

Save the Children US

*Investigation Toolkit*

Save the Children Federation, Inc. (SCUS)[[1]](#footnote-1) requires employees to report concerns about possible misconduct (defined below) using one of the Agency’s reporting channels as described in our policy “Resolving Employee Grievances and Reporting Possible Agency Policy Violations and Other Misconduct.” Most often employees will make such a report to their supervisor.

A person who receives a report of possible misconduct must assess whether the report is credible, and if so must take steps to ensure that an impartial, thorough and effective investigation is conducted – either by the person receiving the report, or by others as appropriate. Depending on the outcome of the investigation, additional steps may be required, such as disciplinary actions or adjustment of Agency practices and procedures to prevent a recurrence of the misconduct.

**Resource**: See [**Guidelines for Selecting an Investigator**](#Investigators)

The purpose of this toolkit is to guide SCUS employees in conducting an effective and thorough investigation.

**I. Background**

**What is an investigation**? An inquiry to determine what actually happened (the “facts” or “findings”) in response to a report of possible misconduct. *The purpose of an investigation is to collect, organize and assess facts in order to determine what happened*. An investigation may also result in recommendations about what actions the Agency may take in response to the findings. Unless conducted by lawyers, it should not include conclusions about violation of applicable laws and regulations.

**What matters constitute misconduct?** Violations of SCUS policies (e.g., “Big 8”), agency practice, applicable laws, or standards of conduct.

**Are we required to investigate all reports of possible misconduct?**  We will investigate credible reports, made in good faith, of internal misconduct that, if true, would be a violation of SCUS policy, practice, applicable law, or standards of conduct.

***Zero Tolerance Policy on Retaliation****.* SCUS will not tolerate retaliation against anyone using the Agency’s reporting procedures in good faith. Any employee engaging in retaliation may be subject to discipline up to and including discharge.

**How do we respond to allegations that implicate individuals or groups outside SCUS?** We will not investigate reports that have no apparent connection with our own employees or programs. If we learn of allegations that implicate third parties, we will determine on a case-by-case basis what information to share with third parties, as appropriate.

**II. Immediate Steps Checklist** (*within 2 business days of receipt of allegation, or sooner if an urgent matter involving significant continuing risk*)

* Record the content of the report, including date, name of reporter(s), and location.
* Acknowledge receipt of the report promptly, if possible, and let the reporter know SCUS intends to respond appropriately.
* Remind the reporter and the subject(s) of the investigation of the Agency’s no-retaliation policy.
* Is an investigation necessary? If you can identify a straight-forward way to determine what happened and correct the situation, you probably do not need to conduct a formal investigation.

**Resource**: See [**Guidelines for Selecting an Investigator**](#Investigators)

* Are you the right person to manage the investigation? Consider whether the seriousness, scope or potential impact of the report suggests that the Legal & Compliance Department (LCD), Global Audit and Risk Services (GARS), or Human Resources (HR) should be consulted or engaged to conduct the investigation. Always speak with your supervisor or other manager if in any doubt.
* Make sure evidence (paper and electronic) and witnesses (including the reporting party) are secure. If the safety of an individual is threatened, contact your [Safety & Security Focal Person](https://savenet2.savechildren.org/op/ip/gss/Pages/List%20of%20SFPs.aspx) immediately. If you have reason to think evidence may not be secure, consult with LCD and/or local counsel about placing the subject of your investigation on paid leave while the investigation is under way.
* Do not make promises of confidentiality. You may not be able to keep such promises and still conduct an effective and thorough investigation. Do limit the sharing of information to those who need to know.
* Notify your Country Director or Vice President of the reported allegation.
* Remember to treat all reports as allegations (unproven) until the investigation is complete and the findings support a conclusion. In other words, don’t pre-judge.

*Violations of our Child Safety Policy*

* Notify your supervisor and the Office of the President immediately of any report that involves the safety of children participating in SCUS programs.

Allegations involving **child safety**, **programs funded by the U.S. Government** (or other institutional donors), or the **misuse of SCUS funds or other assets** **must be reported immediately** to the:

-Office of the President (for child safety)

-Grants Management Unit (for USG-funded programs)

-Chief Financial Officer (for asset misuse)

* Ensure the child is out of immediate danger (e.g., ensure the child is in his/her family’s care).
* Review the Child Safety Policy for additional information on protecting children whose safety is at risk.

**III. Conducting the Investigation**

***Make a Plan***

If you are in charge of the investigation, having a written plan will help you conduct a focused and thorough investigation. Start by drafting a plan that includes the items listed below. You can adjust your plan as you go along if needed.

**Resource:** Use the [**Investigative Plan**](#INVPlan) template

* What SCUS policies (e.g. Big 8), procedures or laws may have been violated?
* What is the scope of the investigation (e.g., its time-frame, location, affected personnel or business units)?
* What documents will you need to review? These may include relevant policies and procedures, prior investigation or audit files, any other complaints against the alleged wrongdoer or by the alleged victim, personnel files, time-sheets, calendars, electronic records, and others. Who has the documents, and can you openly request them from their source or will you need to obtain them without others knowing?
* Who should be interviewed and in what order? Usually the person who reported the matter and any known witnesses should be interviewed before you interview the subject of the investigation. Witnesses may include:
* people who saw the incident or inappropriate conduct (including those identified by the reporter)
* people identified as the subject(s) of the investigation
* people identified *by* the subject(s) of the investigation
* supervisors of individuals involved
* co-workers
* any other person who reportedly has been subjected to similar activity, if appropriate.
* What is the deadline for completing the investigation?
* Consult with LCD and/or local counsel to ensure your plan and approach are in line with SCUS policies and protocol as well as local law.

***Review the Evidence***

* Gather and review the written materials you have identified. As you go along, you may realize you need to add new materials to your review list.
* Do not mark or change original documents. If you need to make notes on a document you are reviewing, make a photocopy and mark it as a copy.
* Keep a record of all materials reviewed, and preserve all documents in a secure place.

***Conduct Interviews***

* Interview the person(s) who made the original report first, if possible. Depending upon what you learn from the reporter, you may need to redefine the scope of the investigation.
* **All witnesses should be told that the Agency will not retaliate against them for participating in the investigation**.

**Resource:** See [**Tips for Conducting Interviews**](#InterviewTips)

* Consider preparing a written summary of each interview (a “witness statement”) and asking the interviewee to review, correct and sign it.
* If there are differences between witnesses on important points, ask the witnesses for additional information or clarification. If there are differences on important points between the person who made the report and the subject of the investigation, ask them for additional information or clarification, or interview other witnesses including supervisors or other employees who are likely to know of the incidents in question.
* Some of your interviews may be for informational purposes only (to gain knowledge of practice areas, procedures, etc.) and these interviews may be most helpful if done at the time you are reviewing evidence.

***Determine the Facts***

When you have gathered all necessary information (including documentary evidence, witness interviews and any additional fact-gathering that results from these), you must consider the evidence as a whole in order to determine what actually happened. In many instances, there will be factual gaps. It is entirely appropriate for an investigator’s factual determination to include an assessment of the credibility of the witnesses and their possible motivations, though this assessment should be identified clearly as such (as distinct from the facts you have gathered).

**IV. Writing the Investigation Report**

SCUS asks employees assigned to conduct an investigation to use the Agency’s “Investigation Report” template when writing an investigation report. Using this template, along with the “Tips for Preparing an Investigation Report***,***” will help you focus on the facts of your investigation and write a report that is complete.

**Resource:** See the [**Investigation Report**](#Report) template and [**Tips for Preparing an Investigation Report**](#ReportTips)

* The purpose of the investigation report is to document your findings (the facts of what actually happened) and the evidence that supports your findings, your assessment, any conclusions you reach, and your recommendations for appropriate action. How much evidence do you need for a finding? You may not be able to prove a finding beyond doubt, but you should ensure that your findings and conclusions are reasonable and amply supported by the evidence.
* Write the investigative report in the first person singular. Stick to the facts you have been able to prove; do not include speculation or opinion; and identify any assumptions you have made. List your findings in chronological order, if possible, and be thorough and specific. Avoid legal conclusions and legalistic words. (For example, *write:* “I concluded that X took money without permission”- *not* “I concluded that X committed embezzlement.”) The report should be a free-standing document that tells the whole story in plain language.
* Much of the information you gathered during your investigation will not go into the final report. Retain supporting information as part of a “case file.” In addition to interview summaries (or interview notes), a case file may contain contact information for those interviewed, your investigative plan, a list of documents you reviewed (from whom and when received), timelines of events, and any confidential information separate from the report. The case file should be kept in a secure location.
* In most cases, you will want to give the subject(s) of the investigation an oral summary of the results prior to finalizing the investigation report and allow him/her a chance to respond. Conduct further interviews as required to finalize the report.

**V**. **Post-investigation Actions**

* Notify your Country Director or Vice President of the investigation and resolution for purposes of SCUS recordkeeping and reporting. Find out who else needs to receive a copy of the report and get it to them.
* Don’t share the investigation report or information you obtained during the investigation with anyone, including other employees, supervisors or others who do not need to know about it. Maintain confidentiality by keeping records of investigations separate from personnel files and storing them in a secure location. Consider removing names from the report when sharing with individuals who do not need to know names.
* Let the person who originally reported the matter know that the investigation has been completed and depending on the circumstances, share the outcome at least in a general way.
* To prevent retaliation against the employee who reported the matter or any other employees who participated in the investigation: maintain the confidentiality of the report; avoid disclosing the identity of the reporter, all witnesses, and the subject of the investigation; and remind those involved of the Agency’s policy of zero tolerance for retaliation.
* If it is your job to determine disciplinary measures, do not take action against the accused employee if the results of the investigation are not clear. Alternatives include investigating further or issuing a cautionary warning reminding the employee of the applicable SCUS policy. Consult with HR for help.
* Consider whether further action (including reporting to governmental authorities) is required and consult with LCD and local counsel as appropriate.
* Whether or not the allegations you investigated were confirmed, you may have identified gaps in Agency practices, procedures or control systems. Make (or recommend) changes to strengthen oversight, procedures, and systems to reduce the likelihood of future misconduct.

**Guidelines for Selecting an Investigator**

**Choosing an Investigator**

The right investigator depends on the nature of the investigation. It is important to consider the person’s skill set and relationship to the individuals involved, along with the complexity and potential risks of the allegation. An investigator should be selected based on his/her competence to gather evidence objectively and assess relevant facts.

In selecting an investigator, consider the following factors:

**Type of misconduct alleged.** Internal auditors are good investigators where the investigation is likely to require analysis of financial records. Human Resources (HR) staff are appropriate for employment issues. Lawyers or outside investigators may be appropriate if it appears likely that the investigation involves a matter of high risk, or that the Agency may be sued or have a legal claim, or if external reporting might be required.

**Impartiality is essential.** Investigators must not be biased or appear to have a conflict of interest. Individuals who have a personal or work relationship with the reporting individual, the accused, or potential witnesses should not act as investigators as their judgment may be influenced by those relationships – or at least their impartiality could be questioned. The accused person should not be in a supervisory position to the investigator.

**Competence.** Investigators must have familiarity with the relevant Agency policies, procedures and practices to assess and evaluate the facts uncovered during the investigation. For example, in HR investigations, it is important that the investigator have basic understanding of employment laws and policies that may be implicated in alleged misconduct. Investigators in financial misconduct cases should understand the relevant financial regulations and policies. Such knowledge is essential if an investigator will be asked to make recommendations about the “big picture” including changes to agency policy and/or practices if misconduct is found.

In addition, the investigator should be

* able to demonstrate strong critical thinking skills, good communication and listening skills and the ability to process and rapidly respond to information;
* discrete and able to maintain confidentiality;
* able to build rapport with witnesses while maintaining professionalism; and
* calm, detail-oriented, and persistent.

If possible, investigators should be provided with training in how to conduct a competent investigation, including knowledge of how to obtain, organize and preserve evidence and how to interview witnesses.



See [Part III](#Plan) of the toolkit for guidance on creating an investigation plan.

**Investigation Plan Template**

**INVESTIGATION PLAN**

|  |  |
| --- | --- |
| **Date plan prepared** |  |
| **Prepared by** |  |
| **Date and summary of the complaint** |  |
| **Policies, procedures, practices or laws involved** |  |
| **Scope of investigation** |  |
| **Documents needed** |  |
| **Sequence of witnesses to be interviewed** |  |
| **Deadline to complete investigation**  |  |

**Tips for Conducting Interviews**

**General Guidelines on Interviewing**

**Planning**

* Prior to each interview, identify and review related or supporting documentation.
* Outline questions in advance, and expect additional issues to be raised during the interview.
* If the investigation involves an extensive period of time, or multiple incidents or allegations, it’s generally best to prepare your questions in chronological order.
* Modify your plans as you go along, updating your interview outlines to include follow-up questions resulting from preceding interviews or evidence you have examined.

**Starting the Interview**

* Tell each witness that you are investigating a confidential report of alleged misconduct; that the Agency is committed to compliance with the law and its policies; that you are conducting a thorough investigation to determine whether inappropriate conduct has occurred; and that if inappropriate conduct has occurred, appropriate corrective action will be taken.
* Explain that you expect the person to provide a thorough, truthful accounting of what has occurred, and to identify all evidence and individuals who have knowledge.
* You may need to overcome the witness’ reluctance about becoming involved – whether from loyalty or apprehension or some other motivation. Emphasize **there** **will be no retaliation against anyone for making a good faith complaint or for cooperating with an investigation** and that your intent, role and authority is to conduct a thorough and objective investigation**.**
* Explain you will be taking notes.

**Technique**

* Conduct interviews in an impartial and professional manner – including interviews of the person who made the initial report of misconduct, and the subject(s) of the investigation.
* Use open-ended and non-directional questions. E.g., What happened? When? Who was there?
* Listen carefully and do not interrupt.
* Listen with an open mind. Ask follow-up questions.
* Ask whether the person’s knowledge is from personal experience, or relying on others’ statements. “How do you know that” is helpful.
* Take notes.

**Get Supporting Evidence**

* Ask each witness for a list of people who may corroborate the witness’ statements. Did anyone witness the incidents? Who else might know?
* Ask: Are there any documents, notes, emails, recordings, photographs, or other physical evidence?

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**Confidentiality**

* Discretion is critical. Do not share names of the reporting party or other witnesses unless it is otherwise impossible to develop important information. The goal is to get maximum information while involving as few people as possible.
* Do not promise complete confidentiality to anyone. All individuals interviewed should be told that the Agency will limit sharing of information/findings to those who need to know.

**Wrap-Up**

At the conclusion of each interview:

* Allow the person being interviewed to ask questions.
* Ask: Is there anything else you want to tell me?
* Provide your contact information to the interviewee and ask them to contact you with any additional information or materials (including by email).
* Tell the person not to discuss the interview or investigation with others.
* Tell the person to keep all records s/he may have regarding the subject of the investigation.
* Remind them of any documents they’ve committed to provide you, and agree on a time-line.

**Documentation**

* Document each interview.
* Where possible, consider obtaining a signed statement from witnesses, as a witness may be unavailable later and/or memories may fade.

**Suggestions for the Initial Interview with the Reporting Person**

* Allow the person to explain in detail the basis for his or her complaint or report, using open-ended questions: For example:
	+ What happened? Who was there? What was your response or reaction? When and where did the incidents occur? Why did you decide to come forward now?
	+ Is there anyone else who witnessed the incidents? Who else might know?
	+ Was this incident an isolated event or has it happened before? If it has happened before, tell me about related incidents.
	+ Did this incident have any impact on you or your work?
	+ With whom have you discussed this incident? Do you know of any similar incidents involving other people?
* Ask how he or she thinks the problem could or should be resolved – without guaranteeing that this is how it will be resolved

**Suggestions for Interviewing the Accused Person**

This interview may be the most challenging part of the investigation, requiring an open mind and impartial viewpoint. In order for the investigation to result in accurate findings (i.e. an accurate determination about the facts and what actually happened), it is important for the investigator to give the alleged wrongdoer a full opportunity to respond to the allegations.

* Advise the accused individual that an allegation was made against him or her and that the Agency takes all such complaints seriously and investigates them to find out if they have merit. Tell him/her that this interview is being conducted to determine the facts.
* Do not expect an “admission.” Obtain as much information as you can.
* Identify and give the individual an opportunity to respond to each and every alleged improper statement or action.
* If the accused individual refuses to cooperate, explain that you have an obligation to continue the investigation and that if s/he refuses to provide relevant information, you will have to base your conclusions on information from other sources.
* If the accused refuses to proceed or insists on having a representative present, the investigator should terminate the interview immediately. Further consideration must be given for obtaining the individual’s information in a different way. Advice of LCD and local counsel will be necessary in this situation.

**Tips for Preparing an Investigation Report**

**Writing an Investigation Report**

SCUS asks employees assigned to conduct an investigation to use the Agency’s “[Investigation Report](#Report)” template when writing an investigation report. These tips for completing an Investigation Report follow the format of that template.

**Identify the Author of the Report and the Date:** Put your name and the date of the report at the top of the report.

**Date and Content of the Report:**  Record the date of the initial report of misconduct, the name of the employee who reported it (if known) and summarize the key aspects of the report (who, what, where, when and how). If the complaint or report of misconduct was submitted in writing, attach a copy of it as an exhibit to your Investigation Report.

**Interim Measures Taken Pending Investigation**: Identify any actions taken after the report was received but prior to the start of the investigation. This may include actions to protect a beneficiary or the person making the report, placing the accused employee on temporary leave during the course of the investigation, changing an employee’s reporting relationship, steps taken to protect materials and prevent tampering with witnesses, consultation with local counsel and so on.

**Investigation Process**: Describe the steps taken during the investigation process, including dates of the investigation, where it was conducted, what materials were reviewed, who was interviewed and dates of all interviews. Consider attaching key documents and witness statements or reports of witness interviews as exhibits to your report. Additional documentation should be preserved in a secure location.

**Material Facts Not in Dispute**: “Material” facts are those necessary to the determination of whether there has been a violation of policy or other misconduct. List key facts that are not disputed, i.e., areas where the reporting party and others interviewed were in agreement, or the documentary evidence is entirely clear. The idea is to reduce the number of issues that are in question.

**Material Facts in Dispute**: Describe those critical aspects of the incident where reports of the facts or documentary evidence do not agree. These are the areas where you will need to reach a decision about what the facts are. (See below).

**Resolution of Disputed Material Facts**: As an investigator, you must evaluate the material disputed facts in order to determine whether the alleged misconduct has actually occurred. In this section of the report, you will describe what you concluded about the facts based on your investigation. Include a description of the steps you took during the investigation to clarify and address disputed facts that are material to the allegations, i.e. how did you attempt to resolve discrepancies in the evidence or between the interviewees’ statements, or fill in gaps?

Where statements of witnesses differed on key (material) points, include an explanation of information you considered that helped you assess the credibility of the witnesses you interviewed to determine the facts. Such information could include plausibility (does the story make sense), source of information (did the witness have first-hand information), detail (how observant was the witness, how general or specific was the information), contradictions (did the witness contradict himself), demeanor, omissions (did the witness leave something important out), prior incidents, motive (does the witness have a relationship with anyone – good or bad – that might affect his ability to give objective information), and corroboration.

**Conclusions**: This section of the report should describe your conclusions as to whether or not the allegation(s) were substantiated (i.e. what is your best assessment of what happened). You should also include a discussion of any important issues left unresolved. **Unless you are a lawyer, do not draw legal conclusions**.

Example: If you concluded that an employee took money from the Agency without permission, state that fact. Do not state that the employee was guilty of theft or embezzlement, which are legal conclusions.

Example: If you concluded that there were falsified bids, say that. Do not state that there was fraud.

**Responsive Actions**: Document the actions that have either been taken during the course of the investigation, or that you recommend should be considered in response to the investigation findings, including: disciplinary measures; restitution, remediation or compensation; changes to SCUS policies, control systems, practices, approval procedures, or documentation to prevent recurrence of misconduct; workplace training; and/or reporting to outside agencies or authorities. Only the responsible supervisor or manager should implement the responsive actions.

For help on how to use this template, refer to [Tips for Preparing an Investigation Report](#ReportTips).

**Investigation Report Template**

**INVESTIGATION REPORT**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prepared by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[**DATE AND CONTENT OF THE REPORT/COMPLAINT**](#Tip1)**:**

[**INTERIM MEASURES TAKEN PENDING INVESTIGATION**](#Tip2)**:**

[**INVESTIGATION PROCESS**](#Tip3)**:**

[**MATERIAL FACTS NOT IN DISPUTE**](#Tip4)**:**

[**MATERIAL FACTS IN DISPUTE**](#Tip5)**:**

[**RESOLUTION OF DISPUTED MATERIAL FACTS**](#Tip6)**:**

[**CONCLUSIONS**](#Tip7)**:**

[**RESPONSIVE ACTIONS**](#Tip8)**:**

1. These guidelines pertain to offices under SCUS management. For offices that have transitioned to Save the Children International (SCI) management, refer to SCI investigation instructions. [↑](#footnote-ref-1)