OFE 1 - Complaints Intake: Perfecting Triage and Managing Expectations

OFE 1 kicked off with an interactive survey, where we shared insights on several key areas such as:
- the biggest challenges in triaging complaints
- common pitfalls
- resource limitations
- effective improvement strategies, and
- the influence of donors' expectations on complaint prioritization.

We discussed several challenges faced in triaging complaints. **Resource constraints** are at the top of the list, as limited staff and financial resources can hinder the thorough assessment of all complaints, making it difficult to determine which should be further investigated and which should be closed.

High complaint volumes also pose a significant challenge, often overwhelming small intake teams. Additionally, **consistency of standards** is a concern, as maintaining uniform procedures across different regions and projects can be difficult.

Another challenge is **political and donor pressures**. Balancing the expectations and pressures from donors and political entities while maintaining impartiality is crucial.

The panelists identified several strategies to enhance the complaints intake process:
1. **Resource Allocation and Training:** Ensuring timely and thorough handling of complaints through better resource allocation and capacity building.
2. **Advanced Data Management:** Utilizing data management systems and analytical tools to efficiently manage, analyze, and prioritize complaint data.
3. **Standardized Procedures:** Developing and implementing consistent standards across all regions and projects to ensure uniformity in handling complaints.
4. **Managing Donor Expectations:** Balancing donor expectations while maintaining a zero-tolerance policy on fraud and corruption.

On the use of AI in triaging complaints, the panelists agreed that AI can significantly enhance efficiency and accuracy. However, they also acknowledged its limitations, such as the lack of contextual understanding and human judgment needed for complex complaints involving ethical considerations or sensitive information.

Key Takeaways:

- A dedicated function for triaging complaints is effective.
- There is strong interest in incorporating AI into the complaints intake process.
- Establishing a working group within the "intake community" to share practices and refine procedures is recommended.

OFE 2 - Internal Investigations: Exploring the Grey Zones between Evidential Opportunities and Subject Rights

The session discussed three challenging aspects of internal investigations.

1. Can poor performance be classified as misconduct?

   In investigations, distinguishing between performance issues and misconduct is crucial. Some behaviors may rise to the level of misconduct, while others may reflect poor performance. During preliminary assessments, if an issue is identified as poor management or gross negligence rather than harassment or fraud, findings are reported to senior management. Separate reports may be created for systemic issues, and referrals for coaching or performance reviews may be made.

   Investigators must focus on facts and avoid being used to remove staff unfairly. Recent trends emphasize the impact and harm over intent, especially in harassment cases, where the perception of a reasonable person is considered. Neurodiversity can also affect how subjects perceive their behavior, requiring careful handling. The investigative process should understand the subject's perspective and refer to standards, allowing subjects to explain their actions.

2. Use of secret recordings

   The organizations represented by the panelists do not solicit or accept secret recordings, and there is no specific policy on their use. They avoid using secret recordings, emphasizing trust among international civil servants. However, if secret recordings are provided, they are accepted with due process observed.
   Secret recordings' acceptance depends on circumstances and jurisdiction, and corroborating evidence is often needed. Investigators must be cautious and consider legal implications, especially if recordings are obtained unlawfully. Policies on secret recordings should be considered, and affected parties are encouraged to use hotlines for reporting.

3. Legal limits of seize and seizure

   Investigators have the authority to search workstations and copy electronic data, but the presence of the subject or a representative is required. Subjects have the right to be informed about the search and to avoid self-incrimination. Private devices can be searched if used for professional purposes, but consent is needed for personal devices. Investigators must respect privacy and only collect evidence relevant to the investigation. Forensic acquisition should be conducted with clear search parameters, and any private information found should not be used. The presence of a Chief Information Security Officer during searches ensures evidence integrity. Policies should clearly outline the procedures and rights related to searches and seizures.

OFE 3 - External Investigations: Navigating Corruption, Cultural Norms, and Human Rights Violations

The panelists discussed the complex task that investigators face when upholding a zero-tolerance policy on corruption while dealing with the realities encountered by investigators, project staff and implementing partners. Cultural norms significantly shape perceptions of right and wrong - affecting how investigations are conducted and the investigation's outcomes.

For example, in some cultures, gift-giving is a common practice to build relationships. The practice can be misinterpreted as bribery, but in one case, it was determined as otherwise because no corrupt intent was found. In another case, an implementing partner who won a contract was found to have given cash to a project team member. The money was found to be small and was intended as a small token of appreciation because of her excitement for the partnership.

The investigations considered the low value and whether it had the intent to corrupt. In another example, investigators found contracts being rotated amongst entities in a small community, which an investigator normally identifies as collusion. However, it turns out that the small community had agreed that the benefit of the funding would be shared amongst those entities in the community. However, if losses are identified, financial institutions are strict to recover this regardless of norms.

On the humanitarian aspect, it was identified that while investigators may report their findings to management and donors, it needs to be recognized that aid needs to be delivered at the end of the day, and we need to work with project partners to ensure aid reaches the affected communities safely. One of the solutions proposed was to incorporate these findings as part of risk assessment stage of the project and mitigate these risks during the design phase.

There were a lot more interesting examples during the discussion. All of them contributed to the following key takeaways:

1. Investigators must navigate cultural norms carefully to ensure that the investigation accounts for local customs while upholding integrity. There is a need to recognize and accept the difference ways to elicit evidence which include recognizing that local language and customs need to be respected and adopted during the investigation especially when recording witness statements. Social structures need to be kept in mind when investigations are conducted.

2. Integrity risks should be identified in the early stages of the project and should be incorporated in the project design. There is a call for investigative offices to build stronger relationships with project teams and implementing entities to help them identify and mitigate integrity risks.

3. Whilst it was recognized that there are no easy solutions to navigating cultural norms during investigations, it is crucial for investigators to adapt to local circumstances while maintaining the zero-tolerance policy on corruption.

OFE 4 – Intelligence Cooperation: Sharing Success and Lessons from MOUs

The panelists shared that success in intelligence-sharing hinges on strong relationships and proactive engagement. Simply having an MOU in place is not enough; organizations must actively collaborate to ensure effective information exchange. The framework will not be alive without sufficient activity and relations between organizations.

When asked how MOUs can be designed to effectively balance confidentiality with the need for information sharing, the panelists stressed that MOUs cannot change the rules of the organizations and cannot overrule existing laws, such as the laws on privacy and confidentiality. To address this, the parties should first discuss what they want and look at the existing requirements of each side and openly put them on the table. In short, be transparent and build trust. Next, the parties should understand the applicable laws and ensure that they are respected. If there are hurdles, **be flexible.**

The panelists identified the following best practices to overcome barriers and to ensure that MOUs are efficient and compliant:

- MOUs must **be in writing** to ensure clear parameters and safeguards. This will help manage the expectations of the parties.
- MOUs must **have legal basis.** It must be based on and implemented in accordance with the applicable policies and procedures of the relevant organizations.
- The parties must conduct due diligence by assessing the counterparts' policies, procedures, track record, and practices.
- Both parties must accept the inherent limitations on information sharing of the respective institutions. For example, information on staff cases, those that will violate the whistleblower policy, impede an ongoing investigation or impair immunities and privileges may not be shared. This will save time and effort in negotiating the terms of an MOU.

As for the lessons learned, the panelists shared that:

- **Timeliness is important.** Keep relationships fresh and share information promptly to avoid missed opportunities.

- **Choose your partners wisely.** Understand your partner's goals, restrictions, and expectations. Thorough vetting ensures effective MOUs.

- **Take Your Time** avoid signing agreements that may fail during implementation for lack of understanding and clarity from both parties.

- **Embed MOUs in the investigative process** and formalize agreements to adapt to changing relationships and networks.

OFE 5 - Investigations in FCAS and SIDS: Navigating Conflict, Crisis Management, and Data Protection

This session explored the unique challenges of conducting investigations in Fragile and Conflict-Affected Situations (FCAS) and Small Island Developing States (SIDS). Investigations in these contexts are particularly complex due to the difficulty of working in environments where access is limited, and security risks are high. It almost feels like investigators need a crystal ball to succeed!

Several key issues were discussed, including the challenges accessing conflict zones, local interference, remote areas, where investigators often face security threats and government obstruction. There is also a difficulty in investigations due to reliance by parties to personal devices, which complicates data security and limits forensic discovery.

To mitigate these risks, the panel recommended risk assessments, internal controls, and third-party monitoring agents to detect issues early. A vivid example from a solar project investigation demonstrated how overbilling by contractors was only uncovered after spot checks were introduced – highlighting the critical importance of on-the-ground verification in high-risk settings.

Importantly, the panel and participants stressed the need for tailored approaches, emphasizing that local expertise can play a key role in navigating these environments. Investigators can achieve greater success by partnering with local consultants who understand the regional dynamics, reducing conflicts of interest and enhancing the credibility of findings. They all agreed to explore the idea of forming a community of practice for integrity professional tackling cases in FCAS and SIDS. This group would provide a network for sharing insights and strategies to navigate these challenging environments.

Furthermore, the well-being of investigators was emphasized, as the emotional toll of working in high-pressure, volatile environments can lead to burnout. Supporting investigators with stress management strategies and ensuring manageable working hours are vital for sustaining long-term effectiveness.

In summary, the consensus was clear: a mix of tailored approaches, local expertise, and solid support is essential for effective investigations in high-risk settings. With this new community of practice, we hope to bring a bit of foresight – and maybe even that crystal ball – to the field.

OFE 6 – Co-Financed Project Investigations: Navigating Parallel and Joint Investigations

The session on co-financed project investigations highlighted the complexities of joint and parallel investigations. Joint investigations involve multiple organizations collaborating, but they face challenges such as differing investigation protocols, jurisdictional conflicts, and limited information sharing.

Insights revealed a lack of frequent collaboration among the panelists' organizations. In contrast, parallel investigations allow organizations to conduct separate inquiries while informally sharing information, which can lead to duplication of efforts and resource fatigue among witnesses.

Delegated investigations, where one organization leads while others support, also present challenges, particularly regarding the variability in investigation quality and the complexities introduced by legal frameworks.

Key Takeaways

Effective collaboration and standardization of investigation practices are essential for success in co-financed projects. Establishing open communication channels and pre-agreed protocols, such as Memoranda of Understanding, can help mitigate challenges and enhance the effectiveness of investigations.

Additionally, investing in capacity building through training and resources is crucial for maintaining high-quality investigations across different organizations.

Finally, while information sharing is vital, concerns about confidentiality often hinder collaboration, making trust-building a key component for successful joint efforts.

OFE 7 – Due Process in Investigations: Balancing Rights, Efficiency, and Confidentiality

This session provided an avenue for participants to briefly discuss the challenges of **balancing due process with the need for efficient and confidential investigations**. Discussions by the panel and participants, who shared their organizations' respective experience relative to this topic, noted that due process requires providing notice of allegations and a fair opportunity to respond, without compromising the speed of investigations.

The panel noted some tools that can enhance efficiency in investigations – such as recorded interviews and AI-generated verbatim transcript of meetings. Participants discussed the significance of establishing clear timelines relative to completing investigations. Discussions focused on determining the appropriate criteria for investigative confidentiality. Sensitive information should be shared only with those who require it for the investigation to proceed. Whistleblower protection was raised by participants, noting that confidentiality safeguards are vital to encourage reporting without fear of retaliation.

To maintain transparency and fairness during investigations, the panel and participants noted their organizations' respective practices and procedures – including having to codify investigative procedures and establish clear timelines. However, confidentiality must always be prioritized, particularly when dealing with sensitive cases like sexual harassment.

The panel shared practices of their respective organizations – whether it be citing preambles at the onset or ensuring clear communication with the subject or witness on the investigative process, to ensure due process rights are protected. Additionally, the panel shared experiences and strategies on how to address concerns relative to ongoing investigations, in the age of social media, while maintaining confidentiality and integrity.

While organizations must prioritize efficiency in investigations, it is equally important to protect due process rights and ensure that the confidentiality of the process is maintained. Clear procedures, transparency, and robust protections for sensitive information are essential components of a successful investigation process. Striking the right balance is critical for ensuring that investigations are fair, legally sound, and operationally effective.

OFE 8 - Whistleblowers: Navigating Protection Limitations and Effective Strategies

Balancing Conflicting Interests

The discussion opened with a question of Due Process vs Confidentiality – "How do organizations balance the fine line of conducting thorough investigations and protecting the whistleblowers' identity from retaliation.

In as much as much as we want to, investigators cannot guarantee anonymity of the complainant throughout the entire investigation process. Cases require careful assessment, and the assigned investigator must consider the best solution for each situation.

Challenges/Experiences

The Panelists shared some of their experiences and the challenges their organizations face in dealing with whistleblowers, which include:

- Managing expectations from the beginning and explaining to the whistleblower that while efforts will be exerted to maintain anonymity, it is not guaranteed.

- Some organizations have policies in place which gives their office the discretion to withdraw protections in place for whistleblowers who are found to have engaged in misconduct, pursuant to criteria laid down by their respective organizations.

- The discussion also emphasized the importance of assessing the credibility of the whistleblower and the information provided as early as intake. In doing so, it allows teams to provide the necessary support and activate the resources available to support the WB, as early as possible.

Protective Mechanisms

The panelists then shared the protective mechanisms in place within their organizations and highlighted the complexities and challenges in protecting external whistleblowers.

Knowing the right people within the organization who are equipped to handle cases of retaliation on the ground and establishing communication lines with local organization who are able to support whistleblowers in different project sites across the world, allows investigators to intervene swiftly and provide support when necessary.

It was particularly interesting to hear the unique situation of OLAF which works within a legal framework that allows organizations to refer whistleblowers to national agencies who can provide the necessary support, including legal aid and advice.

The discussion acknowledged that there remains a gap between the directive to provide protection and practical limitations of implementation. There is a need to discuss and proactively develop solutions to breach the gap.

Key takeaways

1) Ensuring anonymity is difficult and it is important to manage whistleblowers' expectations from the outset and communicate the potential outcomes and limitations.

2) Proactive measures help mitigate risks and provide a sense of security to those coming forward with critical information.

3) While organizations have the directive to protect whistleblowers, effective implementation is challenging due to practical limitations. Organizations must remain committed to foster an environment where whistleblowers feel safe and supported in reporting misconduct.