Guidelines to Support Investigation of Safeguarding Reports

(Internal Document)

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1. Introduction:

WageIndicator is committed to a timely and professional response to any safeguarding reports that it receives through its reporting channels. The purpose of this document is to provide guidelines for planning, conducting, and managing a formal investigation for complaints received by the Safeguarding Lead at WageIndicator.

It includes an overview of the key steps to be taken and the issues to be considered when investigating.

It is important to emphasise, that the information included in this document is guidance for good practice. Each safeguarding report should be assessed and evaluated thoroughly and the action plan for responnding should reflect guidance for best practice.

2. What is a safeguarding incident?

Safeguarding incidents are defined as actions that involve one or more of the following:

- Personal abuse, exploitation, violence, and/or harassment (including when these are sexual in nature) or neglect against members of the affected community, including children and/or adults.
- Personal abuse, exploitation, violence, and/or harassment (including when these are sexual in nature) in the workplace against another staff member or associate. Such safeguarding incidents are either:

    - Committed or are allegedly committed by supervisory board members, directors, international staff, its employees (full time or part time) working across the globe, interns, consultants and contracted individuals for specific projects, and all visitors offline, including journalists and associated personnel.

    - Caused by an organisation's operations and/or programmes.

The safeguarding report-handling mechanism must log and respond to a wide range of concerns and incidents – including, for example, bullying and physical violence – that may cause emotional, physical, or sexual harm.

3. Pre-requisites

A safeguarding investigation must be carried out by experienced staff, and where possible also by a trained person. The investigation must be carried out in an objective manner and all parties should be treated fairly and with respect.

The following principles must be applied during the course of the investigation:

3.1. Inclusive

The safeguarding reporting mechanism is accessible to everyone and the investigation process ensures that the investigators are aware of diversity and do not show bias on the grounds of gender identity; age; disability; ethnic, linguistic, or religious identity; or any other dimension of exclusion.

3.2. Timeliness

Responding swiftly and professionally will foster trust and confidence in the reporting system. This, in turn will facilitate reporting. Consideration should be given for all actions throughout the safeguarding report management process. This should include:

- Confirmation of receipt of the report, ideally within 24 hours.
- Reviewing the report and classification of allegation using the definitions in the policy documents. (Safeguarding and code of conduct).
- Documenting and securely storing all information related to the safeguarding report.
- Initial decision-making and setting out a plan of action.
- Survivor referral and initial access to support services in consultation with them.
- Consideration of whether a police report needs to be made, in consultation with the survivor, and risk assessment in relation to the alleged perpetrator.
- Commencement of any enquiry. When will this begin? Who will conduct it? Will it be internal or commissioned externally?
- Evaluation of findings and next steps.
- Performance management, disciplinary hearing, and/or disciplinary action.
- Feedback to the survivor, potential wrongdoer, person who made the initial report, wider community, and the public. This supports the principles of accountability and being survivor-centred.

3.3. Thorough

The investigation must be planned so that it thorough and gathers all the information that is necessary to make a full and informed finding. Consider the following:

- What information needs to be gathered and from whom?
- Secure any written information – texts, emails, voice mails, video messages etc.
- How will you stay focussed on gathering the information?
- Managing the timing of interviews so that the required interviewees can attend.
- Develop the questions before the interview takes place.
- Ensure that you have spoken to all relevant people to enable the investigation to be completed in a timely manner.
- Be diligent with the information gathering and sensitive in managing the process.

3.4. Safety and security

The safety and welfare needs of the victim/survivor and/or complainant is paramount. Consider the needs of, survivors, those making reports, witnesses, and advocates as well as the subjects of a report from, retaliation, negative repercussions or further harm. Consider the following:

- Carry out a risk assessment.
- Identify actions to ensure safety and security that may be taken by the organisation itself and those that may require external referral.
- Staff members who are survivors of harm may have specific protection needs given they are more likely to know and have regular contact with the potential wrongdoer. Actions may therefore differ for cases involving a staff member as a survivor.

Questions and considerations when ensuring safety and security:

- What risks are present for the survivor(s), advocates, reporters, subjects of the report, or witnesses following the report of a concern or incident?
- How can ongoing confidentiality be assured?
- What could be possible causes of a breach of confidentiality?
- How will the outcomes of a case be disseminated?
- Where concerns are identified in the community, consider what services are locally available for ensuring safety and security – women's shelters, shelters for those who identify as LGBTIQ, safe care for children.

3.5. Confidentiality

Confidentiality of all information assures the safety and wellbeing of all parties including the survivor's, family and friends of survivors, witnesses, advocates, and subject(s) of a report. The general principle of confidentiality is that the disclosure of fact and nature of the complaint, the identity of complainants, witnesses, victims/survivors, the subject of the complaint and any others involved in an investigation, is restricted and is permitted only on an authorized or "need to know" basis.

- Ensure that information is only shared on a need-to-know basis. Establish information sharing protocols. Defining what information is shared with whom, when, and why.
- Establish data management protocols. Keeping records secure and making sure all shared data is filed and processed using coding systems is essential.

3.6. Impartiality

Investigations must be conducted in a fair and equitable way. Investigators must be free of any influence that could impair their judgment. Evidence to support and refute the allegation must be gathered and reported in an unbiased and independent manner.

3.7. Accuracy and documentation

Conclusions must be supported by evidence which is referenced in the report.

3.8. Sharing information

Throughout the investigation the safeguarding lead informs the complainant and/or victim about the action plan and the steps that will be taken.

3.9. Accountable

Accountability and transparency are important when investigating safeguarding concerns. Actions will reflect the principles and guidelines for good practice included in this document. In order to foster confidence, safeguarding lead(s) will:

- Assume responsibility for consequences of their actions.
- Build trust in all areas of work to encourage openness about more sensitive subjects.
- Make all stakeholders aware of the organisation's safeguarding arrangements and reporting lines.

- Be responsive to all feedback and reports received.
- Report back to the Supervisory Board, communities, inter-agency networks, and donors about the way they have handled and responded to any safeguarding reports as required.

4. Composition of the investigation team

The nominated investigators must have relevant experience or qualifications dealing with investigation work or have experience in managing human resources or demonstrate capacity to handle the terms of reference agreed for the investigation.

For a safeguarding investigation at least **two investigators should be identified**. As far as possible, it is recommended to have a male and a female assigned to these roles. Investigators must be approved by the Director General and if the concerns are about senior staff, then approval should be given by the Supervisory Board.

Depending on the nature of the complaints the safeguarding lead officer(s), in consultation with the Director General, may decide on the need for commissioning external investigators. A term of reference for an external investigation will be developed by the safeguarding lead and approved by the Director General

The investigation team is responsible for developing the action plan and undertaking the day-to-day conduct of the investigation. This includes gathering evidence, interviewing, documenting, preparing and submitting an investigation report with findings and recommendations.

Preferably, where required, interviews should be conducted in local languages. However, when this is not possible, an interpreter can be appointed but s/he must be neutral and should have no relationship to the interviewee. S/he must interpret directly what the witnesses' say without comment or inference.

The investigation team should consult external expertise (legal expertise, experts on child interviewing, medical experts, financial consultants, etc.) where necessary depending on the circumstances of the report.

4.1. Planning for investigation

Once the decision is made to undertake a formal investigation, the investigation team must devise an investigation plan and provide a general outline of the issues to be addressed. It should include:

- A statement that clarifies the main issue of the complaint, which is clearly understood by all.
- The key witnesses to be interviewed, location and process (face to face/video conferencing).
- What might be used as evidence and how to gather it.
- The estimated budget for undertaking the investigation and providing psychosocial support to victims.
- A risk assessment that identifies any security concerns that may be raised throughout the investigation and how these should be handled.
- Clear timeline in which to complete the different phases of the investigation.

Ideally, investigations should be completed within 21 working days of the complaint being received by the Investigation Team. However, where the investigation is complex, additional time may be needed. This initial investigation plan is based on current knowledge of the allegation at the onset of the investigation. Consequently, the initial investigation plan should be reassessed and updated as necessary throughout the investigation procedure.

4.2. Legal issues

The investigation guidelines in this document are administrative in nature and do not supersede legal or any official authority's requirements in the countries where the investigation may take place.

If, during the course of the investigation, there is evidence to support allegations of misconduct which may contravene national laws, then in consultation with the complainant and upon consultation with the appropriate internal legal advisors, it can be referred to competent law enforcement authorities for criminal prosecution.

In some situations, it could be a challenging decision if there are concerns about safety risks of the victim/survivor, subject of concern or witnesses. As mentioned earlier, the decision to inform the authorities should be taken in consultation with the Director General/Supervisory Board after a risk assessment and due consultation with the legal advisors.

The administrative investigation may continue, if the Director General thinks that it will be helpful and does not interfere with any criminal or other official investigation. Information gathered during the administrative investigation may be transmitted to the relevant national authorities in response to an appropriate official request. The complainant and/or victim will be informed about this procedure. In some situations, the complainant may not want a report to be made to the authorities, or may agree if it is anonymous. Each situation should be evaluated separately and the decision should be guided by a risk assessment and national legal requirements. Legal advice should be sought where necessary.

4.3. Gathering evidence

Before investigators begin the interview process, it is necessary to gather additional background information and evidence that is relevant in deciding whether an allegation warrants an investigation. To support this stage it is important to begin collecting evidence as soon as possible after the complaint is received. This is to help to ensure that the evidence is not destroyed, tampered with or lost. It will also give the investigation team information about whom to interview, the sequence and what questions to ask. This information may come in several forms:

- Documentary evidence (which may be in hard copy or electronic form).
- Physical evidence (found nearby or at the physical site of the allegation)
- Witness testimony (information about what a person experienced i.e., what someone saw, heard, etc.)
- Expert evidence (expert opinion may be sought to gain specialized knowledge in a particular subject that is beyond what would be known by an average person i.e., medical expertise, financial expertise, etc.)

WageIndicator staff and volunteers are required to cooperate fully in this process and have a duty to tell the truth and to disclose all information relevant to the case. Anyone who intentionally interferes in the investigation or willingly lies to obstruct justice will be disciplined according to HR Policies.

4.4. Rights and Obligations of the interviewees

The complainant(s), victim/survivor, the SoC (subject of complaint) and all key witnesses must be treated professionally and courteously throughout all stages of the investigation process.

The SoC is to be treated in the same manner as all the other witnesses. S/he will be presumed innocent until proven otherwise and is entitled to a fair and just process of investigation. Arrangements should be in place to support the SoC. In certain circumstances and depending on the nature of complaint, the SoC may be placed on administrative leave, suspended from work during the investigation or any other measure of protection appropriate to ensure safety for the victim.

4.5. Needs of the victim/survivor or complainant

Arrangements should be in place for on-going support throughout the process. It is particularly important to address the victim's and/or complainant's potential need for immediate and ongoing medical, counselling and protection needs. The physical and psychological well-being of any such person must be a primary concern throughout the reporting and investigation process. Urgent medical assistance should be organised through the emergency services and counselling to the victim/survivor of sexual and emotional exploitation and abuse (in consultation with them) within 72 hours of receiving the complaint. The Safeguarding Leads, or the person handling the complaint, is responsible for ensuring that such arrangements are made.

5. Sequence of interviews

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/s
- Victim(s) - if different from above
- Witnesses - if any exist
- Subject of Complaint (SoC)

Interviewees may be interviewed for a second time to clarify information, conflicting testimonies or if new evidence is brought forth on which they need to be questioned.

6. How to conduct an interview

There is no definitive prototype on how to conduct an interview, and below are some general guidelines one should adhere to:

- Interviews should be conducted in a safe and supportive environment and in accordance with the principles of respect and professional courtesy.
- The victim can bring a support person to assist him/her during the interviews. The support person must not answer any questions, nor should the victim/survivor be allowed to consult with them.
- Complainants/Witnesses should always be interviewed individually to ascertain the facts and to avoid undue influence and manipulation.
- There should always be two investigators present at all times during the interview, respecting the criteria for composition of the investigation team.

- Interviews should always be conducted face to face if possible. If circumstances do not allow this, investigators may arrange an interview by telephone or a video conference instead. The interviewee must be requested to keep their camera on and visible to the interviewer during the interview.
- To end the interview, the interviewer should summarize what the witness and complainant has said and check if they have anything to add and answer any questions.
- The Interviewee should agree (verbally or in writing, where possible) with what has been summarized and noted.

7. Compiling and Validating Evidence

When evaluating the evidence, investigators should seek and identify 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.

Record of the interview:

- One of the two investigators should take notes for the entire interview. These notes should be detailed (almost verbatim) for the most relevant parts of the interview and in summary form for less relevant parts.
- The notes taken during the interview should not include the investigators own opinions, conclusions or analysis (at this stage). These notes formulate the record of the interview. .
- The notes should be transcribed immediately after the interview and stored securely They should include details of the interview; the who, what, where, when and how
- The information asked for and provided during the interview.
- Include facts obtained from the interviewee as well as their relevant opinions and impressions. (Note: the investigators own opinions, conclusions and analyses should NOT be included).
- As far as possible, it should be presented in a question-and-answer format.
- If the interview is to be digitally recorded, the interviewee must be informed, and give their consent before the interview begins.
- A transcription of the interview should be sent to the interviewee, to check for accuracy with an agreed timeline for return with any comments.
- The interviewee is to review it and sign it if they agree with what has been recorded. If they do not agree with the recording of the interview any changes or comments that are made must be documented and an explanation given for the changes. Once agreed upon and signed, the record of interview is then to be put on the investigation file.

8. Guidelines for Investigation Report

The investigation report should:

- Observe the principles of good report writing i.e., be clear, concise, written in plain language.
- Bear testimony to the core principles of an investigation.
- Address evidence to support and refute the complaint (where such exists)
- Describe the methodology (process) as well as findings (content in brief)

- Evaluate evidence against specific stipulations of the Safeguarding Policy and its Code of Conduct.
- Separate fact from opinion/biases/hearsay/rumours
- Be produced within an agreed timeframe.
- Provide sufficient evidence to back conclusions and recommendations.

Therefore, the investigation report should:

- State if the subject of complaint has breached the Safeguarding Policy and its Code of Conduct (CoC).
- Recommend aspects of (program) service delivery or performance that need to be improved for better functioning and to reduce the risks of future misconduct, malpractice, and fraud by staff/others.

The safeguarding lead(s) should present the investigation report to the Director General Disciplinary decisions are never taken by anyone involved in the investigation, including investigator/s, investigation managers and observers. Rather, they are taken by the Director General.

Investigation reports are sensitive internal documents. As such, their status, substance, and recommendations are strictly confidential. Other than the Safeguarding Lead(s) if they have not conducted the investigation, they may only be disclosed by the Director General and Chair if the Supervisory Board or any organisation which has legal authority to request them.

9. Outcomes of the investigation of the complaint

The investigation may find the following:

- the allegation(s) is insufficiently established or unfounded. The victim/survivor and the subject of complaint will be officially notified. In most cases it will be appropriate to inform the complainant of the outcome of the investigation by saying that the complaint has not been substantiated.

- the allegation(s) have been substantiated. If the complaint has been substantiated in most cases it will be appropriate to inform the complainant and subject. It will be sufficient to say that the complaint has been substantiated and to refer to management for a decision on discipline. When giving this explanation, the details of the identities or the evidence of other witnesses should never be disclosed. The matter should be pursued under WageIndicator's disciplinary procedures. The disciplinary decision reached will automatically be inserted in the personnel file of the subject of complaint and will be communicated to any prospective employer seeking a reference for this person.

- If the investigation finds that the complaint is malicious disciplinary action will be pursued against that member/s of staff according to disciplinary procedures.

10. Lessons Learnt

Any lessons learnt from the investigation process and from the finding will be used to further strengthen WageIndicator's safeguarding framework. The policy and procedures will be amended where necessary. Lessons learnt will be incorporated in any training and awareness raising.

WageIndicator

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