



Day Three

- Closing the investigation
- Investigation report
- Final outcome for KIDAID study
- Next steps for you

Findings, Recommendations,
Report Writing

Closing the Investigation

Considerations for closing an investigation

- Planned and managed
- Transparent
- Informative
- Conform to protocol/code of practice

Possible outcomes with respect to a complaint

- Upheld by reasonable inference based on the evidence
- Not substantiated due to insufficient or unclear evidence
- Unfounded based on evidence that clears the SOC or suggests a malicious complaint

Outcomes

Who needs to be informed/by whom?

- Inform the SOC
- Inform the complainant
- Inform any staff who are aware of the complaint/investigation
 - Remember minimum information/need to know
 - Reinforce need for continued confidentiality
- Agree on plan of action for any victims/witnesses who may come forward later

Support and aftercare

- **NOT** the role of the investigator to establish a support and aftercare strategy
- The organization should identify, organize, and ensure provision of support as needed to:
 - Victims
 - Witnesses/complainant
 - Families
 - Subject of complaint
 - Colleagues
 - Staff undertaking investigation

Investigation records and report

Reports should

- Provide all relevant information and outcomes of an investigation
- Include records of all available information from interviews and from evidence gathering

Retention of evidence

The organization should consider retention of any evidence or data, reports, and records from the investigation

- How will these be stored?
- How long should they be kept?
- What procedure will be used by those wishing to access those records?

Review process

After receiving the investigation report, the organization goes through a review and decision-making process

- What is the decision regarding the SOC?
- Are there lessons to be learned, including areas of good practice?
- How will review findings be used to assist future investigations?
- Were principles adhered to?

The Investigation Report

Scope/purpose of investigation report

- Address evidence that supports and refutes the complaint (where it exists)
- Evaluate evidence against specific stipulations of your organization's code of conduct
- Provide sufficient evidence to back conclusions and findings

NOTE: Disciplinary action should be decided by the senior HR staff or designated manager, not by the investigator.

Structure of the report

- Executive summary (usually written last)
- Introduction
- Methodology
- Analysis of findings
- Outcomes and conclusions
- Recommendations

Introduction and methodology

- Introduction
 - Who, where, when
 - Allegation
 - Rules allegedly breached
 - Elements needing proof
- Methodology
 - Evidence required, evidence collected
 - Impediments
 - Interviews conducted

Analysis of findings

- Summarize the evidence given by all interviewees
 - Take each complaint in turn (if more than one)
- Describe other evidence – photos, work logs, emails, etc.
- Impartially state evidence to support or refute the complaint(s)
- Draw logical and fair conclusions based on the evidence

Outcomes and conclusions



Finding	Outcome
No grounds to investigate	Note to file
Allegations are established; i.e., found by reasonable inference	Investigation report Referral to disciplinary decision-maker
Allegations not established	Investigation report closing matter Clearance letter to SOC
Staff misled investigator	Recommend that decision-maker investigate malicious claim as misconduct
Subject leaves organization	If a serious allegation, continue investigation and add note to file

Management implication report

Might be a separate report

Might be section or annex in investigation report

- Possible referral to national authorities
- Policy, program, and/or organization issues
- Poor practice/negligence
- Training needs
- Protection needs

Report writing guidelines

- ✓ Separate fact from opinion
- ✓ Be clear and concise
- ✓ Use plain language and good grammar
- ✓ Maintain agreed time frame – *do not make them wait long for your report!*

KIDAID Findings

30 minutes in your case study teams

- Agree on findings and recommendations for at least one of the allegations of the KIDAID case study
- Be prepared to briefly share your findings and recommendations in plenary
- Be prepared to explain how your findings are supported through the information you gathered

ALLEGATIONS	ELEMENTS TO PROVE	EVIDENCE FROM INTERVIEWS/ DOCS	CONCLUSIONS (UPHELD, UNSUBSTANTIATED, or UNFOUNDED)
1. Violation of SGB section 3.2(a)			
2. Violation of SGB section 3.2(b)			
3. Violation of SGB 3.2(f)			

Actual findings in the KIDAID investigation

- Mr. Michaelson went to a sex worker once while in Namibia
- He felt bad for her and did not engage in sexual activities with her
- Instead, he offered her a job as his housekeeper
- This woman is Magdalena Jolie

Actual findings in the KIDAID investigation (cont'd)

- Mr. Michaelson is teaching English to three girls on weekend nights
- In his home
- The girls work at *The Pussy Cat Club*
- One of these girls is Ms. Jolie's daughter, Betty

Actual findings in the KIDAID investigation (cont'd)

- Mr. Michaelson pays the owner of *The Pussy Cat Club*, Delilah, for the time he spends with the girls

Actual findings in the KIDAID investigation (cont'd)

- Mr. Glitter has picked the girls up from *The Pussy Cat Club* at Mr. Michaelson's request
- On at least two occasions, namely 19 February 2005 and 25 March 2005
- He used the KIDAID vehicle when picking up the girls

Actual findings in the KIDAID investigation (cont'd)

- Mr. Michaelson pays Mr. Glitter in cash for picking up and dropping off the girls

Actual findings in the KIDAID investigation (cont'd)

- Mr. Glitter offers KIDAID food parcels to one of the girls he picks up at *The Pussy Cat Club*
- This girl is Betty, Ms. Jolie's daughter

Actual findings in the KIDAID investigation (cont'd)

- Mr. Michaelson thinks he is being framed by the police
- Because he has protested several times about the abuse of refugee children in schools
- And is critical of the way the police treat sex workers, migrants, and refugees

Your policies, procedures,
protocols

SEA Investigations

Reflection & action planning: policies, procedures, protocols

- What modifications may be needed?
- With whom will you discuss this?
- How will the changes get done? By whom?
When?