

How-to note



Survivor-centred safeguarding investigations

When working on safeguarding and protection from sexual exploitation and abuse (PSEA) in the humanitarian and development sectors, we hear a lot of reference to safeguarding and PSEA investigations. But what exactly is meant by a safeguarding investigation, and what do we need to do in our civil society organisation (CSO)? This guide will take you through the basics of safeguarding investigations in our sector.

How might safeguarding concerns be caused by a CSO?

- A civil society organisation (CSO) staff member or volunteer may have harmed a person (or people) in the course of their work. For example, this could be through requesting sexual services in return for humanitarian assistance.
- People may have been harmed by poor project design or implementation. This might be through the collection of personal information that is then not kept safe, putting refugees at risk of exploitation.

What do we mean by safeguarding?

Safeguarding means preventing humanitarian aid workers from harming people in the delivery of humanitarian assistance. The Safeguarding Hub Eastern Europe understands safeguarding as 'taking all reasonable steps to prevent harm from occurring both to the recipients of aid and to people delivering it, and responding appropriately when harm occurs'.

Aid programmes can result in negative consequences to local populations. For example, it has been widely documented that sexual exploitation and abuse (SEA), such as aid workers asking refugees to give sexual services in return for assistance, has occurred during the delivery of humanitarian and development assistance around the world. However, safeguarding is broader than just preventing and responding to sexual exploitation and abuse. It also includes addressing other forms of harm which are less well reported. These include physical violence, bullying, harassment, discrimination and denial of services during the delivery of aid. Safeguarding also includes specific measures to keep humanitarian aid workers from harming children, often referred to as child safeguarding.

Responding to safeguarding concerns

In the course of their work, CSOs may learn about safeguarding incidents (see the box below) or hear rumours. These may be disclosed to them by the victim/survivor or reported by

someone else. Or there may be rumours, suspicions or concerns that staff in the CSO might have, including incidents or behaviours they have witnessed or heard about.

Once a CSO becomes aware of a safeguarding concern, they have an obligation to respond to prevent their staff from harming people¹. More information may be needed to better understand what happened, which may require a safeguarding investigation.

When might an investigation take place?



When a CSO becomes aware that staff member or associated personnel, such as a volunteer, may be causing harm to others, this potentially becomes an allegation of staff misconduct. CSOs can only investigate staff, volunteers, or others who may have a contract or agreement with them, which requires them to uphold the CSO's safeguarding policy or Code of Conduct. If the safeguarding concern is caused by someone the CSO is not mandated to investigate, such as a member of the public, the safeguarding concern should be referred to a relevant authority. The diagram above outlines how the CSO decides whether an investigation needs to take place.

¹ If the safeguarding harm has not been caused by a staff member of the CSO, the incident should be referred to relevant authorities.

What is a safeguarding investigation – and what isn't

In our sector, a safeguarding investigation is a **workplace administrative investigation**. It takes place when further information is required to determine whether a staff member or volunteer of the CSO has breached organisational safeguarding policy. In our sector, a safeguarding investigation is a workplace administrative investigation. It takes place when further information is required to determine whether a staff member or volunteer of the CSO has breached organisational safeguarding policy.

The investigation follows the same procedure as any investigation into staff misconduct. However, there are specific considerations for safeguarding investigations. These include:

- There is a risk of re-traumatisation with the victim/survivor, and also possibly other witnesses.
- There may be potential safety and security risks to the victim/survivor and others involved in the case.
- The victim/survivor(s) in the case may be members of staff, or they may be members of the public. Different policies and legal obligations may apply in each case.

A safeguarding investigation is not:

- **A disciplinary process.** These usually take place if the investigation finds that policy was breached.
- **A law enforcement investigation.** If the case appears to involve criminal activity, the CSO should refer it to law enforcement, if it is safe for all concerned to do so.
- **A labour tribunal.** Workplace investigations are purely administrative fact finding processes.

What happens in a safeguarding investigation?

Once a CSO determines that an investigation should take place, there are certain standards and principles that should be followed. Different CSOs may have different policies and guidelines, but they should all follow the same approach.

The purpose of a safeguarding investigation is to gather information to determine whether a breach of CSO safeguarding policy has taken place by a staff member or volunteer.

What if my CSO doesn't have a safeguarding policy or Code of Conduct?

A workplace administrative investigation needs to determine whether a staff member or volunteer breached organisational policy. Therefore, it is essential that your CSO has a safeguarding policy (or equivalent) that outlines what conduct is prohibited for staff and volunteers.

The principles of a safeguarding investigation are:

- **Confidentiality:** Investigations must uphold confidentiality at all times. Information relating to the case should be shared only on a limited, need-to-know basis.
- **Commitment to safety, health and welfare:** This should include a victim/survivor-centred approach.
- **Good planning and review:** Investigations should be thoroughly planned, including risk assessments. Planning and risk assessments should be reviewed and updated throughout the investigation process.
- **Timeliness:** Investigations should be completed on a timely basis, to avoid further distress to victim/survivors.
- **Thoroughness:** Investigations should be conducted as thoroughly as possible, exploring any new information or disclosures that may arise.
- **Professionalism:** Investigators should be appropriately skilled and trained. All staff involved should have a knowledge of PSEA and child safeguarding principles and approaches.
- **Independence:** The outcomes of the investigation should be developed as a result of information collected. They should not be influenced by other parties in the investigation.
- **Respect for all involved:** This should include a non-judgemental approach.
- **Working in partnership:** Investigations involve a range of stakeholders who should work together for the best interests of the victim/survivor.
- **Adherence to the law:** Investigations should always follow the relevant labour law of the country where they take place (unless adherence to the law represents a risk to the victim/survivor).

The principles should be applied throughout all steps of the investigation. This is an example of the steps that may be taken.

1. Support is offered to the victim/survivor

Support offered to the victim/survivor can include psychosocial, legal, and medical services. It is up to the victim/survivor to decide whether, or when, they would like to access these services. If or when they do so, the CSO should proactively assist them to access the services. Support should be offered as soon as the CSO becomes aware of the case. This is not dependent on the outcome of an investigation. It should be offered for as long as the victim/survivor may need it. Organisations need to be able to support both child and adult victim/survivors.

2. Roles and responsibilities are assigned

An investigation firstly requires an Investigation Manager (or Case Manager). If the CSO is large enough, this may be a team. There should also be an investigation team comprising of a minimum of two people.

The role of the Investigation Manager is usually to commission the investigation, including producing the Terms of Reference (see below), ensuring logistical support to the investigation team, and receiving and approving the investigation report.

The role of the investigation team is to conduct the investigation according to the Terms of Reference. These will include reviewing documentary information and conducting interviews. They will produce a report compiling the relevant information and conclusions, which they will submit to the Investigation Manager.

3. A Terms of Reference is developed for the investigation team

This usually includes relevant information about the case, the specific policy breach and breaches of relevant law (if applicable), principles of the investigation, roles and responsibilities, and the methodology of the investigation.

4. The investigation team review available information. They develop a risk assessment and an investigation plan

The risk assessment should include the potential risk of the investigation to everyone involved, including the victim/survivor, witnesses and investigation team, and proposed ways to reduce any harm. The investigation plan is developed from the Terms of Reference and provides more detail on the investigation objectives, as well as what information needs to be gathered and how. Both the risk assessment and the investigation plan should be regularly revisited and updated throughout the investigation.

5. Witnesses are interviewed

Interviews should be undertaken using a methodology that reduces the risk of re-traumatisation. Many investigators use the PEACE model². The people interviewed as part of a safeguarding investigation usually include:

- **Complainant** (if different from victim/survivor). This is the person who made the initial report or complaint to the CSO.
- **Victim/survivor** if they consent to interview. Children (particularly pre-adolescent children) are not usually interviewed as part of an administrative workplace investigation.
- **Witnesses** are other individuals who may have useful information to provide. For example, if they saw or heard something relevant to the case.
- **The Subject of Complaint** is the staff member or volunteer of the CSO who is alleged to have breached the organisation's safeguarding policy. They are interviewed to follow due process and to give them an opportunity to respond to the allegations.

² The stages of the PEACE model are Preparation and Planning, Engage and Explain, Account, Closure and Evaluation and Debrief. See the resources on investigations for more information.

6. The information collected is analysed

The investigation team compile and analyse the information they have gathered. This includes any information that may uphold or disprove the allegation.

7. The investigation team write a report with the analysis of the information and a conclusion

The three possible conclusions of a safeguarding investigation are:

- **Upheld** due to information (on the balance of probability) to prove the allegation.
- **Not upheld** due to information (on the balance of probability) to disprove the allegation.
- **Not upheld** due to insufficient information (on the balance of probability) to prove the allegation.

Different CSOs may use different terminology, but the meaning is usually the same.

8. The Investigation Manager receives the report

The Investigation Manager will review the report and check that they agree with the findings. This adds an extra layer of oversight and transparency to the investigation and helps reduce bias. The Investigation Manager will then action or refer the findings within the CSO, as appropriate.

What is a 'survivor-centred' investigation?

All safeguarding investigations should follow a victim/survivor-centred approach. This is an approach in which the victim/survivor's wishes, safety and well-being remain a priority in all matters and procedures. All processes and approaches in this document are compliant with a victim/survivor-centred approach.

These are some recommendations for a victim/survivor-centred approach to investigations:

- Victim/survivors are treated as unique individuals who are experts on their own situation. They know better than others what is right for them.
- Organisations consider whether an investigation is necessary, or whether there are other ways in which the case can be resolved that do not risk re-traumatising the victim/survivor, but can still ensure that the Subject of Complaint does not present a risk of harm to those with whom they come into contact.
- If an investigation is required, the victim/survivor provides consent to participate based on an informed choice where the implications and potential outcomes of an investigation are made clear to them in language that they understand. If the victim/survivor does not consent, other options for resolving the case are considered.

What is the balance of probability?

'On the balance of probability' is the evidence threshold most often used in workplace administrative investigations. It means 'more likely to have happened than not'. Other organisations may use different thresholds, for example some UN agencies use 'overwhelming evidence' or 'beyond reasonable doubt'

- When organisations decide an investigation is necessary, they consider whether victim/survivors need to participate, or whether the investigation can be conducted using other approaches (such as interviewing witnesses).
- When conducting investigations, organisations follow principles, use investigators trained and experienced in victim/survivor-centred approaches, and use safe and appropriate investigation protocols.
- Organisations review all investigation and case management processes to ensure they are trauma-informed. Investigations are transparent and impartial. They do not judge the victim/survivor.
- Where possible, “balance of probability” is used as the evidentiary threshold³.
- If they wish to be, victim/survivors are accompanied by a support person of their choice throughout their interaction with the organisation. This support person should be unconnected with the organisation⁴.

Further reading on victim/survivor-centred approach:

- [CHS Alliance Victim/Survivor-Centred Approach to PSEA in the Aid Sector](#)
- [InterAction Core Standards for Survivor-Centred Support of SEA](#)

What happens after the investigation?

The conclusions of the investigation are used to make a decision on what actions to take next. If the allegation is upheld, then a disciplinary process for the Subject of Complaint usually takes place.

If the allegation is not upheld, the Subject of Complaint is cleared. The investigation report is kept on file in case any similar allegations are made in the future.

Information relating to the investigation should be kept secure and confidential. It should not be shared beyond the people who specifically need to access it.

After the investigation has concluded, the CSO’s responsibility for the victim/survivor does not end. The victim/survivor may wish to go on accessing services. There should be no time limit on this. The victim/survivor may also want to access compensation from the CSO for harm caused, or they might want to pursue communal justice processes. It is important that the CSO is prepared for these possibilities.

³ Some organisations require ‘beyond reasonable doubt’ as an evidentiary threshold. However, this can be harder to prove, and may discourage survivors from coming forward. ‘Beyond reasonable doubt’ is usually acceptable for an administrative workplace investigation

⁴ CHS Alliance, ‘Victim/survivor-Centred Approach to PSEAH in the Aid Sector’

Glossary

Code of Conduct

Policy outlining the expected behaviour of individuals working on behalf of an organisation.

Complainant

The person making the complaint, including the alleged victim/ survivor of the sexual exploitation, abuse or harassment, or another person who becomes aware of the wrongdoing.

PSEA case

When an incident of SEA becomes known to, and is responded to, by an organisation.

PSEA investigation

An internal administrative procedure, in which an organisation attempts to establish whether there has been a breach of SEA policy(ies) or Code of Conduct by a staff member or members.

Subject of Complaint

The individual against whom the complaint/allegation of SEA has been made.

Victim/survivor

The person who is, or has been, sexually exploited or otherwise abused. The term 'survivor' implies strength, resilience and the capacity to survive. The term 'victim' has protective implications. It implies the victim of an injustice which we should seek to redress. Therefore, this resource uses both terms. People who have experienced SEA and other safeguarding-related misconduct may choose different terms to describe their experience.

Volunteer

Individual who undertakes tasks on behalf of the organisation without being paid. There should still be an agreement or contract with this individual setting out expectations on both sides.