

INTERNAL RULES FOR INVESTIGATING SERIOUS BREACHES OF THE CODE OF CONDUCT (INTERNAL RULES)

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INTRODUCTION

These Internal Rules supplement the Whistleblowing Policy and specify the procedure for investigating reports of serious breaches of the Code of Conduct.

- People in Need associates (hereinafter “**PIN**”) report conduct that is contrary to the purpose of the Code of Conduct. **Serious breaches of the Code of Conduct** (as defined in this Policy) must always be reported, in all circumstances, and failure to report them is itself considered a breach of the Code of Conduct.
- Where a **less serious breach of the Code of Conduct** does not require a formal investigation under the *Internal Rules*, the procedure set out in Section 4.1 of the *Whistleblowing Policy* shall apply.
- **Complaints concerning the provision of social services in the Czech Republic** are handled in accordance with the procedure set out in the *Methodological Guideline for Standard No. 7 – Complaints* (stored in ELO [here](#)).
- **Complaints from aid recipients abroad** are handled in accordance with the procedure set out in the *Complaints and Feedback Response Mechanism Policy* (abroad, referred to as CFRM; stored in ELO [here](#)).

RELATIONSHIP BETWEEN THE INTERNAL RULES AND THE RDD INVESTIGATION GUIDELINES

1. The RDD section on international country programmes operates in accordance with the ***RDD Investigation Guidelines***, which are consistent with these Internal Rules, including the document structure, while also taking into account differences between headquarters and international country programmes.
2. **Cross-section reports** of serious breaches of the Code of Conduct are investigated under:
 - **these Internal Rules**, where the report is made between **PIN associates from different sections** in the Czech Republic;
 - **these Internal Rules**, where the report is made by a **PIN associate from an international team concerning a colleague working in the Czech Republic**;
 - **the RDD Investigation Guidelines**, where the report is made by a **PIN in the Czech Republic concerning a colleague working abroad**;
 - **the RDD Investigation Guidelines**, where the report is made **between staff or associates from two international country programmes**.

CHAPTER 1: FROM RECEIPT OF A REPORT TO ITS INVESTIGATION

1. RECEIPT AND ACKNOWLEDGEMENT OF A REPORT

The Designated Person (see Section 4.2 of the *Whistleblowing Policy*) shall acknowledge receipt of the report to the reporter **without undue delay, but no later than within 7 days**.

This obligation does not apply if the reporter has expressly requested not to be notified of receipt of the report, if it is apparent that notifying the reporter of receipt would disclose the reporter’s identity to another person, or if the report is anonymous (*Section 7.2 of the Whistleblowing Policy*).

2. DECISION ON FURTHER ACTION

WHEN SHOULD AN INVESTIGATION UNDER THE INTERNAL RULES BE INITIATED?

The Internal Rules apply to **serious breaches of the Code of Conduct** in accordance with the cross-section rules above. These Rules also apply to all investigations of reports submitted through the *Internal Whistleblowing System (IWS)*. The **applicable procedure** is set out in **Section 3 of the Whistleblowing Policy**.

IS THERE SUFFICIENT INFORMATION TO INITIATE AN INVESTIGATION?

A serious breach of the Code of Conduct cannot be properly investigated without sufficient relevant information concerning the report. In **determining the next steps**, the following questions in particular should be answered:

- Do we know **what** happened?
- Does the matter constitute a possible **breach of the Code of Conduct** and/or policies and/or applicable law?
- **Who** is the reporter, the affected person, and the person concerned by the report?
- Is **additional information** required to continue the investigation?
 - **YES:** see the **FACT-FINDING PHASE** described below.
 - **NO:** The Designated Person shall register the report in the **REPORT REGISTER** in ELO and proceed in accordance with Chapter 2.

COULD THE FACTS SET OUT IN THE REPORT CONSTITUTE A CRIMINAL OFFENCE?

- If the facts set out in the report indicate that a **criminal offence may have been committed**, a decision must be made as to whether the **allegation should be referred to the law enforcement authorities**.
- The primary consideration is the **safety of all persons concerned** (including the reporter, affected persons, witnesses and the person concerned by the report). The same applies if suspicion of a criminal offence arises only during the investigation. In the event of suspected criminal conduct, the Designated Person shall always consult the Legal Department.¹
- If the report contains a suspicion of a criminal offence and the Designated Person decides **not to report** it to the law enforcement authorities until further corroborating facts have been obtained, a decision must be made as to **how the internal investigation will proceed**.

REPORTING TO GRANT PROVIDERS AND OTHER DONORS

- Some grant providers require notification of all reports concerning projects they fund. The relevant agreement, and where applicable agreements with partners (e.g. within a consortium), must therefore always be checked. The **Designated Person** is **responsible** for checking this and ensuring that information about a reported breach of the *Code of Conduct* is duly communicated. The Designated Person must inform the relevant project manager of the report by email without delay. If the report concerns the project manager, the Designated Person shall inform the project manager's direct supervisor. All communications shall also be copied to the director of the relevant section. The Designated Person does not inform the grant provider directly; however, the Designated Person must **ensure that all relevant persons are properly informed** and have acknowledged the serious information.

¹ (54 odst. 2)

a) osoba, která poskytla pomoc při zjišťování informací, které jsou obsahem oznámení, podání oznámení nebo posouzení jeho důvodnosti,

b) osoba, která je ve vztahu k oznamovateli osobou blízkou,

c) osoba, která je zaměstnancem nebo kolegou oznamovatele,

d) osoba oznamovatelem ovládaná,

e) právnická osoba, v níž má oznamovatel účast, osoba jí ovládající, jí ovládaná osoba nebo osoba, která je s touto právnickou osobou ovládaná stejnou ovládající osobou,

f) právnická osoba, jejížž voleného orgánu je oznamovatel členem, osoba ovládající, ovládaná nebo osoba ovládaná stejnou ovládající osobou,

g) osoba, pro kterou oznamovatel vykonává práci nebo jinou obdobnou činnost, nebo

h) svěřenský fond, jehož je oznamovatel nebo právnická osoba podle písmene e) nebo f) zakladatelem nebo obmyšleným nebo ve vztahu k němuž jsou oznamovatel nebo právnická osoba podle písmene e) nebo f) osobou, která podstatným způsobem zvýší majetek svěřenského fondu smlouvou nebo pořízením pro případ smrti

3. FACT-FINDING PHASE

WHEN TO CONDUCT THE FACT-FINDING PHASE

- The **fact-finding phase** is required whenever there are reasonable grounds to believe that a **serious breach of the Code of Conduct** has occurred, including where the report is based only on **suspicion**, is **anonymous** (the reporter's identity is unknown or the reporter does not consent to disclosure of their identity), or is **informal** (in the form of an oral complaint).
- Where a report presents a **safety risk to persons concerned** (in particular witnesses or affected persons), the fact-finding phase must begin without undue delay. This is particularly important for reports concerning sexual harassment and/or other sensitive matters. Early fact-finding helps better protect the reporter and/or affected person from intimidation or any potential harm by the person concerned by the report and helps prevent the destruction of evidence.

WHO DECIDES WHETHER TO CONDUCT THE FACT-FINDING PHASE?

- The decision is made by the **Designated Person**. Anyone who receives a report of a serious breach of the Code of Conduct is required to forward it to the Designated Person. The Designated Person shall then decide whether to:
 - **conduct** a fact-finding phase to verify the report;
 - **entrust** the fact-finding to a **third party** (where this will facilitate faster collection of evidence); where external persons are involved, they shall sign a confidentiality undertaking.
- **Designated Persons** must have an excellent knowledge of the **Code of Conduct** and PIN policies, as well as experience in conducting investigations, collecting documentary evidence, conducting interviews and evaluating the information obtained.
They are responsible for:
 - establishing all facts necessary to determine the next steps;
 - assessing the facts established;
 - mitigating risks to persons affected by the report (including providing appropriate support, e.g. security measures, medical referral, psychosocial assistance, etc.);
 - deciding whether the investigation will continue after the fact-finding phase or whether sufficient information is available to make a decision.
- As a rule, **the person concerned by the report** will be informed of the report only after a decision has been made to continue the investigation. In some cases, however, this and other information cannot be provided, particularly where there is a risk of harm to the reporter or other persons (e.g. witnesses' contact details, documentary evidence or witness statements).
- If it is **apparent** from the report that a **serious breach of the Code of Conduct** may have occurred, the Designated Person **may immediately appoint a committee and combine the fact-finding phase with the internal investigation**. This will expedite the overall process.

OUTCOME OF THE FACT-FINDING PHASE

- If the report is **manifestly unfounded** or there is no indication that a serious breach of the Code of Conduct may have occurred, the Designated Person shall decide when and how to communicate the outcome of the assessment to the reporter, unless the report was anonymous (see Section 8 of the Whistleblowing Policy).
- If the report appears **credible and substantiated** and may concern a **serious breach** of the Code of Conduct, the Designated Person shall initiate the appointment of a committee.

CHAPTER 2: APPOINTMENT OF THE COMMITTEE AND THE INVESTIGATION PROCESS

Once the internal investigation has been initiated, the Designated Person shall create a **confidential case folder** in ELO, accessible only to the Designated Person and, with the reporter's consent, members of the committee. All evidence shall be stored exclusively in this secure folder.

1. WHO PARTICIPATES IN THE INVESTIGATION OF A REPORT

APPOINTMENT OF THE COMMITTEE

- The Designated Person shall instruct the direct supervisor of the person concerned by the report to appoint a **committee**. The procedure for appointing the committee is set out in Section 3 of the *Whistleblowing Policy*.
- The Designated Person may **disclose the reporter's identity** to the committee or to any other person involved in the investigation (a substitute for the Designated Person, a second investigator, an interpreter, an external expert, etc.) **only with the reporter's written consent**. Otherwise, the Designated Person shall proceed in a manner that prevents disclosure of the reporter's identity.
- The Designated Person shall regularly **inform** the committee of the **progress** of the investigation and propose further steps. The committee is responsible for overseeing the internal investigation, commenting on the Designated Person's proposals concerning the taking of evidence and on proposals for corrective and preventive measures in response to unlawful conduct related to the report.

APPOINTMENT OF THE PERSON RESPONSIBLE FOR CONDUCTING THE INTERNAL INVESTIGATION

- The internal investigation is always led by the **Designated Person**. If, however, the Designated Person cannot lead the investigation for an objective reason (e.g. long-term absence or a conflict of interest), the committee shall appoint a substitute.
- **The first substitute** shall always be another Designated Person; where appropriate, an additional Designated Person may be appointed. If this is not possible either, a substitute shall be appointed from among the staff of the Legal Department.

APPOINTMENT OF A SECOND PERSON TO CONDUCT THE INTERNAL INVESTIGATION

- Where necessary, the committee may appoint a **second person** to participate in the internal investigation together with the Designated Person. Appointment of a second person is not mandatory, but may be appropriate in particular where, for example, interviews are to be conducted in a language not spoken by the Designated Person, or where documentary evidence is not in English. In some cases, gender considerations may also be relevant.

INTERPRETERS

- If the Designated Person does not speak the language of the reporter, witnesses or other persons concerned and interpretation is necessary for a proper investigation, an interpreter shall be engaged. The interpreter must be **competent, discreet and independent**, with particular emphasis on the ability to understand linguistic nuances, including local slang and indirect references (e.g. of a sexual nature).
- The interpreter should be of the **same gender** as the interviewee so that the interviewee does not feel uncomfortable during the interview. Interpreters must translate exactly what is said, without adding their own comments or making alterations. The interpreter must be informed in advance of the nature of the report so that they can prepare thoroughly for the assignment.

CONTACT WITH AFFECTED PERSONS

- The Designated Person is always the organisation's contact person for communication with the reporter and/or affected person. If this is not possible and the reporter agrees, the **Designated Person** shall propose another person to take over the contact. Appointment of such a person is subject to prior approval by the committee.

EXPERT ASSISTANCE

- The Designated Person shall always consider whether it is appropriate to consult the **Legal Department** or involve an **external expert** in the investigation, e.g. a psychologist for interviews with children or an IT specialist in the event of a serious report concerning a breach of confidentiality obligations relating to internal computer systems.

2. OBJECTIVES AND CONSTRAINTS OF THE INVESTIGATION

OBJECTIVE OF THE INTERNAL INVESTIGATION

- The principal purpose of the internal investigation is **to gather evidence** that either confirms or refutes the facts stated in the report. It is not the role of the Designated Person or other participants in the investigation to determine the guilt or innocence of the person concerned by the report. The internal investigation should focus primarily on determining **whether a serious breach of the Code of Conduct** actually occurred, and its outcome should serve as the basis for the committee's subsequent decision.
- It is important to **specify precisely the substance of the report and clearly define the scope of the investigation**. The aim is to clarify and verify the relevant facts in their full context, rather than to focus on the person concerned by the report. This approach helps ensure the objectivity and fairness of the investigation.

CONSTRAINTS ON THE INTERNAL INVESTIGATION

- **Employment law** may affect the manner in which the internal investigation is conducted and must always be taken into account.
- It is also necessary to continuously verify that **sufficient resources and capacity** are available to conduct the investigation (in particular time, funds and equipment) and that any shortage does not affect the quality and scope of the investigation.

3. RISK ASSESSMENT AND INVESTIGATION PLAN

- It is important to identify **potential risks associated with the investigation** that may affect all parties involved, including the reporter, the affected person, the person concerned by the report and others. It is also important to determine whether and how these risks can be mitigated or eliminated. The internal investigation plan should specify what evidence needs to be collected and how, including witness statements, documentary evidence and other evidence.
- If the nature of the report and the facts gathered indicate that it is necessary to **temporarily restrict a person's access** to PIN premises until the investigation is completed (or to restrict access to certain organisational systems or documents), the committee shall decide on such restriction. The decision may be made on the basis of a proposal or on the committee's own initiative. It is important to emphasise that the presumption of innocence continues to apply to the person concerned throughout this process, meaning that the person is presumed innocent until proven otherwise.
 - If the person is **employed** under the Czech Labour Code, the situation shall be treated as an obstacle to work on the employer's side. In such a case, the employee is entitled to wage compensation equal to their average earnings for the period during which

they cannot work.

- **For other forms of cooperation that do not constitute an employment relationship**, the rules set out in the relevant contract shall apply. On PIN's international country programmes, local law shall apply and may affect how the situation is handled.

4. FORMAL COMMUNICATION REGARDING A REPORT

CONFIDENTIALITY OF THE INTERNAL INVESTIGATION

- Information about the investigation of a report may be **shared only with a limited number of predetermined persons** and only where **genuinely necessary**. This principle is essential because it protects the privacy and safety of everyone involved (i.e. persons concerned).
- All information related to a report is considered **confidential**; this includes the content and nature of the report, the identities of the principal participants and details of the investigation itself.
- Any unauthorised disclosure of such information, whether accidental or intentional, constitutes a breach of confidentiality; the **risk of information leakage must therefore be minimised** from the outset.
- People in Need must ensure that reports submitted **through the IRS** are accessible **only to Designated Persons**. These persons are also required to keep the information confidential and may not disclose it to any third party, particularly where doing so could jeopardise or frustrate the purpose of the report. This obligation also applies to third parties who obtain unauthorised access to a report; without the written consent of the reporter or the Designated Person, they may not disclose any information.

INFORMING THE PERSON CONCERNED BY THE REPORT

- The person responsible for the investigation shall inform the person concerned by the report, in writing or orally (in person), of the content of the report and the investigation process. The presumption of innocence applies to every person concerned by a report; they are **presumed not to have committed any wrongdoing** until the contrary is established.
- The point at which the report is disclosed **to the person concerned** depends on the circumstances of the particular case. In some cases, however, certain information about the ongoing investigation cannot be provided (e.g. witnesses' contact details, documentary evidence and witness statements), particularly where there is a risk of harm to the reporter or other persons.

INFORMING PIN STAFF AND ASSOCIATES

- The committee may inform PIN associates of an ongoing investigation only in **exceptional cases**. This may occur, for example, where the reporter makes the report public or where the contractual relationship with the person concerned by the report has been terminated.

CHAPTER 3: FROM GATHERING EVIDENCE TO THE FINAL INVESTIGATION REPORT

An investigation conducted under these Rules is an internal process and does not replace a criminal investigation. Its principal purpose is to gather relevant evidence to support a decision on further action. Although an internal investigation does not normally require proof of guilt *beyond reasonable doubt*, as in criminal proceedings, it applies the *balance of probabilities* standard in determining whether the events described in the report occurred. The investigation must be conducted thoroughly, with due care and in compliance with employment law.

1. GATHERING EVIDENCE

- **The investigation should begin with the collection of available documentary evidence**, such as project documentation, letters, emails, financial documents such as invoices and receipts, and other relevant documents. Such documentary evidence must be scanned, described and stored in the relevant ELO folder and then returned to its authorised holders, unless it is already archived in ELO.

2. UPDATING THE INVESTIGATION PLAN

- The evidence gathered may lead to **amendments to the internal investigation plan**, for example by adding interviews with additional witnesses.

3. INTERVIEWS WITH ALL PERSONS CONCERNED

- Further evidence should be obtained through interviews. Persons concerned shall receive a **formal invitation** to interview containing information such as the date, time and reason for the interview, as well as information about their rights and informed consent.
- A **list of questions** to be asked must be prepared before each interview. It is recommended that the committee members review these questions in advance, e.g. as part of basic interview preparation. This will help maintain the flow of the interview and ensure that important points are not omitted.
- **The interviews** should be conducted in the following order:
 1. Reporter;
 2. Affected person (if different from the reporter);
 3. Witnesses with no direct connection to the report;
 4. Witnesses familiar with the report;
 5. Person concerned by the report. This person has the right to comment on all evidence and to submit their own evidence. However, the person must not be informed of the name of the reporter or of persons concerned within the meaning of Article 7(8) of the Whistleblowing Policy unless those persons have given their written consent.
- **Notes** may be taken during interviews. An **interview may be recorded** only with the interviewee's prior formal consent.
- **Sufficient time** should be allocated to each interview to allow the interviewee adequate space to provide clear and complete answers.
- Interviews should be conducted **in person** where possible. If an in-person meeting is not feasible, alternative methods such as Skype/Teams calls should be used. Such interviews must be properly recorded, subject to the interviewee being informed in advance and giving consent.
- Regardless of the method of communication, interviews should always take place **in a quiet location** to ensure **discretion**.
- **Repeated interviews should be avoided** where circumstances permit. However, if witnesses provide conflicting information or important new information emerges, it may be necessary to ask a witness to attend a **further interview**, where circumstances allow.
- As this is neither a criminal investigation nor disciplinary proceedings, **witnesses are not entitled to bring any third party with them to a workplace interview**.

4. PREPARATION OF THE INTERNAL INVESTIGATION REPORT

- The investigation report is a **document prepared by the person responsible for conducting the internal investigation after the investigation has been completed**. The report must contain an executive summary, a list of evidence obtained and its assessment, the methodology used in the investigation, findings, conclusions, recommendations and annexes. **The conclusion must clearly state whether or not there was a breach of the Code of Conduct and/or unlawful conduct, i.e. whether the report was assessed as substantiated or unsubstantiated.**
- If the **report is assessed as unsubstantiated**, the Designated Person shall state in the final report the reasons for that assessment of the evidence. In the case of an unsubstantiated report, the report shall also state whether the report was knowingly false.
- If the **report is assessed as substantiated**, the report shall include recommendations to the committee on the corrective or preventive measures that the Designated Person considers appropriate in relation to the unlawful conduct. The final report shall also state whether or not the report constitutes a report under the Whistleblower Protection Act. The report must be stored in the confidential folder in ELO.
- **See also Article 7 of the *Whistleblowing Policy*.**

CHAPTER 4: FROM RECEIPT OF THE FINAL REPORT TO POSSIBLE DISCIPLINARY PROCEEDINGS

DECIDING ON THE OUTCOME OF THE INVESTIGATION

Once the investigation report, including its conclusions and recommendations, has been finalised and submitted to the committee, the investigation is considered **complete**. This chapter describes the process following completion of the investigation and focuses on the steps to be taken by the Designated Person and the committee.

1. DECISION-MAKING PROCESS

- The **Designated Person** decides whether the report is substantiated. The committee decides on the consequences for the person or persons alleged to have committed a serious breach of the Code of Conduct or other unlawful conduct.
- If the **report is assessed as substantiated**, the committee may accept the Designated Person's recommendation (corrective or preventive measures relating to unlawful conduct) contained in the investigation report, or may decide on another, more appropriate corrective or preventive measure.

2. FURTHER PROCEEDINGS CONCERNING THE REPORT

ACCESS TO INFORMATION

- **If the committee disagrees with the outcome of the internal investigation assessment and takes a view contrary to that of the Designated Person**, it must provide **written reasons** for its decision. The committee decides by a **majority of all its members**.
- **If the committee disagrees only with the measure proposed by the Designated Person**, it must propose and justify another appropriate measure.
- All decisions of the committee must **comply with applicable law**. The committee shall **inform the Designated Person** of the measure adopted without delay, and the Designated Person shall inform the reporter of it in writing without undue delay.

DISCIPLINARY PROCEEDINGS

- If the committee decides to **initiate disciplinary proceedings**, the procedure set out in the *Procedures – Disciplinary Proceedings policy* shall apply. If the person concerned by the report is not a PIN employee, the procedure applicable to the nature of the contractual relationship with that staff member or associate shall be used.

3. INFORMING OTHERS OF THE OUTCOME OF THE INVESTIGATION

Once the decision-makers have reached a conclusion regarding the consequences of the investigation, they must also decide how the conclusions will be communicated to other affected persons.

INFORMING AFFECTED PERSONS, THE REPORTER AND THE PERSON CONCERNED BY THE REPORT

- The Designated Person is responsible **for informing the reporter, the affected person and the person concerned by the report** in writing of **the outcome of the investigation**.
- **Other** employees who are aware of the investigation may also be informed that an investigation took place and that a decision was made. As a rule, no further information is disclosed in order to preserve confidentiality. In exceptional cases (e.g. where the reporter publicly raised the allegation in the office in front of the entire team), the decision-makers may decide to disclose more details, but must always consider the need to preserve confidentiality.

REPORTING TO PUBLIC AUTHORITIES AND GRANT PROVIDERS – see Chapter 1

INFORMING EXTERNAL PERSONS AND ORGANISATIONS

External persons may need to be involved during the investigation; as a rule, they must not disclose information about the course of the investigation.

4. FOLLOW-UP STEPS IN LIGHT OF THE INVESTIGATION OUTCOME

LESSONS LEARNED FROM THE REPORT

- Following consultation with the committee, the Designated Person is responsible for ensuring that the issues and recommendations set out in the report are properly communicated.

DAMAGE TO THE REPUTATION OF AN EMPLOYEE AND THE ORGANISATION

- If a report is found to be **false**, concerns may arise about **damage to the organisation's reputation**; the committee, with the support of management, is responsible for actively ensuring that **this does not occur**.

RESTORING THE REPUTATION OF THE PERSON CONCERNED BY THE REPORT

- If a report is found to be **false**, the organisation must actively work to **restore the reputation of the person concerned**. The committee, in cooperation with senior management, shall ensure that all relevant information is properly communicated both within and outside the organisation so as to prevent any reputational damage. For this purpose, a public statement or internal communication may be issued confirming the person's exoneration and explaining the situation.

MANAGEMENT APPROACH TO WORKING WITH THE TEAM FOLLOWING A FALSE ALLEGATION

- Management plays a key role in **restoring team trust** and morale following a false allegation against one of its members. Management must organise a team meeting at which the situation is openly discussed, and support must be provided to everyone adversely affected by the report. Management should also monitor team morale and ensure regular communication and support with a view to maintaining a transparent and positive working environment. These measures help ensure that the team's work is not adversely affected and that relationships remain intact.

OTHER STAFF AND ASSOCIATES

- Some cases, such as sexual harassment or abuse of a position of power, can significantly affect **workplace relationships**. Various rumours may circulate after a report is made. Some staff and associates may feel excluded from the investigation because the principle of confidentiality means they do not have access to information about the entire matter. They may also be disappointed by the conclusions of the investigation.
- The organisation should take steps to provide **assurance** that the report was investigated properly and fairly and to **explain** why certain aspects of the case must remain confidential.