

Prepare for and Manage Safeguarding Investigations

For Civil Society Organisations in Nigeria

This how-to note outlines how civil society organisations (CSOs) can prepare for and manage safeguarding investigations in Nigeria. It does not include how to carry out investigations.

Refer to the RSH Nigeria case handling flow chart for an outline of the process before and after an investigation.

What is a safeguarding investigation?

- A formal administrative procedure where an organisation establishes if there has been a:
 - 1) Breach of CSO / organisational policy + criminal case (and refer to authorities)
 - 2) Breach of CSO / organisational policy
 - 3) No breach of policy
- It does not substitute any other investigation that may be undertaken by the Nigeria police or other law enforcement agency, like National Agency for Prohibition of Trafficking in Persons (NAPTIP).
- Findings from the investigation may be submitted as evidence in a legal proceeding.

We need a safeguarding investigation for reports of:

- Sexual exploitation, abuse and sexual harassment (SEAH)
- 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

Who can we investigate?

Anyone who has a contract with your CSO. This includes staff, associated staff (contractors, volunteers, interns, suppliers) and representatives (e.g. journalists).

This includes senior staff, the Executive Director, and Board members.

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 before the CSO investigation starts. This should be based on a risk assessment on whether it is safe to report. In some situations the CSO will await the outcomes of the police investigation where the police investigate in a timely fashion.

We do not need a safeguarding investigation for:

- Programme risks that have not caused harm
- Situations of no serious injury or harm
- An isolated incident which has not caused serious harm, is not systematic abuse and has been dealt with appropriately, e.g. through an informal discussion or grievance procedure.

Principles for investigation management

- Confidential
- Timely
- Independent
- Victim / Survivor-centred
- Fair
- Risk-based
- Thorough

Risks of safeguarding investigations

The victim/survivor, family, community members, perpetrator, organisation and others may face risks during safeguarding investigations, e.g.:

- Confidentiality or data protection breaches
- Retaliation and further harm or abuse
- Stigmatisation
- Damaged or limited evidence
- Reputational damage

All risks associated with the investigation should be considered as soon as it has been decided that an investigation is needed. It should be re-visited throughout the investigation process.

See RSH Nigeria [investigation risk register](#) and general [risk assessment and management tool](#).

What you need in place so you are ready for a safeguarding investigation at any time

- Make sure that the contract signed by staff, associated staff and representatives refers to your safeguarding policy and that the code of conduct is understood and signed by all.
- Have a list of trained investigators ready.
- Agree a case handling process for before and after the investigation (e.g. see this [flow chart](#)).
- Agree how you define key terms, e.g. victim/survivor-centred, sexual exploitation and abuse.

Who is involved in the investigation process?

In Nigeria, everyone involved in the investigation process is bound by confidentiality before, during and after the investigation.

CSO Case team / Investigation management team	Investigation team	Board of trustees and / or Donors
<ul style="list-style-type: none">• Manage the investigation process.• Includes a senior manager with decision-making capability and representatives of key functions like Human Resources and Safeguarding.• Chaired by a senior manager or a Board representative.• Can be created on a case by case basis to avoid bias.• Where appropriate, and ensuring that there is no conflict of interest, include someone who has a good relationship with the victim / survivor.	<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• Will expect investigation updates.• Will expect detail on final conclusions, decisions and required action.

People involved in a safeguarding incident

- **Victim / Survivor:** An individual who claims to have experienced sexual or non-sexual abuse, violence, exploitation or neglect but yet to be proven.
- **Alleged perpetrator:** a person who is reported to have committed a harmful act or a crime but yet to be proven. The term 'perpetrator' is used after the safeguarding allegation has been proven.
- **Witness:** a person who is able to validate or verify the truth of facts and evidence required to prove or disprove a safeguarding allegation based on what s/he has seen or heard.
- **Whistleblower:** a person who shares details of a safeguarding concern or incident.

Investigation process

Step 1: Decision making and initial action (as soon as possible, within one week)	
If a case team is not already in place, Senior Manager or a representative of the Board of Directors establish the case team / investigation management team to review the incident and decide if an investigation is needed.	Senior management
Take initial action as it relates to: <ul style="list-style-type: none"> • Suspension pending an investigation into a disciplinary offence • If disciplinary action needs to be taken against the alleged perpetrator • Duty to report to the police and relevant agencies • Selecting the Lead Investigator and the investigation team (ideally, you should have a list of local, experienced, professional investigators ready) 	Case team / investigation management team
If it has not been done already, let the victim/survivor know what support is available for them and how to access it. Also obtain consent from the victim/survivor and the parents/caregiver (where the survivor is a child, under 18).	
If it is a criminal case, it is recommended to refer the case to rights-based organisations or groups like Federation of Women Lawyers (FIDA), Nigeria Bar Association (NBA), Sexual Assault Referral Centres (SARC), Child Protection Network (CPN) etc. who will be able to support and guide the organisation when reporting to the local authorities like the Police.	
Step 2: Planning (week 1 - 2)	
Initial investigation risk assessment and mitigation plan. See RSH Nigeria investigation risk register and safeguarding risk management guidance .	Case team / investigation management team
Draft the investigation terms of reference (ToR). Outline the specific allegations. See RSH Investigation ToR template .	
Develop a safeguarding investigation budget for the following activities: <ul style="list-style-type: none"> • Inter-state or intra-state travel • Communication allowance (data and airtime) • Accommodation (if travel is required) 	

<ul style="list-style-type: none"> Miscellaneous for space rentals/refreshment etc. Investigation team staff time (if external) 	
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.	
Set a realistic timeline. Depending on the nature of the allegation, its complexity and if travel will be required, evidence gathering can be completed within 1 -2 weeks.	
Step 3: Evidence gathering (weeks 2 - 4)	
Prior to releasing your internal documents (especially when working with an external investigator), get the investigation team to sign a non-disclosure agreement and / or have a confidentiality/data protection clause in the Agreement to be signed by the External Investigator.	
Support the investigation team to gain access to internal organisational documents, e.g. policies, employee recruitment and training records, programme documents, beneficiary records, administrative/operational records etc.	Case team / investigation management team
<p>Share all documentation relating to the safeguarding incident with the investigation team. This should include:</p> <ul style="list-style-type: none"> Copies of the initial safeguarding concern/allegation/suspicion Contact details (email, phone numbers, addresses) of all the parties to the allegation <p>If available, share with the lead investigator, templates of an investigation report, interview statements, evidence retrieval sheet etc.</p>	Case team / investigation management team
<p>The HR Manager / Focal Point will send out an official letter to the alleged perpetrator inviting them for an interview and detailing allegation that has been levelled against them.</p> <p>HR will be notified by the Lead Investigator when such notifications should go out to the perpetrator.</p>	HR Manager
<p>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:</p> <ul style="list-style-type: none"> Review background information Interview key witnesses, the victim / survivor and the perpetrator Develop a conclusion on whether the allegation is substantiated or unsubstantiated, on the balance of probability (“what is more likely than not”). 	Investigation team
Let the victim/survivor, and others involved, know what support is available before and after interviews.	
<p>Monitor and mitigate the investigation risks.</p> <p>Ensure the safety of all the people involved in the investigation and provide necessary support where necessary.</p>	Case team / investigation management team
Step 4: Investigation closure (as soon as the final report is received)	

Review the draft investigation report to ensure the thoroughness and integrity of the investigation process.	Case team / investigation management team
Approve the investigation report once satisfied with the investigation findings, conclusion, and recommendation.	
Collect all information shared with the investigation team as well as new evidence and interview statements that were gathered during the investigation. Store all investigation documentation securely (with a password or key-protected).	
Implement the managerial decisions in line with the organisation's policies and the Nigerian labour laws.	
Provide feedback to the victim/survivor, whistleblower and (alleged) perpetrator.	
Report back to key stakeholders (Board, Donors/funders/ INGO partners) outcome of the investigation including the management decision taken and update on the survivor as well as police reporting.	

Some lessons!

- With all safeguarding incidents you should assume that the victim/survivor is speaking the truth.
- Not all safeguarding concerns, suspicion, or incident will turn out to be a criminal act.
- Not all managerial sanctions will involve termination of employment or contract. Other disciplinary sanctions to consider include written or verbal warning, capacity building, or counselling.
- Work with your HR team to decide on an appropriate sanction that is commensurate with the allegation and in line with the Nigeria labour laws.
- During an investigation, the alleged perpetrator may need to be temporarily suspended. This measure is usually taken where persons may be at risk with the alleged perpetrator remaining in his/her position whilst the investigation is conducted. Each organisation must determine whether a suspension will be paid or unpaid (this will also depend on the local / national law). The suspension of an alleged perpetrator is not a disciplinary measure and does not relate to any disciplinary action should the allegation be proven.
- Where an allegation is not proven or is found to be malicious, the alleged perpetrator should be notified of this outcome, if s/he has been temporarily suspended they will need supporting back to the workplace, and the allegation should not be included when giving a reference. However, a note-to-file regarding details of the safeguarding allegation and outcome should be kept in the employee's HR file for future reference.

RSH has developed an interactive and easy-to-access e-learning module on safeguarding investigations. Access the course [here](#), if you are interested in finding out more!