

**Investigators** with specialist expertise can be contracted to conduct investigations in consultation with the response team and the organization's legal representation. The CHS Alliance holds a list of **experienced PSEA investigators** who are available for PSEA training and carry out investigations.

## 14) Investigating and responding to SEA concerns

### Why investigation and response are so important

How a report of SEA is handled can be a significant factor in the psychological impact on a survivor, as well as during their recovery. The organization is accountable for the way in which it responds to SEA. All complaints should be managed in a timely, fair and appropriate manner, with the safety of all persons involved given priority at every stage.

**Investigations should be carried out by qualified, objective investigators, who have professional training and experience in conducting SEA inquiries. IFRC support is available for investigation and response, on a case-by-case basis, when a clear PSEA policy/procedure is lacking; a conflict of interest has been identified; or a survivor is deemed to be at risk, including risk of harassment or threats because of the report. Partner National Societies may also be able to provide guidance and support for this step, for example, via a PSEA or HR Adviser.**

### Actions

**Record the incident:** A simple paper form can be used to record the incident (see **Tool 8** for a sample).

**Develop an action plan:** The issue is raised with the response team that will determine if an investigation will be launched and how to proceed. The response team may include the HR/PSEA lead, line manager and security staff.

- Carry out an initial check to ensure that there is no conflict of interest among those involved.
- Assess the safety and welfare of everyone involved in the case, including anyone who has experienced SEA, witnesses and the subject of the complaint, to determine any risks as well as response needs and preferences (see Section 15 for guidance).

- Report to the police/authorities if the case involves a child or is in breach of domestic laws, subject to vetting of 'do no harm' issues, in consultation with the survivor (if adult) and legal advice.
- Suspend or transfer duties of the subject of a complaint pending investigation outcomes, if a risk of further potential abuse or harm has been identified in consultation with the survivor. Ideally, the subject should remain in the country, unless this would lead to the complainant's safety being put at risk.
- Collect physical evidence (for example, phones, laptop, etc.) which could help prove the allegation beyond reasonable doubt.
- Protect witnesses from any forms of intimidation. Having witness protection procedures in place is recommended (see Section 15).

**Investigate and respond:** If the subject of complaint is a member of staff or a volunteer, an internal or external investigative process will be undertaken by either Red Cross and Red Crescent or national authorities, depending on the nature of the incident (for example, if the allegation is criminal in nature). The investigation must be lawful and consider a number of key principles and guidelines<sup>22</sup>. The complainant and alleged perpetrator should be kept informed about progress in the investigation and the conclusion, as well as whether the complaint was substantiated or not.

**Outcome:** The allegation may be considered: a) substantiated; b) unsubstantiated; or c) inconclusive (i.e. insufficient evidence has been found to reach a conclusion). The response team must decide on the appropriate outcome, with reference to the investigation report and recommendations. The response team should also refrain from making detailed sanction recommendations, which should be guided by the organization's disciplinary procedures. The outcome will be reported to regulatory bodies and donors, as per regulations and cooperative agreements, while confidentiality of all parties involved in the case will be maintained.

**Learning:** A log of cases and outcomes (with sensitive personal data removed) should be maintained. Control deficiencies or gaps should be reported separately from the fact-finding/allegation report i.e. in a Management Implication Report or Control Report. An after-action review or debrief must also be carried out in all cases, with actions identified to help improve the policy and procedure in future, and to help prevent further abuse or harm. One way of promoting learning is to develop and share anonymized case studies to help raise awareness with staff on how to recognize and respond to similar concerns in the future.

### Maintaining confidentiality throughout the process

- Information about the case is shared on a 'need to know' basis, with only a limited number of individuals having access to secure files
- Password protect documents
- Lock cabinets containing paper records
- Use a coding system so the names of individuals are not in the same location as case details
- Understand and apply data protection rules and regulations

22 Refer to the CHS Guidelines for Investigations.