

THE INVESTIGATION PROCESS

Introduction

1. Critical to the Organization's handling of allegations of staff misconduct is an understanding of the policies and procedures which govern investigations. It is essential for staff to be aware of the process for investigation, the roles and responsibilities, and the procedures to be followed.
2. The following paragraphs are an explanation of the existing investigation process at WHO. While this document focuses mainly on the work of the Office of Internal Oversight Services (IOS), it is equally important to understand how the investigation function interfaces with the Organization's procedures for handling allegations of staff misconduct.

Responsibility for Investigations

3. IOS investigates reports of violations of the regulations, rules and administrative issuances of the Organization ([IOS Mandate](#) and [Financial Rule XII](#)). These reports may be from staff members or persons outside the Organization. IOS is empowered to initiate investigations proactively and it may conduct investigations at the request of senior officials¹.
4. The Director-General has granted IOS functional independence and accordingly, IOS formulates its investigative programme, the way it conducts that programme, and the contents of its reports. At its discretion, IOS decides whether it will take up a case and the priority that it assigns to the case.
5. In deciding whether to investigate a report of alleged irregular activity, IOS considers whether the matter could be dealt with more appropriately by another entity. For example, if an allegation relates to a personnel dispute, the matter may be referred to either Human Resources Management (HRD), the departmental director concerned, or the Ombudsman. While retaining responsibility for the investigation, IOS may also request assistance from others in the Organization to complete specific tasks related to an investigation.

Nature of an Investigation

6. Investigations conducted by IOS are administrative fact-finding exercises. IOS uses its authority to gain access to locations, staff, documents and other resources of the Organization, and establishes the facts of a case. It reports the results of its investigations to the Director-General or Regional Director.
7. IOS is not responsible for deciding whether to initiate disciplinary action. This is the responsibility of the Director-General and the Regional Director.

Access to Information and Staff

8. Solely for the purpose of discharging their mandate, investigators have unfettered access to all areas of the Secretariat and all work records, whether in paper or electronic form.
9. Normally, IOS will copy whatever material is needed, however, on occasion investigators will require original records. In such cases, IOS takes into account the views of the head of the department as to the operational needs of the unit concerned and will attempt to minimize disruption to work. Original records will be returned as soon as possible. Investigators will issue receipts for any original material taken from a work area and all material will be kept secure by IOS.

¹ An individual reporting alleged violations or requesting an investigation does not control the investigation and does not normally have a right to information on the outcome of the investigation.

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10. The WHO Fraud Prevention Policy ([Fraud Prevention Policy](#)) makes it clear that staff are obligated to cooperate with IOS investigators and must respond fully to requests for information from those authorized to conduct investigations. At the same time, in responding to investigators, staff members are given a range of assurances concerning confidentiality and fairness.
11. Investigators will document the interview and will ask the person interviewed to review the record of the interview for accuracy and sign it.
12. Access to computers and electronic data of the Organization is the subject of separate procedures set out in the WHO Policy on Acceptable Use of Information and Communication Systems ([Acceptable Use Policy](#)). This policy establishes conditions for the use of information systems, which includes all hardware and software.
13. IOS has the authority to involve a staff member's supervisor or other senior staff member if information or assistance is refused, delayed or withheld by a staff member.

Reporting by and Protection of Staff Members

14. Financial Rule 112.3(c) and the WHO Fraud Prevention Policy (paragraph 22) establish that all staff members may contact Director IOS directly with information on suspicions of misconduct. IOS has adopted internal work practices to ensure, to the extent possible, that the identity of complainants² remains confidential. However, the identity of complainants may be disclosed where such disclosure is necessary for the conduct of administrative, disciplinary or judicial proceedings.
15. The information supplied by a complainant may be used for the conduct of the investigation. For example, information from a confidential source can be used to identify witnesses or documentary evidence relevant to the complaint.
16. The right to confidentiality of a complainant is not a guarantee of anonymity. It may at times be subordinated to the right of a staff member charged with misconduct to pose questions to the complainant. Accordingly, a complainant's identity may be disclosed to a staff member charged with misconduct in the context of disciplinary proceedings. At other times, a situation may develop where evidence, when disclosed, may reveal the identity of the complainant. Finally, a complainant may be asked to be a witness which could reveal that person's role as a complainant.
17. Protection against retaliation for those cooperating with an investigation is the subject of separate procedures set out in the WHO Whistle Blower Protection Policy.
18. Complainants are not protected against the consequences of their own poor performance or misconduct by lodging a complaint or providing information to IOS. The WHO Whistle Blower Protection Policy does not protect a complainant from disciplinary action if his/her complaint was made with knowledge that the information was false or was done with the intent to misinform.

Confidentiality of the Investigation Process

19. Investigations are conducted confidentially. Among other things, this means that there can be no unauthorized disclosure of investigation reports and other information held by IOS staff. This protects both those who make the reports to IOS and the subject of the investigation. It also protects the integrity of the process. Confidentiality during an investigation is equally important to ensure that those with information are not hesitant to come forward and to avoid damaging the reputation of individuals, offices, projects, or organizations by the premature disclosure of allegations that may prove to be unfounded.
20. The requirement for confidentiality requires that all evidence and investigative records must be secured by IOS.

² Staff members and other persons reporting cases of possible irregular activity are referred to by IOS as complainants.

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Fairness During Investigations

21. Fairness requires that questions to witnesses be clear and that the person interviewed be given an opportunity to respond.
22. Fairness during an investigation also requires that the investigator approach the matter with an open mind. Allegations from a complainant are simply claims which will be investigated by interviewing witnesses, establishing facts, and gathering any evidence.
23. Normally, a witness is informed of the general nature of the matter under investigation but not the identity of the subject under investigation, unless the investigator considers this to be necessary for the enquiry. If a staff member refuses to cooperate, he or she will be told of the obligation to cooperate and supply documents, records or information. Investigations are confidential and the fact that questions are being asked about the activities of other persons should not be seen as an indication that those persons have done anything improper.
24. If it becomes apparent that there are inconsistencies between evidence gathered by IOS and the explanations of the subject of an investigation, the subject may be questioned further. During any such interviews, the subject will normally be told of the inconsistencies that arose as a result of the prior interview and will be given a reasonable opportunity to comment and present any further evidence.
25. The requirement for confidentiality generally means that only the witness or subject, as appropriate, and IOS investigators will be present during the interview, although translators may be included at the discretion of the investigators.

Disposition of Cases

26. At the conclusion of an investigation, IOS prepares a report which presents the established facts and evidence that have been gathered, including the statements of the subject. It will then be for the Director-General or Regional Director to review the report and decide whether to initiate disciplinary proceedings.
27. A report by IOS that a staff member may have engaged in misconduct and a resultant recommendation to review the matter are not charges of misconduct. The Director-General or the Regional Director initiates the disciplinary process by asking Director HRD to make a formal written charge of misconduct against the staff member and providing him/her with the information on which the charge of misconduct is based.
28. Investigation reports are internal, confidential documents. They will not be shared with external entities, complainants, witnesses or other units or internal WHO boards, unless authorized by the Director-General. The decision to share an investigation report with the subject of an interview can only be made by the Director-General.

Criminal or Civil Action

29. The Director-General may consider the possibility of waiving privileges and immunities and pursuing criminal or civil action against the staff member in a national court. The possibility of judicial action will be considered if there is reasonable evidence of criminal conduct or if such action is needed to recover money or other assets defrauded or stolen from the Organization. Any waiver of privileges and immunities is normally made by the Director-General.

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Processing of Complaints Received by IOS

