

# Managing an Investigation

## 1. Follow Procedures

- It is important that managers know and understand the procedures themselves. Managers are accountable for ensuring that investigators follow procedures.
- Have a written plan completed with or by the investigator(s) and any other participating investigatory body. Devise potential strategies to deal with difficulties i.e. problematic interviews.
- As a manager, you should share the contents of the investigation plan appropriately. Remind all involved of the need for confidentiality.
- Be clear with investigators about what the procedures are and that you expect them to be followed.
- Agree on the method of report back to the manager
  - Who the manager will then inform (HR, directors, etc) and on what aspects of the investigation
  - How the complainant will be informed

## 2. Initial Action

- Safety is the ultimate priority of all involved. Accountability for safety is the responsibility of managers. Safety of staff including investigators, SOC and their colleagues needs to be considered.
- As a manager you need to ensure that the thresholds for an investigation have been met, that is, that there are sufficient grounds to launch an investigation. This needs to be clear as it helps explain why the investigation is taking place, establish the authority of the investigation and allows for realistic outcomes (e.g. dismissal, management implication report).
- Determine the level of the investigation i.e. has a criminal act taken place? What are the responsibilities for joint investigating and reporting? Do the national authorities need to be informed or involved in the investigation?
- The appropriate legislation must be complied with, including criminal, civil and employment law. Any internal policy must be adhered to. Procedure should include the IASC Protocol and any internal procedure relating to child protection, disciplinary action etc.
- To ensure the integrity of the investigation, documentation should be secured at the earliest stage possible.
- Identify the resources that will be required to complete the investigation.
- It is important to ensure that the initial processes have been appropriately followed; any errors in this process are more likely to be resolved at an early stage and therefore protect the integrity of the ongoing investigation.

### 3. Planning the Investigation

- Match the skills of the potential investigators to the case. Skills matching will have resource implications. Where a subject of complaint is a senior member of staff, an individual with the appropriate skills, knowledge and status is less likely to be intimidated. Skills matching are essential to the credibility and integrity of the investigation.
- Establish with the investigators which witnesses need to be interviewed. This will assist in skills matching and will give some idea of the scale of the case and therefore how many investigators will need to be involved.
- Establish what documentation needs to be secured to assist in identifying which tools or systems can be used for managing the data so that it can be analysed effectively and confidentially.
- It is important to establish a timeline in order to manage resources such as staff time and workload. It also helps all involved, especially victims, witnesses, SOCs, families, communities and colleagues to have some understanding of how long the process will take. Investigations are very stressful for their participants; understanding that there will be an ending is important in assisting them to cope with the process.
- Develop a provisional budget.

### 4. Interviews

- Consider how the investigation team will conduct the interviews in a way which preserves and promotes safety of all participants: victims, witnesses, the subject/s of the complaint, colleagues and families of those involved.
- Speak to the referrer/complainant to clarify the referral and add any other relevant information.
- When to interview the victim or the witnesses depends on the investigation plan and the individual situation. If the victim is the primary complainant, s/he should normally be seen first. If a witness has specific information, this should be assessed in order to establish the interview schedule.
- The SOC must be interviewed last. The interviewers must have all the available information to be able to structure the interview and the SOC needs to know what the evidence is against them in order for them to exercise their right to respond properly to the allegations.

### 5. Timeline and Structure

- How many interviews will the investigation team need to do? Are there travel requirements for those involved? Do you need to wait for other action e.g. police, medical etc? Do you need to seek professional advice?
- Include sufficient time for supervision of the case, report writing and review time.
- Use an institutional and/or organisational organigram to help the investigation team understand the structure of the organisation and how this may have impacted on the behaviour that led to the allegation. A successful investigation requires an understanding of the context in which alleged abuse occurred. Without this knowledge

the investigator cannot draw management implications which may assist agencies to make their organisations safer in the future.

- Remember that offenders may “groom” environments, e.g. colleagues.
- Where issues concern more than one authority there can be a number of different laws, policies and procedures. Agreement must be reached as to how the investigation proceeds.
- Meeting communication needs is vital to the success of the investigation. If complaints and responses to complaints are not understood, then the investigation has little or no chance of success.
- Have there been previous allegations? In some cases there may be both current and historical concerns. A decision will have to be taken as to whether to concentrate on the current concerns or look at all allegations concurrently. For example, if there are safety issues, it might be appropriate to limit the investigation initially to current concerns. Alternatively, it may be essential to thoroughly investigate all the matters, however long ago they occurred, e.g. where a pattern of behaviour needs to be established.
- There may be a need to access specialist assistance medical, social, technological or legal. Medical examinations should not be repeated for the purposes of an investigation and you should be clear about the usefulness of any potential evidence, e.g. where sexual assault has not involved penetration there may be no evidence gathered from medical investigation.
- A joint investigation with a similar agency (another NGO) or with police or other law enforcement bodies including international bodies may be necessary. Maintain focus on the aims of your investigation but be aware of a need to work closely with others to achieve the overall aims of justice and protection. Where there is a joint investigation it is essential to have a common and agreed plan. The more complex an investigation, the more likely it is that a number of different organisations will be involved.
- Make sure you have a plan for dealing with press and the media.

## **6. Expertise and Independence of Investigation Team**

- Matching the skills and expertise of investigation staff is important. A more complex case will require investigators to have the appropriate skills and experience. As a manager, it is your responsibility to ensure adequate training, development and support. It is important for managers to take account of their responsibilities in terms of staff care. If staff is not adequately supported during investigative work, they can suffer detriment to their health, particularly in terms of stress. Using investigators without the necessary skills and knowledge may undermine the investigation.
- It is essential to the integrity of the investigation that staff are independent. If it is not possible to ensure complete independence, you should record the reasons for this fully in your plan and state how you have attempted to secure that the investigation is as independent as possible.

- You may wish to consider using people with very specific expertise. This would be essential where specific evidence is required. However, if an expert is needed you must to be absolutely clear about why they have been called in.

## **7. Use of Contracts**

- The employment contract of a staff member will inform you if an investigation can be undertaken within the complaints procedure. For example, as an employee of the organisation they have to abide by Code of Conduct and the SG's Bulletin.
  - Agreements with contractors will detail the expectations, roles and responsibilities of a staff member.
  - Staff working for your organisation has agreed to abide by the Code of Conduct. The contractual arrangement may allow you to consider whether or not to maintain the contract.
- Existing contracts or working agreements may be written or verbal. It may be that things such as confidentiality or information sharing protocols have never been discussed and that practice is "just the way it is done". When managing an investigation these informal arrangements are likely to change. For example, a staff member who you might usually have a close and open relationship with becomes a SOC.
- If an expert is engaged in an investigation, an explicit written contract should be drawn up. This should include a description of their role, the purpose of their involvement, confidentiality, data protection, any payment agreements, clarity about tasks and activities.

## **8. Concluding an Investigation**

- If complaint substantiated outcomes may include:
  - a. disciplinary action
  - b. training/ monitoring/ shadowing (to address poor practice)
  - c. risk assessment (of risks inherent in the post)
- If complaint unsubstantiated:
  - a. support to SOC and staff
  - b. training/monitoring/shadowing (to address poor practice)
  - c. risk assessment (of risks inherent in post)

## Sample Management Worksheet

Issue		Who	What	When	Where
1.	victim and witness support				
2.	sharing of information				
3.	skills matching – selection of appropriate investigators and experts (if needed)				
4.	staff safety				
5.	safety and support of SOC				
6.	media issues				
7.	current risks to victims				
8.	integrity of the investigation				
9.	inter-agency management				
10.	providing resources				
11.	legal advice				
12.	recording of evidence				
13.	review of final report				