



# **WOMEN ENVIRONMENTAL PROGRAMME (WEP)**

## **INVESTIGATION GUIDLINES**

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## **1. Purpose**

The purpose of the Investigation Guidelines (Guidelines) is to:

- i. Inform investigation participants, the subject(s) of an investigation and other stakeholders about the investigative process, and
- ii. Guide the investigative process to ensure that investigation activities are conducted thoroughly, objectively and effectively, in accordance with professional standards and best international practice.

The Investigation Guidelines are a guide to best practice but are not mandatory in every situation. To ensure consistency in the investigation of WEP cases, investigations are to be conducted in accordance with these guidelines to the extent possible. However, the circumstances of a particular investigation – for example, the need to preserve evidence before notifying a subject – may necessarily affect the application of the guidelines to the specific circumstances of a case. Deviations from these guidelines may not necessarily constitute a due process violation.

## **2. Legal Basis**

The legal basis for investigation activities conducted by the WEP or her behalf is provided by:

- i. The Anti-Fraud and other Corrupt Practices Policy
- ii. WEP Employment Policy.
- iii. WEP Accounting Standards and Procedures.

WEP has a mandate to investigate all reports of alleged wrongdoing involving WEP staffs and allegations of fraud and corruption against WEP, whether committed by WEP staff or other persons, parties or entities, deemed to be detrimental to WEP.

WEP conducts investigations into allegations of:

- i. Procurement fraud
- ii. Corruption and bribery
- iii. Theft and embezzlement
- iv. Entitlements fraud
- v. Misuse of WEP resources
- vi. Misrepresentation
- vii. Failure to comply with financial disclosure requirements
- viii. Improper recruitment
- ix. Retaliation against whistle blowers
- x. Sexual exploitation and sexual abuse
- xi. Assault and threat
- xii. Workplace harassment
- xiii. Abuse of authority

- xiv. Failure to comply with local laws/abuse of privileges and immunities
- xv. Any other misconduct, such as wilful, reckless or grossly negligent disregard of WEP regulations, rules and administrative instructions.

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

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

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

With respect to both staffs and Partners, the investigative process also gathers evidence relevant to a decision on whether referral of cases to national law enforcement authorities for criminal investigation and prosecution is appropriate.

With respect to vendors, the primary objective of the investigative process is to establish the facts relevant to an allegation in order to enable the Vendor Review Committee to make decisions on debarment and other appropriate sanctions that may exist.

With respect to cases of others falling within the scope of WEP (for example, Volunteers, certain external parties and interns), the primary objective of the investigative process is to form the factual and evidentiary basis for appropriate action.

As such, the investigative process is part of the entire system of accountability and must be executed in a manner that supports that system as well as the interests of justice.

Investigative findings shall be based on facts and related analysis, which may include reasonable inferences. These findings should follow an objective assessment of all information, including inculpatory and exculpatory evidence, gathered in the course of the investigation. Investigations follow prescribed steps to objectively investigate allegations and to establish the facts while ensuring procedural fairness.

Following the completion of the investigative process, WEP may still be required to support post-investigation activities that fall within the responsibility of the Organization as part of the system of accountability. These activities may include responding to inquiries from relevant staff, preparing management letters and assisting the Legal Adviser where necessary.

Investigation personnel may be called upon to explain the investigation process or information about the findings and conclusions of a specific case. This responsibility may extend to providing testimony before national authorities should the matter result in a criminal prosecution.

#### **4. Confidentiality**

Confidentiality is required for effective investigation and other appropriate action in cases of alleged wrongdoing. Confidentiality is in the interest of the Organization, investigation participants and the subject of the investigation. Information will only be disclosed as required by the legitimate needs of the investigation. The requirement for confidentiality extends equally to investigators, management, staffs and other personnel, investigation participants, and investigation subjects.

During the course of an investigation it will be necessary for WEP to provide details to people with a legitimate 'need to know.' This may include: (i) information provided to subjects to allow them to fully respond to allegations and to provide countervailing evidence; (ii) information contained in requests to witnesses or other people with whom investigators speak or communicate in order to verify facts; (iii) where appropriate (for example, to mitigate risk to the organisation), preliminary information is shared with the Investigation team during the course of an investigation to allow necessary action to be taken prior to the conclusion of an investigation. Any such information must not be further communicated without the written approval of WEP and must be treated in accordance with any instructions given by WEP.

In determining the level of information that is provided to subjects, witnesses and others in the course of an investigation, WEP will seek to strike a balance between the legitimate need for information and the risk that the investigation (or any later investigation for example, by national authorities) will be compromised and/or that witnesses and whistle blowers will be subject to retaliation.

Requests for confidentiality by investigation participants will be honoured to the extent possible within the legitimate needs of the investigation. However, the identity of investigation participants or subjects and the details of the investigation may become known for reasons outside the control of the investigators.

In certain cases (for example, workplace harassment and abuse of authority), the identity of the complainant and/or other investigation participants will need to be shared with the investigation subject during the preliminary assessment to allow a response and the submission of any countervailing evidence that may be relevant to the assessment. This disclosure may be

delayed where there is risk to documentary evidence, witnesses and potential victims.

## **5. Investigation Standards**

The following principles will be used:

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

## **6. Standard of Evidence**

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

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



## 7.1. Rights

During an investigation, all investigation participants have a right to:

- i. A presumption of innocence throughout the investigation;
- ii. A professional, impartial and thorough investigation; and
- iii. Due care in the handling and sharing of confidential information during the conduct of the investigation.

All persons interviewed by the Investigation team will:

- i. Have the interview(s) scheduled at a reasonable place and time and be provided with the details of the individual(s) conducting the investigation interview;
- ii. Be treated with fairness and given an explanation of the investigation process;
- iii. Investigation subjects (or complainants in cases relating to allegations of sexual exploitation, sexual abuse or sexual harassment) may request to be accompanied to their interview by an observer who is either a WEP staff or an immediate family member, provided that the observer is readily available and not involved in the investigation, as determined by WEP. The observer must agree to respect the confidentiality of the investigation and sign a confidentiality statement. The observer may not interrupt, prevent or delay the interview, and is not allowed to speak during the interview. If the investigator considers the presence of the observer to be disruptive, the observer may be asked to leave and the interview will proceed without the observer. Considering the cultural context, gender and other elements of the case, the investigator may also select an observer to attend the interview.
- iv. To the extent possible, interviews conducted by WEP will be conducted by two persons.
- v. Investigation subjects and participants have no right to the presence of counsel during interviews and
- vi. WEP will not pay a witness or a subject for information.

An individual who has been made the subject of an investigation is entitled to:

- i. Be advised in writing of the nature of the allegations and his or her role in the investigation no later than at the time of interview; and
- ii. Be given the opportunity to explain his or her actions and to provide any documents or information that may be relevant to the factual determination of the matter, along with the names and details of any witnesses who may have relevant information.

In cases where WEP recommends the consideration of disciplinary action, staff who are the subject of an investigation have the following rights

- i. The staff will be interviewed in the course of the investigation. The interview will be audio or video recorded and a copy of the transcript will be made available to the subject who will be invited to sign it. The staff cannot change their statement as recorded by WEP's recording devices.
- ii. Additionally, the staff may choose to also provide a signed statement containing any clarification of their statements during the interview(s).
- iii. The staff will be provided with a copy of the draft investigation report, redacted as necessary to protect witnesses and whistle blowers. The staff will be given the opportunity to provide comments on the factual findings and conclusions of the report along with any countervailing evidence within a reasonable time (normally between ten and thirty working days, depending on the seriousness and complexity of the matter).

## **7.2. Notification of Subjects**

An individual who has been made the subject of an investigation has the right to be informed in writing of his or her status and to know the nature of the allegation(s). This notification will take place at the earliest possible time.

Situations may prevent advance notification of the subject prior to his or her interview. Such situations include, but are not limited to, the following:

- i. The evidence (documentary, electronic, physical, or witness statements) related to the allegation(s) has not been secured (i.e. preserved, collected and recorded) and might be tampered with; or
- ii. Other safety or security issues exist that would threaten the investigation (e.g. retaliation against the complainant, informant or witness, flight of the subject).

Once these issues are adequately addressed and evidence is seized and fully secured, the individual must be notified in writing that he or she is the subject of an on-going investigation. The notification will take place no later than at the beginning of his or her interview as the subject of the investigation.

If, during the course of the investigation, WEP discovers new facts giving rise to allegations of wrongdoing on the part of an investigation participant, WEP will notify the investigation participant, as soon as practicable, that he or she has become a subject of the investigation. If an investigation participant provides information during an interview that makes him/her a subject, the interview will be stopped and a subject interview will proceed only after the person has been advised in accordance with the requirements of the first paragraph of 6.2 above.



In the event that in the course of the investigation additional allegations are raised against the investigation subject, the investigators will inform the subject of these new allegations.

### **7.3. Obligations**

It is the obligation of all personnel to report alleged fraud, corruption or other wrongdoing.

Staff, including investigation subjects and participants, must cooperate fully and in good faith with a duly authorized investigation. A lack of cooperation may result in disciplinary or other appropriate action. The same obligations apply to Volunteers, interns, vendors and partners are required to cooperate in WEP investigations in accordance with the contract or agreement governing their contractual or programmatic relationship with WEP. This includes providing WEP with full access to staff, facilities and documents to enable allegations to be investigated as appropriate.

Investigation subjects and participants shall not interfere with the investigation and shall abstain from withholding, destroying or tampering with evidence, and from influencing, coaching or intimidating the complainant and/or witnesses. Any such actions will be investigated by WEP and appropriate action will be taken, which may include a recommendation for consideration of disciplinary action or recommendation for referral to national authorities for criminal investigation.

Investigation participants shall refrain from discussing or disclosing the investigation or their testimony to anyone except the investigators. In no case should an investigation participant discuss with the investigation subject and/or complainant and/or other investigation participant the nature of the evidence requested or provided or testimony given to investigators.

Investigators shall not interact with legal counsel for subjects or investigation participants or answer any questions from them regarding the specifics of the investigation.

### **7.4. Administrative Leave**

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

## **8. Complaints**

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

### **8.1. Reporting Alleged Wrongdoing to WEP**

WEP takes all reports of alleged wrongdoing seriously and all allegations are assessed to determine whether an investigation is appropriate. The Administrative Manager is the principal channel to receive allegations.

Anyone with information regarding alleged fraud, corruption or other wrongdoing by WEP personnel or affecting WEP projects or programmes, is strongly encouraged to report this information to the Organization.

People reporting wrongdoing should leave relevant contact information or to remain anonymous. However, allegations of workplace harassment and abuse of authority reported anonymously cannot be investigated by WEP.

When reporting, people are encouraged to be as specific as possible, including the basic details of who, what, where, when and how any of these incidents occurred. Specific information will allow WEP to properly investigate the alleged wrongdoing.

Line Managers who receive reports of wrongdoing are to immediately report the matter to the Management. Under no circumstances should investigations be undertaken by any party other than WEP without the express approval of WEP and under the guidance of Management as appropriate.

Individuals who become aware of information that concerns internet-based fraud related to the Organization or misuse of the Organization database or technology resources, whether such information relates to sources within the Organization or externally, may report the matter to a special repository created for the receipt of such information at the following email address:

[info@wepnigeria.net](mailto:info@wepnigeria.net), [wep2002@hotmail.com](mailto:wep2002@hotmail.com)

## **8.2. Receipt of Complaints**

WEP will acknowledge a complaint within one week after its receipt whenever possible. Due to the confidential nature of investigations, updates on investigations will not be given to the complainant or investigation participants. However, the complainant will be notified of the closure or finalisation of an investigation.

## **8.3. Anonymous Complaints**

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

## 8.4. Malicious Complaints

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

## 9. Investigative Process

Upon receiving a complaint, WEP initiates its investigative process. The investigative process is comprised of three parts:

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

### 9.1. Assessment

An assessment is the process of collecting, preserving and securing basic evidence, and the evaluation of available information and evidence to determine whether an investigation is warranted.

Decisions on which investigations should be pursued are made in accordance with the rules, policies and procedures of the Organization. The outcome of the assessment is either:

- i. **A case closure** because of insufficient evidence, because the allegations do not fall within WEP's mandate or because, for other reasons, an investigation is not warranted.
- ii. **Assignment of the case** to an investigator and the preparation of an investigation plan setting out the investigation required to objectively determine the factual basis, or otherwise, of the allegation(s). Investigations will commence as soon as possible following assignment, but owing to resource constraints, cases will be prioritized and pursued accordingly.

WEP has the exclusive authority for determining whether to close a case or proceed with an investigation on the basis of WEP's assessment.

### 9.2. Investigation

An investigation is the process of planning and conducting appropriate lines of inquiry to obtain the evidence required to objectively determine the factual basis of allegations. This will include:

- i. Interviewing people with relevant information and recording their testimony;

- ii. Obtaining documents and other evidence;
- iii. Conducting financial and IT analysis;
- iv. Evaluating information and evidence; and
- v. Reporting and making recommendations. WEP will conduct investigations expeditiously within the constraints of available resources.

Based on the investigation plan, the Management will authorize the opening of an investigation where it appears that the following conditions are met:

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

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

### **9.3. Reporting**

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

- i. Where the evidence obtained in the course of the completed investigation does not substantiate the allegations;
- ii. Where, due to the circumstances, further WEP investigation is not warranted the case will be closed.

WEP will notify the complainant and the subject by letter that the investigation has been closed. WEP will also inform the Director, LSO/BOM and other stakeholders that the case has been closed. The closure report remains internal to WEP unless disclosure is authorised, on a case by case basis, by the Management) or the Director, WEP.

**Investigation Report:** If the investigation reveals adequate evidence to reasonably conclude that wrongdoing has occurred, the investigator will prepare an investigation report setting out the allegations, the investigation methodology and the facts established in the investigation. Where the complaint involves more than one allegation, the investigation report will provide details of the investigative steps undertaken to corroborate each allegation, the evidence gathered as relevant to each allegation, and the WEP finding relating to each allegation.

The potential consequences of an investigation report vary depending on the contract modality of the subject. Specifically:

- i. If the subject is a WEP staff, the report is submitted Management for consideration of disciplinary proceedings or administrative action;
- ii. If the subject is a Partner, the report is submitted to the Management for consideration of review or termination of contracts.
- iii. If the subject is an intern, the remedy would be to terminate the internship agreement.

In addition, if the established wrongdoing is a potential violation of national law or appears to offer an adequate justification for a request for recovery of WEP resources, the report may form the basis of a referral to national authorities. In cases where the investigation reveals credible evidence of a crime that appears appropriate for referral to national authorities, WEP will prepare a summary of the evidence and a request for referral of the matter to national authorities.

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

In the case of an investigation into allegations of retaliation, in accordance with the WEP Policy for Protection against Retaliation, WEP shall forward the investigation report directly to the Executive Director.

Investigation reports contain confidential and sensitive information about individuals and WEP operations and activities. Disclosure of such information may be detrimental to the Organization's functioning and/or the welfare and



safety of her staff or third parties and may also violate the Organization's legal obligations. As such, investigation reports are considered strictly confidential.

WEP will not share final investigation reports with investigation subjects, complainants or other investigation participants, but Management will send a copy of the final investigation report to the subject when a decision is made to charge him or her with misconduct. The distribution of investigation reports will be restricted to those with a legitimate 'need to know,' balancing the need for confidentiality with the need for effective remedial action. Any further dissemination of investigation reports should only be in accordance with instructions from WEP and the Management should be consulted on any questions as to whether the report can be shared with other parties.

All investigation-related reports are confidential, internal WEP documents.

### **References Investigation**

1. UNDP Investigation Guidelines
2. UNDP policy against fraud and other corrupt practices.
3. WEP Staff Employment Policy

### **10. Contact Details**

The following contact details are provided:

Block E, Flat 2, Anambra Court, Gaduwa Housing Estate, Gudu District, Abuja

E-mail: [info@wepnigeria.net](mailto:info@wepnigeria.net), [wep2002@hotmail.com](mailto:wep2002@hotmail.com)

Phone: +234 929 10878