

TERMS OF REFERENCE TOOL

Purpose: The Terms of Reference (ToR) Tool summarises the investigation parameters and provides clarity for investigators on: the overall objective of the investigation; timeline; reporting requirements; and roles and responsibilities of the investigators and organisation. The ToR is used by organisations to recruit external investigators where required.

How to use this tool: Investigators use the ToR to establish what is within the scope of the investigation and as a guidance document that outlines key information about the investigation. The investigation manager drafts the ToR, including all relevant information and any relevant annexes, such as the organizational code of conduct or UN Secretary General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse.

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TERMS OF REFERENCE/CONSULTANT AGREEMENT

Investigation into complaint of sexual exploitation, abuse and/or harassment by [organisation] staff member in [name of programme]

I. Information about the investigation

Investigation objective: To follow up on a complaint of sexual exploitation, abuse, and/or harassment by a ThriveBridge NGO staff member.

Complaint details: A ThriveBridge field team member is alleged to have engaged in an exploitative relationship with a female aid recipient, requesting sexual favours in exchange for extra food vouchers on at least one occasion. The field team member is also alleged to have had inappropriate contact with the female aid recipient at the distribution site.

Reporting to: Investigation Manager

Anticipated start date of investigation: 10 February 2022

Anticipated end date of investigation: 15 April 2022

Location: LMN Village, Escar

Standard of proof: Balance of probabilities

Principles of investigation

- **Survivor-centred:** The investigation must be carried out with the safety of survivors, witnesses, and the Subject of Complaint at the forefront. They must be respectful of the rights, choices, and dignity of the survivor and witnesses and provide them with equal and fair treatment. Investigators must take all measures to maintain the confidentiality of the survivor and witnesses to the extent possible.
- **Transparent and fair:** Investigators must be impartial, free of bias and conflicts of interest, and based findings on facts. Investigators must maintain the rights of all stakeholders and ensure due process in the investigation.
- **Professional:** Investigators must be qualified and must follow best practices and standards in conducting SEAH investigations, coordinating with appropriate experts and specialists when needed. The investigation should be completed as soon as possible after the complaint is received.
- **Structured:** The investigation must follow a structured process and conduct the investigation in a manner that is diligent, complete, focused, and rigorous. Investigators must ensure that all aspects of the investigation are thoroughly and appropriately documented.

II. Roles and responsibilities

Lead investigator responsibilities

- Conduct the investigation according to (organisation) policy and CHS Alliance SEAH Investigation Guidelines.
- Develop a written plan of investigation including the tasks, roles, and responsibilities, and how progress will be reviewed.
- Review documentation relevant to the investigation
- Gather evidence relevant to the complaint and investigation.
- Interview witnesses including the survivor and Subject of Complaint.
- Compile a written report of the information and evidence gathered to submit to the relevant (organisation) management for decision and follow-up.
- Compile a management advisory report of key lessons learned and recommendations for preventing sexual exploitation, abuse, and harassment in (organisation).
- Identify if the survivor and/or witnesses require support (protection, psychosocial, health) and provide information to the commissioning organisation so referrals can be made.

Co-investigator responsibilities

- Work collaboratively with the lead investigator to carry out investigation tasks.
- Attend interviews with witnesses
- Take notes during interviews and include any follow-up questions and observations during the interview.
- Assist the lead investigator in gathering evidence.
- Assist the lead investigator in compiling evidence and completing the investigation and management advisory reports.

[Organisation name] responsibilities

- Provide logistical support to investigators including accommodation and travel to the location and any sites during the investigation.
- Manage the security of the investigation team.
- Facilitate the investigation team in conducting interviews with witnesses including providing a space/location if needed.
- Provide access to relevant evidence investigators may want to secure.
- Facilitate referrals for survivors and witnesses during the investigation.
- Maintain an environment in which confidentiality is upheld.
- Facilitate the provision of translators if required during the investigation.

III. Annexes
