

CHILDFUND SAFEGUARDING POLICY | JUNE 13, 2023

TERMS OF REFERENCE/PROCEDURE FOR UNDERTAKING AND MANAGING SAFEGUARDING INVESTIGATIONS

1.0 Background

A safeguarding investigation is a formal administrative procedure to determine whether a subject of concern or complaint has breached the organization's safeguarding policy, procedures, or code of conduct (administrative investigation) or to determine whether any laws have been violated (criminal investigation). It does not substitute any other investigation that may be undertaken by the police or other law enforcement agencies.

ChildFund will ensure timely administrative investigations of all allegations or incidents of a safeguarding nature reported through ChildFund's established reporting mechanisms. Administrative investigations will be undertaken by experienced and qualified professionals who are trained in sensitive investigations and on the survivor-centered approach. Confidentiality is a cardinal principle which shall be upheld, while carrying out investigations on alleged abuse, in all communications with the media and when reporting or referring survivors to services or safeguarding incidents for criminal investigations. Findings from safeguarding investigations may be submitted as evidence in a legal proceeding. The safeguarding investigation process checklist below (see section 6.0) outlines the steps taken by ChildFund: Pre-investigation, during the investigation, and post-investigation.

ChildFund will conduct investigations of safeguarding concerns for all reports of Sexual Exploitation and Abuse (SEA); Physical Abuse or accidents leading to injury or death; Emotional abuse and neglect; Economic exploitation (child labour, human trafficking, sex for aid or work); Intimidation and bullying and other policy/code of conduct breaches affecting program participants. ChildFund will investigate allegations related to anyone who has a contract with ChildFund including staff, and representative staff i.e., partners, contractors, volunteers, interns, vendors, board members, etc. An investigation may assess harm or abuse caused by one or more individuals. If the allegation is criminal, then this should be reported to the police for criminal investigation. This should be based on a risk assessment of whether it is safe to report. In some situations, ChildFund will await the outcomes of the police investigation where the police investigate in a timely fashion.

2.0 Objectives of the Safeguarding Investigation:

The main goal of the safeguarding investigation at ChildFund is to gather information that either proves or disproves the allegations made against a ChildFund staff¹ or representative staff.

Specifically, the investigation will:

1. Determine whether the allegations reported are true.
2. Determine whether there was coercion force or under unequal or manipulative conditions
3. Gather the evidence that is relevant to the elements of the allegation (safely and efficiently).
4. Any other matters and or circumstances incidental to the above.

¹ The Investigators are not meant to be seen as prosecutors. Their role in this particular task is not to look solely for information that will 'incriminate' the accused, but to gather all relevant evidence so as to determine objectively whether the allegation or abuse occurred.

3.0 Methodology:

In conducting safeguarding investigations, ChildFund will apply the following methodology to ensure that the evidence gathered is relevant to inform the Investigation Team in deciding whether the allegation is true or not to take appropriate action:

- Review of documents (National Laws, the Organization's Safeguarding Policy and Standards etc.
- Documentary Evidence Review (e.g. review of birth registration records, school reports of the victim)
- Obtain witness testimonies (e.g. Interview selected staff from the field office, neighbours to the perpetrator, recording of statements about what they saw, or heard, etc)
- Physical evidence (e.g. a visit to the locus of the alleged abuse – the home of the perpetrator if safe)
- Conduct alleged survivor interviews to determine whether there was coercion or any manipulation and to determine his/her best interest.
- Conduct Key Informant Interviews (KII) with community leaders/community persons/Colleagues regarding the allegation.

The above methodology is necessary to gather evidence on each of the elements/ingredients of the allegation to be verified.² Note that as a general rule, the investigation may include interviews with:

- The complainant/reporter.³
- Alleged survivor(s).
- Witnesses
- Subjects of the Complaint/Concern.⁴

4.0 Key Guiding Principles for the Investigations Management:

When making decisions about a safeguarding incident and the investigation process, the best interest of the survivors must be given due consideration. ChildFund safeguarding investigations and the management of safeguarding incidents shall uphold the following key guiding principles in carrying out investigation responsibilities: Confidentiality, Anonymity, Informed consent, Impartiality, Dignity, Safety and Welfare, Timeliness, Victim/survivor-centred, Risk-based, and Thoroughness.

5.0 Documentation and Reporting of Findings:

All information gathered during the investigation will be recorded and transcribed in a report form by the lead investigator⁵. The investigation team is jointly responsible for preparing the report which will contain the investigators' conclusions on whether, on the available evidence, there has been a breach of the relevant safeguarding policy. It will set out in narrative form how the alleged misconduct was discovered, to whom it was reported, the steps taken to gather the evidence, the investigators' conclusions and the evidence supporting those conclusions.

5.1 Report structure

Report pages should be numbered consecutively, beginning with the title page. The Report shall be structured in the following way:

- Title page
- Table of contents
- Executive summary

² It is recommended that the investigators should begin their assignment by developing an investigation planning and task worksheet tool/checklist of the elements, the type of evidence that could be relevant to each element, and where and from whom they may find it.

³ The complainant will be treated respectfully, and any other statement made by him/her should be kept in appropriate confidentiality.

⁴ The accused – this is very critical and during the entire process, the perpetrator shall be considered innocent until proven guilty and should be allowed to provide any information, his witnesses (if any) and to respond to the allegation with a written document.

⁵ All documents used during the recording in the investigation are property of ChildFund and hence will be collected after the submission of the report and hence should be treated as confidential information.

- Introduction and preliminary remarks
- Methodology
- Investigative findings
- Conclusions and recommendations
- Annexes

6.0 The ChildFund Safeguarding Investigation Process Checklist

	THE PROCESS STEPS	ACTIONS	WHO
A	Pre-investigation stage (Within a week)		
	The complaint is received by the Investigation Team	Review the incident and decide if an investigation is needed and make management decisions on how to proceed.	Global Assurance Team
	The investigation team assesses the complaint for investigation and initial action	- About suspension of the subject of concern pending an investigation and disciplinary action. - Need to report to the police or relevant authorities - Need to report the allegation to the donor - Functional Crisis/Case Management Team (CMT) constituted to manage the investigation and response - Interest from the media	Global Assurance Team
	Safeguarding investigation Risks Assessment and Mitigation Plan ⁶	- Specify the allegation(s) or incident(s) - Conduct an initial risk assessment to identify safety risks to the survivors, witnesses, and investigators; operational, financial, or human resources, etc. and implement response strategies to mitigate the risks - Assess media risks to develop a communications crisis management plan and Communicate	Crisis/Case Management Team (CMT)
	Assess survivor needs and appropriately respond or take immediate action	- Assess survivor's needs, and develop individual care plans to address safety, psychosocial, medical, physical health, legal, social/cultural, etc risks/concerns - Inform survivors of the available services and procedure on the referral pathway/process, outlining the steps to take, and the guiding principles. - Implement individual care plan and assist the survivor(s) or refer them to support services - Review progress monthly, update and implement care plans to closure - Where the alleged act constitutes a crime, the focal point should explore with the complainant or survivor whether they would like assistance with reporting to law enforcement or police. In the case of a child, reporting is mandatory	Safeguarding Focal Point (SFP)

⁶ The victim/survivor, family, community members, perpetrator, organization and others may face risks during safeguarding investigations, e.g.: Confidentiality or data protection breaches, Retaliation and further harm or abuse, Stigmatization, Damaged or limited evidence, and Reputational damage among others. All risks associated with the investigation should be considered as soon as it has been decided that an investigation is needed. It should be revisited throughout the investigation process

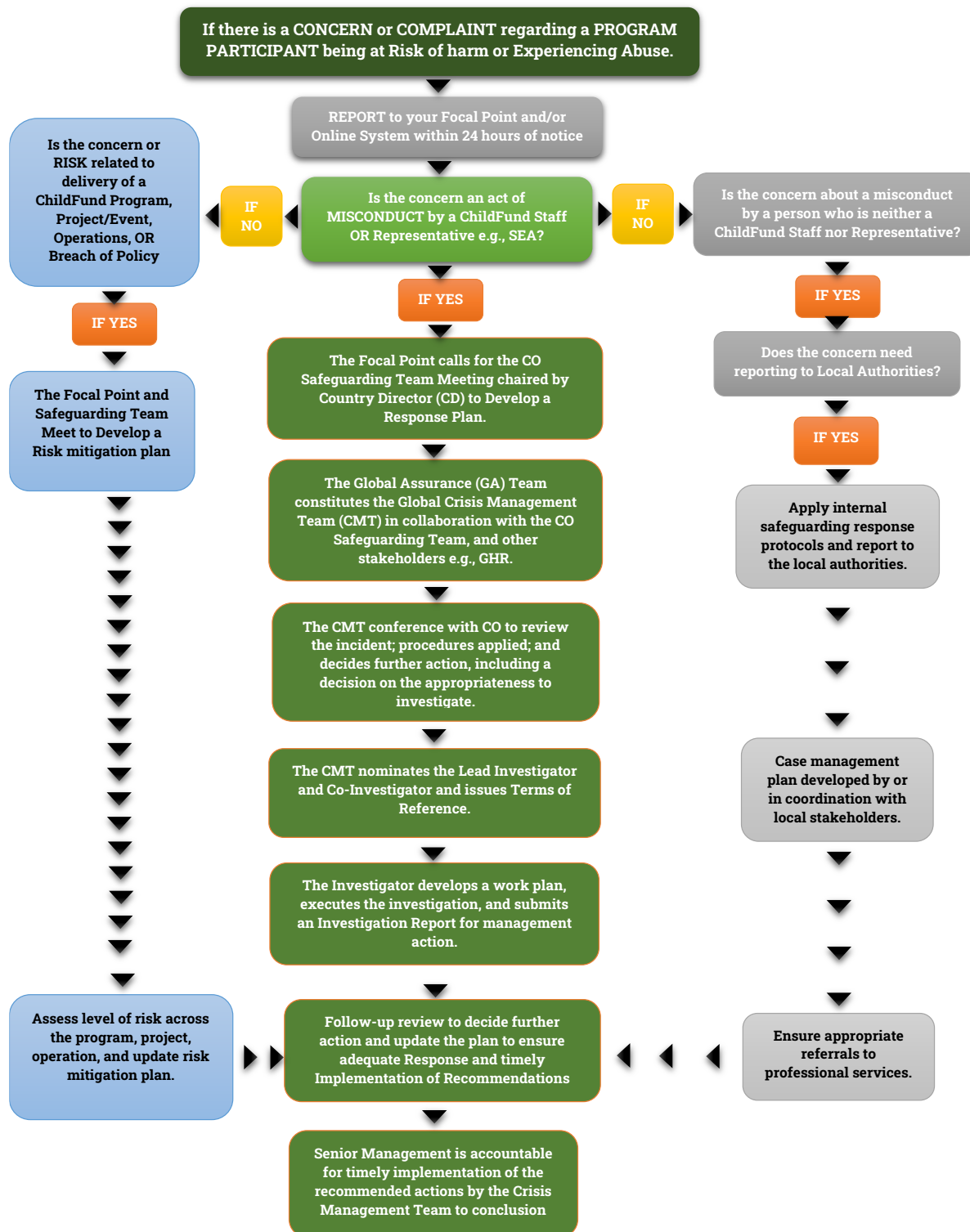
	THE PROCESS STEPS	ACTIONS	WHO
B	Investigation stage (4 – 6 weeks)		
	Assignment of the complaint to an independent investigator (Lead Investigator) and co-investigator issued with ToRs.	- Draft the investigation terms of reference and budget, outlining the specific allegation(s). - Selection of the investigation team internally or externally from a list of experienced, professional investigators	Investigation Manager
	The Investigation work plan is completed and approved (1-2 weeks)	- Review and update the initial risk assessment and mitigation plan - Use the ToR and agreed budget to identify or recruit the investigation team. Make sure that the team know how to ask questions in a way that is fair and safe. - Update investigation terms of reference, work plan and budget - Set realistic timelines. Depending on the nature of the allegation, its complexity and if travel will be required	Investigation Manager
	Gather Evidence (2 – 4 Weeks)	- Lead the evidence-gathering process in line with ToR, data protection and confidentiality policies and procedures. Identify whatever evidence you are reasonably able to gather and use that to establish the facts of the case - Study background materials and documentary evidence related to the safeguarding incident e.g., reports, and contact details; and internal organizational documents related to the investigation, e.g., national laws, organization's policies, standards, code of business ethics and conduct; program documents, administrative/operational records, etc. - Update investigations plan and draft interview questions - Monitor and mitigate the investigation risks. Ensure the safety of all the people involved in the investigation and provide necessary support where necessary	Lead Investigator & Co-Investigator CMT
	Schedule Interviews	- The GHR lead will send out an official letter to the alleged perpetrator inviting them for an interview and detailing the allegation that has been levelled against them. - GHR will be notified by the Lead Investigator when such notifications should go out to the perpetrator	GHR
	Interview witnesses	- Review background information and identify any evidence you're able to gather. - Interview key witnesses, the victim/survivor, and the subject of concern. - Develop a conclusion on whether the allegation is substantiated or unsubstantiated,	Lead Investigator & Co-Investigator
	Evidence Analysis	Document and transcribe interviews	Lead Investigator

	THE PROCESS STEPS	ACTIONS	WHO
		Develop a conclusion on whether the allegation is substantiated or unsubstantiated, on the balance of probability	
	Investigation Report	- Draft the investigation report to ensure it is thorough and ensure the integrity of the investigation process. - Verbally brief management/ Investigation team - Review and quality assure the investigation report - Share the final report with management and close the investigation	Lead Investigator
	Conclude the investigation and submit a report to management	- Review the draft investigation report to ensure the thoroughness and integrity of the investigation process - Management approves the investigation report once satisfied with the investigation findings, conclusions, and recommendations. - Collect and securely store all information shared with the investigation team, new evidence, and interview statements.	Lead Investigator
C	Post-investigation Stage (Immediate)		
	Corrective action and disciplinary decisions taken by management	- Implement management decisions in line with ChildFund policies, procedures and local laws. - Provide feedback to the survivor, whistleblower, and subject of concern. - Update key stakeholders on the outcome of the investigation and corrective action taken (Board, donor, Partners, Community)	CMT Management Team GHR

Annexures

i. Safeguarding allegation and incident management chart

ChildFund International, Procedure for Safeguarding Incident & Allegations Management



ii. The investigation team

Everyone involved in the investigation process is bound by confidentiality before, during and after the investigation

The Case/ Crisis Management Team (CMT)	Investigation Team	Board and/or Donor
Manage the investigation process. - Includes a senior manager with decision-making capability and representatives of key functions like Assurance, GHR, Legal, Safeguarding, Safety and Security. - Chaired by a senior manager or a Board representative. - Can be created on a case-by-case basis to avoid bias.	Lead the actual investigation. - Includes at least one trained Investigator acting as the Lead Investigator or Investigation manager. - Can be supported by one or more individuals. - External or internal. - Where possible, consider a gender-balanced team that reflects the diversity of where you are working and includes individuals who can work in relevant local languages.	Will expect investigation updates. Will expect details of final conclusions, decisions and required action