

Lessons Learned Report from a Safeguarding Investigation

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July 26, 2021

Revised: November 29, 2021

1 Summary

This Report documents lessons learned from a collaborative investigation, completed in 2020, into sexual and financial misconduct within an Organization of Persons with Disabilities, or OPD, that had received support from the organizations listed above. The aim of this report is to provide insight into the lessons learned by the organizations involved as well as for other organizations embarking on similar investigations.

2 List of abbreviations

CPP: Child Protection Policy

GBV: Gender-based Violence

PO: Participating Organization, meaning one of the five organizations that oversaw the investigation

OPD: Organization of Persons with Disabilities

SEAH: Sexual Exploitation, Abuse, and Harassment

TORs: Terms of Reference

3 Investigation Overview

Five organizations (participating organizations, or POs), based in four different countries - including an intermediary grantmaker and international NGOs all of which are focused on disability and support to OPDs - agreed to work together in November 2019 to pursue an investigation into SEAH allegations within an OPD, to which they had all provided support. The investigation was launched in April 2020 and completed in August 2020. Survivor support was provided from September 2020 to early 2021, with an additional round of livelihood support being finalized as this report was completed in July 2021.

The selected investigation firm into the SEAH allegations was [Global Child Protection Services](#) (GCPS). The SEAH investigation was carried out remotely due to the COVID-19 pandemic and sustained a number of serious allegations.

A follow-up joint forensic audit by [ProAct International](#) subsequently revealed extensive fraud and financial mismanagement.

4

Lessons learned

A. Collaboration among Participating Organizations

Prior to this investigation, although the POs were funding the same organization, the POs were not sufficiently aware of each other and their respective support to the OPD. POs therefore did not have a full understanding of the resources going to the OPD or the asks made of the OPD in regard to key policies/procedures.

- I. **A greater level of awareness and collaboration between organizations providing funding and other supports to OPDs could lead to improved oversight.**
 - For instance, all the POs involved in the investigation of the OPD received separate reports, including audits, of separate project advancements and expenditures. No PO had a comprehensive financial picture of the OPD from an overarching organizational audit. The OPD was able to present a positive view within individual reports, but if these reports had been shared across the POs, a holistic view may have uncovered inconsistencies or duplication of reporting.
 - The OPD had been using the same audit firm for a decade or more. Collaboration between organizations providing funding to the OPD could have included discussions around the audit firm used by the OPD, and a change of auditors could have revealed the underlying financial issues, particularly if a joint auditing approach was undertaken, sharing costs and audit reports.

- II. There is a need to collaborate on strengthening joint grantees/partners.** Agreement on policy/protocol standards, shared trainings, and shared monitoring mechanisms would all be beneficial.
- If organizations providing funding and other supports to OPDs collaborated on some requirements and capacity building, there could be joined-up approaches and standards, increasing efficiencies and removing duplicated or contradictory trainings.
 - This would also save both time and money as well as provide greater weight to the importance of engagement and compliance from a board perspective.
 - A joined-up approach could also be part of a journey if documented effectively, so that new organizations providing funding and other supports to OPDs would be able to build upon this capacity building journey rather than revisiting areas already addressed.
- III. Joint suspension of funding may in extremely serious cases contribute to the situation being addressed, or at least the harm being stopped/reduced.** Such a suspension should only come as a last resort, if there is a significant lack of responsiveness or willingness to take corrective action. In this instance, it was not until the final supporting organization paused funding that the OPD began to constructively engage in implementing required changes.
- Suspension of funds needs to be assessed on a case-by-case basis and if the decision is made to suspend funds, the organization must be informed so that they can manage the consequences to project participants and staff of having to suspend project or indeed all organizational work.
 - The organization that continued to fund the OPD in this instance did not join the PO group. In any future situation of a similar sort, it would be beneficial to have early awareness of all organizations providing funding and other supports to the OPD to be able to persuade them to collaborate from the outset.



IV. There is a need for broad understanding of ways to share information on individuals and/or OPDs where proven misconduct has occurred, such as the [Misconduct Disclosure Scheme](#), among organizations providing funding and other supports to OPDs including OPD networks – to which these OPDs may belong – at national, regional, and global levels.

- This remains a challenging issue given the differences in privacy policies at international level. Nonetheless, an international database would be useful to ensure perpetrators are not hired by other organizations, and organizations which have condoned inappropriate and illegal behavior from a governance or senior management level do not receive funding, particularly if local authorities, such as NGO bureaus and police, fail to intervene.
- Countering abuse of power cannot happen if OPDs where serious misconduct has occurred and where governance and senior management have failed to address it maintain power and credibility within OPD networks at national, regional, and global levels. Yet, it is difficult to share information with these networks given confidentiality policies and the networks' lack of safeguarding protocols.

V. Establishing a collaboration can be a time-consuming process in itself which can lead to delays in implementing an investigation and agreeing next steps, including survivor support.

- The more organizations that are involved, the longer it inevitably takes to agree participation and roles, TORs, etc. This is particularly so when organizations providing funding and other supports to OPDs are based in different countries/regions, have different levels of relevant experience, and all need to consult with their respective Boards and legal advisors. It is important that these organizations commit the resources required to complete these processes as quickly as possible.
- The appointment of a lead PO was important in maintaining progress and timelines, clarifying who would draft ToRs and the Collaboration Agreement, providing a single point of contact for the investigators and for coordination of local survivor support, and overseeing the drafting of the lessons learned report. Whilst the commitment is greater for the lead PO, agreeing which agency is lead PO as quickly as possible is crucial to expediting progress.

VI. Collaboration has been of great value to the POs.

- There needs to be a very clear agreement between the POs and a clear specification for the actual investigation and the process by which an investigation agency will be appointed. The importance of all POs working together and supporting a single investigation limited the potential for the OPD to 'divide and rule.'
- A collaborative approach necessitates relationship building. This was eased by frequent meetings and can pay off in the long-term with greater knowledge and trust among collaborating organizations.
- Collaboration can result in stronger messages to misbehaving individuals/organizations with a joint approach to ending funding, making demands for change, etc. It can also provide more visibility at high levels, including joint reporting to their own respective donors.
- By working together, POs can benefit from each other's areas of strengths and resources throughout the process.

B. Conducting a remote investigation and communications

The allegations were extremely sensitive and a focus on confidentiality to preserve the anonymity of survivors, whistleblowers, and witnesses was paramount.

- Building and maintaining lines of communication and trust with the whistleblowers and witnesses from the start was crucial. They were key in helping to contact and communicate with the survivors. The investigators handled contacts with all involved skillfully and built trust. With the exception of one organization that directly received whistleblower reports, the POs themselves never knew the names of those affected.
- Lockdowns and closure of OPD programs due to the pandemic made tracing and making contact with survivors and witnesses more challenging than it would otherwise have been. The investigators were resourceful in using accessible digital technology and successful in communicating from a distance and despite not meeting people face to face.



- Whilst there were challenges in conducting such a sensitive investigation remotely, the fact that interviews had to be carried out online, to some extent preserved the anonymity of witnesses, survivors, and others as no one was seen to be in contact with an investigator and no one had to travel to an interview location. This was true for survivors, witnesses, and whistleblowers as well as for the alleged perpetrators. Furthermore, a need to include interpreters or personal assistants in interviews can be a cause of concern in terms of confidentiality; this was avoided due to the remote nature of the investigation. Consideration should be given in future to situations where remote interviews may in fact be preferable to face to face interviews.
- The success and robustness of the investigation relied upon our having extremely experienced and professional investigators. This is paramount and must be resourced effectively.
- POs agreed to provide funds for phone credits, akin to covering travel expenses for an in-person investigation which had been originally budgeted. Such flexibility is important.
- A leak to the local press, which did not come from the POs, presented an unexpected challenge, including threats to survivors. One of the POs had a communications team that helped guide the response, including the preparation of a jointly agreed statement.

C. Engaging duty bearers - local authorities and OPD governance

The collaborating organizations repeatedly sought to inform and involve the local authorities (police, NGO Bureau) as well as the OPD's board for both transparency and accountability purposes. However, engaging both proved very challenging. Neither the OPD's board nor the police or NGO Bureau proactively engaged with the POs despite evidence provided and investigation reports shared. The OPD's board denied the seriousness of both SEAH and financial findings and refused to follow up on recommendations until their last donor suspended funding. As far as the POs are aware, the police and NGO Bureau never fully investigated the allegations or all subjects of concern. This may have been because the OPD's board had political connections. Some key learnings that can be taken forward are:



- It is important to identify and know beforehand who the relevant authorities are with a mandate to address such issues in project partner countries. Identifying key individuals, knowing their contact details, and building relationships through mapping exercises can expedite processes at a later stage.
- Working as a group shields individual organizations from the risk of being singled out and targeted in such complex investigative cases by local authorities.
- It is difficult to influence action by local authorities irrespective of the evidence, especially where political considerations are involved. This is something the sector should think about further, knowing there are clear limits to what can sometimes be done. But it is important to take appropriate actions to fulfill our obligations to safeguarding and accountability.

D. Survivor Support

From the outset, the POs agreed to establish a survivor support fund with a local organization to administrate. The local organization proved adept at finding and arranging a range of appropriate support solutions. However, there were still a number of challenges and areas that required very detailed discussions. This included: a lack of knowledge on the part of the POs of appropriate and vetted local organizations which could provide support; the need to set (time and financial) parameters for survivor support; and the need to respond to ongoing safety and protection issues of survivors. Key learnings include:

I. Local mapping and information sharing

- Organizations providing funding and other supports to OPDs should ensure local mapping exercises are completed at the design or inception stage of programs and in conjunction with the community. This should include mapping out suitable support organizations, translation/accessibility and medical facilities, making links, and performing vetting. This would support more rapid deployment of survivor support by pre-completing some of the planning steps. This might be possible via partnership with global, regional, or national women's rights/feminist/GBV organizations – who may know these providers already.



- A widely accessible global database where organizations providing funding and other supports to OPDs can access reputable survivor support organizations at country levels would be enormously beneficial.
- It is important to establish information sharing protocols from the outset, based on awareness that the principle of do no harm can at times outweigh individual's data protection rights. Golden rules of information sharing in safeguarding should be used across international organizations providing funding and other supports to OPDs.

II. Investigation planning

- As survivor support is put in place and carried out, it is crucial to include survivor's wishes/choices regarding what they need throughout the process. Local survivor support actors can help organizations providing funding and other supports to OPDs to understand expressed needs and use these to assess, access, and coordinate support, as well as coordinate communication regarding the availability of support to anonymous survivors.

III. Funding of survivor support

- Because it isn't necessarily possible to count on local authorities for follow-through, it is important that organizations like the POs completing an investigation include measures and funding for survivor support – support that they may otherwise never receive.
- Incorporating survivor support responsibilities into contracts/MOUs with POs from the beginning was important so that this expectation and funding for it was clear.
- Organizations providing funding and other supports to OPDs face limits in terms of what can be financially committed to survivor support (some of which can be long-term). These organizations may want to consider how such support is adequately resourced centrally when required and also with specifications of remit/parameters for support within contracts.
- Funding for survivor support should be included as a component of safeguarding in all organizational budgets.



- Survivor support needs are immediate, interim, and ongoing, so a variety of approaches are required as needs of survivors change. Flexibility is paramount.

IV. Confidentiality and protection issues

- It is important to ensure that, at the investigation planning stage, issues of survivor/witness confidentiality and protection are clearly set out, particularly as various organizations providing funding and other supports to the OPD are alerted that allegations have arisen.
- Attention is needed throughout the process, particularly where the initial risk assessment has shown that there are likely to be protection issues from the subjects of concern, the organization itself, and/or the community, including through victim shaming, corruption, and/or threats. The impact this is likely to have on coordination of survivor support needs to be thoroughly considered and mitigated to the greatest extent possible, both to ensure survivor and whistleblower protection and to create an atmosphere conducive to an investigation and to ongoing safeguarding response.
- Protection must also include the support and safety needs of participants / witnesses who are not survivors.

