

General Principles for Reviews of CII Investigation Offices conducted by external experts

Introductory Remarks

Having regard to the 13th Conference of International Investigators (CII) held in Luxembourg in September 2012, and its decision that the workshop dealing with so called "Peer Reviews" constitute a Working Group¹ to develop general principles and guidance for conducting external reviews of CII investigation offices,

Having regard also to the Working Group's numerous exchanges and deliberations on this topic since the 13th Conference, including discussions at the 14th and 15th Conference of International Investigators,

Having regard, furthermore, to the statement in the preamble to the "Uniform Guidelines for Investigations" (2nd Edition) that there is a need for investigation offices to undergo periodically an external quality assessment,

Commending the Working Group and all stakeholders involved for their work and the constructive compromise achieved,

The investigative offices present at the 15th Conference of International Investigators agreed to support with broad consent the following General Principles as a non-binding recommendation of a framework that investigative offices may wish to consider utilizing when choosing to conduct an external review:

Nature of Review

The framework is intended to guide reviews that have been self-initiated by CII investigation offices. The framework is not intended to guide external reviews of investigative offices at the direction of the organization to which the investigative office belongs.

Timing of Review

Periodic external reviews are highly desirable. However, the scope of the review and of prior reviews, the mandate of the office to be reviewed, a change in management, any consequent restructuring, and the needs of the investigative office, may be relevant in determining the timing, need for, and frequency of the review.

¹ The working group is comprised of representatives of the African Development Bank, FAO, IACA, OLAF, UNDP, UNFPA, UNOIOS, and the World Bank.

Composition of the Review Panel

The review panel should generally be comprised of two or more qualified individuals from different institutions which can include or be comprised of staff from the investigation offices represented at the Conference of International Investigators and/or external experts. The panel should not include staff from the office being reviewed.²

Terms of Reference

The precise nature of the review will be set out in the Terms of Reference (TOR), a document prepared in advance by the investigative office. The TOR or associated documentation shall include, inter alia, the qualifications and experience needed to be a reviewer in a given review. TORs will be agreed upon with the review panel.

Methodology

The TOR for the review should provide a framework sufficiently detailed to offer guidance for the panel's work, yet with sufficient flexibility to allow for the unique characteristics of any given review. The essential feature of the review process is that the findings will be evidence based and any recommendation made at the end of the review will emanate from those findings. For the recommendations to be relevant, the review panel will need to understand the overall profile of the work, in the context of the organization. Points to be observed:

- The review panel should examine the legal basis and the policy framework of the office to assess their adequacy to fulfill its mandate;
- The review panel should assess the operating practices of the office which may include a review of systems used to trigger the investigation process³; case assessment methodology; investigation methodology⁴; and reporting⁵;
- In accordance with the organization's policies and procedures, and observing applicable confidentiality and data protection requirements, the review panel may examine a sufficient number of closed case files with a view to conducting an analysis of work performed by the office based upon the evidentiary materials within the files. The sample of cases chosen for review should be made by the reviewers following consultation with the office being reviewed. The cases should be representative of the caseload and mandate of the office. Such factors as the nature of the allegation, the complexity of the matter, the time taken to investigate, and whether the case involved staff of the organization or third parties, will be some of the considerations in selecting the cases to be examined;

² For avoidance of doubt, the members of the review panel do not need to be drawn from the same type of organization as the one being reviewed. The investigative office may wish to agree to the composition of the review panel.

³ For example, how effective is the reporting system and, therefore, how likely is it that cases will come to the attention of the investigation office.

⁴ Recognizing that there is a spectrum of acceptable investigative practices, this should include a review of the main steps undertaken in the investigation of a sample of cases – for example, evidence handling, witness interviews, subject interviews, investigation planning, and investigation reports.

⁵ An assessment of effectiveness in informing stakeholders of the results and lessons learned from investigations.

- A broad spectrum of interviews should be conducted, including, where possible: (i) staff at all levels of the investigative office; (ii) members of project/programme areas of the organization; (iii) the organization's relevant oversight offices and committee; (iv) executive staff of the organization; and (v) other relevant actors, including office/s receiving and/or acting upon investigation reports;
- The review panel may undertake on-site visits to branch/field units/missions where resources and time allow and such visits are believed to be relevant to the review;
- The review panel should consider including a comparison of similar offices in its report. The comparative table should be sufficiently representative in terms of issues raised and organizations consulted to enable an objective appreciation. Such issues as interviewee's rights, notice of interview, advance detail of allegations as well as topics such as staffing, rotation, training, computer forensics, and on-going professional education are examples of matters which may be compared, if applicable to the investigative office under review;
- In respect of all proposed recommendations, the reviewers should give due consideration to the proportionality, the costs/resources, and administrative burden on the office under review.

Optimal Length of Reviews

The external reviews should be as thorough and expeditious as possible, taking into account the resources required and costs involved. Having these parameters in mind, the external reviews should preferably be completed within six months.

Costs of the External Review

The costs associated with the external review of an investigation office will be subject to agreement between the investigative office being reviewed and the investigation office(s) sending staff as qualified experts and/or the external experts.

Confidentiality

An external review report should not name any individual, subject of investigation or witness nor should it give detail sufficient to enable him or her to be identified. The identity of interviewees should not be disclosed without their consent.

Appropriate measures should be taken to avoid unnecessary disclosure of sensitive case information.

The report when completed is and remains the property of the office requesting the review and any sharing of the report, or its contents, should be exclusively at the discretion of the requesting office. The report and all related materials produced during its commissioning form part of the institutional archives of the institution that commissioned the report.

The review panel shall return or destroy all materials received during the review and all copies of the report.

Reviewers shall be required to sign a confidentiality undertaking and to maintain confidentiality over information obtained and/or produced as part of the review. Reviewers shall also declare any potential conflict of interest arising prior to the review and at any stage thereafter and, unless the conflict is resolved, may be required to recuse themselves from the review.

Review Report

A draft report including observations and proposed recommendations shall be submitted to the office requesting the review before completion by the review panel. There should be ample opportunity for the office requesting the review to comment on the findings or remarks in the draft report. In the event of disagreement and impossibility of reconciling the differing views, the dissenting views of the office requesting the review should be attached to and form part of the report.

Future Developments

To facilitate external reviews of member organizations, to promote best practices and standardization in how they are conducted, to exchange relevant information on review processes, and to foster the further development of the external review process, discussions and deliberations of experiences by reviewers and investigation offices subject to review should form a regular item on the CII agenda. In order to maintain this process, a supporting platform (permanent Working Group), attached to the CII and carried, upon request of the CII, by one or more of the CII organization(s), shall be established.