

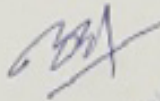
**Society to Uplift Rural Economy  
(SURE)**

**Investigation Procedure (PSEA)**

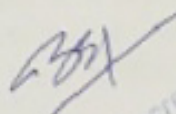
**SOCIETY TO UPLIFT RURAL ECONOMY (SURE)**

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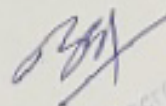
## Investigation Procedure for PSEA

### **PSEA Complaint Handling Procedure:**

1. **Reporting** : It is the responsibility of the staff member to report a concern/complaint via the following process:
  - a. The first point of contact should be the designated PSEA Focal Point.
  - b. It is suggested that the complaint should be recorded or should be written using a standard complaint intake form (Annex A – Sexual Exploitation and Abuse intake form), which should be signed and dated. SURE must ensure that the individual who makes a complaint is informed of the SURE's policy on confidentiality. SURE may wish to obtain a written consent from the complainant for the information to be made available to others within the complaint management system.
  - c. Once a complaint or report is made, the PSEA focal point who receives the information should immediately report it to Organisation's designated PSEA Co-ordinator at organisation and/or the most senior member of staff of the organization.
  - d. If the complaint involves staff of other other organisation or non-staff personnel, such agencies must be informed of the complaint via established inter-agency mechanisms.
  - e. Where the complaint involves personnel of more than one agency, consideration must be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary.
  - f. The Head of Office must inform the subject of the complaint against them. He or she must be given an opportunity to answer the allegations in writing and to produce evidence to the contrary.

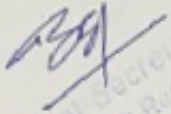
### **2. Investigation Procedures :**

1. The investigation of complaints should be conducted with due regard to a number of key principles including: confidentiality, safety, impartiality, objectivity, thoroughness, timeliness and accuracy as well as safeguarding the due process rights of the alleged perpetrator. SURE, in cooperation with relevant agencies or local institutions, will do all in its power to protect witnesses and survivors and to promote their safety and welfare. All individuals concerned, including the subject of the complaint, have the right to be



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- treated with respect and dignity and to be kept informed of the progress of the investigation.
- II. SURE must designate a senior member of staff or focal point to assume responsibility for the oversight and monitoring of the investigation. The designated senior member of staff or focal point will be responsible for ensuring that an investigation is undertaken according to the principles of confidentiality, safety, impartiality, objectivity, thoroughness, timeliness and accuracy, in line with SURE's established sexual exploitation and abuse investigation procedures, and local inter-agency agreement or procedures. Consequently, the senior member of staff or focal point should be trained in investigation skills and in dealing with sexual exploitation and abuse complaints.
  - III. In cases where multiple agencies are implicated in the complaint, all such agencies must be involved in the investigation and consideration given to conducting a joint investigation.
  - IV. Where senior members of staff have not yet been trained in investigation skills in dealing with sexual exploitation and abuse complaints, or where SURE's Head of Office or most senior staff member deems that SURE lacks sufficient internal capacity to conduct an investigation, the PSEA Network pool of investigators may be used. In this case, a request should be made to the PSEA Network co-chairs.
  - V. Investigators are appointed by the Head of SURE or senior management and are provided with Terms of Reference and delegated authority. SURE will ensure that all investigators receive the necessary training to undertake interviews of women and children who have been sexually exploited and abused.
  - VI. Investigators are responsible for developing a written plan of the investigation and conducting the investigation in accordance with established complaint procedures.
  - VII. The general principle of confidentiality is such that the disclosure of the identity of complaints, witnesses, survivors, the subject of the complaint and any others involved in an investigation, is restricted and is permitted only on an authorised or "need to know" basis, and only in certain exceptional circumstances. A breach of confidentiality may lead to disciplinary action.
  - VIII. The SURE owes a duty of care to the subject of the complaint, which includes conducting a fair and impartial investigation.
  - IX. Interviews should be conducted in a safe and supportive environment and in accordance with the principles of good practice, which apply at every stage of the interview process.
  - X. Witnesses should always be interviewed in the language of his/her choice.
  - XI. The survivor's race, age, gender, caste, culture, and ethnicity should be given due consideration by the interviewer. The interviewer should be aware of the role of unequal positions of power and cultural differences when conducting the interview. The interviewer should also take into consideration factors affecting responses such as fear of reprisal, vulnerability, anxiety, intimidation, or contravention of cultural norms.
  - XII. If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse which may contravene national laws, in consultation with

  
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the complainant and survivor and appropriate legal advisors, these cases may be referred to national authorities for criminal prosecution.

### **CORE PRINCIPLES OF AN INVESTIGATION**


1. **THOROUGHNESS:** Investigations must be conducted in a diligent, complete and focused manner.
2. **CONFIDENTIALITY:** Complainants, witnesses and the subject of allegations have a right to confidentiality other than in certain, exceptional circumstances.
3. **SAFETY PARAMOUNT:** The safety and welfare needs of the victim/survivor and/or complainant are paramount.
4. **COMPETENT, RESPONSIBLE, INDEPENDENT INVESTIGATORS:** People conducting investigations and preparing reports should be responsible, independent and have received training.
5. **IMPARTIALITY:** Investigations must be conducted in a fair and equitable way. Investigators must be free of any influence that could impair their judgement.
6. **OBJECTIVITY:** Evidence to support and refute the allegation, must be gathered and reported in an unbiased and independent manner
7. **TIMELINES:** Investigations must be conducted and reported in a timely way
8. **ACCURACY AND DOCUMENTATION:** Investigation reports and their conclusions must be supported by adequate documentation.

### **Accountability:**

Organisation has designated a senior member of staff, Ms Lata Kachhawaha to assume responsibility for the oversight and monitoring of the investigations. This person would be responsible for ensuring that an investigation is undertaken according to the core principles above and in line with these procedures.

### **Investigators' responsibilities**

- Developing a written plan of the investigation
- Conducting the investigation according to the agreed protocol, including gathering evidence, reporting and making recommendations.
- Assessing/reviewing and advising on matters pertaining to the needs of the survivor/victim and other witnesses.
- Assessing/reviewing and advising on matters pertaining to the subject e.g. support needs, suspension etc.

  
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In order to ensure professional care and competence, investigators, managers and human resources staff must receive appropriate training in the skills and knowledge required to fulfill their responsibilities.

### Annex A - Sample Sexual Exploitation and Abuse Allegation Intake Form/Referral Form

FILE NUMBER: \_\_\_\_\_

Gathering information at the time of reporting is a crucial element of the process. The report should be objective and precise, focusing on the facts and relevant information that will help when it is time to act.

When a child discloses maltreatment or abuse, make sure to ask the questions needed to have a clear understanding of what the child is saying and to ensure the security and welfare of the child. **DO NOT SEARCH FURTHER.**

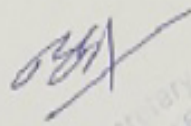
- Inform the person that all information given in the complaint will remain confidential.
- Be receptive of the complainant and listen to what he or she has to say.
- Write a clear record of what is said by the complainant in their own words. Take the time to cross-check with the complainant that you understand everything before writing.
- Allow the complainant to read what you have written. If the complainant is illiterate, read out the text to ensure that what you have written is what he or she meant. Ask the person if he or she is satisfied with what you have written. If they are not, correct the text with them.

**DATA PROTECTION** - Ensure that this form, once completed, is stored in a locked file.

#### Complainant information

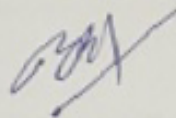
Full name:	Date of complaint:
Telephone:	Address:

**The complaint** (Use the complainant's own words and ask questions to get as much important information as possible. At a minimum, the complainant should indicate who, what, how, where and when the complaint is about)

  
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**Template 1 : Information about the Survivor**

Date of the incident (when): \_\_\_\_\_  
\_\_\_\_\_  
Full name of the survivor (who) – fill only if consent is given:  
\_\_\_\_\_  
\_\_\_\_\_  
Age of the survivor:  
\_\_\_\_\_  
Where: \_\_\_\_\_  
\_\_\_\_\_  
How: \_\_\_\_\_  
\_\_\_\_\_



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**Template 2 : Information about the accused**

Name of accused: \_\_\_\_\_

Position held by accused: \_\_\_\_\_

Organization for which the accused work(s): \_\_\_\_\_

Relationship to the survivor: \_\_\_\_\_

Current residence of the accused (if known): \_\_\_\_\_

Gender: \_\_\_\_\_

Physical description of accused: \_\_\_\_\_

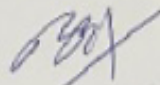
**Template 3 : Service provision**

Has the survivor been informed of the available medical care?	Yes	No
If yes, has the survivor sought medical treatment after the incident?	Yes	No
If yes, who provided treatment? _____		
If no, provide information to the complainant regarding the nearest medical care and psycho social support services, or get the consent of the survivor to pass on their details (using the form below) to refer them.		
Has the survivor contacted police?	Yes	No

**Consent, confidentiality and next steps**

Explain to the complainant that you are under an obligation to report allegations of sexual exploitation and abuse to donors, but that identifying information about the complainant, the survivor and the name of the alleged perpetrator will not be shared *unless otherwise indicated*. However, for the purposes of an investigation, the name and contact details of the complainant will be necessary.

Complainant consents to sharing name and contact details for investigation purposes: Yes /No

  
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inform the complainant that the organization conducting the investigation will keep in contact with them to keep them informed of the progress of the complaint.

Name of the PSEA/Safeguarding Focal Point: \_\_\_\_\_

PSEA Co-ordinator Name: \_\_\_\_\_

Head of the Organization' Name : \_\_\_\_\_

A "pool" of qualified investigators from internal and/or external sources has been established. Investigators are appointed by senior staff member Ms Lana Kachhawaha and are provided with Terms of Reference and delegated authority. SURE will ensure that all investigators receive the necessary training, supervision, emotional and psychological support to undertake interviews of women and children who have been sexually exploited and abused.

### **Preliminary Investigation**

The aims of a preliminary investigation are to gather relevant data and ensure that the immediate needs of all concerned are met. The presumption should be that an investigation will be instigated (without recourse to a preliminary investigation) unless the complaint is sufficiently vague to merit further clarification before a decision can be reached. The fact that a complaint lacks clarity, or occurs within a specific context does not constitute grounds for treating it less seriously than other complaints.

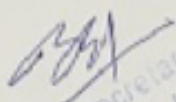
The senior person should establish whether the subject had had prior complaints made against him as multiple complaints could provide a compelling case for proceeding to an investigation. (This requires the maintenance of good personnel records and documentation of concerns.)

It may also entail a brief interview with complainant/ victim(s)/ others. This should be aimed at establishing whether grounds exist to proceed, not to elicit substantive detail.

It is essential that those involved in preliminary investigations guard against closing down the investigation process too quickly. To this end, the presumption should be that an investigation should take place unless the preliminary investigation finds that there are no grounds to proceed.

### **External Referrals**

If the alleged behaviour constitutes a possible crime, according to local laws, The senior member of staff, in consultation with the senior local manager, should consider informing the law enforcement authorities whenever a crime is alleged, taking into account the wishes of the victim/survivor, his or her capacity to give informed consent.

  
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The investigators should construct a written plan which addresses the following:

**Compiling Evidence:** Consideration needs to be given as to who is to be interviewed and in what sequence. A degree of flexibility will be required as interviews might reveal the identities of others who should be approached. As a general rule the sequence should be:

- > Complainant
- > Victim(s) - if different from above
- > Witnesses - if any exist
- > Subject

Consideration also needs to be given as to whether other forms of evidence might exist and as to how to access them. Evidence might include work logs/rosters, stockpiles of rations, photos, emails, photographs and so on.

In planning the compiling of evidence, investigators should bear in mind the need to seek and evaluate evidence which might support the complaint and evidence which might refute it. Investigators should conduct interviews in a 'neutral' frame of mind, i.e. they should neither assume guilt nor innocence on the part of the subject.

#### **Witness Protection**

The plan should anticipate what the witnesses' (including victim/survivor and the subject of the complaint) needs might be and identify some potential resources to meet them. The principal consideration is for the witnesses' need for protection and, to this end, a witness protection plan needs to be established at the planning stage. There needs to be discussion around possible reprisal - for e.g. subject or other members of the community - and how to tackle this.

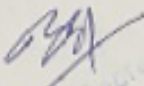
#### **Health Needs**

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

#### **Subject's Needs**

Irrespective of the nature of the complaint, SURE owes a duty of care to the subject of the complaint. The plan needs to address what support he/she needs, how this can be provided, and whether he/she should be suspended, with or without pay, or moved to other duties, while the investigation is underway.

It also needs to consider how he will be kept informed of the progress and outcomes of the inquiry and the expected timeframe.

  
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### **Timeframes**

The plan needs to set timeframes for each stage of the investigation to ensure completion (without prejudice of quality) at the earliest opportunity.

### **Confidentiality**

It is essential that the plan address how confidentiality with respect to the identity of the witness and the subject is to be preserved. This includes:

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

### **Location**

- Interviews need to be conducted in a location, which is suitable and protects confidentiality.

### **Interviewing Women and Children**

Special care should be taken to reduce the risks of causing further harm or distress when interviewing any witnesses. This is particularly important when interviewing children, or other anxious, fearful or vulnerable people.

Witnesses should always be interviewed in the language of his/her choice.

The victim's race, age, gender, caste, culture, and ethnicity should be given due consideration by the interviewer. The interviewer should be aware of the role of unequal positions of power and cultural differences when conducting the interview. The interviewer should also take into consideration factors impeding open responses such as fear of reprisal, vulnerability, anxiety, intimidation, or contravention of cultural norms.

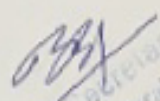
### **Interviewing the Subject of a Complaint**

The purpose of interviewing the subject is to establish:

- Whether there has been a breach of rules regarding sexual exploitation and abuse. Whether there is evidence to suggest a crime has been committed.

It is not within the remit of this interview to:

- Mediate between subject and victim or help them reach a mutually acceptable solution (the power differentials make this inappropriate)

  
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- Debate the morality (or otherwise) of the subject's actions - It is easy to be drawn into such debates but they are irrelevant in this context.

The organisation owes a duty of care to the employee, which includes conducting fair, and impartial investigations. The investigators need to ensure that the subject:

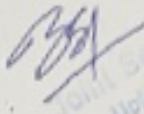
- knows why he/she is being interviewed,
- understands that he/she is expected to cooperate,
- is advised on the rules of confidentiality with respect to both the subject and witnesses,
- is informed that harassment of complainant/ victim/ others, including breaching their confidentiality, will be viewed as misconduct and may lead to disciplinary action,
- is aware that notes will be taken of the interview (or a tape-recording if consent is given)
- knows that the investigation may lead to disciplinary action and/or referral to law enforcement authorities.

The subject should be given a summary of the complaint and given sufficient time to assimilate any evidence and make an informed response.

On completion of the interview, a record of the interview should be made at the earliest opportunity. This should summarise succinctly the facts as recounted by the subject and pertinent opinions, motives etc. A typed copy of this record should be presented to the subject and he should be asked to make amendments or additions and sign the document.

The report should include:

- Name and title of investigators
- Name (or case reference number) of subject(s)
- A statement to the effect that the report is confidential and is not to be copied or disclosed without due authorisation Draft
- Date
- Clarify the nature of the complaint and which stipulations of rules regarding sexual exploitation and abuse are alleged to have been breached.
- State the scope of the investigation (how many complainants, witnesses, subjects etc)
- Give brief contextual information e.g. location.

  
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- State any impediments to the investigation e.g. lack of co-operation by subject or unwillingness to be interviewed by any witnesses.

## Report Format

Sections of the report will include:

### Executive Summary

This should provide a very concise overview of the investigation from inception through to the report. It should not contain any information, which is not in the main body of the report. The executive summary should not be written until all other sections have been completed.

### Findings

This section should:

- Take each complaint in turn (if there is more than one) and summarise the evidence by all interviewees in respect of it/ them.
- Describe other evidence - photos, work logs, emails etc.
- Impartially state evidence to support and refute the complaints.
- Draw logical and fair conclusions


### Conclusions & Recommendations

It should state specifically the findings with respect to each complaint according to the following:

1. Found by reasonable inference
2. Not found - insufficient or unclear evidence
3. Not found - based on evidence to clear the complainant or to establish a malicious complaint

**Record keeping :** A detailed record of information gathered via the complaints protocol should be kept confidentially on file as it may be used in subsequent disciplinary or legal action. Every effort must be made to ensure the security of such files.

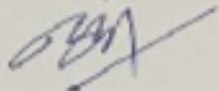
**Needs of the Survivor :** Urgent medical assistance and counselling must be made available to anyone who was potentially harmed by any alleged sexual exploitation or sexual abuse. This will generally be through referral to the appropriate service provider. The physical and

  
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psychological wellbeing of any such survivor must be a primary concern throughout the reporting and investigation process.

**Disciplinary Action :**

1. The report of any investigation will be submitted to the Head of Organisation who will, in consultation with the focal point and Head of Mission or PSEA Co-ordinator, decide upon an appropriate course of action.
2. If the investigation indicates that misconduct has not occurred, the case will be closed.
3. If the investigation indicates that misconduct has occurred, the matter will be referred to the head of administration with a recommendation for disciplinary action, including possible summarily dismissal, pursuant to Organisation' Staff Rules and Regulations. (Legal action to be taken if required).

  
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