

SOS CHILDREN'S VILLAGES CHILD SAFEGUARDING INVESTIGATIONS

March 2016 - Version 1.0

INTERNATIONAL POLICY SUPPORT DOCUMENT



SOS CHILDREN'S VILLAGES CHILD SAFEGUARDING INVESTIGATIONS

KEY USERS

Mandatory for:	Child safeguarding focal persons, line managers and all SOS co-workers, associates and partners conducting or participating in a CS investigation at all levels of the organization
Recommended for:	All SOS co-workers and associates at programme, national, regional and global level

RELATED POLICIES

Basic policy:	Who we are
Core policy:	Child Protection Policy SOS Children's Village Programme Policy

RELATED DOCUMENTS, TOOLS, SYSTEMS

UN Guidelines for the Alternative Care of Children
Keeping Children Safe: Child Safeguarding Standards
Code of Conduct of SOS Children' Villages
Working together to protect children: Roles and responsibilities of the GSC in the reporting and responding process
Child safety is everybody's business: Child safeguarding reporting and responding procedures in member associations

RESPONSIBLE FOR CONTENT

Function:	International Competence Centre Programme & Strategy
Department:	Care and Protection Support

DEVELOPMENT PROCESS

Approved by:	The Management Council
Development process:	The development of this document was initiated by the Programme & Strategy Competence Centre of the International Office. The drafting process was led by a working group composed of SOS co-workers from IORs and MAs. Feedback was provided by CS focal persons of all IORs and relevant functions of the IO. Programme directors of all IORs were asked for input. External expert input was provided by Keeping Children Safe.
Original language:	English
Intranet address:	https://collaboration.sos-kd.org/Workspaces/WS_000001/Wiki/Child%20safeguarding%20investigations.aspx

CHANGE HISTORY

Version	Date	Changes
1.0	31.3.2016	Approved by the Management Council

ABBREVIATIONS USED IN THE DOCUMENT

COO	Chief Operating Officer
CP	Child protection
CS	Child safeguarding
ECOM	External Communications
GSC	General Secretariat
HROD	Human Resources and Organisation Development
IDR	International Director of Region
IG	Individual Giving
IO	International Office
IOR	International Office Region
MA	Member Association
ND	National director

DEFINITIONS OF THE TERMS USED IN THE DOCUMENT

Child protection	In its widest sense, child protection is a term used to describe the actions that individuals, organisations, countries and communities take to protect children from acts of maltreatment (abuse) and exploitation e.g., domestic violence, child labour, commercial and sexual exploitation and abuse, HIV, physical violence, to name but a few. It is also used as a term to describe the work organisations undertake in communities, environments or programmes to protect children from the risk of harm due to the situation they live in.
Child safeguarding	Child safeguarding includes all activities an organisation undertakes to ensure that its co-workers, operations, and programmes do no harm to children and do not expose them to the risk of harm and abuse; that appropriate responses and effective management of child safeguarding concerns are in place; and that any concerns the organisation has about children's safety in its own programmes and within the communities they work in are reported to the appropriate authorities.
Child safeguarding incident	A child safeguarding incident is a situation where the CP policy and/or the Code of Conduct have been breached. In a child safeguarding incident, multiple victims and perpetrators can be involved.
External child protection authority	Depending on the local legislation, it can be police, court, child welfare authority or other governmental authority with a competence to deal with reported child protection issues including cases of abuse and neglect.
Initial incident assessment	The CS team's initial analysis of a reported CS incident or concern. It focuses on answering three questions: <ul style="list-style-type: none"> - Is there an immediate risk for the safety of the child and/or the reporter involved? - Do the criteria for a high-profile incident apply? - Is there any conflict of interest at the level of the organisation responsible to deal with the incident which requires an escalation to the next level up?
Full incident assessment	Based on the outcomes of the initial incident assessment, the reported CS incident or concern is explored further. Depending on the nature of the incident, this full incident assessment is done either at programme or national level; however, the national CS focal person is always informed about its outcomes. The respective CS team gathers and analyses any available information about the incident as well as the risks for the victims, reporter and/or the organization. Based on the results of the assessment, decisions about further steps are taken. This can include a CS investigation or other corrective measures.
Child safeguarding investigation	In order to confirm or reject a reported incident or concern, a CS investigation can be commissioned. In this well-structured procedure with defined roles and responsibilities, evidence in different forms (written documents, interviews, video and audio recordings etc.) is collected. The overall frame of the whole investigation process is defined in the Terms of Reference. Findings of the CS investigation including recommendations are summarized in a CS investigation report.
Line manager commissioning a CS investigation	Child safeguarding investigations are usually commissioned by one of the following managing co-workers: <ul style="list-style-type: none"> - ND in case of an investigation commissioned by the MA Depending on an organizational structure of the MAs, other managing co-workers can be also eligible to commission an investigation. - IDR in case of an investigation commissioned by the IOR - COO in case of an investigation commissioned by the IO
Programme level	When this document speaks about programme level, it is seen from the perspective of the SOS Children's Village Programme Policy, i.e. 'programme' means all different types of interventions provided by the respective MA in one location. These programme components form one programme.
Reporter	The person who reports a CS incident, concern, allegation or suspicion.

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EXECUTIVE SUMMARY

The Child Protection Policy and the Code of Conduct state that every SOS co-worker, associate and partner has to report without delay any child safeguarding incident or concern where a child might be abused or be at risk of abuse.

SOS Children's Villages has the responsibility to respond and act on every reported incident or concern. Once an incident or concern is reported, it is thoroughly assessed and necessary measures are defined. One of these measures can be conducting a CS investigation.

This document focusses solely on commissioned CS investigations¹. It establishes clear and efficient procedures for CS investigations conducted by member associations and the GSC. It defines the roles and responsibilities of all involved stakeholders and the steps that are required to carry out an appropriate and efficient investigation.

The primary target group are line managers, CS focal persons and SOS co-workers, associates and partners who conduct or participate in a CS investigation at any level of the organization.

Each investigation is unique and it is not possible to cover every detail that might arise. Thus, this document focuses on the main principles and procedures to be followed when carrying out a CS investigation into an alleged child abuse.

It is vital that only well-trained people conduct a CS investigation. CS investigations carried out by untrained and inexperienced people can cause serious damage for everyone involved.

This policy support document complements the two policy support documents "[Working together to protect children: Roles and responsibilities of the GSC in the reporting and responding process](#)" and "[Child safety is everybody's business: Child safeguarding reporting and responding procedures in member associations](#)" and does not replace these existing documents.

1 Characteristics of a CS investigation

The focus of a CS investigation is gathering information which is relevant to either support or to refute allegations in a reported CS incident. The majority of information is derived from interviews with key parties but there are other sources of information which can provide important and sometimes conclusive evidence.

Each CS investigation is set-up according to international best practice in terms of independence, process and outputs (e.g. report and recommendations). For more information, please refer to the [Child Safeguarding Standards](#) developed by Keeping Children Safe.

For all CS investigations it is highly recommended to involve an external CP authority in carrying out the investigation. If the external authority is not willing or able to support the member association, an external child safeguarding consultant from the respective country can be recruited to support the investigation process. If it is not possible to involve neither the external CP authority nor the external CS consultant, the investigation must be led by a well-trained co-worker who is not linked to the programme or office where the reported incident or concern happened.

It is vital to be aware that no internal investigation into a reported CS incident should substitute a criminal investigation when this is warranted.

1.1 Aims, purpose and scope

An internal CS investigation (i.e. commissioned by SOS Children's Villages) needs to be a rigorous, fair and impartial process which fulfils the specific quality requirements laid out in this document. The aim, purpose and scope of each investigation have to be thoroughly clarified before its start.

An investigation aims to:

- Determine the protection, medical and/or therapeutic needs of the children and/or youth involved.
- Establish the facts of the particular incident in order to be able to prove or disprove the allegation.
- Find out if the Child Protection Policy or the Code of Conduct were breached.

¹ An 'internal Investigation' is an investigation conducted by SOS Children's Villages; an 'external Investigation' is conducted by external authorities (like the police).

In addition, an investigation may also:

- Identify aspects of programme delivery or performance which increase the risk of abuse or exploitation of children and/or young people by co-workers, another child or a young person.
- Inform subsequent action such as recommendations for appropriate disciplinary action and/or improvements to organisational practice and procedures.

1.2 Core Principles

- **Safety Paramount:** Safety and welfare of the alleged victim and the reporter are the primary considerations.
- **Thoroughness:** An investigation is conducted in a diligent, complete and focused manner.
- **Confidentiality:** Reporter, alleged victim, witnesses as well as alleged perpetrator have the right to confidentiality, except specific circumstances (described below).
- **Competent and responsible investigators:** Persons who conduct a CS investigation are responsible co-workers and well-trained in CS investigations.
- **Impartiality:** A CS investigation is a fair and equitable process, so the investigators are free of any influence that could impair their judgement.
- **Objectivity:** Evidence supporting and refuting the allegation is gathered and documented in an unbiased and independent way.
- **Timeliness:** A CS investigation is conducted in a timely manner.
- **Accuracy and Documentation:** The investigation report and its conclusions are accurate and supported by adequate documentation.
- **Follow up:** The investigation report includes concrete follow-up recommendations.
- **Closure:** The investigation closure is properly communicated to all involved stakeholders.

2 CS incidents to be investigated

2.1 Breaches of the national criminal code

In general, a CS incident where a crime has reportedly been committed is referred to the statutory authorities or to the responsible agencies in the country that have the authority to investigate such incidents. Allegations may include, amongst others, serious physical assault and sexual abuse. Specific circumstances may occur if the local law is not in line with the UNCRC and the possible criminal investigation led by the external authorities or agencies would be against the best interest of the child as defined by the UNCRC. In such a situation, the responsibility for the incident remains with SOS Children's Villages.

In cases where such external authorities or agencies don't exist or where they don't take up the reported crime, SOS Children's Villages thoroughly investigates the allegation, especially when staff members are involved. Once the investigation is complete or when there is new evidence, the incident is again presented to the external authorities. Otherwise it is dealt with as an internal disciplinary matter.

2.2 Breaches of the SOS Child Protection Policy and/or the Code of Conduct

There are CS incidents which may not involve a criminal act but still constitute a possible violation of our Child Protection Policy and/or Code of Conduct and thus require an internal investigation.

The aim of this investigation is to determine whether or not such a breach has happened and to decide on possible disciplinary action. It also helps to identify weak areas in the organisation's procedures and/or in programme delivery which need to be addressed in order to avoid a reoccurrence.

3 Internal CS investigators

Only well-trained co-workers can be nominated as CS investigators. Thus, the organisation organises regular trainings for co-workers at different levels of the organisation. Depending on the roles of the co-worker, two different training levels are provided:

Role in an investigation	Training required
CS investigators in a member association	Level 1: Training organized by IORs based on a defined curriculum, facilitated by the certified internal CS investigators
Certified internal CS investigators	Level 2: Training organized by the IO or IOR based on the complete Keeping Children Safe curriculum

3.1 Certified internal CS investigators

- Receive in-depth initial Level 2 training based on the complete KCS-curriculum
- Attend regular refresher courses organized by the IO every 3 years
- Take part in CS investigations according to the needs of the organization and lead all GSC-commissioned CS investigations
- Share experiences and learn from each other (based on case studies) through their network
- Are members of external child safeguarding networks such as Keeping Children Safe

3.1.1 Selection

Based on a required profile (please see Appendix 1), the respective IDR nominates co-workers to become certified internal CS investigators. This nomination is based on a discussion and agreement with the respective MAs and IOR CS focal person. The final decision about each nomination is made by the COO in consultation with the IO CS focal person. In case a new certified CS investigator needs to be nominated, the IO asks for nominations via the IORs.

3.1.2 Capacity building

All certified internal CS investigators participate in initial in-depth training organized by the IO or the respective IOR. Training and travel costs are covered by the respective IOR. Each participant receives a CS investigator training certificate which is valid for 3 years.

Every 3 years, the IO organizes a refresher course for all internal certified CS investigators. Training and travel costs are covered by the respective IOR. After attending the refresher, every participant receives a new certificate.

To be nominated as a lead investigator in a GSC commissioned investigation, the certified internal CS investigator needs to have taken part in at least one investigation as a team member before.

The certified internal CS investigators also provide Level 1 training for other co-workers, capacitating them to become CS investigators in a member association, organized by the respective IOR.

3.1.3 Support

All certified CS investigators receive professional supervision. It is organized and regularly monitored at the level of the organization where he or she works. In case of need for any additional support for MA-based certified internal CS investigators, it is discussed and agreed with the respective IOR.

The IO facilitates a network of the certified CS investigators focused on mutual learning and sharing experiences, meeting virtually 4 times per year. At regional level, regular exchange is organized and led by the IOR CS focal persons.

3.2 CS investigators in a member association

3.2.1 Selection

Based on a required profile, the respective ND nominates co-workers to become CS investigators. This nomination is based on a discussion and agreement with the respective CS focal person.

3.2.2 Capacity building

All co-workers who are to lead or become a team member of a CS investigation have to attend a Level 1 training organized by the IOR or an equivalent training offered by another service provider in the respective MA.

3.2.3 Support

The level of the organization commissioning the investigation ensures that the CS investigators can do their job properly and are released from the duties of their regular positions for the time of the CS investigation.

4 Commissioning a CS investigation

Based on the results of the full incident assessment², the line manager can commission a CS investigation unless there is a conflict of interest, in which case the investigation must be commissioned by the next level up.

CS investigations conducted by the MA are usually commissioned by the ND. The national CS focal person is responsible for ensuring that the investigation is undertaken in line with the procedures defined in this policy support document.

MA's and IORs are asked to assess their need for internal CS investigations ahead and plan corresponding costs in their budgets. Costs related to internal CS investigations are covered by the level of the organization which commissions the investigation.

If there is a conflict of interest on the side of the MA, the IOR can commission an investigation based on the approval of the IDR. His or her decision is based on the recommendation of the CVI representative after discussions with the IOR CS focal person. The Board of the respective MA is informed about the decision to conduct an investigation.

If there is a conflict of interest on the side of the IOR, the IO can commission or conduct an investigation based on the approval of the COO.

In case a GSC co-worker or external consultant hired by the GSC was reported as the alleged perpetrator of a child not taking part in an SOS programme, the CS investigation is commissioned by the respective line manager, i.e. IDR in case of the IOR or the COO in case of the International Office.

Tab. 1
Reported CS incidents and recommended relevant response (in case an internal CS investigation is commissioned)

Criteria	Recommended response
Reported child abuse incident (background of the incident not known or unclear)	MA-led internal investigation
High media coverage, government or donor interest	MA-led investigation External expert involved
Conflict of interest (incident escalated to the next level)	GSC-led investigation MA informed about the decision Certified internal CS investigator as lead investigator Investigation team nominated from outside of the MA External expert involved
Repeated complaint (reporter not happy with how the incident was dealt with)	Thorough assessment of the incident and the responses taken so far by the organization done by the MA. If grounds for the appeal are found, another investigation can be commissioned by the GSC. Certified internal CS investigator as lead investigator The investigation team is nominated from outside of the MA. External expert involved.

² For more details regarding the full incident assessment, please refer to the policy support document Child safety is everybody's business: Child safeguarding reporting and responding procedures in member associations.

5 Nominating a CS investigation team

For all CS investigations, it is highly recommended to involve an external CP authority in carrying out the investigation. Specific circumstances may occur if the local legislation is against the best interest of the child as defined by the UNCRC. In case the external CP authority takes on the full responsibility for investigating the incident, the respective CS focal person provides support. If the governmental authority is not willing or able to support the member association, an internal CS investigation can be commissioned and an external CS consultant be recruited. The line manager who commissioned the investigation nominates the CS investigation team.

The national director is encouraged to request one of the certified internal CS investigators to be part of the investigation team. The GSC supports the MA in finding a suitable person. In all investigations commissioned by the GSC, one of the certified internal CS investigators acts as the lead investigator. All costs related to his or her participation are covered by the GSC office which commissioned the investigation.

The respective CS focal person supports the set-up of the investigation team and monitors that the minimum investigation requirements as described in this document are met; he or she should therefore not be directly involved in the investigation process. However, CS focal persons of all levels can take part in investigations in MAs and/or regions which they don't directly work for.

In general, a CS investigation team should consist of a minimum of three people. This allows for a higher degree of objectivity and more support. It is also recommended that at least one member of the investigation team has a background in psychology or social work.

CS investigation team members are required to:

- Have received capacity building on CS investigation; preferably have also experience in investigating CS incidents;
- Be external or at least not part of day-to-day operations of the location; or be external to the organisation;
- Fit into the local context and the specifics of the incident in terms of gender and language;
- Have particular skills and experience which are needed (e.g. experience in interviewing children)
- Have no conflict of interest due to relations with parties involved in the incident.

Based on the decision of the respective IDR (in case of investigation commissioned by the IOR) or the COO (in case of investigation commissioned by the IO), the investigation team may not include a representative of the respective MA.

Internal CS investigators must be protected against any form of harm or reprisal due to their involvement in a CS investigation. Any disciplinary measures against a member of the investigation team working for the respective MA being brought up within one year after having finalized the investigation requires the approval of the Board and the IDR. Any disciplinary measures against a GSC co-worker who took part in an investigation being brought up within one year after having finalized the investigation require the approval of the respective IDR and COO. If an investigation team member believes that a disciplinary hearing is linked to an investigation that he or she was involved in, he or she can turn to the IDR and the COO.

5.1 Sworn declaration

Before the line manager who commissioned the investigation confirms the members of the investigation team, each team member must sign a "Sworn declaration". Sworn declaration is a document summarizing commitments of the investigators in regards to the investigation process. Find a Sworn Declaration template in Tool 1.

6 Planning a CS investigation

In planning a CS investigation the investigation team needs to clarify:

- What is investigated?
- What information is required?
- Who and what is required to carry out the investigation?

6.1 Terms of Reference

The line manager who commissioned the investigation together with the respective CS focal person develops the "Terms of Reference" for the investigation. In case a CS investigation in a member association

is commissioned by the GSC, the national director needs to be involved in preparing the investigation, including the elaboration of the Terms of Reference, unless there is a conflict of interest.

The Terms of Reference define for each investigation:

- Specific aims
- Roles and responsibilities
- Time frame
- Lines of consultation and reporting

A template for the Terms of Reference is provided in the Tool 2.

6.2 Investigation Plan

Based on the Terms of Reference, the investigation team prepares a written investigation plan. The investigation plan addresses the following points:

6.2.1 Collecting evidence

Based on the Terms of Reference, the investigation team identifies who they need to interview and in which sequence. The investigation plan needs to be flexible as the investigation might reveal additional people who need to be interviewed.

As a general rule the sequence for interviewing should be:

- The person who reported the child safeguarding concern or incident
- Victim(s) - if different from above
- Witnesses - if any exist
- Alleged perpetrator

6.2.2 Use of interpreters

The investigation team identifies the need for interpreters and defines how they are selected. The choice of interpreters is carefully considered in order to ensure that the protection and confidentiality of victim/s, witnesses and alleged perpetrator are maintained. Before getting involved in the investigation, the interpreters must sign a Confidentiality agreement. Find a template of the Confidentiality agreement in Tool 3.

6.2.3 Needs of the victim, witnesses, and alleged perpetrator

The needs of the victim, witnesses and alleged perpetrator are addressed during the initial and then the full incident assessment.³ The CS investigators make sure they know about these identified needs and recommended actions.

In addition, the CS investigation plan addresses gaps and anticipates additional needs that may arise as a result of the investigation. The investigation process is likely to be a difficult and potentially distressing experience for all parties involved. The primary focus of support is the children involved in the investigated incident – as alleged victim(s), witnesses or alleged perpetrator(s).

All steps taken throughout the process must protect a child from being further abused by the investigation itself, so, for example, intrusive medical procedures are avoided unless absolutely necessary. An examination solely intended to determine whether a child has been sexually abused or not is usually not initiated as part of an SOS internal investigation.

Also other risks for victims and witnesses are identified during the planning stage like threats and reprisals from the alleged perpetrator, and how to deal with these. A victim and witness protection plan is established based on this full incident assessment process.

In case the alleged perpetrator is identified as potential risk and he or she is a staff member, suspension with clear instructions not to interfere in the process may be a solution. A designated senior staff member who is not involved in the investigation process should maintain contact with the suspended co-worker, assisting the person to identify support from appropriate sources and communicating progress. The suspended co-worker

³ For more details, please refer to the policy support document "Child Safety is Everybody's Business: Child safeguarding reporting and responding procedures in member associations".

can of course choose his or her own representative. Psychological support and/or counselling should be offered and made available both to the victim and the alleged perpetrator.⁴

6.2.4 Needs of investigating co-workers

The investigation plan also considers support needs of co-workers who act as CS investigators. This can be practical support, such as counselling or other types of emotional support, especially when the incident is particularly distressing.

The level of the organization commissioning the CS investigation ensures that the investigators can do their job properly and are released from the duties of their regular positions for the time of the CS investigation.

6.2.5 Time frames

The investigation plan sets a clear time frame for each stage of the investigation to ensure that a full and complete investigation is conducted within the shortest possible time.

6.2.6 Confidentiality

The general principle of confidentiality means that only those who “need to know” are informed of the investigation and everyone involved complies with this rule. This is critical as reporting concerns and securing evidence in the course of a CS investigation can be a difficult and even dangerous task.

The investigation plan addresses how confidentiality for people involved can be best preserved. This includes:

- Disclose identities to people who ‘need to know’. Usually, only the line manager who commissioned the investigation, the CS focal person at the level of the organization where the investigation was commissioned and the members of the investigation team have full access to all information including the identities of the people involved. Other potentially involved stakeholders receive only anonymized information.
- Work with trusted interpreters
- Ensure all records are kept securely and can only be accessed by investigators
- In some cases, records and reports are to be made anonymous by substituting names with “witness A”, “witness B”, “subject A” etc.

The identity of the person who made the allegation is particularly protected towards the alleged perpetrator as such situations hold potential conflicts of interest. The alleged perpetrator needs to know the details of the allegation; however, safety and security of the victim and the reporter take precedence. Disclosing their identities may only occur under the following conditions:

- The person who made the allegation or provided testimony has consented to the disclosure.
- It is required for disciplinary and judicial proceedings.

In proven incidents that proceed to disciplinary or even criminal prosecution, usually all parties are identified through their participation in the formal hearings. Victim and witness anonymity can therefore not be guaranteed. However, where a victim or witness is particularly vulnerable (to reprisal, for example), it may be possible to maintain their anonymity by referring to them by a letter or number.

A breach of confidentiality can lead to disciplinary action including the dismissal of the co-worker. In case of a breach of confidentiality by a certified internal CS investigator, he or she is exited from the role as CS investigator as a minimum action, based on the decision of the COO. This does not prevent additional disciplinary actions taken by a direct superior of this co-worker.

6.2.7 Location

The investigation team stays in external accommodation while conducting the investigation and not in an SOS programme. Interviews are conducted in a location which is suitable and protects confidentiality i.e. a neutral, private, and comfortable place.

6.2.8 Involvement of the MA in GSC commissioned investigations

At the investigation launch, the ND organizes a meeting where the investigation team presents the investigation plan to the members of the Board and clarifies any questions regarding the investigation process.

⁴ A person is innocent until found guilty. Being accused of child abuse can be devastating.

During the investigation, the MA provides logistic support to the investigation team, and the investigation team informs the ND regularly about the investigation process. However, this information includes no details about the content of the interviews and/or programme visits.

After the investigation is completed, the national director organizes a meeting where the investigation team summarizes the investigation process to the members of the Board and clarifies questions and next steps.

7 Conducting the investigation

7.1 Letter of authority

All SOS co-workers and associates are obliged to cooperate with the investigation team and to provide them with full access to any information that the team requires in the course of the investigation.

The line manager who commissioned the investigation issues a Letter of authority, formally authorizing the investigation team to access this information. In case of an investigation commissioned by the GSC, this letter of authority is signed together by the line manager who commissioned the investigation and the national director. If there is a conflict of interest on the side of the national director, the letter of authority is signed by the president of the Board on behalf of the MA.

A template of the Letter of Authority is provided in the Tool 4.

7.2 Interviews

Investigative interviewing - especially of children – needs to be done by trained, skilled and experienced professionals, in the ideal case employed by agencies that have statutory responsibility for CS concerns. However, where such external experts are not available, we need to refer to internal resources such as trained social workers, psychologists etc. Guidance on interviewing children and vulnerable witnesses can be found in the Tool 12. Guidance on interviewing alleged perpetrators can be found in the Tool 13.

Interviewers apply the following guidance with rigour, whilst always remaining sensitive and flexible. The context of the incident shapes the form of the interview; but it's again the individual needs of the child and his or her protection which is paramount in deciding on the techniques and methods employed.

7.2.1 Recording of the interviews

Full and accurate recording of interviews is essential. This is best achieved by using an audio or video recorder, but consent for its use needs to be sought. Taking notes by a second investigator can be an alternative. If both are not possible for whatever reason, notes have to be made immediately after the session.

- The interview record summarises the **facts** as recounted by the victim, witness, or alleged perpetrator as well as their pertinent **opinions or motives**.
- Wherever possible, the victim's, witnesses, or alleged perpetrator's actual words are directly quoted.
- The clear distinction between **observations** and **interpretation** – e.g. 'the child is crying' is an observation, while saying 'the child was upset' is an interpretation.

Wherever possible, the interviewee reads and signs the notes or audio transcripts, preferably at the bottom of each page, to confirm their accuracy. The notes are also signed by both investigators, one witnessing that the interviewee answered the questions willingly and not under duress.

The 'Interview Record Template' in Tool 7 may be used to record interviews.

7.3 Other sources of evidence

Apart from conducting interviews, the investigation team also collects other evidence like work logs/rosters, emails, other correspondence, or photographs. The investigators seek and evaluate evidence that might support as well as refute the allegations. They work in an objective way, keep an open mind, and don't assume guilt or innocence of the alleged perpetrator.

8 Investigation Report

The lead investigator prepares the investigation report with inputs and support from the other team members. All team members need to agree on the report before it is submitted to the line manager who commissioned the investigation. If one member does not agree with the findings and agreement is not possible, this team member summarizes his or her objections in a separate document which gets attached to the investigation

report as an appendix. A summary of all interviews conducted and documents reviewed are also included in the appendix.

The investigation report:

- Is written in plain language - clear, concise, and grammatically correct.
- Realises the core principles of an investigation.
- Clarifies the nature of the allegation and which stipulations of the SOS Child Protection Policy and the Code of Conduct are alleged to have been breached.
- States the scope of the investigation: How many persons made the allegation; witnesses; alleged perpetrators, etc.
- Gives brief contextual information e.g. country.
- States any impediments to the investigation e.g. lack of co-operation by the alleged perpetrator or unwillingness to be interviewed of a witness.
- Addresses evidence which supports and refutes the allegations.
- Describes the methodology (process) as well as the findings (content).
- Evaluates evidence against stipulations of the SOS Child Protection Policy, the Code of Conduct and the national law
- Separates facts from opinions.
- Provides sufficient evidence to back conclusions and recommendations.
- Is produced according to the agreed time frame.

The report also includes:

- Date
- Name and title of investigators
- Name (or incident reference number) of the persons involved in the incident either as victim, perpetrator or witness
- A statement that the report is confidential and is not to be copied or disclosed without due authorisation

The investigating team's responsibility is to formulate conclusions based on the evidence. They can also recommend improvements where procedural gaps have been identified as causing or contributing to the occurrence of the CS incident.

An internal CS investigation leads to one of the following results:

- a. The allegation is **upheld** by reasonable inference based on the evidence.
- b. The allegation is **not substantiated** based on insufficient or unclear evidence.
- c. The allegation is **unfounded** based on evidence which clears the alleged perpetrator or proves a malicious report.

Recommendations and decisions regarding actions (e.g. disciplinary action, dismissal etc.) to be taken against co-workers who have violated the Child Protection Policy are NOT the responsibility of the investigation team but of senior managers.

A template of the Investigation Report including more details can be found in the Tool 9.

9 Addressing investigation findings

After finalising the investigation, the investigation report is shared with the line manager who commissioned the investigation.

9.1 Acceptance of the investigation report

In case of an investigation commissioned by the national director, he or she may request further clarification from the investigation team. Based on this input and further consultation with the national CS focal person, the national director can accept the investigation report and add other recommendations to be taken into consideration.

If the national director does not accept the investigation report, he or she provides the investigation team with a rationale for that decision and the investigation team is required to reflect it. If there is a continuing disagreement, the national director escalates the incident to the responsible CVI representative. He or she in

consultation with the IOR CS focal person recommends further steps to the IDR. The final decision is made by the IDR and shared with the national director and the investigation team.

In case the investigation was commissioned by the IDR, the investigation team shares the investigation report with him or her. The IDR then sends the report to the MA for feedback. Once the MA responded, the IDR may request further clarification from the investigation team. Based on this input, the IDR decides whether he or she accepts the investigation report and if any other recommendations need to be taken into consideration.

If the investigation report is accepted by the IDR, the respective IOR CS focal person shares the report with the CS focal person at the IO. If the IDR does not accept the investigation report, he or she provides the investigation team with a rationale for that decision and the investigation team is required to reflect it. If there is a continuing disagreement, the IDR escalates the incident to the COO for further decision. The final decision is made by the COO and shared with the IDR and the investigation team.

In case of an investigation at IOR, the COO is required to share the investigation report and action plan with the management team at the IO.

In case of an investigation at IO, the COO shares the findings of the investigation report together with a follow-up action plan with the Programme Audit Committee.

9.2 Action plan

The action plan includes measures and actions addressing the findings of the CS investigation, timelines and responsibilities of co-workers. The implementation of the action plan is regularly monitored by the respective CS focal person who informs the line manager who commissioned the investigation.

- If the investigation was commissioned by the national director, the MA drafts the action plan and is fully accountable for implementing it.
- If the investigation was commissioned by the GSC or the investigation report was escalated to the respective CVI representative, the management of the MA drafts the action plan which needs to be jointly agreed by both the national director and the IDR. The action plan is based on the findings of the investigation report and the IDR's recommendations. The IDR is required to share the investigation report and action plan with the COO. The MA is fully accountable for implementing the action plan.
- If the investigation was commissioned at IOR based on the approval of the COO, the IOR drafts the action plan which needs to be jointly agreed by both the IDR and the COO. The IOR is fully accountable for implementing the action plan.
- If the investigation was commissioned at IO by the COO, the respective team at the IO drafts the action plan which needs to be jointly agreed by both the respective team leader and the COO.

In case of an investigation regarding a high-profile incident, also external communications strategy and action plan need to be defined by the relevant communications co-workers.

In general, the level that commissioned the investigation is responsible for following up on the implementation process and providing support until the incident is closed.

APPENDICES

Appendix 1 Profile of a certified internal CS investigator

The certified internal CS investigators serve as a team of experts supporting member associations and the GSC in carrying out CS investigations. Certified CS investigators are nominated by the IDR in consultation with the IOR child safeguarding focal person based on applications received from the MAs and IOR co-workers in the respective region.

In all CS investigations commissioned by the GSC, it is a mandatory requirement that the lead investigator is a certified CS investigator.

Certified CS investigators need to fulfil the following requirements:

- Relevant degree in psychology, social work, forensic science or other related areas
- At least 5 years of experience in the area of alternative care for children
- Hands on experience in the area of child protection / child safeguarding
- Commitment to SOS CVI's vision and mission and to promoting the rights and well-being of children and young people from disadvantaged backgrounds
- Hands on experience in one of SOS CV's areas of programme interventions
- Fluent written and spoken English, French, Spanish, Russian or Arabic
- Team player with excellent communications skills and culturally sensitive
- Good communication skills with children and young people
- Excellent analytical, research and problem-solving skills
- Facilitation, negotiation, and diplomatic skills
- Proven project and team management skills
- Good coordination and organization skills, including ability to plan, organize and deliver results
- Ability to work under pressure
- Ability to prioritize and handle a large amount of information
- Willingness to travel within the region and occasionally into other regions

Appendix 2

Roles and responsibilities of the ND and the Board with regard to a CS investigation

- **If the investigation is commissioned by the MA, the ND...**
 - Commissions the investigation
 - Approves the members of the investigation team
 - Ensures the compliance with the investigation criteria and standards
 - Informs the Board about the development of the incident
 - Approves the investigation report
 - Approves the action plan based on the recommendations from the investigation report
 - Receives updates on the development of the incident and approves necessary actions

- **If the investigation is commissioned by the GSC, the ND...**
 - Is involved in preparing the investigation, including the elaboration and approval of the Terms of Reference, unless there is a conflict of interest. In such a situation, the president of the board takes on the responsibility for the incident.
 - Ensures the compliance with the investigation criteria and standards
 - Organizes a meeting of the investigation team and the Board at the beginning and the end of the CS the investigation, upon request from the investigation team,
 - Informs the Board about the development of the incident
 - Organizes feedback to the investigation report including the perspective of the Board
 - Approves together with the IDR the action plan based on the recommendations from the investigation report
 - Receives updates on the development of the incident and approves necessary actions

The Board approves any legal actions related to the investigation.

Appendix 3
Key quality requirements for an internal CS investigation

	Met	Not Met
1. The decision to launch a CS investigation is based on a thorough and documented full incident assessment of the reported CS incident or concern.	<input type="checkbox"/>	<input type="checkbox"/>
2. The decision/commissioning of the CS investigation is documented and signed by the line manager.	<input type="checkbox"/>	<input type="checkbox"/>
3. The Terms of reference (TOR) are clearly focussed on the CS incident and signed by the commissioning line manager (ND or both IDR and ND).	<input type="checkbox"/>	<input type="checkbox"/>
4. There is evidence that no external government authority can take on the investigation.	<input type="checkbox"/>	<input type="checkbox"/>
5. The line manager who commissioned the investigation nominates the CS investigation team and signs a Letter of authority , formally authorising them to conduct the investigation.	<input type="checkbox"/>	<input type="checkbox"/>
6. All team members are formally trained to conduct an investigation, are free of any influence that could impair their judgment, and have signed a Sworn declaration .	<input type="checkbox"/>	<input type="checkbox"/>
7. The investigation team elaborates a detailed and written investigation plan based on the TOR , signed by the lead investigator.	<input type="checkbox"/>	<input type="checkbox"/>
8. All persons involved in the investigation are given a letter regarding the principle of confidentiality which the organisation commits to.	<input type="checkbox"/>	<input type="checkbox"/>
9. The outcome of the CS investigation is summarised in an investigation report , which follows a clear reasoning and logic laying out the evidential basis for the findings and conclusions.	<input type="checkbox"/>	<input type="checkbox"/>
10. The investigation report is submitted to and officially accepted by the commissioning line manager.	<input type="checkbox"/>	<input type="checkbox"/>
11. An action plan is developed based on the outcome of the investigation report and signed by the line manager who commissioned the investigation (ND or both IDR and ND).	<input type="checkbox"/>	<input type="checkbox"/>
12. Adequate mechanisms are in place to deal with complaints or appeals related to the investigation process and/or findings lodged by any stakeholder.	<input type="checkbox"/>	<input type="checkbox"/>