

1. Introduction

These Standard Operating Procedures (SOPs) are part of the OCHA Compendium of SOPs on Sexual Misconduct, hereafter the Compendium. The Compendium outlines key roles and responsibilities in preventing and responding to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) in the context of OCHA's operations, with reference to both OCHA staff and its implementing partners.

These SOPs, as the fourth and final part of the Compendium, are designed to guide OCHA's response to reported allegations of SEA by the personnel of an implementing partner (IP) contracted under OCHA-managed Country-based Pooled Funds (CBPFs). Their purpose is to outline the responsibilities of key actors and the steps to follow in case of SEA allegations involving personnel of IPs, and to provide guidance to CBPF Humanitarian Financing Units (HFUs) and the OCHA Heads of Office (HoOs) on how to proceed in such cases. They should be read in conjunction with the rest of the Compendium and with the Global Guidelines for CBPFs.

The actions described in this document are to be followed in consecutive order, and all steps are to be taken in close consultation with the Oversight and Compliance Unit (OCU) at the Country-based Pooled Funds Section (CBPFS) in OCHA New York. The estimated timeline for each step and action are set in relation to the previous action in number of working days.

These SOPs are guided by the Secretary-General's Bulletin (ST/SGB/2003/13), the S-G's Strategy (A/71/818), the UN Protocol on Allegations of SEA involving Implementing Partners (hereon 'the IP Protocol'), the UN Protocol on the Provision of Assistance to Victims of SEA, and the 2019 Six Core PSEA Principles.

2. Applicability

These procedures are applicable to all reported cases of alleged SEA involving personnel of IPs of OCHA CBPFs.

Sexual abuse, sexual exploitation, SEA and SH are defined in Sections 1 and 2 of the Compendium. For ease of reference, the definitions are also included below.

- *Sexual abuse*: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- *Sexual exploitation*: Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- *Sexual exploitation and abuse (SEA)*: A breach of the provisions of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse), or the same definitions, as adopted for military, police and other United Nations personnel.

These procedures do **not** apply to:

- cases of alleged Sexual Harassment (SH) defined as any unwelcome conduct of a sexual nature perpetrated by personnel of CBPF IPs in the workplace or in connection with work; and
- cases of sexual misconduct involving an OCHA staff member or affiliated personnel.

These areas are covered by Section 1 and 2 of the OCHA Compendium

3. Roles and responsibilities

These standard operating procedures are to be read in conjunction with the Compendium, which define roles and responsibilities of key OCHA stakeholders in respect to prevention, monitoring and response to SEA and SH.

Under the IP Protocols, and with specific regards to CBPF IPs, **OCHA holds overall responsibility for ensuring that in all CBPFs it manages, reported allegations of SEA involving IP personnel are responded to** through two possible types of inquiry:

- a) Self-investigation conducted by the IP, or commissioned by the IP to a third party;
- b) Referral to UN Office of Internal Oversight Services (OIOS) for investigation.

OIOS is the UN body with the investigative mandate over implementing partner SEA cases within the UN Secretariat. As such, OIOS is informed of suspected SEA cases in CBPF IPs. OIOS has the final authority on the decision to launch an investigation and on the review of the findings of inquiries. OIOS can also decide to launch its own investigation into alleged partner SEA at any time in the inquiry process, regardless of other inquiry processes that may be ongoing by third parties. As appropriate, OIOS will notify OCHA's Executive Officer (EO) if it does.

Under the overall authority of the **Under-Secretary-General for Humanitarian Affairs**, the **EO** is the ultimate risk holder for SEA within OCHA and has fiduciary accountability for the funds. He/she therefore takes key decisions regarding OCHA's institutional position on the inquiry and the conservative measures to apply to IPs. OCHA's EO has an obligation to report allegations of SEA by IPs through the Secretary-General's online SEA reporting tool.

The role of the **CBPF Section/Oversight and Compliance Unit (OCU)** is to guide HFUs and HoO through the process and to provide them with feedback on decisions from OCHA senior management at crucial junctures in the process. Where warranted, the order of the steps may be adjusted as necessary and on a case-by-case basis, in consultation with the Chief of CBPF Section, the HoO and the OCHA EO. The Chief of the Humanitarian Financing and Resource Mobilization Division and the Pooled Fund Management Branch should be consulted where warranted. These steps may also need to be adapted over time to changing realities on the ground or to specific circumstances.

The **OCHA HoO**, as the OCHA Focal Point in country for Prevention of Sexual Exploitation and Abuse (PSEA), ensures that appropriate action is taken on all reports of SEA allegations. The HoO and the **HC** provide advice on circumstances and conditions that need to be considered during the implementation of these SOPs and are consulted throughout the process and at key decision points. The HC leads the initial communication with partners including informing them of conservative measures.

4. Steps of the investigative process

The workflows below are intended to provide guidance on the key steps, roles and responsibilities throughout a CBPF SEA case. These may need to be adjusted as appropriate to accommodate specific circumstances.

Ultimately, each alleged SEA case will be unique with its own set of challenges and circumstances, warranting a carefully deliberated approach, while ensuring fairness and transparency in seeking a resolution. The purpose of these Standard Operating Procedures is to provide an overarching framework that clearly reflects responsibilities, estimated timelines and actions, leading to a timely response in the event of a SEA allegation.

At all times, information sharing should be restricted to a need-to-know basis. Personal identifying information (PII) should only be shared in limited circumstances, such as to facilitate victim support or an investigative process.

1. Initial allegations or concerns

	Event/actions	Responsibility	Timing
1.	<p>Initial report of allegation/complaint of Sexual Exploitation or Abuse</p> <p>Origins of allegation: partner self-reports suspicions of SEA; reporting from witnesses, victims or whistleblowers; critical findings from monitoring or financial spot-check; complaints, including via inter-agency Community-Based Complaint Mechanism (CBCM); notification by staff member; etc.</p>	HFU in consultation with HoO	-
2.	<p>Fund Manager receives the allegation and informs the PSEA Focal Point (Head of Office or alternate)</p> <p><i>Note:</i> all concerns should be reported immediately to OCHA EO and CBPFS/OCU</p>	Fund Manager	<p>Within 1 day of SEA concern*</p> <p>(*days refer to working days)</p>
3.	<p>PSEA Focal Point (Head of OCHA Country Office or alternate) informs the Chief of CBPFS and OCU of the SEA concerns or allegations immediately, with a copy to the Executive Officer. The PSEA Focal Point may use the intake form as described in Section 1 of the Compendium¹, or share the information in the form received by the IP or other complaint channels as applicable. The PSEA Focal Point may delegate this step to Fund Manager where necessary in order to respect the recommended promptness of reporting to CBPFS, OCU and OCHA EO. The communication should be confidential.</p> <p>PSEA Focal Point in OCHA CO informs the HC of the allegation without conveying the personal identifying information (PII) of the victim or alleged perpetrator.</p> <p>PSEA Focal Point in OCHA CO also ensures due consideration is given to victim assistance in line with her/his responsibilities under Section 1 of the OCHA Compendium, and with the UN Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse</p> <p><i>Note: Communications to the EO should be copied to the Director of Humanitarian Financing and Resource Mobilization Division (HFRMD) and Chief of Pooled Fund Management Branch (PFMB).</i></p>	HoO/Fund Manager	Within 24 hours or being informed of the SEA report.
4.	OCHA EO ensures the allegation is reported into the Secretary- General's online reporting tool	OCHA EO with support	In real time

¹ As per Section1 (part 7) of the Compendium, OCHA PSEA Focal Points in CAR, DRC, Jordan and South Sudan shall use the UN Incident Reporting Form (IRF) to record the SEA complaint. OCHA PSEA Focal Points in other duty stations shall use the OCHA Complaints Referral Form until the IRF is rolled out.

		from Human Resources (HR)	
5.	<p>OCHA CBPFS informs OIOS of the allegation. OCHA CBPS (OCU) provides OIOS with all relevant information on the case.</p> <p>OIOS should be notified of the case for information. While OIOS reserves the right, upon receipt of a notification, to commence an investigation, OCHA should proceed on the basis that the IP will initiate its own investigation (consistent with the IP SEA protocol).</p>	OCHA CBPFS/OCU (by email)	Within 24 hours of notification
6.	<p>OCHA EO takes a decision on the appropriateness of imposition of conservative measures, which can be adjusted at a later stage depending on new information or findings.</p> <p>The application of conservative measures would seek to limit reputational damage to both OCHA and the IP. They could equally seek to pause project implementation to provide the IP an opportunity to address weaknesses in its PSEA mechanisms whereby further SEA concerns may be prevented. Conservative measures may include:</p> <ul style="list-style-type: none"> a) Suspension or termination of ongoing project(s); b) Suspension of pending disbursement(s); c) Continued implementation and disbursements with increased control measures; d) Temporary suspension of partner's eligibility to apply for new funding from the CBPF. <p>If partner receives funding from CBPFs in other countries, extension of conservative measures to those CBPFs may be considered (e.g. if there are indications of involvement of international HQ).</p>	OCHA EO in consultation with Chief CBPFS, OCU, HoO and Fund Manager	Within 5 days of notification
7.	HC informs partner of the conservative measures taken (<i>if any</i>)	CBPFS/OCU prepares letter for HC	Within 10 days of decision
8.	<p>HC may inform HCT about the allegations and possible OCHA conservative measures imposed. The HCT may seek to align its response and requirements on common partners involved in SEA allegations.</p> <p><i>IMPORTANT: information sharing, including any personal identifying information (PII) should be restricted to a strict need-to-know basis.</i></p>	HC with support from HoO and HFU	

2. Inquiry into credible allegations

Option A. Self-investigation by implementing partner			
	Event/actions	Responsibility	Timing
	<p>Optional</p> <p>CBPF IP may decide to apply to the OCHA SEA/SH Investigation Fund to receive financial support to undertake the self-investigation (either internal or commissioned to external parties)</p> <p><i>NOTE: OCHA PSEA Senior Coordinator chairs the Grants Committee and can be contacted for queries pertaining to the OCHA Investigations Fund.</i></p>	IP	
	<p>Optional</p> <p>Review of grant application (including cross-checking with OIOS if they have already launched an investigation into the case) and decision on funding</p>	Grants Committee of the OCHA Investigations Fund'	Within 2 weeks of receipt of application
1.	Fund Manager requests partner for TOR of self-investigation and timeline for completion	Fund Manager with support from CBPFS/OCU	Within 20 days of self-investigation notification to OCHA
2.	Partner conducts self-investigation within agreed timeframe.	Partner	Within agreed timeframe – 3-6 months
3.	Partner shares self-investigation report with Fund Manager or OCHA EO	Fund Manager or OCHA EO to share with CBPFs/OCU	Upon completion of self-investigation
4.	OCHA EO shares with OIOS partner's self-investigation report for information. On review, OIOS reserves the right to initiate an investigation.	OCHA EO; OIOS	-
5.	<p>OCHA EO ensures information on the case is updated into the Secretary- General's online reporting tool</p> <p><i>NOTE: All communications from OCHA EO to OIOS to be copied to Director of Humanitarian Financing and Resource Mobilization Division (HFRMD) and Chief of Pooled Fund Management Branch (PFMB).</i></p> <p><i>NOTE: Under exceptional circumstances (cases with high reputational risk, or high profile) the OCHA USG will provide information to specific donors as specified</i></p>	OCHA EO with support from HR	Within 10 days of receipt of OIOS feedback

	<i>in the relevant Funding Agreements.</i>		
Option B. OIOS investigation			
	Event/actions	Responsibility	Timing
1.	If OIOS decides to open an investigation, it will conduct the investigation (whether upon information from OCHA CBPFS/OCU of an allegation or upon notification of an IP self-investigation report)	OIOS	-
2.	OIOS finalizes the investigation and submits investigation report to OCHA EO . If the investigation found evidence of SEA, OIOS makes recommendations	OIOS	Within 6 months of memo
3.	OCHA EO reviews investigation findings and develops its institutional position on OIOS recommendations based on available information	OCHA EO with support from CBPFS/OCU, HoO and Fund Manager	Within 20 days of final report receipt
4.	OCHA EO submits formal response (memorandum) to OIOS on recommendations contained in the investigation report. <i>NOTE: All communications from OCHA EO to OIOS to be copied to Director HFRMD and Chief of PFMB.</i>	OCHA EO with support from CBPFS/OCU, HoO and Fund Manager	Within set OIOS deadline
5.	OCHA EO ensures information on the case is updated into the Secretary- General's online reporting tool <i>NOTE: Under exceptional circumstances (cases with high reputational risk, or high profile) the OCHA USG will provide information to specific donors as specified in the relevant Funding Agreements.</i>	OCHA EO with support from HR Office of the USG (OUSG) with support from Donor Relations Section (DRS)	Within 10 days of receipt of OIOS feedback
6.	OCHA EO notifies partner of the outcome of the OIOS investigation and seeks agreement with the partner including on the closure of case <i>NOTE: All communications from OCHA EO to OIOS to be copied to Director HFRMD and Chief of PFMB.</i>	OCHA EO with support from CBPFS/OCU (and OLA advice if appropriate)	Within 15 days of EO response to OIOS

3. Closure of case

1.	OCHA EO seeks an agreement with the partner on follow-up measures, based on the findings of the inquiry (either self-investigation or OIOS investigation). Measures may include: a) Protection and assistance to victims; b) Strengthening of relevant internal controls, policies and staff training; c) Legal actions against implicated staff; d) Notification to relevant national authorities.	OCHA EO in consultation with CBPFS and HFU	Within 30 days of EO notification
IF OCHA and partner reach agreement			
2.a	IF OCHA EO and partner reach agreement on follow-up measures to be taken by partner, case can be closed	OCHA EO in consultation with Chief CBPFS, OCU and HFU	Within 30 days of EO notification
3.a	OCHA EO decides possible continuation or lifting of conservative measures placed on partner: a) resumption of suspended project(s); b) disbursement of suspended payment(s); c) reinstatement of partner's eligibility for future funding; d) adjustment of risk rating (Performance Index).	OCHA EO in consultation with Chief CBPFS, OCU and HFU	When agreement has been reached and the reimbursement of diverted funds has been received
4.a	HC informs partner of adjustment of conservative measures imposed.	HC with support from Chief CBPFS and OCU	Within 15 days of decision taken
IF OCHA and partner DO NOT reach agreement			
2.b	IF OCHA EO and partner DO NOT reach agreement on follow-up measures, OCHA imposes applicable sanctions (including termination of projects and ineligibility for future funding). EO communicates sanctions imposed to the partner.	OCHA EO with support from Chief CBPFS and OCU	Within 15 days of expiration of deadline for measures

Abbreviations:

AB	Advisory Board
CBCM	Community-based complaints mechanism
CBPFS	Country-based Pooled Funds Section
DRS	Donor Relations Section (OCHA)
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
HFU	Humanitarian Financing Unit
HoO	Head of Office
HR	Human Resources
HFRMD	Humanitarian Financing and Resource Mobilization Division
OCHA EO	OCHA Executive Officer
OCU	Oversight and Compliance Unit
OIOS	Office of Internal Oversight
OLA	Office of Legal Affairs
OUSG	Office of the Under-Secretary-General
PFMB	Pooled Fund Management Branch
PII	Personal identifying information
PSEA	Protection from Sexual Exploitation and Abuse
SEA	Sexual Exploitation and Abuse