**Appendix 6**

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| **LWF/DWS INVESTIGATION GUIDELINES**  **Revision November 2012**  **(draft for discussion – 30 November 2012** |

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**1. Introduction[[1]](#footnote-1)**

**1.1.** The purpose of this document is to provide guidelines for planning, conducting and managing a formal investigation for complaints received by LWF/DWS. It includes an overview of the key steps to be taken and the issues LWF/DWS must consider when conducting an investigation.

While LWF/DWS recognizes that many complaints can be dealt with and resolved informally, other complaints may require a formal investigation. Some investigations should be conducted and addressed locally if possible. A listing by country of where to send complaints is found as Appendix 5 of the LWF/DWS Complaints Mechanism Policy and Procedure.

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| **Some categories of complaints must be referred to LWF/DWS Geneva**:   * very serious complaints and allegation of misconduct * if the program does not have the resources or the capacity to resolve the complaint locally * if an LWF/DWS Country or Regional Representative, Program Coordinator or Finance Manager, or other international staff is implicated in the complaint or allegation of misconduct * if a national staff member in a senior management position in the Country or Regional Program is implicated in the complaint or allegation * if the serious complaint concerns alleged corruption or fraud, the LWF/DWS Finance Coordinator must be actively involved in handling the case |

**1.2 Guiding principles for investigation**

Those who conduct investigations must be professionally responsible, qualified, and objective. Their behavior and manner whilst conducting the investigation must be guided by the following principles:

*a****) Accountability****:* Those who conduct the investigation must adhere to these guidelines and must record accurately and comprehensively the steps which are employed in conducting an investigation. The methods and techniques employed in the investigation must be appropriate for the circumstances and proportional to the objectives of the investigation.

*b)* ***Impartiality*:** the investigation must be conducted in an unbiased, fair and respectful manner.

*c)* ***Timeliness***: investigations must be conducted efficiently and comprehensively in a timely manner as set out in this document.

*d)* ***Systematic approach*:** investigations will be conducted in a systematic, methodological way in order to ensure accountability and fairness.

*e)* ***Transparency:*** LWF/DWS staff and persons of the affected community know that this procedure exists and how to access those involved in conducting the investigation procedure.

*f)* ***Legality:*** the investigation must be conducted in a legally enforcing way, demonstrating fairness and reason, and based on clear and convincing evidence

**2. Initiating and planning an investigation**

* 1. **Preparing the Terms of Reference for the investigation**

Whether carried out at field level or at Headquarters, a Terms of Reference for the Investigation must be prepared. Please see **APPENDIX 6.1** for a sample Terms of Reference.

**2.2 Appointing an investigation team**

**For investigations carried out at the Country/Regional Program:**

The most senior LWF/DWS representative and the Complaints Handling Committee must create a team to conduct the investigation. The composition of this team will vary in different situations and depending on the nature of the complaint. The team generally consists of a manager and investigators. The investigation team should be comprised of LWF/DWS staff that have some experience or qualifications dealing in investigation work, human resources, are professional and are responsible to handle the ToR set out by these guidelines. Individuals comprising the Complaints Handling Committee must not be a part of the investigation team. Depending on the circumstances independent observers, interpreters and outside expertise may also comprise part of the investigations team. If an outside consultant is contracted by LWF, a standard LWF consultancy contract will be prepared. It is recommended that the “Commitments” and “Confidentiality” provisions included in the HAP Investigation Agreement format **(APPENDIX 6.2**) be included in the contract.

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| **At minimum, investigators must be:[[2]](#footnote-2)**   * **Professional**: exercise sound judgment and exhibit skill * **Responsible**: trustworthy, dependable and personally accountable for the decisions they take throughout the investigation * **Qualified**: experienced in interviewing and trained in investigations * **Independent**: have no material, personal or professional interest in the outcome of the complaint and no personal or professional connection with any witnesses (including, especially, the complainant and the subject of complaint) |

In cases of fraud, a very specific methodology must be followed which adheres to these general guidelines. Investigations of this nature will require an independent financial expert to be a part of the investigation team (someone who is trained and experienced with fraud investigations).

**Investigation team composition***:*

**2.2.1 Investigations Manager**

Every investigation team needs one manager to directly supervise the case. The responsibility of the investigation manager is to oversee the investigation and to coordinate the appropriate response. He or she will not partake in the actual investigation, but rather will take on a supervisory role. He or she should ensure that the investigators are properly trained, supported and debriefed following difficult investigations, when necessary. This individual will report to other senior managers/DWS Geneva on a need to know basis.

**2.2.2 Investigators**

It is important that there are two investigators to work on every investigation. It must be a male and a female assigned to these roles. The investigators are responsible for developing and undertaking the day to day conduct of the investigation. This includes gathering evidence, carrying our interviews, and preparing and submitting an investigation report. One of the persons will be the Senior Investigator (generally someone with more experience in carrying out investigations). The second person will be the Investigator, who participates fully in the investigation, and who usually takes the notes of the interviews.

* + 1. **Observer**

If there are not two investigators assigned, or if one investigator cannot attend an interview, a third external, independent observer should sit in on the interviews. This is to provide the investigator with feedback and support as well as to ensure accountability. In extremely sensitive cases such as sexual exploitation, an external observer may be present.

* + 1. **Interpreters**

Preferably, interviews should be conducted in local languages. However, when this is not possible, English, French, Spanish or Portuguese will be used. Interpreters should be avoided whenever possible. When interpreters are necessary, they must be neutral and have no relationship to the interviewee. They must interpret directly what the witnesses’ say without comment or inference. Interpreters, as others involved, must sign an Oath of Confidentiality (see 2.4 below).

* + 1. **External expertise**

The investigation team should consult external expertise (legal expertise, experts on child interviewing, medical and psychosocial experts, security professionals, financial consultants, member churches etc.) throughout the investigation where necessary and depending on the circumstances.

**For investigations carried out by LWF/DWS Geneva**

Section 1.1 above states which complaints must be referred to LWF/DWS Geneva. Such complaints will be received and handled by the investigation focal point at LWF/DWS. Please see **APPENDIX 6.3** to these Guidelines for “Guidelines and Procedures in Handling Complaints When Received in Geneva”.

**2.3 Devising an investigation plan**

Once the decision is made to undergo a formal investigation, the investigation team must devise an investigation plan which is to be kept in an investigation file. A sample format is found as **APPENDIX 6.4**.The investigation file is where all information regarding the investigation is to be kept. This file is to be shared strictly with the investigation team and the utmost care is to be made to ensure the confidentiality of this file. The investigation plan is designed to provide a general outline of the issues to be addressed, the investigative steps to be taken and to identify the practical constraints of the investigation.

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| **The investigation plan should include**:   * Who from LWF/DWS will be contributing to the investigation and what their role will be * A statement which clarifies the main issues of the complaint, and which is clearly understood by all members of the investigation team * The key witnesses to be interviewed * What might be used as evidence and where to gather it * What the investigation will cost in terms of resources and money * Any security concerns that may be raised throughout the investigation and how they will be handled**.** * Clear, published and understood time lines in which to complete the different phases of the investigation. **Ideally, investigations should be completed within 21 working days of the complaint being received.** However, due to the varied nature and complexity of complaints LWF/DWS recognizes that the investigation may require more time. |

This initial investigation plan is based on current knowledge of the allegation at the onset of the investigation. Consequently, this investigation plan is not static and should be reassessed and updated as necessary throughout the investigation procedure.

**2.4 Confidentiality**

The issue of confidentiality is of utmost importance and must be a primary focus for the investigation team. The fact and nature of the complaint, the identity of key participants and the investigation file are strictly confidential. Access to information about the complainant and the investigation is restricted and can only be disclosed to a limited number of specified people on a ¨need to know¨ basis. All LWF/DWS staff members involved in the investigation must sign an oath of confidentiality (**APPENDIX 6.5**), which is to be kept in the investigation file. All participants are responsible for any wilful or negligent disclosure of information regarding the investigation and for violating the oath of confidentiality. The identities of LWF/DWS staff members that violate this oath will be disclosed to the appropriate director and subject to disciplinary measures according to LWF personnel regulations.

* 1. **Investigating anonymous complaints**

It may be possible to investigate anonymous complaints if there is sufficient background information and/or if there are good leads to witnesses who can testify to the alleged incident. To the best of their abilities and with whatever limited information is available, investigators should research the anonymous complaint by gathering evidence that may be relevant, and if warranted, interview individuals who may have information regarding the alleged incident.

**2.6 Legal considerations**

Before beginning the investigation it is important to recognize and consider the various legal constraints on the investigation. It must be stressed that these are **administrative,** investigative guidelines which **do not supersede** legal or official authorities in the countries where LWF/DWS works. National employment laws, national criminal law, organizational policies and the subject of complaint’s (SoC`s) contract may influence how the investigation proceeds. If, pursuant to legal obligation to do so or on the basis of discretionary decision, either the complainant or LWF/DWS informs the national authorities of the allegation, the administrative investigation may continue if it can do so, legally and practically, without interfering with any criminal or other official investigation. Information gathered during the administrative investigation may be transmitted to the relevant national authorities in response to an appropriate official request.

Depending on the circumstances and the complexity of the complaint, LWF/DWS will seek legal expertise when necessary.

**3. Conducting an investigation**

**3.1 Gathering evidence**

Before investigators begin the interview process, it is necessary to gather additional background information and evidence that is relevant in deciding whether an allegation is true or not. It is important to **begin collecting evidence as soon as possible** after the complaint is received. This is to help avoid evidence being destroyed, tampered with or lost. It will also give the investigation team ideas about whom to interview and what questions to ask.

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| **Evidence may come in a number of forms:**   * Documentary evidence (which may be in hard copy or electronic form). * Physical evidence (found nearby or at the physical site of the allegation) * Witness testimony (information about what a person experienced i.e. what someone saw, heard, smelt, etc) * Expert evidence (expert opinion may be sought to gain specialized knowledge in a particular subject that is beyond what would be known by an average person i.e., medical expertise) |

Most often, relevant documentary evidence will be located within LWF/DWS premises or in the possession of LWF/DWS staff members. Other evidence may be found unexpectedly while carrying out the investigation. LWF/DWS gives its investigation team a mandate to initiate and conduct investigations on LWF/DWS`s behalf. In doing so, this empowers investigators to collect evidence and to be granted access to do so without hindrance or prior clearance.

Examples of different forms of evidence that may be relevant to the investigation:

* staff records, rosters, staff organizational diagrams, individual case files, contracts
* photographs, telephone records, emails, computer files, surveillance video-tapes
* financial records, payment vouchers, order forms, ration books etc.

**LWF/DWS staff members are required to cooperate fully in this process and have a duty to tell the truth and to disclose all information relevant to the case**. An LWF/DWS staff member who intentionally interferes in the investigation or willingly lie to obstruct justice will be disciplined according to LWF personnel regulations. This is to ensure that a timely investigation and a fair and just investigation process may proceed without delay.

**Handling documentary and physical evidence and chain of custody records**

When handling the original version of documentary or physical evidence, a clear chain of custody record must be established. From the moment the investigator takes control of the evidence, a record of its receipt and subsequent handling must be kept, including the dates and times when it was obtained.

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| **The investigator should record the following information**  **to maintain the proper chain of custody:**   * Name of person providing the evidence * Source and/or physical location from which the evidence was obtained * Date and time the evidence was obtained * Name, identifying number, date of document, and brief description of the evidence * Overall condition of the evidence |

Please see **APPENDIX 6.6** for a Chain of Custody/Exhibit Form.[[3]](#footnote-3) When some evidence is obtained by the investigation team, the source is provided with an Exhibit Receipt (template found as **APPENDIX 6.7**).

**3.2 Rights and obligations of the interviewees**

The complainant(s), the SoC (subject of complaint) and all key witnesses should be interviewed during the investigation process. All interviewees are to be treated professionally and courteously throughout all stages of the investigation process. The SoC is to be treated in the same manner as all the other witnesses. S/he will be presumed innocent until proven otherwise and is entitled to a fair and just due process of investigation.

It is recommended to send a written notice to the subject of complaint and to the witnesses prior to the interviews. Please see **APPENDIX 6.8** for a sample Subject Notice of Investigation, and **APPENDIX 6.9** for a sample Witness Notice of Interview.

Before beginning the interview, all participants are encouraged to sign the oath of confidentiality mentioned above. It is extremely important that those involved know that what they reveal will be held in confidence and that there will **be no reprisal for making a complaint** **or for providing testimony that supports or negates the proposed allegation as long as it is made in good faith**.

In certain circumstances and depending on the nature of complaint, the SoC may be placed on administrative leave or suspended from work during the duration of the investigation.

**3.3 Sequence of interviews**

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| **The sequence of the interviews should be the following:**   1. The complainant 2. The victim 3. Witnesses with knowledge of the incident but not involved in wrongdoing 4. Witnesses with knowledge and who may be implicated 5. Subject of complaint |

3.3.1 The complainant should be interviewed first. The complainant should provide a comprehensive account of the proposed allegation including all important details and any leads to pursue. This will help to identify other potential witnesses who may need to be interviewed who were not previously considered. The victim, who may also be the complainant, is then interviewed.

3.3.2 Next, witnesses who have knowledge about the alleged incident but who are not believed to be involved in any wrong doing should be interviewed. Individuals with direct knowledge about the alleged incident who may have been involved or implicated in some way with the wrong doing should be interviewed afterwards.

3.3.3 The SoC is to be the last person to be interviewed. This is to give investigators maximum opportunity to compare the SoC's testimony against the other accounts. There are special considerations to take into account when interviewing the SoC:

* The SoC, like all other witnesses in the investigation, is entitled to a fair and impartial process. This means that the SoC may respond to the allegation by hearing the evidence brought against him/her and by having the opportunity to respond to that evidence. The SoC is able to bring up new evidence and indicate new witnesses that he/she feels are useful in disproving the allegation against him/her.
* The SoC should **not be presumed to be guilty of the alleged offence**. The focus of the investigation is to obtain information that **either proves or disproves** the allegation. All information that does either of these will be considered and there are to be no preconceived biases regarding the SoC.
* The SoC is not entitled to know the name of the complainant or any other witnesses, or the source of evidence brought against him or her.

Interviewees may be interviewed for a second time in order to clarify information, conflicting testimonies or if new evidence is brought forth to which they need to be questioned. Re-interviewing a subject is not advisable and careful planning should be done prior to conducting the interview in order to ensure proper preparation for the interview and to avoid having to a re-interview a subject.

If re-interviewing does not resolve the conflicting testimonies, it may be necessary for the SoC and the complainant to meet face to face to discuss and clarify the discrepancies. If this step is to be taken, it must be done so in consultation with the most senior LWF/DWS representative in charge. This is only to be done as a last resort and only if the complainant accepts the disclosure of his/her identity to the SoC.

**3.4 How to conduct an Interview**

There is no prototypical way to conduct an interview but there are some general guidelines one should adhere to:

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| **General guidelines for interviews:**   * There should always be two investigators present at all times during the interview, respecting the criteria for composition of the investigation team. * Interviews should always be conducted face to face if possible. If circumstances do not allow this, investigators may arrange an interview by telephone or a video conference instead. * If the interview is to be tape recorded, the interviewee must be informed and needs to agree with this procedure before the interview begins. |

Refer to **APPENDIX 6.10** for information on interview structure and sample questions.

**3.4.1 Investigators should follow these four stages of interviewing**

**i) Establishing Rapport**

It is important to build rapport with the interviewee at the beginning of the interview. Thus, the investigator should take the time to introduce him/her and to tell the witness why he/she is being interviewed. The rapport building stage is intended to gain the witnesses trust and set the tone for the remainder of the interview so investigators should be polite, informative and respectful.

**ii) Free Narrative**

The investigator should allow the witness to provide a `free narrative’ of what happened during the alleged incident. This is to give the witness an opportunity to give an uninterrupted account of the events. The investigator should begin by prompting the witness with very general, open ended questions.

* For example `Can you tell me about your general duties? Or “Can you explain the sequence of events that happened on ….”` etc.
* The investigator should continue to probe the witness by using neutral prompts such as, “and then what happened?” Any specific questions or clarification that is needed should be asked after the witness is finished giving their testimony.

**iii) Specific Questions**

After the free narrative stage it is now appropriate for the interviewee to ask more specific and focused questions. These questions may take the form of:

* Open questions i.e. Tell me more about your relationship with the SoC.
* Specific questions i.e. What happened after you picked up the supplies?
* Closed questions i.e. What was the amount of the transaction?

It is important that the investigator adopts an active listener approach. Ask questions for clarification and probe for more information when necessary but avoid asking leading questions and using suggestive language which can distort the witness’s memory.

* For example rather than asking “Was he wearing a red shirt?” which is a leading question, rephrase it as “What color was his shirt?”

**iv) Closure**

To end the interview, the interviewer should summarize what the witness has said, ask if he/she has anything to add, and answer any questions. The interviewer should provide the witness with their contact information for further communication and thank them for their time.

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| **General Do’s and Don’ts of Good interviewing** |
| DO:   * Be courteous, objective and professional * Ask direct and simple open-ended questions * Be sensitive to cultural and local practices * Regularly confirm information provided by the witness * Ask the witness to clarify ambiguous terms or information * Conduct the interview at the pace of the witness * Give the witness time to think and to answer questions without interruption |
| DON’T:   * Use vague language, jargon, acronyms or euphemisms * Threaten, intimidate or mislead * Use long, leading or multiple questions * Use judgmental language * Give feedback on the witness’ testimony, even unintentionally through face expressions and voice inflexions * Make moral or legal judgments * Make promises you cannot keep |

Investigators must maintain a neutral tone throughout the interview. One must remember that the investigation process is a fact finding mission. All information is to be taken at face value and recorded as such. It will be assessed for credibility after the interview and without the witness present.

**3.5 Recording and Documentation of information given in an interview**

During the interview it is best for one investigator to focus on asking the questions and the second investigator to be responsible for note taking. The notes should be very detailed and almost verbatim. **They should not include the investigators own opinions, conclusions or analyses.** These notes formulate the record of interview (see **APPENDIX 6.11** for a Sample Record of Interview).

The record of interview should include;

* the details of the interview; the who, what, where, when and how
* The information asked for and provided during the interview
* Include facts obtained from the interviewee as well as their relevant opinions and impressions. (Note; the investigators own opinions, conclusions and analyses should NOT be included).
* It should be presented in an question-and-answer format

The interviewee is to review it and sign it if they agree with what has been recorded. If they do not agree with the record of interview any changes or comments that are made must be documented and an explanation given for the changes. Once agreed upon and signed, the record of interview is then to be put in the investigation file.

**3.6 Validating the evidence**

Once all the evidence has been gathered and all of the interviews conducted, the accuracy and authenticity of the information must be established.

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| **When validating evidence the investigation team should take into consideration:**   * if witnesses have certain biases or prejudices that may have influenced their testimony * the credibility/reputation of the source * Whether what was reported was based on hearsay (from a secondary source rather than based on personal knowledge) * If testimony was based on opinion rather than fact * if information/documentary evidence gathered is outdated, or taken out of context |

Once the investigation team has evaluated the credibility of witnesses’ testimonies and other evidence, they must establish the existence or non-existence of proof of the allegation. In adherence with the criteria set out in these guidelines, an outcome is to be decided which accurately reflects the conclusion of the information gathered and which ensures the fair delivery of justice to those involved. Ideally, the outcome of the investigation should be reached by consensus of those involved in the investigation team. If consensus between the investigation team cannot be reached, the LWF/DWS representative in the most senior position (or LWF/DWS Director for serious misconduct) should be consulted for further guidance.

**4. Conclusions**

**4.1 Follow-up and recommendations**

Once the evidence has been reviewed and validated, the investigators must write an investigation report which is to be prepared locally and presented to the LWF/DWS investigation manager for consideration before being signed by him/her. The investigation report is a summary that must address all aspects of the investigation including how the alleged misconduct was discovered, the steps taken to gather the evidence, the investigators conclusions and the evidence supporting those conclusions.

The conclusion of the investigation must be clearly stated in the investigation report and will result in one of the following:

* “***found by reasonable inference”***
* ***“not found due to insufficient or unclear evidence”***
* ***“not found based on evidence to clear the SoC or to establish a malicious complaint”***

The investigation team will submit the investigation report to the Complaints Handling Committee and the relevant Director/Representative for consideration. Upon approval, the relevant Director/Representative takes the final action and signs the investigation report and recommendation. This should demonstrate and document that appropriate action has been taken. In some instances, recommendations will be made in consultation with Geneva.

Where the investigation involves a serious complaint as indicated under item 1.2.b in LWF/DWS Complaints Mechanism Policy and Procedure, **a copy of the report must be sent to the LWF/DWS Geneva Secretariat, to the attention of the relevant Program Officer**.

**4.2 Report structure**

The report should be structured in the following way and ideally with not more than ten pages in length. Please see **APPENDIX 6.12** for a sample Investigation Report format.

**The investigation report should be filed within 21 working days after the complaint was received**, unless there are extenuating circumstances. If it is not available within 21 days the investigation team must notify the relevant Director of the delay and the reasons why. **The final resolution of the investigation will be communicated back to the complainant within 30 days.**

**4.3 Informing participants of the outcome of the complaint**

**a) Complainant**

The Director/Representative is responsible for communicating to the complainant the outcome of the investigation. The complainant should be notified of the outcome of the investigation either way. However, he or she does not have the right to be informed of the identities or the evidence provided by the other witnesses.

**b) SoC**

The Director/Representative is responsible for informing the SoC of the outcome of the investigation. The SoC must also be informed if the allegation has been referred to national authorities and if further action will be taken. If the complaint is not substantiated, the SoC must not be informed of the identities of any informants or the complainant.

**c) Other Witnesses**

Other witnesses do not need to be notified of the outcome of the investigation.

**4.4 Disciplinary measures**

If the complaint has been substantiated the appropriate Director/Representative (in cases of sexual exploitation and other serious misconduct LWF Geneva, in coordination with the Director of the Human Resources office) will decide on the appropriate disciplinary measures to be taken according to LWF personnel regulations. **Disciplinary decisions should never be taken by anyone involved in the investigation.**

If the SoC is a local employee, the appropriate Director/Representative must follow national employment laws when considering disciplinary measures. If they are not followed and the SoC was dismissed, s/he could be reinstated or awarded damages. If the employee is an expatriate, it is important to check if the employment laws of their sending country apply.

If the complaint was found to be a false allegation made out of malice and deceit the complainant will be subject to disciplinary measures to be decided by the appropriate Director/Representative.

**4.5 Appeals Process**

The complainant or the SoC may lodge an appeal **within 30 days of the receipt of the outcome of the investigation**. The circumstances in which an appeal may be sought may be due to the following:

* One of the parties feels that important parts of the complaint were not investigated
* More evidence was available but not gathered or certain witnesses that were important to investigate were not interviewed
* The evidence gathered does not support the investigation conclusions

The appeal will be heard by the Appeals board of LWF/DWS and if necessary a second and last investigation will be launched. The decision of the investigation may only be appealed once.

**4.6 Follow-up**

If investigators provide recommendations to management for follow up, especially if the allegation was a result of inadequate or unsatisfactory organizational practices, senior management must develop an action plan to address and prevent similar situations from occurring in the future. LWF/DWS management should monitor regularly to ensure that all possible measures have been implemented and are functioning properly.

**APPENDIX 6.1**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **SAMPLE TERMS OF REFERENCE FOR AN INVESTIGATION** |

Terms of Reference

**Investigation of alleged breach of the Code of Conduct**

**LWF DWS XXXX program**

The following has come to the attention of LWF DWS Geneva or XXXX:

**The Complaint/Allegations:**

1. Explain the Situation how the complaint was received

XXXX

The following are the complaint allegations:

1. XXXX Explain the allegation clearly and precisely and underline what in the Code of Conduct is being violated ( refer to specific reference to where this is stated, in an email, in the complaint, form, verbally, etc)
2. XXXX Enumerate each allegation separately, and underline what in the Code of Conduct is violated
3. XXXXX

(note: if there are Operational Concerns in the complaint, state specifically what they are and whose attention is to be called for this)

2. Explain any further action, where relevant, has been taken (take note of immediate medical, physical or psycho social risk of victim)

**Need for an Investigation:**

XXXX and XXXX discussed the issue and decided this warrants an investigation from XXXX in view of the complaint allegations as alleged breach of policy.

**Appendix 1:**  Filled out Complaint Form

**Appendix 2:**  Other documentation available

Any other information significant to know:

**Breach of Policy**

In accordance with the LWF Policies and guidelines, the LWF Code of Conduct, Whistle blowing and Complaints policy and mechanism, the investigation shall look into the allegations in order to:

1. Establish the full details of what has happened by interviewing the Complainant, the witnesses and the subject of complaint. All interviews will be accurately recorded and signed.
2. Examine all other sources of evidence that come to light throughout the investigation.
3. Inform all parties of their rights and what it means for them to be involved in an investigation of this kind – e.g., the right to be accompanied; confidentiality compliance; note-taking at all interviews; witnesses will be asked to sign notes, and the complainant or SoC will be informed of the results of the investigation.
4. Compile a full Investigation Report, with findings on the outcome of the allegations.
5. Make recommendations on how the matter should be dealt with and whether disciplinary or other corrective action is required.

LWF DWS XXXX is therefore conducting a formal investigation and is sending XXXXXX to conduct the investigation in coordination with XXXX or Geneva Program Officer for Quality Assurance and Accountability who is designated as the Investigations Manager.

A report containing the Findings, Analysis, Conclusions and Recommendations is expected to be forwarded by XXXXX to XXXXX who will advise the DWS management on further actions to take. The deadline for the report will be on XXXX.

During the investigation:

* The rules of natural justice and LWF’s Investigation Guidelines will be adhered to.
* Courtesy and respect will be extended to all parties involved.
* Confidentiality will be maintained throughout the investigation.
* Safety risks will be assessed and maintained.
* Where applicable the investigation should conform to national laws

**Timeframe:** The investigation will take place from XXXXXXX. In the event that more time is needed this shall be discussed with the Investigation Manager. The investigations report is due on XXXX.

**Reference Documents:**

LWF Code of Conduct

LWF DWS Complaints Policy and Mechanism with Annex 6, Investigation Guidelines

Prepared by:

Date:

Pl*ac*e:

**APPENDIX 6.2**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **SAMPLE INVESTIGATION AGREEMENT BETWEEN LWF AND CONSULTANT[[4]](#footnote-4)** |

This contract is made between **the LUTHERAN WORLD FEDERATION and Investigation organisation or Investigator**

Investigation organisation or Investigator is engaged to provide investigation services in accordance with the attached terms of reference.

**1. CONTRACT DATES**

This contract shall start on Date and must be completed by Date

**2. COMMITMENTS**

Investigation organisation or Investigator will:

 Identify and contract the lead investigator and the second investigator

 Manage the financial contractual agreement with the investigators

 Make logistical arrangements for the international travel

 Ensure that the investigators conduct the necessary investigation and produce a written investigation report

 Provide ongoing support and advice during the investigation to the LWF

 Provide ongoing support and advice the investigation team during the investigation if required

 Provide policy advice and support at the closure of the investigation if required.

 Ensure that the investigators adhere to the LWF policies at all times during this investigation.

**THE LUTHERAN WORLD FEDERATION will:**

 Identify an Investigation Manager – Louise who will provide logistical and administrative support to the investigation team

 Make local transport and logistical arrangements

 Ensure that safety and confidentiality plans are implemented and that the investigation is conducted according to key principles and procedures

 Manage the relationship between the investigation team and the rest of the organisation

 Receive the final investigation report and taking appropriate action

 Request advice and support from Investigation organisation or Investigator as and

when required.

The LWF will contribute AMOUNT for the Investigation Organisation or Investigator.

**3. CONFIDENTIALITY**

Investigation organisation or Investigator will keep in complete confidence all information provided to it in the course of the complaints review, including, but not limited to: documents, reports, or other detailed information, unless both the agency concerned and the complainant agree to their release.

Should the matter become public at anytime, the LWF and Investigation Organisation or Investigator shall together issue a public statement about the procedures followed and the status and/or the outcome of the complaint review.

By signing this letter the LWF agrees to the investigation process requirements and conditions and also to do everything necessary to facilitate that process.

For its part, Investigation organisation or Investigator agrees to ensure that an investigation

is carried out in the manner described in this agreement.

Date Date

Signature Signature

**APPENDIX 6.3**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **GUIDELINES AND PROCEDURES IN HANDLING COMPLAINTS WHEN RECEIVED IN GENEVA** |

This guideline is specific to procedures for the LWF/DWS Geneva headquarters when receiving complaints. The reference document in handling complaints in the country programs is the LWF/DWS Complaints Mechanism Policy and Procedure. For complaints related to Geneva staff, the LWF Personnel Policies and LWF Geneva Secretariat Personnel Regulations apply.

Complaints received by Geneva can come from the country programs or from Geneva staff through any of the following ways:

I. LWF DWS Complaints email account ([complaints@lutheranworld.org](mailto:complaints@lutheranworld.org))

II. Information received directly by any Geneva Staff, or information from the country programs from direct emails or through the Monthly Reports of Representatives

III. LWF organized events

IV. Serious complaints from Geneva staff

**I. LWF DWS COMPLAINTS EMAIL ACCOUNT**

One could file a complaint through the LWF/DWS Complaints email account. The email account [complaints@lutheranworld.org](mailto:complaints@lutheranworld.org) is accessed only by the Geneva Accountability Focal Person. When a complaint is received through this email address, the following procedures shall apply:

1. DWS Accountability Focal Person acknowledges the email to the Complainant
2. As appropriate, consult with DWS Management (Complaints Handling Committee in Geneva) or as applicable with the Program Officer/s, if it is an operational complaint.
3. A Plan of Action is decided
4. A Communication sent to appropriate office/persons based on the plan of action

Note:

1. if the subject of complaint is a member of the country senior management team (e.g. the Representative, Program Coordinator, Finance Manager; international or national staff), or another international staff, DWS Geneva is actively involved in handling the complaint
2. If Subject of Complaint is an international staff, the DWS Director has the direct responsibility in consultation with Geneva Office of Personnel on the handling of the complaint.
3. If the serious complaint is a case of alleged Corruption or Fraud, the DWS Finance Coordinator in Geneva has the responsibility to actively be involved in handling the case
4. Operational complaints referred to Geneva are in forwarded to the Country Program concerned. In exceptional cases, the investigation may be guided by the Geneva staff.
5. If DWS Management decides on an investigation, the Geneva Accountability Focal Person manages the Investigation, including preparation of the Terms of Reference for the Investigation.
6. An investigation team is organized following the Investigation Guidelines . The composition of the team is based on the expertise and competency needed on the nature of the complaint.
7. When the Investigation Team finalizes its report, the report is shared with DWS Management. When the case involves an international position/Country Representative, or a national staff in a senior management position, the DWS Director makes the final decision. The Office of Personnel will then follow up on personnel administrative matters, as needed.
8. If the case involves national staff in senior management positions, the final report is forwarded to the Country Representative. The Complaint is entered into the Geneva Complaints Ledger with the final decision taken.

**II. INFORMATION RECEIVED BY ANY GENEVA STAFF or information from the Country Programs from direct emails or through the Monthly Reports of Representatives**

When a complaint is received through email by any Geneva staff:

* The concerned staff has the responsibility to forward the email to the Accountability Focal Person soonest time possible. When immediate attention is needed, the complaint should be shared at once with the DWS Director.
* Depending on the nature of the complaint,
  + if operational in nature it is discussed with the appropriate Program Officer for action
  + if serious complaint it is discussed with the DWS Management team (as the Complaints Handling Committee)
* Procedure as above no I thereafter is then followed

***Important to note:***

* *Not all complaints may need to be investigated depending on the nature of the issue*
* *Operational complaints are referred back to the Country program. The Program officer has the responsibility to follow this up.*
* *As noted above, serious complaints will be investigated by LWF/DWS Geneva. A copy of the serious complaint final report is also filed in Geneva.*

**III. LWF ORGANIZED EVENTS**

The LWF Council (19 July 2010) approved a policy: *Code of Conduct concerning sexual harassment and exploitation for participants in events organized by the LWF*. The procedure of handling any complaints during this specific limited time is outlined in the document: Code of Conduct during LWF events.

**IV. SERIOUS COMPLAINTS FROM GENEVA STAFF**

The **LWF Personnel Policies Section 20:2** refers to the LWF Staff Code of Conduct regarding abuse of Power and Sexual Exploitation. Furthermore, it is reflected in the **LWF Geneva Secretariat Personnel Regulations 15.5** that:

*15.5.1 It is the responsibility of the employer/supervisor to go through the Code of Conduct and the definitions introducing the CoC, with the staff member, to secure a proper understanding of the CoC, as well as the consequences of any breach of the CoC, and the procedures to be followed if a breach of CoC has been reported.*

Should there be a breach of the LWF Code of Conduct amongst Geneva staff,

*15.5.2 Any allegation or concern regarding abuse of power and/or sexual exploitation should be reported, if possible in writing, to the senior management*

*15.5.3 It is the responsibility of the senior management, in close consultation and collaboration with the Director of Personnel to:*

*15.5.3.1 Initiate appropriate investigation;*

*15.5.3.2 Secure that all information is treated with the utmost discretion and confidentiality, in order that victims(s), witness (es), suspect(s) and others involved are not victimized in any way*

*15.5.3.3 Implement appropriate disciplinary actions, as outlined in Article 21 of the Personnel Policies, whenever abuse of power and/or sexual exploitation is properly documented and proven*

*15.5.3.4 in cases where a criminal act is suspected, to initiate police investigation and possible procedures of prosecution*

*15.5.3.5 Make known to beneficiaries of the departments/units where and how they may file complaints*

*15.5.4 When allegations or concerns are raised of abuse of power and/or sexual exploitation, and the suspect(s) are being named, the suspect(s) should under normal circumstances be suspended from their position until investigations are finalized. Depending on the seriousness of the charges, the freezing of salaries and/or benefits should be considered.*

November 2012

**appendix 6.4**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES: SAMPLE INVESTIGATION PLAN[[5]](#footnote-5)** |

|  |  |
| --- | --- |
| **INV Case No:** | **INV/2012/** |
| **Implicated Personnel:** |  |
| **Department/Mission:** |  |
| **Investigation Plan date:** |  |
| **Investigator(s)** |  |

**1. Allegations**

{A brief summary of the reported misconduct, including circumstances relevant to the matter being investigated}

**2. Applicable legal norms**

{State applicable regulations/rules/law pertaining to the reported misconduct}

**3. Implicated personnel**

{State personnel information from human resources records, including contractual status; current assignment; appointment expiration date; and other employment issues affecting availability of implicated personnel)

**4. Work Plan steps and timelines**

**A. Investigative action**

{Identify interviewees, their contact details and a tentative schedule. Also, address issues of availability, order of interviews and special needs (e.g. interpreter, guardian}

**B. Evidence / Records preservation and collection**

{Identify known and possible sources of evidence and specify means/process for securing those sources and collecting records – i.e. personnel files, electronic data etc.}

**5. Travel / mission plan**

{Proposed missions - Include travel dates, length, purpose, location(s), number of investigator(s) required, support required from mission, provide an estimation of costs}

**6. Resources**

1. **Equipment / investigation tools**

{For the proposed missions & the investigation. List required equipment, including laptop computer; portable printer; external hard drive; flash drive; digital camera; digital audio recorder; hard disk cloning software; SIM card reader/back-up; evidence bags/seals}

|  |  |  |
| --- | --- | --- |
| **Equipment** | **Explanation** | **Date required** |
| Laptop | Required for investigation mission |  |
| Cell phone | N/A SIO already has been issued cell phone |  |
| Portable printer | N/A |  |
| Portable scanner | N/A |  |
| Digital camera | Required for investigation mission |  |
| Audio recorder | Required for investigation mission / batteries |  |
| External hard drive | N/A |  |
| Hard driver cloning | N/A |  |
| SIM card reader | Required upon return from investigation mission |  |
| Evidence bags / seals | Required during investigation mission as cell phones and other evidence will be obtained. |  |
| --- | --- |  |

**B. Forensics / external expertise**

{List any forensic/external support or specialized forensic equipment required for the investigation.}

|  |  |  |
| --- | --- | --- |
| **Type of evidence** | **Explanation** | **Date obtained** |
|  |  |  |
|  |  |  |

**7. Potential risks**

**A. Risks to the organization / investigation**

{Identify any risks to the Organization arising from the investigation and indicate any possible solutions to address those risks.}

|  |  |  |
| --- | --- | --- |
| **Type of risk** | **Explanation / solutions** | **High / Medium / Low** |
|  |  |  |
|  |  |  |

**B. Risks to individuals**

{Identify any risks to individuals involved in the investigation, including investigators, other staff, victims(s), subject, witnesses, local population, etc. Also discuss any possible solutions to address those risks}

|  |  |  |
| --- | --- | --- |
| **Type of risk** | **Explanation / solutions** | **High / Medium / Low** |
|  |  |  |
| --- | --- | --- |
| --- | --- | --- |

**C. Other risks**

{State any other risks and possible solutions to address those risks}

|  |  |  |
| --- | --- | --- |
| **Type of risk** | **Explanation / solutions** | **High / Medium / Low** |
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**Annex 1. Proposed Interviews**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Name/Position** | **Status (subject, witness, victim, etc.)** | **Contact Info (phone and e-mail)** | **Purpose of Interview** | **Tentative date/availability** |
|  |  |  |  |  |  |

**Annex 2. Collection of Evidence / Records**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Evidence / Records to be Collected** | **Means of Collection / Contact Point** | **Date Completed** |
|  |  |  |  |

**Assigned Investigator(s)**:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:

**Investigation Plan approved by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Senior Investigator

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:

**APPENDIX 6.5**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES: OATH OF CONFIDENTIALITY[[6]](#footnote-6)** |

I, the undersigned, shall exercise the utmost discretion with regard to my involvement in the investigation being conducted by The Lutheran World Federation. I shall hold secret all information known to me by reason of my participation in the investigation procedures. I shall not use such information for private gain, or to favour or prejudice any third party.

I understand that this declaration will remain in force after the completion of the investigation. I also understand that divulging confidential information to persons who are not authorized to receive it may amount to misconduct, and that the signed original of this declaration will be held in the relevant investigation file.

**Name**………………………………………. **Title**…………………………….

**Role**………………………………………...

**Signature**…………………………………..

**Date and Place**……………………………..

To be filled out by an Investigator before whom the Oath is taken:

**Case number** ……………………………… **Title**……………………………..

**Name**……………………………………….

**Signature**…………………………………..

**Date and Place**…………………………….

**APPENDIX 6.6**

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| **LUTHERAN WORLD FEDERATION -**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES – CHAIN OF CUSTODY /**  **EXHIBIT FORM[[7]](#footnote-7)** |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| The item(s) described below were obtained as evidence by the undersigned during an official investigation: | | | | |
| **Description of Item:** | | | | |
| **Obtained from:** (Name, title, Office, location) | | | | |
| **Printed name of investigator:** | **Signature of Investigator:** | | **Date Obtained:** | |
| **Case Number:** | | | | |
| Temporary disposition of item (s): (where stored) | | | | |
| Released by: (printed name and signature) | | Released to: (printed name and signature) | | Date: |
| Temporary disposition of item (s): (where stored) | | | | |
| Released by: (printed name and signature) | | Released to: (printed name and signature) | | Date: |
| Temporary disposition of item (s): (where stored) | | | | |
| Released by:(printed name and signature) | | Released to: (printed name and signature) | | Date: |
| Temporary disposition of item (s): (where stored) | | | | |
| Released by: (printed name and signature) | | Released to: (printed name and signature) | | Date: |
| Temporary disposition of item (s): (where stored) | | | | |
| Released by: (printed name and signature) | | Released to: (printed name and signature | | Date: |
| Temporary disposition of item (s): (where stored) | | | | |
| Released by: (printed name and signature) | | Released to: (printed name and signature) | | Date: |

**APPENDIX 6.7**

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| **LUTHERAN WORLD FEDERATION -**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES – EXHIBIT RECEIPT FORM[[8]](#footnote-8)** |

**Case Number:**

**Date of Receipt:**

**Time:**

**Details of Person:**

**Organization (Department, Office, Unit etc.):**

**Address / Telephone Number / Email:**

**Description of item(s)**

***Provide description of item seized; e.g. make, model, serial numbers, colour, condition, number of pages (if documents) and any other identifying marks. Each exhibit must be supplied with its own unique identification number. Complete a separate receipt for each exhibit.***

**Name of Investigator:**

**Witness** *(If applicable)***:**

**Signature(s):**

**Chain of Custody:**

*(Refers to the chronological documentation of each individual exhibit, showing the seizure, custody, control, transfer, analysis and disposition of evidence, physical or electronic. Every person who takes control of the item is to be recorded in the chain of custody.)*

|  |  |  |  |
| --- | --- | --- | --- |
| **Exhibit Number** | **Date / Time / Location of transfer** | **Delivered by** | **Received by** |
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**APPENDIX 6.8**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES: SUBJECT NOTICE OF INVESTIGATION[[9]](#footnote-9)** |

1. The Lutheran World Federation is mandated to investigate allegations of misconduct against its own staff, in accordance with the LWF/DWS Complaints Mechanism Policy and Procedure.

1. A staff member against whom allegations of misconduct have been made (hereinafter the Subject) should be aware of the following:

1. An investigation is a fact-finding exercise, not a punitive undertaking. The purpose of an investigation is to determine whether or not the facts and evidence available support a finding of misconduct against the staff member concerned. The result of an investigation will be an Investigation Report on the facts established, if there is sufficient evidence that a staff member has engaged in misconduct.
2. LWF conducts investigations with strict regard for the individual rights and obligations of staff, fairness, impartiality and the presumption of innocence.

1. LWF will, as soon as it is feasible without jeopardizing the effectiveness or integrity of the investigation process itself, formally communicate to the Subject of an investigation that s/he is under investigation and the general nature of the matter under investigation. The notification should normally be sent at least 24 hours before the Subject is interviewed, unless in exceptional circumstances where there is a risk that the investigation could otherwise be jeopardised.
2. The Subject of an investigation will be given a fair and reasonable opportunity to explain or justify the conduct being examined and present evidence on their behalf prior to the issuance of an Investigation Report. The Subject will normally be provided such an opportunity at two different stages before the completion of the investigation. First, s/he will be informed of the full nature of the allegations during his/her interview and afforded the opportunity to respond and to provide countervailing evidence. Subsequently, the Subject may be given an opportunity to review the investigation findings to correct any factual errors or otherwise clarify any information. Under certain circumstances, however, it may be considered that for serious reasons, including the safety of witnesses, such findings should not be shared with the Subject.
3. The Subject can submit to LWF any information or document and/or make a written request for any witnesses s/he considers relevant to be interviewed. LWF will follow up on such a request and interview these witnesses at its discretion if their testimonies may be relevant and central to the allegations.
4. Strict standards of confidentiality are adhered to throughout the investigation. This means, for example, that the disclosure of any information related to an investigation, including the identity of staff members or others involved, the subject matter of the investigation, and even the fact itself of an investigation, is restricted to a “need-to-know” standard, i.e. confidential information can only be revealed to specific individuals if it is necessary to proceed with the investigation. Likewise, interviewees are reminded that details about the investigation that become known to them through the interview process or that may already be known to them should be kept confidential. The confidentiality of the investigative process is intended, *inter alia,* to protect a staff member who is the Subject of an investigation.

1. The Subject of an investigation is also bound by the confidentiality of the investigation process. This means that s/he should not discuss the ongoing investigation with anyone without prior clearance from LWF.

1. Staff members do not have the right to be represented by counsel during the investigation. However, a Subject may choose to be accompanied to his/her interview by another staff member provided s/he is not connected to the matter under investigation. If a Subject chooses to be accompanied to his/her interview, s/he will be permitted to contact other staff members for the sole purpose of checking their availability for the interview and only with prior notice to LWF, which will ensure that the staff members are not connected to the matter under investigation. LWF will not allow the availability of a specific accompanying staff member to delay scheduling an interview.

1. The accompanying staff member may provide the Subject with emotional support before, during and after the interview as well as in the course of the investigation process. The accompanying staff member has no right to respond on behalf of the Subject or otherwise intervene in the interview process in any manner. The accompanying staff member is required to sign an Oath of Confidentiality.

1. All staff members, including the Subject of an investigation, have a duty to cooperate with investigations, and specifically, to respond fully and truthfully to all questions posed during the interview as well as provide any relevant additional information. Deliberate non-cooperation with an investigation, including the withholding of information known to be of relevance, may be investigated as a separate case of possible misconduct.

1. Subject interviews may be audio recorded to ensure the integrity of the process.  A written record of the interview will also be made. The Subject will be provided with the Record of Interview for review (in specific cases this may be done verbally and recorded) and will be asked to indicate agreement by signature. In some cases this may be done by email correspondence.

**APPENDIX 6.9**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES: WITNESS NOTICE OF INTERVIEW[[10]](#footnote-10)** |

The IGO is mandated to investigate allegations of misconduct against is mandated to investigate allegations of misconduct against its own staff, in accordance with the LWF/DWS Complaints Mechanism Policy and Procedure.

An investigation is a fact-finding exercise, not a punitive undertaking. The purpose of an investigation is to determine whether or not the facts and evidence available support a finding of misconduct against the staff member concerned. The result of an investigation will be an Investigation Report on the facts established, if there is sufficient evidence that a staff member has engaged in misconduct.

As part of the fact-finding process, potential witnesses may have to be interviewed, including staff members (hereinafter the interviewees) who may have direct or indirect knowledge of the allegations under investigation. Staff members interviewed as potential witnesses in the course of an investigation should be aware of the following procedural issues:

Strict standards of confidentiality are adhered to throughout the investigation. This means, for example, that the disclosure of any information related to an investigation, including the identity of staff members or others involved, the subject matter of the investigation, and even the fact itself of an investigation, is restricted to a “need-to-know” standard, i.e. confidential information can only be revealed to specific individuals if it is necessary to proceed with the investigation. Likewise, interviewees are reminded that details about the investigation that become known to them through the interview process or that may already be known to them should be kept confidential.  Interviewees should not discuss LWF’s request for an interview or subsequently details of their interview with other colleagues including their supervisor, unless otherwise authorized by LWF. Breaches of confidentiality by interviewees may amount to misconduct for which disciplinary measures may be imposed.

All LWF staff members have a duty to cooperate with investigations, and specifically, to respond fully and truthfully to all questions posed during the interview as well as provide any relevant additional information. Deliberate non-cooperation with an investigation, including the withholding of information known to be of relevance, may be investigated as a separate case of possible misconduct.

A written record of the interview will be taken. In specific cases the interview may be audio recorded to ensure the integrity of the process. A witness interviewee will be provided with the Record of Interview for review (in specific cases this may be done verbally and recorded) and will be asked to indicate agreement by signature. In some cases this may be done by email correspondence.

**APPENDIX 6.10**

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| **LUTHERAN WORLD FEDERATION –**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURS: EXAMPLE OF INTERVIEW STRUCTURE and QUESTIONS** |

**At the start of the interview, explain to the interviewee**

* Purpose of the Investigation:
* That a complaint has been received of serious nature, it is alleged that SOC has breached the Code of Conduct. – (mention specific breach of the Code of Conduct)
* That it is the responsibility of LWF to investigate the allegation.
* Duty to Cooperate and obligation to tell the truth (Staff are obliged to cooperate as signed CoC)
* Obligation to refrain from communicating with other persons interviewed in the framework of the same investigation case.
* Purpose of note taking
* Acceptance to state when answer is not known
* Right to ask for a short break
* Consequences if lack of cooperation, fraud, malicious reports, concealment of facts/evidence
* Confidentiality of the investigation procedure

**Please formulate questions as you might need together sufficient information from the witness.**

*Before you start interview, ask if the interviewee has any questions about the process/procedure of the interview.*

Example: (for no. 1 Interviewee THE QUESTIONS BELOW ARE EXAMPLES ONLY TO GIVE YOU AN IDEA ON HOW TO FORMULATE THE QUESTIONS)

Q1: Describe the first time you were employed by LWF. When, and what was your responsibility.

How long did you stay in that responsibility?

Why did you leave? Describe the circumstances of your departure: Did you have an official departure when you left LWF?

Q2: (Assuming Interview no. 1 left LWF and returned) what made you return and work for LWF? When was that? What was your responsibility and where were you stationed? Describe the circumstances on how you were employed again. Describe the responsibility when you returned to LWF

Q3. Is the position you hold now the same as the one before? If no, describe the change. Why the change, circumstances surrounding the change, and who approved the change.

Q4. Have you as an LWF employee signed the Code of Conduct? Are you aware of the content of the Code of Conduct?

Q5. What is the name of your direct Supervisor? Describe your working relationship? Who does your direct supervision report to?

Q6. Do you know the Subject of Complaint? What is the name of the Subject of Complaint? How does she/he (the interviewee) officially relate to the SOC? On what basis and how often. Describe situations.

Q7. How often does the SOC visit the project? In your observation, what does the SOC do? Describe his relationship with the staff.

Q8: Please describe your family and personal background. Did you know the SOC before you worked for LWF?

Q9. Do you have any personal relation with the SOC? Describe this relation.

Q10. General questions to if and when you deem fit:

Do you think the SOC s (and change/use/adopt words as appropriate to situation and responses to previous questions)

USE THE ACTUAL BREACH FROM THE TOR TO SPECIFICALLY ASK THE QUESTION

* ***Committed any act or form of harassment that could result in physical, sexual or psychological harm or suffering to individuals, especially women and minors. (CoC* Section B4)**
* **Has *exploited the vulnerability of any colleague or beneficiary group, especially women and minors, or allow any person/s to be put into compromising situations. (CoC* Section B5)**
* ***Engaged in sexual exploitation nor abuse of any person, colleague or beneficially group (men, women, minors). This constitutes acts of gross misconduct and is therefore grounds for termination of employment. (CoC* Section B7)**
* ***Has exchange money, employment, goods or services for sex, including sexual favors. All forms of humiliating, degrading or exploitative behavior are prohibited. (CoC* Section B8*)***
* ***Has failed to create and maintain an environment that prevents abuse of power and sexual exploitation, and promotes the implementation of the Code of Conduct. Managers at all levels have a responsibility to support and develop procedures that maintain this environment, particularly related to gender inequities. (CoC* Section B12)**

Q11: Any other information she/he would like to share?

At the end of the interview, again emphasize that the content of the interview is confidential and the results of the investigation will not be attributed to individuals. Thank the interviewee for her/his time, and have her/he read the interview summary and do not forget to let her/him sign.

**APPENDIX 6.11**

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| **LUTHERAN WORLD FEDERATION -**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES: SAMPLE RECORD OF INTERVIEW** |

This document is protected by the provisions of (name of organisation) concerning the confidentiality of the proceedings related to an investigation into an allegation of misconduct.

**Investigation Case Reference Number:**

Investigation Officer:

Investigation Officer:

Observer:

Interpreter:

**Person Interviewed**

Name of the person:

ID verified (Yes/No):

Nationality:

Occupation/Title:

**Interview Details**

Date:

Language of interview:

Place of the interview:

Explained to the interviewee: • Duty to cooperate and obligation to tell the truth.

• Obligation to refrain from communicating with other persons interviewed in the framework of the same investigation case.

• Purpose of note-taking.

• Acceptable to state when answer not known.

• Right to ask for short break.

• Consequences of lack of cooperation, fraud, malicious reports, concealment of fact/evidence.

• Confidentiality of the investigation procedure.

**Transcript of the Interview**

Detailed record of questions asked and interviewee’s responses

The interview starts at: *(time)*

Q1. Do you have any preliminary questions?

Q2. Are you ready to start the interview?

*Please formulate as many questions as you might need to gather sufficient information from this witness.*

*Add extra sheet if necessary.*

Q3. –

Q4. –

Q5. –

Q6. –

Q7. –

Q8. –

Q9. –

Q10. –

The interview ends at: *(time)*

This is a true and accurate record of the interview.

1. For the Interviewee:

In accordance with the procedure outlined in (name of organisation) reporting

procedures, I, the undersigned, declare to understand that my statement may be used in a disciplinary

procedure and could be shared with staff under investigation, unless management advises that this

would affect my security.

Date and signature:

1. For the Witness/Interpreter to the interview:

I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature:

3) Date and signature of the Investigation Officer/s:

**APPENDIX 6.12**

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| **LUTHERAN WORLD FEDERATION -**  **DEPARTMENT FOR WORLD SERVICE**  **INVESTIGATION PROCEDURES: INVESTIGATION REPORT FORMAT** |

Name of Complainant:

Occupation/title:

Date of Complaint:

Type of Complaint:

Subject of Complaint: (if staff include position)

When complaint received and by whom:

1: Complaint Allegations

Please clearly state the allegations, number them and clearly state the Breach against the section/paragraph/sentence in the Policy/Code of Conduct

A.

B.

C.

2. Findings

On Complaint A:

On Complaint B:.

On Complaint C:.

3. Analysis

a.

b.

c.

4. Conclusions

5. Recommendations

Persons/Witnesses Interviewed:

*\*where applicable, please attach the Report of individual Interview when submitting the final documentation to the Country Focal Person/Geneva Program Officer for Quality Assurance and Accountability:*

*\*\*Should there be administrative concerns and issues that come up as a result of the Investigation, please include an annex or a separate report on the relevant issues:*

Person Making Report: (list also Investigation Team members)

Written report submitted to:

Signature: /Date/Place:

1. This document draws from the HAP/Building Safer Organizations Investigations Guidelines, the ACT Investigation Guidelines, and the UNHCR Investigation Guidelines [↑](#footnote-ref-1)
2. From the HAP Building Safer Organisations Guidelines, page 17. [↑](#footnote-ref-2)
3. This chain of custody section has been adapted from the UNHCR Investigation Guidelines, section on chain of custody. [↑](#footnote-ref-3)
4. From Humanitarian Accountability Partnership, Investigation Agreement between Aid Organisation and Investigation Organisation or Investigator regarding Investigation Services [↑](#footnote-ref-4)
5. As adapted from UNHCR template for an Investigation Plan. [↑](#footnote-ref-5)
6. As adapted from UNHCR and HAP Oath of Confidentiality [↑](#footnote-ref-6)
7. From UNHCR, Guidelines on Conducting Investigations and Preparing Investigation Reports, September 2012 [↑](#footnote-ref-7)
8. From UNHCR, Guidelines on Conducting Investigations and Preparing Investigation Reports, September 2012 [↑](#footnote-ref-8)
9. As adapted from the UNHCR Subject Notice of Investigation [↑](#footnote-ref-9)
10. As adapted from the UNHCR Witness Notice of Interview [↑](#footnote-ref-10)