

Safeguarding investigations considerations – during COVID-19



Introduction

In the context of the Covid-19 crisis, especially where travel restrictions and social isolating requirements are in place, it will not always be possible to conduct a standard investigation process.

However, where investigations are already under way or new reports trigger the need for investigations, Plan International’s Investigation Guidelines must still be used, and the same basic principles and approaches applied, although the extent to which they can be followed or need to be adapted will depend on the circumstances of each case.

This short guidance only looks at adaptations that may need to be made to investigations as a result of restrictions imposed by Covid-19 response. *Note: It does not cover adaptations that may need to be made to complaints mechanisms, reporting and referral pathways. The requirements to assess these are listed in the Plan International Global Programme Guidance on Covid-19 – see the Safeguarding Section extract*

Investigations and Case management throughout the various stages of Covid-19

In applying the guidance during the COVID-19 response, it is important that each office and each Safeguarding Focal Point is mindful of their country’s business continuity/scenario planning and how the guidance may need to be re-tailored to fit the appropriate scenario. Each country may be at a different stage of response to COVID-19 and this will have an impact on Safeguarding and PSHEA investigations, interventions and restrictions to this.

Scenario	Description	Access to beneficiaries or communities of operation
Scenario 1 <i>(Containment phase)</i>	Country is in preparation stages – awareness raising being carried out, increase emphasis on personal hygiene, all schools, businesses and services open and fully operational	Full access to our beneficiaries and communities of operation.
Scenario 2 <i>(Delay Phase)</i>	Schools, children day care and all educational facilities are closed, other businesses remain open. Limited international travel restrictions. Most staff working from home.	Some limitations to access beneficiaries and communities of operation. No access to schools or education centres.
Scenario 3 <i>(Research Phase)</i>	All schools, education facilities closed. All non-essential business closed. International and domestic travel extremely limited. All non-essential staff (i.e. not health workers, food suppliers, civil protection etc.) working from home.	Extremely limited access to beneficiaries and communities of operation.
Scenario 4 <i>(mitigation phase)</i>	Complete lockdown.	NO access to beneficiaries and communities of operation.

Important

In line with our Safeguarding Standards, all reports should still be submitted via our incident loss notification channels.

Furthermore, all investigations should only be conducted and managed by appropriately trained staff and as guided by the Global Safeguarding Unit.

1. Case Management

Conduct a risk assessment for responding to the report, even if there is not sufficient information to take the report forward – in that case, the risk assessment should map the risks of gathering further information.

Consider:

- Stakeholders– who is involved, or likely to be involved if this report is taken forward?
- Scope all possible directions the case could take, and the potential risks involved to all stakeholders (including the Subject of Concern) in these different scenarios? Consider we may be facing new risks that we have not had to deal with before.
- What are the risk mitigation strategies or actions? Do not decide on a strategy or action that may not have a reasonable chance of success, just because it allows you to proceed with the investigation. Prioritise safety!

2. Decision-making

The case management team should balance the risk assessment with the severity of the alleged misconduct, protection risks and what appears logistically possible in terms of conducting an investigation. If it is a criminal case, it would normally be reported to the local authorities – this can be a difficult action at best of times but may be even more challenging when local authorities are not able to function as effectively or are depleted/distracted by crisis response. Understanding of the current local context must be factored into decision-making (see section 3 below).

Depending on the circumstances and age, maturity and capacity of the alleged victim/survivor, as part of a victim/survivor-centred approach their views should be sought (where it is possible to establish safe, direct contact) on next steps, and their situation as described by them should inform the risk assessment and planning.

3. Preparation and planning

It will be important to receive up to date local mappings with latest information on changes to key actors, referral pathways, victim/survivor response/support options, and so on given the crisis situation. (See *Plan International Global Programme Guidance on Covid-19 – see the Safeguarding Section extract here*).

A risk assessment and analysis should take place at each step to plan the way ahead and regularly updated throughout. Not being able to be present in field locations when conducting investigations may limit the extent to which investigations can be conducted safely. It is **important** to consider the circumstances and needs of **all** parties - in line with our Investigation Guidelines when planning for an investigation and assessing whether or not conducting a remote investigation is a safe, desirable or feasible.

Consider:

- The mental health of the victims/survivors given any stress they may be under due to the Covid-19 situation.
- Where an investigation (whether remote or onsite) is possible, consider access, availability and sustainability of victim/survivor safety/response/support/welfare options
- Can interviewees be contacted and spoken to directly in a way that keeps them safe and respects confidentiality principles?
- Do they have access to phones, laptops, PCs etc. and can they speak to investigators from a safe, confidential space?
- How can investigators assess the local conditions, consider protection threats and coordinate mitigating measures if working at a distance – are there any staff or other agency personnel

(from partner organisations, for example) it might be possible to request support from in carrying out the risk assessment or other elements of the investigation?

In the context of the virus crisis, as new measures/restrictions may come into force at very short notice, the investigation plan should be a highly flexible, dynamic document – it is likely you will need to adjust the plan at various points in the investigation and accept that an investigation may need to be suspended.

Consider phasing the investigation to start with and report on what is doable and/or how far the investigation can go (for example, the first phase may start with desk based work and other phases need to wait until restrictions are relaxed). All changes to the investigation brought on by changes in the Covid-19 response stage (see table on page 1) should be accompanied by a review of the risk assessment to determine whether the investigation continues and if so, what additional risk mitigation needs to be put in place

If at any stage the safety, wellbeing and/or health of parties to the investigation (survivor/victim, subject of complaint, witnesses/ investigator) are compromised, the investigation should be put on hold, a revised risk assessment conducted and a decision taken as whether to adapt/continue or discontinue the investigation.

When an investigation is discontinued, it is important to write up a summary report on the work conducted so far - including reasons for suspension of the investigation and actions taken to date - so as to facilitate a continued investigation when there it is possible to do so.

Please ensure that your TOR for the investigation lists any limitations to the investigation including investigative abilities due to Covid-19 restrictions.

4. Where a staff member is the alleged perpetrator - Suspension of Staff

Due to the current changeable situation in many countries which may impact the approach to and length of investigations, it is advisable for the case management team to consider if the allegations are serious enough to warrant suspension of the subject of concern for the duration of the investigation. This decision will involve a risk assessment discussion between the line manager of the individual and local HR representative (with regional and global HR support as necessary) considering any potential risk/impact to internal staff and processes as well as the seriousness of the allegations. It is important to seek advice from local lawyers to ensure compliance with relevant employment legislation as applicable.

If the decision is made not to suspend initially and there subsequently arises a need to postpone or halt an investigation due to the deteriorating situation in the local area or country concerned, the decision around suspension of the subject of concern should be reconsidered by the case management team, taking into account any change in risk factors that may be created by postponement.

5. Conducting remote interviews, e.g. via Skype

- Communicate with and prepare the interviewee in advance (as above, make sure they can safely participate online)
- Use a platform that is **safe** and familiar to you. Ensure the interviewee is able to use the software – arrange a test in advance if possible/necessary
- Audio or video call – specify which in advance, although it is recommended to use video call if bandwidth allows, especially for Subject interviews, in order to support ‘reading’ interviewees
- Conduct interviews in line with existing Plan International guidelines and training – it is still important to go through the stages of interview
- It is possible to record interviews on some platforms although taking notes is also advised

- Outline the process in advance for the interviewee
- Ensure interviewee has privacy and check there is no-one else in the room (unless you have in advance agreed to them being supported by someone)
- Prepare your surroundings so you keep your professional appearance when using video

Conducting remote interviews could provide more security for interviewees, as they do not have to meet investigators in person in a specific location and thereby risk being visible cooperating with an investigation, assuming they can speak from their own homes.

However, there will be issues of access to Internet and this possibly only being available in offices or public places such as Internet cafés (which may not be available during lockdown situations). Similar caution must be taken with witnesses in such circumstances to conceal the nature and purpose of the call and to ensure as far as possible, confidential information is kept to a minimum.

Interviewees should be advised to use a computer that is isolated or to make sure the computers nearby are unoccupied. Interviewees should use headphones to ensure the investigators voice is not audible to others, and the investigator may need to coach the interviewee to ensure they do not speak loudly and limit the use of identifying information – agree at the start you will refer to Mr. Smith as Mr. X, for example, and ask the interviewee to do the same.

Where Skype or similar video options are not available, interviews could possibly be conducted via phone, depending on the nature of the interview.

Secure messaging such as WhatsApp could be used to send questions and receive written responses.

In all instances, it is important to establish the identity of the interviewee and ensure you are communicating with the person you are intending to speak to.

These different options may be used depending on circumstances and the scenario stage of the countries Covid-19 response. They may be far from ideal but might provide some basic information that allows an investigation to progress or supports decision-making. The key thing is to ensure careful consideration is given to whatever steps are taken to communicate and that these steps are as safe as possible.

Please refer to the IT guidance on safe platforms to use in Plan International's work.