

Investigation Planning Tool¹

This document is designed to assist you to plan your investigation. However, every investigation is different so it is not exhaustive.

Consider the following:

A. What is/are the allegation/s? Is an investigation needed?

- i. What breach of the Secretary General’s Bulletin or your organisation’s Code of Conduct does the allegation refer to? Rewrite the allegation to reflect the breach in the language of the Code of Conduct/SG’s Bulletin.
- ii. Is further information required to decide whether the complaint is appropriate within your organisation’s procedures?
- iii. Does the complaint meet the criteria for investigation under *IASC Model Complaints and Investigation Procedures*? [Yes, No, why?]
- iv. In what order should the allegations be addressed?

Table 1

Allegation	Is an investigation needed?	Priority
1.		
2.		
3.		
4.		
5.		

B. What rule(s) is/are violated by the alleged misconduct?

- i. Staff Code of Conduct (reference).
- ii. United Nations Secretary General’s Bulletin (section).
- iii. What elements must be proven to establish violation?
- iv. Illegal act → host country
→ country of origin

Identify specific elements of the rule that must be shown to have occurred to state the rule has been violated

Alleged violation	Law	Specific elements to be proven
e.g., Sex with a child	SG Bulletin	Victim is under 18
	Staff Code of Conduct	Sex occurred

C. Timeframe?

¹ Planning Tool from *BSO Handbook: Training materials on receiving and investigating allegations of SEA by humanitarian workers* (ICVA). This tool is useful as a companion to the Investigation planning tools in Annex B of the *BSO Guidelines: Receiving and investigating allegations of abuse and exploitation by humanitarian workers* (ICVA).

1. When did the incident/alleged abuse occur?
2. When was the incident first reported?
3. When did the investigator receive the complaint?
4. Are these timeframes relevant to the investigation? For example, has a significant amount of time passed that will make the investigation difficult? Are the allegations of extremely recent events?
5. Set timeframes for each stage of the investigation to ensure completion (without prejudice of quality) at the earliest opportunity.

D. What documents will the investigating team need to gather?

- i. As background information on the investigation?
 - o contract of service
 - o alleged subject of complaint job description
 - o description of project
 - o organigram/staffing table
 - o correspondence between agencies
- ii. As evidence?
 - o work logs/rosters, leave requests
 - o e-mails, photographs
 - o stockpiles of rations, ration books

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.

E. Confidentiality

It is essential that the plan address how to preserve the confidentiality of the identity of the victim and the subject of complaint. This includes:

- i. Only disclosing identities to those who "need to know".
- ii. Accessing interpreters in such a way as to maximise confidentiality.
- iii. Carefully considering how the confidentiality of the complainant in particular, is to be preserved when informing the subject of the nature of the complaint. There are potential conflicts of interest in such situations.
- iv. The subject needs to know the details of the allegation if s/he is to have an opportunity to respond.

However, paramount consideration must be given to ensuring the safety and security of the complainant and the victim/survivor – this must take precedence. This may entail the investigators exercising great care in the presentation of evidence.

F. Who will have to be interviewed?

- i. Availability of witnesses: Are the witnesses available?
- ii. Who is to be interviewed?
- iii. In what sequence? Be flexible as interviews might reveal the identities of other witnesses who should be interviewed. As a general rule the sequence should be:
 - o complainant
 - o victim(s) – if different from above
 - o witnesses – if any exist
 - o subject of complaint (SOC)

The following table offers a way to view and organize who needs to be interviewed. For each witness, complete the following as part of the plan:

Name	Role in Complaint	Age	Language	Interpreter needed	Health needs	Protection needs	Location	Priority order
John Smith	Victim	12	English	No	✓	✓	School Nairobi	2

G. Record keeping

- i. All records and reports being made anonymous via the removal of names and substitution of witness A, witness B, subject A etc.
- ii. All records should be kept in a locked filing cabinet accessible only by investigators. Files should not be taken out of the office. If an investigator wants to work on documents at home or in another location, it is good practice to take a copy of the relevant document, note the copy on the file and destroy the copy once the report is written.
- iii. Documents should not be shared with anyone outside the investigation team.
- iv. Whenever possible an investigation report should be written up within 28 days of the completion of the fact finding phase. If this is not possible, a note to the file should outline the reasons.
- v. Avoid using abbreviations in the report unless these are explained. The language of the report must remain neutral.
- vi. An investigation report must be signed and dated by the investigator and co-investigator/observer. However the organisation for whom the investigator works will be considered the author of report.
- vii. Organisations must take a policy decision on how long to keep records related to investigations. If an investigation finds misconduct was not proved, then the documents can be discarded after seven years (similar to obligations regarding financial documents). However, if the investigation finds that misconduct has occurred a record

of that finding should be maintained until the subject of complaint reaches retirement age.

H. Prepare and record interviews – (complete 1 for every interviewee)

Name:

Role in complaint:

Child/adult/age if known:

Use of interpreters:

- i. Is an interpreter required?
- ii. How will an interpreter be found?
- iii. Who will it be?
- iv. How can the confidentiality of witnesses and the subject be maintained?
- v. Any other communication needs?

Witness protection – Are there immediate safety needs of the victim/s to be considered?

- i. Is witness protection needed?
- ii. What are the risks?
- iii. What resources are available to meet these needs?

Health needs:

- i. Is urgent medical attention indicated?
- ii. What other health needs are there?
- iii. Is a forensic medical examination possible/needed?

Other witness needs:

- i. Additional support or counselling?
- ii. Help to understand the criminal justice implications and make an informed view as to whether s/he wishes to make a complaint.
- iii. How will this interviewee be kept informed of the progress and outcome of the inquiry?

Subject of complaint (SOC) needs:

- i. What “duty of care” responsibilities does the agency have?
- ii. Should the SOC be suspended, with or without pay, or moved to other duties, while the investigation is underway?
- iii. How will the SOC be kept informed of the progress and outcomes of the inquiry and the expected time frame?

Location of interview:

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

I. Who will be the investigating team?

It is best practice to always conduct investigations with a co-investigator. Who will this be? If it is not possible, it is crucial to have an observer at all interviews.

- i. manager
- ii. interviewer 1

- iii. interviewer 2
- iv. interpreter (if necessary)
- v. specialists i.e. it technician, legal advisor

J. Resources

What will the investigation cost in terms of:

- i. people
- ii. money

K. Strategy discussions and meetings

- i. Who needs to be involved?
- ii. How will this happen?