the above-mentioned reported SEA allegations and other related incidents, in accordance with professional standards and best international practice.

Specific objectives are to:

1. Assess whether the allegations reasonably amount to SEA, and possibly, an offence under national law;
2. Review evidence presented and gather further evidence that might support or undermine the allegations;
3. Present a summary of the evidence and conclusions.

2. Scope of Work

Key deliverables are:

- Work plan, including detailed methodology of investigation (e.g. review of relevant documents, site visit(s), interviews with relevant stakeholders)
- Recommended plan of actions for protecting victims, witnesses, alleged perpetrators and the organization during investigation process
- Investigation report, including
 1. Executive Summary
 2. Introduction
 3. Allegations (i.e. listing all allegations; names of the organization's policies/code of conduct and laws potentially violated)
 4. Investigative approach (e.g. interviews, review of documents)
 5. Chronology of events

⁵ Adapted from: Scoping tool for Terms of Reference (adapted from SOS Children's Villages International), included in: Keeping Children Safe, [Management of Child Safeguarding Allegations](#), 2016.



6. Analysis of evidence
7. Retaliation and protection risks (and steps taken to address them)
8. Analysis of adequacy of organization's response to SEA allegation
9. Conclusions regarding evidence to substantiate or not the allegation(s)
10. Recommendations (including areas of improvement for the organization's response to PSEA)

3. Key Required Skills and Experiences

- Experienced, reliable professional investigator with experience in dealing with highly sensitive cases
- Trained in conducting interviews, including with children and people who experienced trauma
- Demonstrated sensitivity and knowledge to cultural diversity and gender issues, including GBV experience if possible
- Fluent in relevant languages for interviews with personnel and other witnesses, including [specify]
- Proven communication and organizational skills



14.6 Confidentiality Reminder Note for SEA Investigations

You have been asked to provide assistance in an investigation of allegations of sexual exploitation or abuse involving personnel that is currently being undertaken. You may be interviewed, asked to provide documents, computer files and other records, or asked to assist in some other way. Internal investigations are a key part of our organization's commitment to preventing and responding to sexual exploitation and abuse.

As a participant in an investigation, there are certain points you need to know:

- **Cooperate.** You are encouraged to cooperate with the investigations and respond to all questions and requests from investigators honestly and fully.
- **Keep it confidential.** You must keep confidential the fact that an investigation is underway and anything discussed with you as part of the investigation.
- **No retaliation.** Our organization does not tolerate any type or threat of retaliation against anyone who reports a violation or cooperates in an investigation.
- **Don't play detective.** Do not try to carry out your own inquiries or approach witnesses as this may disrupt the ongoing investigation.
- **No obstruction.** Never attempt to interfere with or obstruct an investigation.

Your compliance with these requirements is imperative. Violations can potentially result in severe disciplinary measures.

Thank you very much for assisting the organization with its investigation. If you learn or remember anything else that might be relevant to the investigation, or if you have any questions please contact me.

Name:

Email:

Phone:

Mobile:



14.7 Oath of confidentiality

This template is adapted from the template included in the CHS investigation [Guide](#)

Purpose: Confidentiality is an important part of the victim-centered principle in SEAH investigations and ensures that information gathered by the investigation is shared only with authorized individuals on a need-to-know basis. The Oath of Confidentiality Tool is therefore deployed with translators, survivor liaisons, support persons, and any individuals who are external to the core investigation team.

How to use this tool: Translators, survivor liaisons, support persons, and any other individuals external to the investigation must read and sign the Oath of Confidentiality in the presence of an investigator before they participate in interviews, sessions, or information sharing. The investigator also signs the Oath of Confidentiality, ensuring it is properly filed and stored with other investigation documentation. If the investigation is done remotely, the oath will ideally be signed in the presence of a local investigation team member. If this is not possible, the oath should be signed via video conference in the presence of investigators.

OATH OF CONFIDENTIALITY

I, the undersigned, shall exercise the utmost discretion with regard to my involvement in the investigation being conducted by _____ (name of the organization). I shall hold confidential all information known to me by reason of my activities on behalf of the investigation team. I shall not use such information for private gain, or to favor or prejudice a third party. I understand that this declaration will remain in force after the completion of my assignment with the _____ (name of the organization) investigation team. I also understand that divulging confidential information to persons who are not authorized to receive it may amount to misconduct and that the signed original of this declaration will be held in the relevant investigation file.

Name:

Title:

Role:

Signature:

Date and place

Section to be filled out by the investigator before whom the oath is taken

Case Number:

Name:

Title:

Signature:

Date and place:



14.8 Confidentiality Agreement

This tool was developed as part of the implementation of an investigator's pool in DRC by the PSEA Network.

CONFIDENTIALITY AGREEMENT – INVESTIGATOR (NAME and First names)

It is critical to respond to SEA allegations in a safe and independent manner. To this end, it is important to ensure respect for the privacy/confidentiality of the persons involved in the allegation.

Each investigator having in its possession identifying information must not share this information except with the team in charge of the management of the investigation / and or the decision makers of the requesting organization. Any breach of confidentiality can have serious consequences for: (i) the alleged victim/survivor, (ii) the complainant, witnesses or alleged perpetrator, (iii) and the credibility and safety of the investigation team.

In connection with this Agreement, Confidential Information is:

- Direct or indirect information related to an allegation and/or investigation
- Documentary evidence (report form, emails, interview reports, handwritten notes, recording, etc.)
- Information related to priorities and planning in connection with an investigation by the investigation team.

I, _____, have been hired as an investigator to conduct an investigation into an allegation of sexual exploitation and/or abuse on behalf of [insert name of organization]. I undertake to exercise the tasks entrusted to me with professionalism. I agree to perform fully and faithfully, to the best of my abilities, the required activities.

I understand that all information provided by witnesses and the requesting organization or any other party involved in the investigation is strictly confidential.

I will respect the right to privacy of everyone involved in this matter.

I will always seek the consent of the victims to share their personal information with decision-makers in the case and ensure that they are made aware of the requesting organization's case management procedures.

I will not directly or indirectly discuss any information relating to the case outside of those on the requesting organization's case management team, unless I have written permission from the requesting organization.





I also agree to store all documentary evidence securely, in accordance with the instructions of the requesting organization, keeping physical copies in a locked place and electronic copies in a place with restricted access with a password. .

I agree not to make copies of evidence unless necessary and to destroy all electronic and physical copies remaining in my possession once my participation in the investigation is complete.

If I am under a duty to provide law enforcement with information relating to an investigation, I will immediately notify the requesting organization in writing.

I understand that this commitment continues to be in effect even after the closure of the investigation and that sharing confidential information at any time may expose me to legal action and disciplinary action from my employer and/or or the requesting organization.

Investigator's signature

Date



14.9 Risk Assessment and Management During SEA Investigation⁶

CONFIDENTIAL: Please restrict access to this document and keep it stored safely.

RISK ASSESSMENT				MANAGEMENT			
No.	Who is at risk?	Identified risk(s)	Likelihood of risk*	Previous measures to manage risk(s) to date	Additional mitigation measures	By whom?	By when
<i>Example</i>	<i>Victim</i>	<i>Alleged perpetrator pressuring victim to withdraw allegations</i>	<i>Medium</i>	<i>Verbal communication to alleged perpetrator to abstain from contact with victim (3 February 2019)</i>	<i>Written warning to alleged perpetrator regarding consequences of continued contact</i>	<i>Anne</i>	<i>By 5 March 2019 (immediately)</i>
1.							
2.							
3.							

* High/Medium /Low

⁶ Adapted from Template of SOS Children's Village, in: Keeping Children Safe, *Management of Child Safeguarding Violations*, 2016. <https://www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resources/management-child-safeguarding-allegations>