

## General Principles for Scoping and Planning

### PREAMBLE

The Conference of International Investigators (CII) has endorsed the Uniform Principles and Guidelines for Investigations (“Investigation Guidelines”).<sup>1</sup> These General Principles for Scoping and Planning supplement the Investigation Guidelines and were endorsed by the CII at its 21<sup>st</sup> Conference in May 2021.

The purpose of these General Principles is to provide non-binding reference and guidance for the Scoping and Planning of Investigative activities by an Organisation’s Investigative Office.<sup>2</sup> This document may also guide external service providers or other functions within the Organisation that conduct investigations on behalf of, or in collaboration with, its Investigative Office.

As part of its function, an Investigative Office may undertake Scoping and Planning of investigative activities. Scoping and Planning, in the context of an Investigative Office, involves documenting a structured approach to conducting an effective and efficient investigation, setting the investigative objectives, scope and strategy with consideration of the available resources, the gravity of the allegations, and the possible outcomes. The extent and nature of Scoping and Planning of investigations, whether conducted by Investigative Offices or external parties, remain within the discretion of each Organisation and are to be undertaken by qualified investigation professionals<sup>3</sup> applying professional judgment within the framework of each Organisation's rules, policies and procedures.

These General Principles do not, and are not intended to, bind any Organisation, its Investigative Office, or its personnel; confer, impose, or imply any duties, obligations, or rights on them or on any third parties; or affect their rights and obligations under applicable rules, policies, and procedures (their “Policies”), including any privileges and immunities afforded to them by international treaty, customary international law, or the laws of any respective member state. These General Principles are to be utilized within the framework of each Organisation’s Policies and the exercise of an Investigative Office’s professional judgment and expertise.

### GENERAL

1. Scoping and Planning aid the smooth running of the investigation process, promote a fair and effective outcome, and should be performed promptly. Scoping and Planning assure the investigator, management and any other stakeholder that when conducted, the investigation will meet the primary objectives, principles and standards expected of an independent and objective investigation, i.e., that the investigation will be conducted with integrity, utilising appropriate resources and skillsets, and giving due consideration to the costs and risks entailed, as applicable to the situation and the Organisation's priorities.
2. Scoping and Planning of an investigation is typically the responsibility of the investigator and any relevant supervisor, once a case is assigned. However, it may be necessary to address various planning and scoping considerations at the Intake and Evaluation stage, for example assignment of the case to an investigator<sup>4</sup> with the requisite skills, experience

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<sup>1</sup> The Investigation Guidelines were endorsed by the Fourth CII in 2003. The second edition was endorsed by the Tenth CII in 2009.

<sup>2</sup> Consistent with the Investigation Guidelines, "Organisation" includes all institutions participating in the CII, and "Investigative Office" refers to the units or functions of an Organisation mandated to investigate allegations of wrongdoing—as defined by the Organisation—within the Organisation or associated with its projects and activities.

<sup>3</sup> As determined by each Organisation.

<sup>4</sup> “Investigator” is taken to include investigative teams.

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and capacity. The adequacy of these arrangements should be evaluated throughout the investigation.

### SCOPING

3. In general, the objective of Scoping is to establish the broad parameters of the matter that is subject to investigation. However, in some instances greater specificity may be desired, such as the identification of missing assets, quantifying loss, identifying weaknesses in procedures and determining if the allegations require a response to ongoing wrongdoing or warrant consideration of risk mitigation. In some cases, circumstances or additional facts discovered during the investigation may dictate a need to limit or expand the scope of an investigation. Any such restrictions or extensions should be justified, authorised as applicable, and detailed in the written plan.<sup>5</sup>
4. Before creating a written Investigation Plan, the investigator should clearly define the investigation's objectives and parameters, considering how best to progress the investigation promptly to achieve its objectives, and where appropriate, outlining the relevant facts already established up to that point. In determining the investigation's focus and approach, the investigator should consider all available information to ensure the proposed scope is achievable, encompasses the totality of the assigned allegations, and fulfils the responsibilities of the Office's mandate. Due consideration should be given to costs and risks when determining the capacity and capability of an Investigative Office to undertake an investigative activity.

### PLANNING

5. The Investigation Plan is a document prepared by the assigned investigator that aids the conduct of a thorough, efficient and objective investigation in line with the overarching guidelines and principles adhered to by the Investigative Office.
6. Once the need for a formal investigation is determined, it is recommended that an Investigation Plan is prepared, and is updated, as needed. Typically, this is the responsibility of the investigator assigned to the case, reviewed or approved by a supervisor, as applicable. It should be sufficiently detailed to allow any investigator assigned the case to progress the investigation, from Intake and Evaluation to resolution, and to allow informed approval or review by a supervisor or management. The Investigation Plan forms part of the record of the investigation, documenting facts, circumstances, resources, activities, timelines and risks. Its preparation should consider other available records, including those already held in the Office's Information Tools<sup>6</sup> to avoid unnecessary repetition of information and inefficient use of Investigator resources.
7. An effective Investigation Plan focuses on essential planning elements, ensuring the investigator is aware of and considers all reasonable contingencies and risks. The Investigation Plan's contents should be tailored to the specific circumstances of each investigation. The Investigation Plan should remain flexible and adaptable to the changing facts of the matter and circumstances of the investigation. In preparing an Investigation Plan, it may be appropriate to consider the including following elements, in line with organisational and operational requirements and priorities:
8. **Background and Context:** Positions the Investigation Plan within the contextual information available before the commencement of the investigation and briefly describes the circumstances related to the wrongdoing. Provides an understanding of who made the

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<sup>5</sup> For example, some parts of an allegation received may not fall under the jurisdiction of an Investigative Office, and thus only some elements of an allegation will be investigated. Some elements of an investigation may involve too much risk to investigators or witnesses to pursue.

<sup>6</sup> Information Tools may include Case Management Systems or other programs, systems or files used to consolidate and store all pertinent information associated with an investigation.

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allegation, the corresponding period, the nature of the allegation and to who or what the allegation relates. Can be used to summarise the facts at issue, relevant events reported, information gaps, and to note key data such as the time, place and date that the alleged wrongdoing took place. The Investigation Plan may note any relevant information held by the Investigative Office in their files,<sup>7</sup> and any Intake and Evaluation action or assessment, including case prioritisation.<sup>8</sup> Pertinent dates such as the receipt of the allegation, the date the case was assigned, and the date of the Investigation Plan may also be recorded.

9. **Scope and Objective:** Sets the limits, or terms of reference, for the investigative activities and records the proposed scope of the investigation. It should be clear what the allegations are that will be investigated and what the investigation seeks to achieve. A clearly defined Scope and Objective helps the investigator maintain focus and avoid inefficiencies or excess costs from pursuing non-relevant leads. As needed, this may further define the primary and secondary objectives of the investigation. It is good practice to obtain and review all evidence that may appear relevant to an investigation. Only after reviewing all the possible evidence, should any of it be considered not relevant to an investigation. Consideration may be given to recording justifications for any part of the allegations that the investigation will not pursue. It may be appropriate to reference the applicable standards, legal framework or audit rights. As the investigation proceeds, changes to the scope or objectives can be recorded and where required, approved by a manager or supervisor.<sup>9</sup>
10. **Framework/Approach:** Outlines the investigative steps for the conduct of the investigation and guides an investigator's lines of inquiry, providing a timeline for the conduct of the investigation from assignment to resolution, against which progress can be measured. Where required, the Framework may indicate the phases of the investigation<sup>10</sup> and highlight any time-critical information, actions or events.
11. This may be used to list the planned activities and specific tasks to be completed; where feasible, in order of priority. The Investigation Plan can also note the dates of any planned actions that could impact the investigation timeline, such as leave or other missions, and any critical deadlines, such as stakeholder notifications or suspensions. As the investigation proceeds, significant deviations from the proposed timeline or investigative steps may be documented, justified, and, if necessary, approved by a supervisor or manager.<sup>11</sup>
12. **Investigative Resources:** Identifies the resources required for the conduct of the investigation proportionate to the gravity of the allegations and the possible outcomes. This section could be used to name all known parties to the investigation, including the investigative team. It may be used to describe who will undertake the investigation, their responsibilities and reporting lines; who is being investigated; human sources of information and other significant stakeholders. Other essential details and dates that could affect the availability of implicated personnel or the investigative team may also be recorded. Consider including details of stakeholders who need to be informed, when, how and by whom,<sup>12</sup> and highlighting any support or briefings required involving other departments/offices. It may include details on the relevant skill sets of any specialised team members, consultants, interpreters, or external service providers. Where required, consider the need for signed declarations of conflict of interest. Other information that may

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<sup>7</sup> For example, previous allegations or investigations against the same Subject.

<sup>8</sup> Refer to the CII's General Principles for Intake and Evaluation for further explanation.

<sup>9</sup> See "Updates and Amendments" in this document.

<sup>10</sup> For example, Collection/Review/mission and interview/analysis and reporting.

<sup>11</sup> These deviations can be recorded in this section of the plan as updates/amendments or can be documented elsewhere, such as critical decision memorandums or other administrative records.

<sup>12</sup> For example, any referrals, focal points, those involved in the provision or welfare or protection support.

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be useful to record includes any equipment required,<sup>13</sup> budget restrictions, and any costs associated with the investigation.<sup>14</sup>

13. **Evidence:**<sup>15</sup> Lists the evidence which has already been established and the evidence that may be required to substantiate or refute the allegation(s). Ensures evidence collection is undertaken in line with existing policies and procedures. This list can include what and where the evidence is, and if it is inculpatory or exculpatory. It may be used to record any locations relevant to the investigation, such as the location of the alleged wrongdoing, and planned locations for searches or missions.<sup>16</sup> It may be useful to consider in what order to collect and examine the evidence, considering the intrusiveness of the action, any risks to the evidence, and highlighting any steps or immediate actions required to preserve evidence or protect witnesses. Forensic services or other specialist assistance required to collect the evidence can also be recorded here, including chain of custody requirements and evidence handling considerations.
14. A list of potential interviewees, including a brief description of why they may be relevant, may be included. Considerations such as the scheduling of interviews, prioritisation, relationships between interviewees, who will conduct the interviews, and the likely location of the interviews may be recorded. Any contingencies or deviations from the recommendation to conduct interviews in neutral and private locations, if noted, should be justified.
15. **Risks, obstacles and special considerations:** Identifies potential issues or events<sup>17</sup> that may impact the conduct of the investigation or present risks to the investigation or individuals or entities related to it. It may be useful to include a brief description and likelihood of the identified issue(s) occurring, noting any deviations from standard operating procedures that may be adopted as a result. This can consider mitigation strategies or interim actions to safeguard people, property or evidence, for any predicted issues. If useful, stakeholders who need to be informed and any significant deadlines for the proposed action(s) to be effective can also be noted here.

## ADMINISTRATION

16. The Investigation Plan may record details that will allow the appropriate collection, filing, storage, and retrieval of the investigation material.<sup>18</sup> These might include the case identifier or reference number and associated prior or linked case numbers and profiles. If considered useful, highlight any administrative actions and associated deadlines required to address confidentiality, anonymity, whistle-blower protection, local authorities' involvement, internal and external database maintenance, or other considerations.
17. The review and approval of the Investigation Plan by a supervisor or manager, along with any associated conditions or justifications, may be recorded in the document. The review and approval of an Investigation Plan is especially recommended in cases where there is

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<sup>13</sup> This can include but is not limited to vehicles, recording equipment, portable printers and scanners for use in remote locations.

<sup>14</sup> This can be limited to unusual costs or include travel costs, or a breakdown of investigator hours required.

<sup>15</sup> "Evidence" consists of any information that tends to prove or disprove a factual claim.

<sup>16</sup> Specifics of mission planning may form part of the Investigation Plan or be a separate document or record.

<sup>17</sup> For example, perceived, potential or actual conflicts of interest, political, religious, cultural or language issues, safety or security concerns, inter-agency considerations, confidentiality arrangements, problematic case law, potential obstacles to obtaining necessary documents, travel restrictions, collusion, reprisals, evidence destructions/tampering anonymity, whistle-blower protection, witnesses external to the Organisation or media interest.

<sup>18</sup> This should occur in line with an Organisation's evidence storage and retention rules and requirements governing the classification and distribution of information related to the investigation.

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a high risk to the investigation or the Organisation or in cases dealing with highly sensitive subject matters.

### UPDATES AND AMENDMENTS

18. An investigation may extend beyond, or deviate from, the original Investigation Plan. The Investigation Plan can be considered a living document and may be updated including to reflect deviations from the original plan. Significant deviations from the original plan may warrant updating the Investigation Plan or otherwise recording these, for example, in critical decision memorandums or other administrative records.<sup>19</sup> Where they exist, previous versions of the Investigation Plan, clearly recorded as such, should be kept as part of the record of the investigation.

### GENERAL CONSIDERATIONS

19. The same general principles as outlined in the Investigation Guidelines, as related to maintaining independence, objectivity, impartiality, fairness and integrity; maintaining the confidentiality of sensitive and non-public information; and disclosing potential conflicts of interest of the staff conducting the work, shall apply to the Scoping and Planning of investigations.

20. The general principles provided in this document may not be phrased to suit all possible circumstances. Due to the unique nature of many activities conducted by Investigative Offices within their mandates and an Organisation's specific Policies, professional judgment should be exercised when applying these General Principles.

### PUBLICATION AND IMPLEMENTING GUIDELINES

21. These General Principles have been endorsed by the CII. Any Organisation may refer to these General Principles in its own Policies or may publish them itself in accordance with its Policies. In addition to these General Principles, the CII may develop and publish detailed *Implementing Guidelines for Scoping and Planning* to be used for reference as needed, as further non-binding guidance for Investigative Offices in their Scoping and Planning of investigative activities.

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<sup>19</sup> These may include changes to; the implicated or affected persons; the scope of the Investigation plan, timelines beyond planned, particularly if extending beyond recommended maximums; and any additional or increased risks.