

RSH Nigeria: Risks to consider when managing safeguarding investigations

This document provides an overview of some of the risks that you may face during the safeguarding, or SEAH, investigation process in Nigeria. Every case and investigation is different and so the risks, especially those faced by the victim/survivor, will need to be reviewed and managed at the start of every investigation and throughout the investigation process.

To understand how to assess and manage risks, please refer to the RSH Nigeria safeguarding (or SEAH) risk assessment and management tool, [here](#).

1. Initial disclosure and initial action

#	Area of risk	Cause of the risk	Possible ways to manage or mitigate the risk Note: These are examples only. You will need to identify risk actions for every specific case and investigation.
1.1	Confidentiality breach	Whistle-blower/Survivor: This could arise from how the safeguarding incident was reported. E.g., speaking to different staff members or individuals before reporting the concern/incident officially.	<ul style="list-style-type: none"> • Ensure available reporting channels have been included in safeguarding awareness-raising and sensitisation activities with staff and anyone who interacts with the organisation. • Discourage staff and beneficiaries from disclosing safeguarding incidents to individuals who are not safeguarding focal points or outside of the reporting channels. • Build understanding of confidentiality and its importance amongst staff and anyone who interacts with the organisation. Emphasize that breaching confidentiality is a disciplinary concern.
1.2		Organisational processes: This could also be due to failings from internal response processes. E.g. Not having clear processes for reporting or the Committee breaking the confidentiality policy or the rules of non-disclosure.	<ul style="list-style-type: none"> • Develop guidance on your local reporting procedures and circulate this widely among safeguarding focal points and staff. • All senior managers appointed to serve as committee members for any safeguarding investigation management must sign and abide by the rules of the non-disclosure agreement. • Investigation management committee meetings must be held in a closed space where discussions are not audible.

		<p>The investigation management committee holding meetings in an open space and close to where people can hear the conversation.</p> <p>Insecurely storing hard copies of minutes of meetings.</p>	<ul style="list-style-type: none"> It is recommended that minutes of meetings should be shared via email to reduce the probability of the hard copies getting into the wrong hands.
1.3	Reprisal and retaliation	<p>Alleged perpetrator, or their allies, could threaten the whistle-blower, or victim/survivor when they become aware that a safeguarding allegation has been made against them.</p>	<ul style="list-style-type: none"> Ensure confidentiality is not breached at any time throughout the investigation process. Emphasise that breaching confidentiality is a disciplinary concern. Consider the risks for all individuals involved and be cautious before e.g. temporarily suspending a perpetrator as part of the process if there are risks of retaliation or the investigation being compromised. Align communications between Lead Investigator and HR Manager / Focal Point on when and how notifications on the allegation will be shared with the perpetrator.

2. Planning

#	Area of risk	Cause of the risk	Possible ways to manage or mitigate the risk
			<p>Note: These are examples only. You will need to identify risks actions for every specific case and investigation.</p>
2.1	Reprisal and retaliation	<p>Alleged perpetrator: They could threaten the whistle-blower/ or victim/survivor when it becomes evident that</p>	<ul style="list-style-type: none"> Ensure confidentiality is not breached at all times starting from the disclosure stage all through the investigation and case management cycle.

		a safeguarding allegation has been made against them.	<ul style="list-style-type: none"> Caution and risk assessment is advised before temporary suspension of a perpetrator.
2.2	Safety and security	The issue of safety and security affects all parties to the allegation including the investigation team. As a result, you need to also assess the safety and security aspects when managing a safeguarding investigation.	<ul style="list-style-type: none"> Assess the safety and security risks to the victim / survivor, witnesses, perpetrator, and the investigation team to better determine how the case will be managed and what investigation methodology to follow.
2.3		<p>Environment:</p> <ul style="list-style-type: none"> What is the security situation in the location where the safeguarding incident occurred? Are there ongoing inter-tribal/ethnic tensions, kidnapping, etc prevalent in the area 	<ul style="list-style-type: none"> Carefully assess the risks in the location as well as to and from the location and put in place the necessary mitigations, e.g. have a chaperone if the victim / survivor is a child and / or needs support moving from one point to another for investigation purposes; where no risks or suspicions will be caused by external visits, the organisation should meet the victim / survivor in their location; provide transport or transport money for meetings in a different location where that is safer.
2.4		<p>Power dynamics:</p> <ul style="list-style-type: none"> Does the perpetrator wield political, social or economic power an influence? Is the perpetrator linked or has connections with power brokers such as the police, politicians, or legislators, or Board of the organisation? 	<ul style="list-style-type: none"> Bear in mind an allegation that is criminal in nature should be reported to the police before the organisation considers conducting an investigation. However, consider the risk of reporting to the police and prioritise the victim / survivor in the decision-making process. Consider raising the issue with human rights groups to determine the best approach to reporting formally. Caution and risk assessment is advised before temporary suspension of a perpetrator. If the perpetrator cannot be temporarily suspended without causing harm, find creative ways to reduce interaction with the perpetrator. This can include giving the victim / survivor the option of working remotely or a paid leave. The alleged perpetrator can also be given a project that takes them out of the way of the victim / survivor.

2.5		<p>Religion and Spirituality:</p> <ul style="list-style-type: none"> Religion and spirituality play an important role in the lives of Nigerians so the belief in being harmed by spiritual forces or black magic is also very high. Such fear, if displayed by a victim / survivor or potential witness should never be ignored as this could have an impact on the investigation process. 	<ul style="list-style-type: none"> Listen to the concerns of the victims / survivors and potential witnesses and provide support as required. Support can include counselling given by a trained counsellor or a respected religious leader that especially one that is known to the victim / survivor and potential witnesses.
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3. Evidence gathering

#	Area of risk	Cause of the risk	Possible ways to manage or mitigate the risk Note: These are examples only. You will need to identify risks actions for every specific case and investigation.
3.1	Reprisal and retaliation	<ul style="list-style-type: none"> Same as above The investigation team or the organisation could be faced with this. 	<ul style="list-style-type: none"> Same as above One way to mitigate the reprisal and retaliation risks to the investigation team or organisation is to ensure key stakeholders in the organisation or community where the investigation is to take place are well informed without necessarily sharing all the details of the allegation.
3.2	Stigmatisation and ostracism	<p>Organisational processes: This could arise when a survivor-centred approach is not considered and confidentiality is not upheld.</p>	<ul style="list-style-type: none"> Ensure that the needs of the victim / survivor are put above everything else – investigation, case handling, reporting to the police where it is unsafe to do so.

			<ul style="list-style-type: none"> • Appropriate safeguarding risk assessment must be done for any case management action/activity that could have unintended negative consequences on the victim / survivor.
3.3		<p>Alleged perpetrator:</p> <p>They could tell colleagues and other people that they are being falsely accused to invoke the sympathy of others at the risk of the victim / survivor being stigmatised by other colleagues.</p>	<ul style="list-style-type: none"> • The perpetrator should be informed of the allegation at the time they are invited for interview • The perpetrator must be interviewed last after all other parties to the investigation have been interviewed.
3.4		<p>Community members:</p> <p>Common in SEAH cases and may be directly linked to the organisation, investigation team or alleged perpetrator if sensitive information is not handled carefully. This can happen during or after the investigation cycle.</p>	<ul style="list-style-type: none"> • Care must be taken to ensure that details about an ongoing or completed investigation remain confidential. • Where a community leader or other members of the community are required to act as liaisons or witnesses during an investigation, such individuals must be informed of their duty to not share details with anyone in the community.
3.5	Confidentiality and data protection breach	<p>Investigation team and case management:</p> <p>Not anonymising the names of victims / survivors, witnesses, and perpetrators in investigation reports and any form of communication (internal or external) where the final report is to be shared.</p> <p>Copying too many people in emails when sharing the final investigation report.</p> <p>Sharing sensitive data or information with both external internal stakeholders.</p>	<ul style="list-style-type: none"> • From drafting the investigation ToR or writing the investigation report, the names of all the parties to the investigation must be completely anonymised. This includes victim / survivors, witnesses, and the alleged perpetrator. • Instead of using names, refer to them as ‘Survivor 1’, Witness1, Witness 2, or Perpetrator 1. • You may also use job titles (Project Manager, MEAL Assistant) if there is more than one individual in the organisation with that title. But where the title will be obvious to everyone one (e.g., Executive Director), it is recommended that you adopt a generic name, one that is not easily identifiable.

			<ul style="list-style-type: none"> • When sharing documents online, it is recommended that such documents are passworded and share password in a separate email using a different email title. • For offline documentation (e.g. hard copies of statements, reports or evidence collected as part of the investigation during interviews) these must be securely stored in the organisation once the investigation team hands them over.
3.6	Trauma	<p>Investigation team:</p> <p>For SEAH incidents, questions being posed by the investigation team could potentially lead to the victim / survivor reliving the experience.</p>	<ul style="list-style-type: none"> • Criteria for selecting the Lead Investigator should include experience in interviewing survivors of SEAH and children. • If required, have a psychologist, therapist, or mental health professional available to provide psychosocial support. • Ensure gender considerations when interviewing victims / survivors. e.g. Female interviewing female victims / survivors and vice versa. • If for any reason a victim / survivor wishes not to have a particular gender present during the interview, the wishes of the victim / survivor should be respected.

4. Closure

#	Area of risk	Cause of the risk	Possible ways to manage or mitigate the risk
			<p>Note: These are examples only. You will need to identify risks actions for every specific case and investigation.</p>
4.1	Reprisal and retaliation	<p>Perpetrator:</p> <ul style="list-style-type: none"> • May try to retaliate or victimise victim especially where he/she has considerable influence (power, social, or economic) in the community. 	<ul style="list-style-type: none"> • Where investigation is completed and the allegation against the Perpetrator has been proven and disciplinary action needs to be taken, the victim / survivor needs to be informed of this outcome. • A plan should be made and possible measures put in place to ensure the safety of the victim / survivor until the situation de-escalates,

		<ul style="list-style-type: none"> The perpetrator could also instigate other colleagues or community members to retaliate or ostracise the victim / survivor. 	<ul style="list-style-type: none"> Note that not all perpetrators retaliate against victims / survivors. Incidents need to be assessed on a case-by-case basis. All staff, including colleagues who are found retaliating against the perpetrator, should be sent a warning on the consequences for such actions. Where community members are retaliating, nominate a group of staff to go into the community to discuss with key stakeholders the rationale behind the action taken against the Perpetrator (without giving specific details). e.g., you could tell the representatives from the community that a core policy of the organisation was breached in which action had to be taken against the perpetrator.
	Organisational liability	<p>Perpetrator:</p> <p>A proven allegation leading to termination of the perpetrator’s employment contract could lead to a disgruntled employee with the potential of suing an organisation for wrongful termination of employment.</p>	<ul style="list-style-type: none"> All documentation from the case management procedures must be carefully documented for future reference. All proven allegations must be substantiated with documented evidence (physical or oral) to justify investigation conclusions and subsequent disciplinary actions taken.