

Terms of Reference for Safeguarding Investigation

Date of the incident: Add the date

Date of complaint received by the Agency: Add the date

Summary of the complaint received by the Agency: Add summary

1. INTRODUCTION AND BACKGROUND:

Add any additional information that could be useful for the Investigator and provide them with a copy of the relevant documents. *For example:*

- a. Background of the Agency’s project/program in the location of the complaint.
- b. Background of the complainant and/or respondent if they are staff/volunteers/consultants of the Agency.
- c. Information about the PSEA Agency policies, Code of Conduct, complainant/respondent’s contract (Example: employee, volunteer or consultant contracts).
- d. Information obtained during the initial interview conducted with the complainant to confirm the reliability and credibility of the complaint.

2. COMPLAINT:

No	COMPLAINT/CONCERN Describe the inappropriate conducts included in the complaint <i>Examples:</i>	Needs investigation? Yes/ No	Priority Add the priority of the complaint – high, low, medium
1	Inappropriate physical contact by respondent towards the survivor	Yes	High
2	Demand of sexual encounter in exchange of project support by respondent to the survivor	Yes	High

3. WHAT SECTIONS/ CLAUSES OF THE PSEA POLICY/CODE OF CONDUCT/CONTRACT HAVE BEEN BREACHED?

No	Alleged violation* *Allegation is the exact section of the Policy/Code of Conduct/Contract which is alleged to have been breached. The allegation is what needs to be investigated. Examples:	Section under policy/CoC/Contract (State the document and the exact section which is alleged to have been breached) Examples:	Specific elements to be proven (What information is needed to prove that the stated Policy has been breached)
1	Agency employee/volunteer/consultant contract	Section X: Sexual Exploitation and Abuse	Respondent has demanded sexual relationships with female beneficiaries in exchange for project support.
2	Agency PSEA Code of Conduct	Section Y: You should avoid any action that would suggest or imply that a sexual act might be demanded as a condition for engaging in offered programs and services.	Respondent has demanded sexual relationships with female beneficiaries in exchange for project support.

4. OBJECTIVES:

Objective 1:	Clarify details of the allegations
Objective 2:	Gather relevant evidence in relation to the allegation that would assist in PROVING or DISPROVING the allegation
Objective 3:	Prepare a report outlining findings of the investigation and making a conclusion and recommendation based on reasonable inference from the evidence. It should include clear chronology from prior to the incident to the time it was reported and include all salient details between those periods.
Objective 4:	Propose a plan of action

5. SCOPE AND PRINCIPLES OF INVESTIGATION

The Investigator(s) will abide by the following principles during this investigation

1. Commitment to safety, health and welfare of all concerned
2. Confidentiality
3. Good planning and reviewing
4. Timeliness

5. Thoroughness
6. Professionalism
7. Independence
8. Respect for all involved
9. Working in partnership
10. Adherence to the law

6. PROPOSED METHODOLOGY (E.g., visiting the location/site, studying material evidence, interviewing complainant, witnesses, alleged survivors, respondent etc.)

- a. **Agency Investigation Manager:** Add name, title and email of the Agency staff member who will be responsible to manage and supervise the investigation process.
- b. **Safety and Security of investigation parties:** Add the preventative/mitigation measures and recommendations to be implemented during the investigation process to guarantee the safety and security of the complainant, alleged survivors, witnesses, respondent etc.

Examples:

- Investigations will ensure safety of complainant, survivors, witnesses, respondent, Agency staff and investigation team members. This includes safety and preventive measures against the risks of COVID-19. Personal Protective Equipment (PPE) will be provided in the interview location by the Agency.
 - Protection measures to be put in place for all parties involved in this investigation to ensure confidentiality and non-disclosure regarding the complaint. All parties will be asked not to discuss this case with anyone and to report any form of intimidation experienced during the process of the investigation to the Investigator or the Agency Investigation Manager.
- c. **Interviews:** Detail the interviews that will be conducted with key parties using secure medium and keeping Investigation principles. Examples:
 - In person interviews in X location with complainant, alleged survivors, witnesses and respondent.
 - By phone or online interviews with respondent's supervisor, other volunteers/staff/consultants from same project/office location, etc.
 - Add the name, emails, phone numbers of investigation parties that will be interviewed by the investigator in person, online or by phone.
 - d. **Logistics:** Add the logistical details agreed during the investigation process including who will be responsible for the travel arrangements, transportation, hotel bookings, arranging interview locations, compliance of Covid 19 protocols etc.
 - e. **Key documents:** List all the documents that will be provided to the Investigator- Examples:
 - Complaint report received by the Agency
 - Agency PSEA Policy and/or Code of Conduct
 - Agency employee/volunteer/consultant contract
 - Initial interview conducted with the complainant to confirm the reliability and credibility of the complaint.

7. COUNTRY AND/OR REGIONAL MANAGEMENT SUPPORT:

Provide the names, email and phone numbers of the Agency staff members who will support the Investigator(s) when conducting the interviews.

- a. ADD name, title, email and phone number
- b. ADD name, title, email and phone number

8. INVESTIGATION TEAM COMPOSITION:

Include the name, emails and phone number of the Investigator(s) that will be responsible to conduct the investigation:

- a. Lead Investigator: ADD name, title, email and phone number
- b. Support Investigator: ADD name, title, email and phone number

9. STAKEHOLDERS & COMMUNICATION:

Describe who will be responsible to communicate with key stakeholders. [Example:](#)

- a. The Agency with
 - the Funder;
 - the investigation parties (Complainant, Survivors, Respondent, Witnesses, others);
 - the Agency staff/volunteers/consultants in the location/country of the complaint and
 - the Media (if requested)
- b. The Investigator(s) with:
 - Complainant, Survivors, Respondent, Witnesses, other parties during interview process only.

10. DELIVERABLES FOR THE INVESTIGATOR(S):

- I. The Investigator(s) will be responsible for:
 - i. Reviewing the complaint and evidence provided by the Agency.
 - ii. Travelling to ADD complaint location from ADD Investigator's location on Add departure date to ADD return date, 202__ to conduct in person interviews with the complainant, the alleged survivors and the respondent. If possible, the Consultant will conduct in person interviews with __staff/volunteers/consultants who knew the respondent e.g., supervisor or coworkers (1 male and 1 female), if that is not feasible, those interviews will be done via phone.
 - iii. Ensuring confidentiality of all information including request to all parties interviewed to not discuss this case with anyone and to report any form of intimidation experienced

- during the process to the Investigator and/or the Agency Investigation Manager (ADD name, email and phone number)
- iv. Review all interview notes and evidence provided.
- v. Write the investigation report and submit it for closure to the Agency Investigation Manager.

The investigation report should include:

- a) An assessment of whether or not there is evidence to support the allegation

POSSIBLE OUTCOMES WITH RESPECT TO EACH ALLEGATION:

- o Upheld on the basis of merit; or
 - o Not upheld on the basis of insufficient or unclear evidence; or
 - o Not upheld on the basis of evidence that clears the respondent; or
 - o Proves it was a malicious report (If a malicious report– you must explain and evidence why it was a malicious report)
- b) Recommendations on disciplinary actions, legal actions, improvements and recommendations for internal controls.

11. AGENCY RESPONSABILITIES

The Agency will be responsible to:

- i. To cover the expenses during the Investigator's travel to ADD complaint location that includes:
 - a) the reservation at ADD Hotel name and travel dates.
 - b) the local daily per diem from ADD travel dates, based on flight itinerary.
 - c) the flight from/to: ADD travel locations.
 - d) the reimbursement of the transportation costs from the Investigator's home to/from the airport in ADD departing Airport name (receipts will be required);
 - e) the local transportation in ADD complaint location and
 - f) the provision of face masks and antibacterial gel from ADD travel dates.
- ii. To schedule and organize the interview of all parties in ADD complaint location: the complainant, the alleged survivors and the respondent, witnesses and to provide additional information and support as may be required by the Investigator.
- iii. To provide the name and phone numbers of the parties who cannot be interviewed in person.
- iv. To manage all the communications with the funder, global partner, the Agency staff/volunteer/consultants and the Media if requested.

12. CONSULTANT FEES AND DEADLINES:

- a) Consultant Fees:
The consultant fees are CAN\$ _____ per day with a total of ____ days, as per below:
 - a) Travel to ADD complaint location to conduct in person interviews: ____ days.
 - b) Preparation, phone interviews and report writing: ____ days.

b) Deadlines

_____ : Finalizing terms of reference, work plan and preparations for interviews.

_____ : Travel to ADD complaint location and in person interviews.

_____ : Phone/online interviews and report writing.

_____ : Deadline to submit the Investigation Report to the Agency Investigation Manager