

# **THE SEDOO INITIATIVE FOR CHILDREN WITH SPECIAL NEEDS**



## **INVESTIGATION POLICY**

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## 1. Introduction

The Investigation Policy establishes the relevant facts to prove or disprove allegations of fraud and corruption. It is legally established for the conduct of an impartial and objective fact-finding process aimed at establishing relevant facts and making recommendations in the organization.

**1.1 Guidelines:** The policy should inform investigation participants, the subject(s) of an investigation and other stakeholders about the investigative process to guide the investigative process to ensure that investigation activities are conducted thoroughly, objectively and effectively, in accordance with professional standards and best international practice. The Guidelines are a guide to best practice but are not mandatory in every situation. To ensure consistency in the investigation of cases in the organization, investigations conducted in accordance with these guidelines to the extent possible. However, the circumstances of a particular investigation – for example, the need to preserve evidence before notifying a subject – may necessarily affect the application of the guidelines to the specific circumstances of a case. Deviations from these guidelines may not necessarily constitute a due process violation.

## 2. Confidentiality

During an internal investigation into complaints by or about employee(s), confidentiality issues are often **unavoidable**. The investigator (whether in-house counsel, a human resources professional or outside counsel) should be prepared to handle them except if a witness requests otherwise. Confidentiality is required for effective investigation and other appropriate action in cases of alleged wrongdoing. It is in the interest of the Organization, investigation participants and the subject of the investigation. Information should only be disclosed as required by the legitimate needs of the investigation. The requirement for confidentiality extends equally to investigators, management, staffs and other personnel, investigation participants, and investigation subjects. The organization may determine that, under the circumstances;

- Confidentiality encourages employees to raise complaints and participate in investigations

- Protects employees from retaliation and unfounded rumors
- Protects the integrity of the investigation by, for instance, preventing witnesses from aligning their stories. During the course of an investigation it should be necessary for the organization to provide details to people with a legitimate 'need to know.' This may include:
  - (i) information provided to subjects to allow them to fully respond to allegations and to provide countervailing evidence;
  - (ii) information contained in requests to witnesses or other people with whom investigators speak or communicate in order to verify facts;
  - (iii) where appropriate (for example, to mitigate risk to the organization), preliminary information is shared with the Investigation team during the course of an investigation to allow necessary action to be taken prior to the conclusion of an investigation. Any such information must not be further communicated without the written approval of the organization and must be treated in accordance with any instructions given by SECHILD. In determining the level of information that is provided to subjects, witnesses and others in the course of an investigation, the organization should seek to strike a balance between the legitimate need for information and the risk that the investigation (or any later investigation for example, by national authorities) should be compromised and/or that witnesses and whistle blowers should be subject to retaliation. Requests for confidentiality by investigation participants should be honoured to the extent possible within the legitimate needs of the investigation. However, the identity of investigation participants or subjects and the details of the investigation may become known for reasons outside the control of the investigators. In certain cases (for example, workplace harassment and abuse of authority), the identity of the complainant and/or other investigation participants should need to be shared with the investigation subject during the preliminary assessment to

allow a response and the submission of any countervailing evidence that may be relevant to the assessment.

### **3. Primary Objectives of the Investigative Process**

Investigative findings should be based on facts and related analysis, which may include reasonable inferences. These findings would follow an objective assessment of all information, including inculpatory and exculpatory evidence, gathered in the course of the investigation. Investigations follow prescribed steps to objectively investigate allegations and to establish the facts while ensuring procedural fairness. Following the completion of the investigative process, SECHILD may still be required to support post-investigation activities that fall within the responsibility of the Organization as part of the system of accountability. These activities may include responding to inquiries from relevant staff, preparing management letters and assisting the Legal Adviser where necessary. This responsibility may extend to providing testimony before national authorities should the matter result in a criminal prosecution. The investigative process gathers evidence relevant to a decision on whether referral of cases to national law enforcement authorities for criminal investigation and prosecution is appropriate.

**3.1 Staff:** With respect to staff, the primary objective of the investigative process is to establish the facts relevant to an allegation in order to enable the Management to initiate necessary actions, including disciplinary proceedings.

**3.2 Partners:** With respect to Partners, the primary objective of the investigative process is to establish the facts relevant to an allegation in order to enable the organization to take necessary actions, including termination of the contract.

**3.3 Vendors:** With respect to vendors, the primary objective of the investigative process is to establish the facts relevant to an allegation in order to enable the Vendor Review Committee to

make decisions on debarment and other appropriate sanctions that may exist.

**3.4 Others:** With respect to cases of others falling within the scope of SECHILD (for example, Volunteers, certain external parties and interns), the primary objective of the investigative process is to form the factual and evidentiary basis for appropriate action. As such, the investigative process is part of the entire system of accountability and must be executed in a manner that supports that system as well as the interests of justice.

#### **4. Rights and Obligations of Subjects and Other Investigation Participants**

All investigation participants have a right to:

- i. A presumption of innocence throughout the investigation
- ii. A professional, impartial and thorough investigation; and
- iii. Due care in the handling and sharing of confidential information during the conduct of the investigation. All persons interviewed by the Investigation team should:

- i. Have the interview(s) scheduled at a reasonable place and time and be provided with the details of the individual(s) conducting the investigation interview;
- ii. Be treated with fairness and given an explanation of the investigation process;
- iii. Investigation subjects (or complainants in cases relating to allegations of sexual exploitation, sexual abuse or sexual harassment) may request to be accompanied to their interview by an observer who is either a SECHILD staff or an immediate family member, provided that the observer is readily available and not involved in the investigation, as determined by SECHILD. The observer must agree to respect the confidentiality of the investigation and sign a confidentiality statement. The observer may not interrupt, prevent or delay the interview, and is not allowed to speak during the interview. If the investigator considers the presence of the observer to be disruptive, the observer may be asked to leave and the interview should proceed without the

- observer. Considering the cultural context, gender and other elements of the case, the investigator may also select an observer to attend the interview
- iv. To the extent possible, interviews conducted by SECHILD should be conducted by two persons.
  - v. Investigation subjects and participants have no right to the presence of counsel during interviews and
  - v. SECHILD should not pay a witness or a subject for information. An individual who has been made the subject of an investigation is entitled to:
    - vi. Be advised in writing of the nature of the allegations and his or her role in the investigation no later than at the time of interview; and
    - ii. Be given the opportunity to explain his or her actions and to provide any documents or information that may be relevant to the factual determination of the matter, along with the names and details of any witnesses who may have relevant information. In cases where SECHILD recommends the consideration of disciplinary action, staff who are the subject of an investigation have the following rights.
      - i. The staff should be interviewed in the course of the investigation. The interview should be audio or video recorded and a copy of the transcript should be made available to the subject who should be invited to sign it. The staff cannot change their statement as recorded by SECHILD's recording devices.
      - ii. Additionally, the staff may choose to also provide a signed statement containing any clarification of their statements during the interview(s).
  - vii. The staff should be provided with a copy of the draft investigation report, redacted as necessary to protect witnesses and whistle blowers. The staff should be given the opportunity to provide comments on the factual findings and conclusions of the report along with any countervailing evidence within a reasonable time (normally between ten and thirty working days, depending on the seriousness and complexity of the matter).

All investigation participants have a right to:

- i. A presumption of innocence throughout the investigation
- ii. A professional, impartial and thorough investigation; and
- iii. Due care in the handling and sharing of confidential information during the conduct of the investigation. All persons interviewed by the Investigation team should:
- iv. Have the interview(s) scheduled at a reasonable place and time and be provided with the details of the individual(s) conducting the investigation interview;
- v. Be treated with fairness and given an explanation of the investigation process;
- vi. Investigation subjects (or complainants in cases relating to allegations of sexual exploitation, sexual abuse or sexual harassment) may request to be accompanied to their interview by an observer who is either a SECHILD staff or an immediate family member, provided that the observer is readily available and not involved in the investigation, as determined by SECHILD. The observer must agree to respect the confidentiality of the investigation and sign a confidentiality statement. The observer may not interrupt, prevent or delay the interview, and is not allowed to speak during the interview. If the investigator considers the presence of the observer to be disruptive, the observer may be asked to leave and the interview should proceed without the observer. Considering the cultural context, gender and other elements.

**4.1. Notification of Subjects:** An individual who has been made the subject of an investigation has the right to be informed in writing of his or her status and to know the nature of the allegation(s). This notification should take place at the earliest possible time. Situations may prevent advance notification of the subject prior to his or her interview. Such situations include, but are not limited to, the following: The evidence (documentary, electronic, physical, or witness statements) related to the allegation(s) has not been secured (i.e. preserved, collected and recorded) and might be



tampered with; other safety or security issues exist that would threaten the investigation (e.g. retaliation against the complainant, informant or witness, flight of the subject). Once these issues are adequately addressed and evidence is seized and fully secured, the individual must be notified in writing that he or she is the subject of an on-going investigation. The notification should take place no later than at the beginning of his or her interview as the subject of the investigation. If, during the course of the investigation, SECHILD discovers new facts giving rise to allegations of wrongdoing on the part of an investigation participant, the organization should notify the investigation participant, as soon as practicable, that he or she has become a subject of the investigation. If an investigation participant provides information during an interview that makes him/her a subject, the interview should be stopped and a subject interview should proceed only after the person has been advised in accordance with the requirements of the first paragraph of 4.2 above.

**4.2. Obligations:** It is the obligation of all personnel to report alleged fraud, corruption or other wrongdoing. Staff, including investigation subjects and participants, must cooperate fully and in good faith with a duly authorized investigation. A lack of cooperation may result in disciplinary or other appropriate action. The same obligations apply to Volunteers, interns, vendors and partners are required to cooperate in SECHILD investigations in accordance with the contract or agreement governing their contractual or programmatic relationship with SECHILD. This includes providing SECHILD with full access to staff, facilities and documents to enable allegations to be investigated as appropriate. Investigation subjects and participants should not interfere with the investigation and should abstain from withholding, destroying or tampering with evidence, and from influencing, coaching or intimidating the complainant and/or witnesses. Any such actions should be investigated by SECHILD and appropriate action should be taken, which may include a recommendation for consideration of disciplinary action or recommendation for referral to national authorities for criminal investigation. Investigation participants should refrain from discussing or disclosing the investigation or their

testimony to anyone except the investigators. In no case should an investigation participant discuss with the investigation subject and/or complainant and/or other investigation participant the nature of the evidence requested or provided or testimony given to investigators. Investigators should not interact with legal counsel for subjects or investigation participants or answer any questions from them regarding the specifics of the investigation.

**4.3. Administrative Leave:** The circumstances under which staffs who are the subject of an investigation may be placed on Administrative Leave by the Management.

## **5. Investigation Standards**

The following principles should be used:

- i. The purpose of an investigation is to examine and determine the veracity of allegations of corrupt or fraudulent practices with respect to, but not limited to, projects financed by the organization and allegations of misconduct on the part of the organization's staffs.
- ii. The Investigation team should maintain objectivity, impartiality and fairness throughout the investigative process and conduct its activities competently and with the highest levels of integrity. In particular, the Investigative team should perform its duties independently from those responsible for or involved in operational activities and from staffs liable to be subject of investigations and should also be free from improper influence and fear of retaliation.
- iii. The staff of the Investigative team should disclose to a supervisor in a timely fashion any actual or potential conflicts of interest.
- iv. Appropriate procedures should be put in place to investigate allegations of Misconduct on the part of any staff of an Investigative team.
- v. The Investigative team should take reasonable measures to protect as confidential any non-public information associated with an investigation.
- vi. Investigative findings should be based on facts and related analysis, which may include reasonable inferences.

- vii. The Investigative team should make recommendations, as appropriate, to the Organization's management that are derived from its investigative findings.
- viii. All investigations conducted by the Investigative team are administrative in nature.

## **6. Legal Basis**

All actions taken against a child/vulnerable adults, from physical, sexual, neglect, emotional and institutional abuse. The legal basis for investigation activities conducted by SECHILD or on her behalf is provided by:

- ix. The Anti-Fraud and other Corrupt Practices Policy
- x. SECHILD Employment Policy.
- xi. SECHILD Accounting Standards and Procedures. SECHILD has a mandate to investigate all reports of alleged wrongdoing involving SECHILD staffs and allegations of fraud and corruption against SECHILD, whether committed by SECHILD staff or other persons, parties or entities, deemed to be detrimental to SECHILD. SECHILD conducts investigations into allegations of
  - xii. Procurement fraud
  - xiii. Corruption and bribery
  - xiv. Theft and embezzlement
  - xv. Entitlements fraud
  - xvi. Misuse of SECHILD resources
  - xvii. Misrepresentation
  - xviii. Failure to comply with financial disclosure requirements
  - xix. Improper recruitment
  - xx. Retaliation against whistle blowers
  - xxi. Sexual exploitation and sexual abuse
  - xxii. Assault and threat
  - xxiii. Workplace harassment
  - xxiv. Abuse of authority
  - xxv. Physical Abuse

- xxvi. Sexual Abuse
- xxvii. Neglect
- xxviii. Emotional abuse
- xxix. Institutional abuse
- xxx. Failure to comply with local laws/abuse of privileges and immunities
- xxxi. Any other misconduct, such as wilful, reckless or grossly negligent disregard of SECHILD regulations, rules and administrative instruction

## **7. Standard of Evidence**

Disciplinary proceedings resulting from the organization's investigations are not of a criminal nature, but rather are administrative proceedings regulated by the rules and policies of the Organization.

## **8. Complaints**

As part of SECHILD's strategy to strengthen the accountability framework for the Organization and to provide opportunities for bringing to light any wrongdoing by any individual working for or doing business with her, SECHILD has an official line where all complains can be logged.

**8.1. Reporting Alleged Wrongdoing:** The organization takes all reports of alleged wrongdoing seriously and all allegations are assessed to determine whether an investigation is appropriate. The Center Manager is the principal channel to receive allegations. Anyone with information regarding alleged fraud, corruption or other wrongdoing by the organization's personnel or affecting SECHILD projects or programmes, is strongly encouraged to report this information to the Organization. People reporting wrongdoing should leave relevant contact information or to remain anonymous. However, allegations of workplace harassment and abuse of authority reported anonymously cannot be investigated by SECHILD. When reporting, people are encouraged to be as specific as possible, including the basic details of who, what, where, when and how any of these incidents occurred. Specific

information should allow the organization to properly investigate the alleged wrongdoing. Line Managers who receive reports of wrongdoing are to immediately report the matter to the Management.

Under NO circumstances should investigations be undertaken by any party other than the organization without the express approval of SECHILD and under the guidance of Management as appropriate. Individuals who become aware of information that concerns internet-based fraud related to the Organization or misuse of SECHILD's database or technology resources, whether such information relates to sources within the Organization or externally, may report the matter to a special repository created for the receipt of such information at the following email address:

[sedoofoundation@gmail.org](mailto:sedoofoundation@gmail.org)

**8.2. Receipt of Complaints:** The organization should acknowledge a complaint within one week after its receipt whenever possible. Due to the confidential nature of investigations, updates on investigations should not be given to the complainant or investigation participants. However, the complainant should be notified of the closure or finalization of an investigation.

**8.3 Anonymous Complaints:** SECHILD accepts anonymous complaints. However, anonymous complaints of workplace harassment or abuse of authority cannot be investigated. An anonymous complaint should contain enough detailed information to allow the organization to obtain independent corroboration of the facts. If there is no way to independently corroborate the information provided by the anonymous source, SECHILD should not be able to investigate the complaint and may be required to close the case.

**8.4 Malicious Complaints:** The motives of a complainant are not relevant to the decision to investigate, and any recommendations made by the organization are based on an objective investigation and not on the complaint itself. However, where an investigation finds that an allegation was knowingly false, SECHILD should recommend appropriate action, which may include a recommendation for consideration of disciplinary or other action.

## **9. Reporting Procedures and Responses to Allegation**

The Center/ project manager has been designated to receive and investigate all concerns or allegations of all forms of abuse against a child or vulnerable adults. The manger reports to the management committee. The committee in turn reports to the management through the manager depending on the perceived seriousness of the allegation and result of investigation.

**9.1 Staff:** All staff are responsible for reporting any concern or incidence of any form of abuse to the designated officer who should then conduct investigation. Upon investigation of a reported incident, project manager gives a report to the management committee inform the immediate management committee or Board. The committee or Board may decide to refer the incident to the management. Disciplinary actions can be taken by the management committee, Board or by the management in line with the organization's procedure for discipline.

**9.2 Child:** If a child, parent(s) of a child or a vulnerable adult accuses a member of staff of any form of abuse, or any kind of inappropriate behaviour, this should be reported immediately to the project manager. The project manager should record both parties' account of the incident in writing and then begin full investigation.

**9.3 Interest:** The right and interests of both parties should be protected throughout the period of instigation and reporting. Therefore, due attention should be given to the privacy and confidentiality of all the persons involved.

## **10. Investigative Process**

Upon receiving a complaint, the organization initiates her investigative process. The investigative process is comprised of three parts:

- i. Assessment
- ii. Investigation
- iii. Reporting

**10.1 Assessment:** The process of collecting, preserving and securing basic evidence, and the evaluation of available information and

evidence to determine whether an investigation is warranted. Decisions on which investigations would be pursued are made in accordance with the rules, policies and procedures of the Organization. The outcome of the assessment is either:

- i. A case closure because of insufficient evidence, because the allegations do not fall within the organization's mandate or because, for other reasons, an investigation is not warranted.
- ii. Assignment of the case to an investigator and the preparation of an investigation plan setting out the investigation required to objectively determine the factual basis, or otherwise, of the allegation(s). Investigations should commence as soon as possible following assignment, but owing to resource constraints, cases should be prioritized and pursued accordingly. The organization has the exclusive authority for determining whether to close a case or proceed with an investigation on the basis of SECHILD's assessment.

**10.2 Investigation:** The process of planning and conducting appropriate lines of inquiry to obtain the evidence required to objectively determine the factual basis of allegations. This should include:

- i. Interviewing people with relevant information and recording their testimony
- ii. Obtaining documents and other evidence
- iii. Conducting financial and IT analysis
- iv. Evaluating information and evidence
- iv. Reporting and making recommendations

The organization should conduct investigations expeditiously within the constraints of available resources. Based on the investigation plan, the Management should authorize the opening of an investigation where it appears that the following conditions are met:

- i. The allegation is within the scope of the organization's mandate
- ii. The allegation appears, on its face, to be credible
- iii. In all of the circumstances an investigation appears to be warranted (taking into account, for example, the age of the matter, the appropriateness of non-investigative actions, and whether the matter is trivial).

In certain circumstances, the organization may also prepare a management letter. Each of these documents is described below.

**10.3 Reporting Closure Report:** Closure reports are internal, confidential documents prepared for investigations that do not result in a recommendation for consideration of disciplinary, administrative or other action. A closure report is normally used in the following circumstances:

- i. Where the evidence obtained in the course of the completed investigation does not substantiate the allegations
- ii. Where, due to the circumstances, further organization's investigation is not warranted the case should be closed. SECHILD should notify the complainant and the subject by letter that the investigation has been closed. The organization should also inform other stakeholders that the case has been closed. The closure report remains internal to the organization unless disclosure is authorized, on a case by case basis, by the Management) or the President.

**10.4 Investigation Report:** If the investigation reveals adequate evidence to reasonably conclude that wrongdoing has occurred, the investigator should prepare an investigation report setting out the allegations, the investigation methodology and the facts established in the investigation. Where the complaint involves more than one allegation, the investigation report should provide details of the investigative steps undertaken to corroborate each allegation, the evidence gathered as relevant to each allegation, and the organization finding relating to each allegation. The potential consequences of an investigation report vary depending on the contract modality of the subject. Specifically:

- i. If the subject is a SECHILD staff, the report is submitted for management for consideration of disciplinary proceedings or administrative action;
- ii. If the subject is a Partner, the report is submitted to the Management for consideration of review or termination of contracts.



- iii. iii. If the subject is an intern, the remedy would be to terminate the internship agreement. In addition, if the established wrongdoing is a potential violation of national law or appears to offer an adequate justification for a request for recovery of the organization resources, the report may form the basis of a referral to national authorities.

In cases where the investigation reveals credible evidence of a crime that appears appropriate for referral to national authorities, SECHILD should prepare a summary of the evidence and a request for referral of the matter to national authorities. If the investigation subject is a SECHILD staff and the investigation does not involve allegations of retaliation, the organization should provide the subject with a draft of the investigation report requesting any comments that the staff may wish to make on the factual findings and conclusions of the investigation report along with any countervailing evidence. In such cases, SECHILD should provide the investigation subject a reasonable period of time to respond, depending on the seriousness and complexity of the matter. The Management may, exceptionally, grant the investigation subject an extension of time in which to respond, provided the investigation subject sends a written request to the Management setting forth convincing reasons why he or she is unable to comply with the deadline. If the investigation subject fails to respond within the designated timeframe, the matter should, nevertheless, proceed. Upon receiving the subject's comments, the organization should reflect the comments and any countervailing evidence provided by the investigation subject in the final investigation report, as appropriate. Once a final report has been prepared and submitted the Management should notify the subject(s), complainant(s) and any other stakeholders of the submission.

Non-staff personnel are not entitled to review draft investigation reports. In the case of an investigation into allegations of retaliation, in accordance with the organization Policy for Protection against Retaliation, SECHILD should forward the investigation report directly to the President. Investigation reports

contain confidential and sensitive information about individuals and SECHILD operations and activities. Disclosure of such information may be detrimental to the Organization's functioning and/or the welfare. As such, investigation reports are considered strictly confidential. The organization should not share final investigation reports with investigation subjects, complainants or other investigation participants, but Management should send a copy of the final investigation report to the subject when a decision is made to charge him or her with misconduct. The distribution of investigation reports should be restricted to those with a legitimate 'need to know,' balancing the need for confidentiality with the need for effective remedial action.

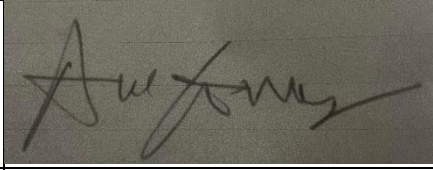
Any further dissemination of investigation reports should only be in accordance with instructions from SECHILD and the Management would be consulted on any questions as to whether the report can be shared with other parties. All investigation-related reports are confidential, internal organizational documents.

**Contact Details**  
**SECHILD Center**  
**Light Gold Estate, Phase 4**  
**after Trade more Estate**  
**Airport Road, Lugbe-Abuja-Nigeria**

**The Investigation Policy should be reviewed and updated annually**

Version	Date	Author	Summary
1.0	June 5 <sup>th</sup> 2022	The Sedoo Initiative for Children with Special Needs- SECHILD	<p>The Investigation Policy establishes the relevant facts to prove or disprove allegations of fraud and corruption. It is legally established for the conduct of an impartial and objective fact-finding process aimed at establishing relevant facts and making recommendations in the organization. The policy should inform investigation participants, the subject(s) of an investigation and other stakeholders about the investigative process to guide the investigative process to ensure that investigation activities are conducted thoroughly, objectively and effectively, in accordance with professional standards and best international practice. The Guidelines are a guide to best practice but are not mandatory in every situation. To ensure consistency in the investigation of cases in the organization, investigations conducted in accordance with these guidelines to the extent possible. However, the circumstances of a particular investigation – for example, the need to preserve evidence before notifying a subject – may necessarily affect the application of the guidelines to the specific circumstances of a case. Deviations from these guidelines may not necessarily constitute a due process violation.</p>

Document Approval

Version	Date	Approved by SECHILD Board of Trustees
1.0	June 5 <sup>th</sup> 2022	The Sedoo Initiative for Children with Special Needs-SECHILD
		
		Barr. Aver Gavar-Chairperson