Regional Refugee Response for the Ukraine Situation
PSEA NETWORK, POLAND

Standard Operating Procedures (SOP)
to deploy Sexual Exploitation and Abuse (SEA) Investigators
from the National Pool of SEA Investigators in Poland

1. **Introduction**:

Between November and December 2023, the PSEA Network in Poland, through the financial support of UNHCR and IOM, rolled out the SEA investigations training for managers and investigators, delivered by OSACO Consulting Group.

The selection criteria of the participants ensured that the organizations and individuals representing those organizations were most likely to contribute to long-term sustainability and commitment to the goals of the PSEA Network, as well as for the National Pool of SEA Investigators (hereafter referred to as Pool).

Sustainability will be guaranteed by building the capacity of the selected organizations and individuals who have expressed their commitment to supporting other organizations, especially the smallest ones, in Poland for the investigations of SEA allegations.

These standard operating procedures (SOP) were developed to guide the activation and deployment of SEA Investigators (hereafter referred to as Investigators), from the recently established Pool to conduct quality and timely investigations into allegations of Sexual Exploitation and Abuse (SEA),

The scope of these SOPs is to guide the activation of the Pool and further deployment of the SEA Investigators, to conduct timely, survivor-centered, transparent, professional, and structured SEA investigations, on behalf of organizations other than the one employing the SEA Investigator at the time of deployment. The SOPs do not provide guidance on the investigations process or standards themselves. For this, Investigators may refer to the CHS Alliance's SEAH Investigations Guide, available in English, Polish and Ukrainian in the PSEA Network's Google Drive.

2. **National Pool of SEA Investigators**:

Following the completion of the SEA Investigations Training by 7 managers or organizations in Poland and 13 Investigators, a Pool of Investigators has been established.

The Investigators have all successfully completed the SEA investigation course provided by OSACO, covering topics which are the equivalent those relevant to Tier 1 and Tier 2 of the CHS's Alliance Investigator Qualification Training Scheme. The pool of investigators may be expanded, including other trained investigators who have previously been certified after completing up to Tier 2 of the CHS's IQTS.

The member organization to the Network, which is the Investigator's current employer, has committed to allow for their temporary release, for an agreed period, to support SEA investigations for other humanitarian organizations in Poland, upon request.

The association to the Pool is individual in essence and as such, Investigators may remain in the Pool, even after their contract with their employer at the time of joining the Pool has ended, or if they are

not employed during a given period. Investigators may as well, at any time, request to be permanently removed from the Pool, providing the necessary justification.

3. **How to request the deployment of a SEAH Investigators from the Pool**:

Any international or national NGO, member of the inter-agency PSEA Network in Poland who has signed up to these SOPs, may request the deployment of an Investigator from the Pool when all the following conditions are met:

1) they have received a SEA complaint and need support to investigate it;
2) it has been identified that the organization does not have the internal capacity to perform its own administrative investigation into the SEA complaint;
3) there is sufficient information indicating that an investigation should be conducted and a senior manager in the organization has approved the request to deploy an Investigator to support the process; and
4) the requesting organization has appointed an (internal) investigation manager to work alongside the deployed Investigator(s) from the Pool, unless they are requesting the investigation manager also from the Pool,

Requests coming from **national and local NGOs will be considered as a priority**.

The right not to investigate:

If there is insufficient information available to investigate the SEA allegation, such as not identifying or locating the alleged perpetrator or subject of complaint, or if the risks involved are deemed too high (see section 2.1 of the CHS's investigation guide), then the deployed Investigator, in consultation with the requesting organization, has the right to discontinue the investigation. In addition, the requesting organization has the right to terminate or cancel the deployment of the Investigator if a conflict of interest arises.

4. **Remuneration:**

The Investigators may or may not receive remuneration from the requesting organization for their services. This would remain an individual decision and dependent on whether or not the Investigator is employed at the time of the request. The Investigator may choose to work pro-bono and to volunteer his/her time and this will remain their decision.

Nevertheless, the requesting organization is responsible to cover the transport, accommodation, *per diem* and other related costs of the Investigator for the duration of the deployment.

5. **Timing**:

The Investigator will complete the analysis of the existing evidence, including the interviews and draft the report within the timeframe agreed between him/her and the requesting organization. As best practice indicates, this process should not take longer than two (2) months, counting from the start of the investigation. Should the investigation require a longer time, it shall be discussed and decided upon between the Investigator and the requesting organization.

The requesting organization and the Investigator may agree mutually at the start of the process on the investigation plan, including but not limited to the tentative timeline, risk assessment, and the order of interviews.

Feasible and effective timeframe for the compilation of the final report upon completion of the investigation process could be structured as follows:

1. Short-term Investigations: For straightforward cases with sufficient evidence and a small number of interviews, a timeframe of 2-4 weeks from the completion of the investigation process to the submission of the final report.

2. Medium Complexity Investigations: Investigations with a moderate level of complexity, requiring a fair amount of evidence analysis and a higher number of interviews, may necessitate a timeframe of 4-6 weeks for report compilation and submission.

3. High Complexity Investigations: For highly complex cases, possibly involving significant risk assessments, extensive evidence review, and numerous interviews, a more extended timeframe of 6-10 weeks could be considered appropriate to ensure thoroughness and accuracy in the report compilation.

In each scenario, the essential factor is the **initial mutual agreement between the Investigator and the requesting organization**, which should take into consideration the investigation's specific demands, the volume of evidence, and the number of interviews anticipated. Regular communication and updates can help adjust the timeline as necessary, ensuring that both quality and timeliness are balanced effectively.

6. **Assistance to survivors/victims**:

The organization whose staff has allegedly perpetrated SEA, has the utmost responsibility to ensure that the victim/survivor has been counseled (if directly in contact) and has access to the available medical, psychosocial, material and/or legal and protection services and assistance, in a timely manner. In case there are any challenges in accessing services or gaps in the coverage, the Inter-Agency PSEA Network may be contacted for further guidance. Gender-Based Violence (GBV) referral pathways for 11 regions in Poland are updated on a regular basis and available in the Operational Data Portal of the GBV sub-sector in Poland.

7. **Step by Step Guidance**:

Follow this step-by-step guidance on how to request the deployment of an Investigator from the Pool to support the investigation of SEA allegations:

Step 1: Allegation information:

The responsibility to gather the information to conduct an investigation into an allegation, rests with the organization whose personnel has allegedly perpetrated SEA (i.e. the requesting organization). The information would in turn, guide the management of the organization and board members (in case allegations are against the management of the organization), to request the assistance of an

Investigator from the Pool, if there is insufficient internal capacity to investigate.

The requesting organization must contact the PSEA Network's co-chairs with a request to activate the Pool of Investigators, within 48 hours of the reported allegation, to ensure a timely and effective response to the matter at hand.

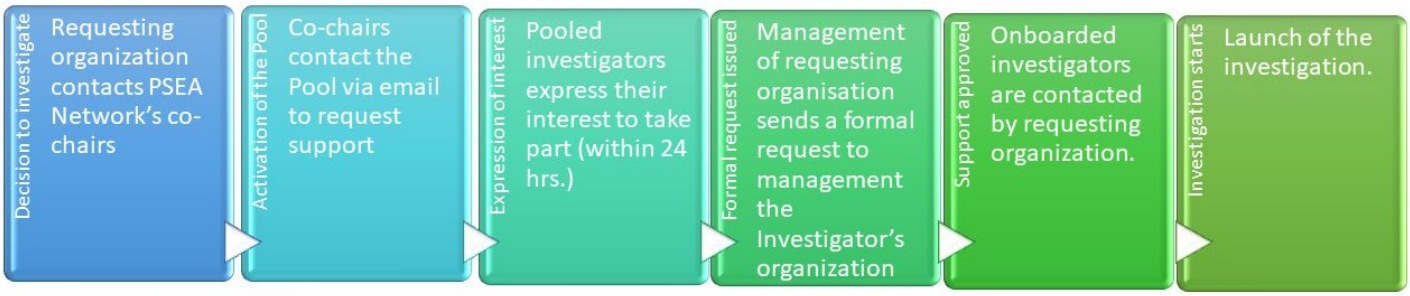
Step 2: Requesting the deployment of an Investigator:

Once sufficient information is gathered, and a decision is made by the organization whose staff has allegedly perpetrated SEA, to request support from the Pool, the most-senior manager of the requesting organization, will reach out to the co-chairs of the PSEA Network via email, with a request for one or two Investigators from the Pool to support the investigation process.

One of the co-chairs (it should be agreed between them bilaterally), will then contact the Pool with a request to support, without stating specific details of the allegation, in observance of the need-to-know principle. Co-chairs may only indicate basic details on the allegation (i.e. location) and expected timeframe for the investigation. At this point, the name of the requesting organization may not be shared. Co-chairs shall request Investigators in the Pool to express an interest to support, in no more than 24 hours from the moment Co-chairs contact the Pool.

If one or two of the Investigators express an interest to support, then a formal request may be addressed from the requesting organization to the Investigator's manager, using a standard form. Should none of the pooled investigators express their willingness to support, Co-chairs shall select one or two investigators from the Pool, at their own discretion and discuss bilaterally with the appointed Investigator(s) their decision. The Pool should work in a rotating manner.

The ideal minimum number of Investigators appointed to conduct the investigation should be two. One of them will take the lead in the investigation. The number may increase if there are multiple allegations or perpetrators.



It is recommended that the requesting organization appoints internally an investigation manager to whom the pooled Investigator(s) will report. The Investigator manager should be a senior staff member of the organization which requests support for investigating. This is not an obligation, if there is insufficient internal capacity in the requesting organization. Once the Investigator(s) is/are identified, the requesting organization will make direct contact with them to agree on next steps and to formally launch the investigation process, as soon as possible.

Step 3: Conducting the Investigation:

The Investigators will agree on the TORs of the investigation and the timeline with the requesting organization. The agreement on the scope of the investigation should be informed by the availability of evidence. The requesting organization will then facilitate all the logistics required in support of the investigations.

The requesting organization will also facilitate access to the alleged perpetrator or subject of concern (if/when required), the victim/survivor (if/when required) -unless they want to remain anonymous- and witnesses (if/when required). The requesting organization will also share all the necessary documents that may be useful in the investigation process with the Investigator(s), and interpreters, if required.

The Investigators will conduct the investigations with reference to CHS alliance guidelines for investigations (also available in Polish and Ukrainian) and will provide an investigation report outlining the findings and administrative recommendations to the requesting organization's management, upon completion of the investigation. In case the alleged perpetrator/subject of concern is the head of the organization, the report will be shared with the board members for appropriate action(s).

The work of the Investigators shall be considered completed after presenting the final investigation report.

Step 4: Corrective or disciplinary action:

It is the sole responsibility of the requesting organization to take corrective or disciplinary action against the perpetrator including dismissal, as a result of the findings in the report submitted by the Investigators. The requesting organization is obliged to inform the complainant or victim/survivor and perpetrator about the outcome of the investigation in a timely manner. The requesting organization is also obliged to report the results of the investigation to its donors, as per its partnership agreements. The Investigators shall not be involved in the internal processes of the requesting organization.

If the findings of the investigation indicate that, in agreement with the Polish Criminal Code and applicable legislation, there have been some criminal elements in the SEA report, the requesting organization is also obliged to refer the case to the Polish authorities when needed. This shall be done only with the survivor(s)' consent, in line with the survivor-centered approach and in line with provisions established in the Polish Criminal Code, when applicable.

The Investigators must ensure the proper preservation of evidence in accordance with good practices throughout the investigation process. At the end of the investigation, they must ensure that all of these elements are handed over to the requesting organization (or appropriate entity). One month after the end of the investigation, the Investigator must also destroy all elements in their possession relating to the investigation, with the exception of their handwritten notes.

Step 5: Monitoring and Reporting:

The Co-chairs of the PSEA Network, should be informed once the investigation is concluded, as well

as on the outcome of the investigation. They shall also be informed if the investigation did not commence. The data will be used for analysis purposes only. Personal details about the victim/survivor or other confidential information need not to be shared.

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FOR INVESTIGATORS AND THEIR MANAGEMENT:

By signing up to these SOPs, I express my willingness to become part of the Pool of SEA Investigators in support of the partner organisations which comprise the PSEA Network in Poland.

Investigator's Name:
Investigator's Email:
Current position:
Organization Name:
Signature: **Date:**

Head of Organization's (HoO) Name:
HoO's Email:

Signature: **Date:**

FOR MEMBERS OF THE PSEA NETWORK:

By signing up to these SOPs, I express my organization's interest to benefit from the Pool of SEA Investigators in Poland.

Organization Name:

PSEA focal point's name
PSEA focal point's Email:
Signature: **Date:**

Head of Organization's (HoO) Name:
HoO's Email:
Signature: **Date:**