

Office of Internal Oversight Services

Terms of Reference

External Assessment of the OIOS Investigations function, United Nations Secretariat, June 2021

Background

1. OIOS was established pursuant to United Nations General Assembly [resolution 48/218](#) of 29 July 1994. The purpose of the Office is to assist the Secretary-General in fulfilling his internal oversight responsibilities through the exercise of internal audit, inspection and evaluation, and investigations.
2. In accordance with resolutions [69/253](#), [72/18](#) and [54/244](#), the Office exercises operational independence under the authority of the Secretary-General in the conduct of its duties and has the authority to initiate, carry out and report on any action which it considers necessary to fulfil its responsibilities.
3. With a view to providing as comprehensive an approach as possible and to minimizing duplication of efforts, the Office coordinates its activities with the United Nations Board of Auditors (BoA) and the United Nations Joint Inspection Unit. It maintains a close working relationship with other inspection, internal audit, and investigation services in the United Nations system.
4. In respect of investigations, the OIOS Investigations Division:
 - a) Investigates reports of violations of United Nations regulations, rules and pertinent administrative issuances and transmits to the Secretary-General the results of such investigations together with appropriate recommendations to guide the Secretary-General in deciding on jurisdictional or disciplinary action to be taken; and
 - b) Assesses the potential within programme areas for fraud and other violations through the analysis of systems of control in high-risk operations and recommends corrective action to minimize the risk of commission of such violations.
5. Best practice in the field of investigations requires investigation functions of multilateral organizations to be subject to periodic independent assessments to provide assurance to stakeholders that the function is working in the manner expected, and in accordance with the relevant regulatory framework, standards and benchmarks. Accordingly, the “[Uniform Guidelines for Investigations](#)” (2nd Edition) of the Conference of Investigators, which is applicable to the United Nations investigations functions, stipulates a need for investigation offices to undergo periodically an external quality assessment.
6. The last external assessment of OIOS investigations function took place in 2012. OIOS has requested in its 2020 budget the resources to undertake external quality assessments (EQAs) of its three functions. This request was [endorsed](#) by the United Nations Independent Audit Advisory Committee (IAAC) and in 2021, the General Assembly approved in full the budget to implement the EQA for the investigations function.

7. The OIOS 2020 Annual Reports ([Parts I & II](#)) and [Proposed Programme Budget for 2022](#) provide information about OIOS and its investigations function.

Objective

8. The objective of the external assessment is to provide an independent review of whether the OIOS investigations function is working in the manner expected, efficiently and effectively, and in accordance with the OIOS mandate, United Nations regulatory framework and applicable professional standards.

Scope and Methodology of Assessment

9. The scope of the external assessment is as follows:

- a) Examine the policy framework for the OIOS investigations function to assess its adequacy to fulfill the OIOS mandate for investigations.
- b) Review and assess the organizational structure of the division, degree of specialization of investigators, and training and professional development approaches for preparing investigators in conducting various types of investigations.
- c) Review the operating practices of the Investigations Division including: (i) systems used to trigger the investigation process; (ii) case assessment/management methodology and current mechanism for referrals, as well as potential risks with reliance on lay panels; (iii) investigation methodology; and (iv) reporting.
- d) Review and assess the appropriateness of the division's protocols and practices for handling retaliation cases and informing individuals who file complaints and the subjects of investigations, of the status of their cases.
- e) Review and assess the relationship between number of investigations, number of investigators and average timeframes for completing investigations and provide recommendations, to the extent appropriate, for reducing timeframes.
- f) Review and assess the number of investigation reports issued per year as compared with the number of investigators in OIOS/ID. This analysis should also help assess the adequacy of resources in other offices to effectively manage subsequent stages of the disciplinary processes.
- g) Review the circumstances under which OIOS carries out, upon request, investigations for alleged misconduct occurring within United Nations entities outside of the Secretariat, including: (i) the sufficiency of steps taken to ensure cooperation with the OIOS investigation; and (ii) the adequacy of resources.
- h) Formulate concrete recommendations for addressing any issues with the conduct of the OIOS investigations function including, as appropriate, the length of time for the completion of investigations, the caseloads of investigators, and the investigation of cases involving sexual harassment and discrimination.
- i) Review and assess the reporting and performance metrics that ID uses to inform stakeholders of its activities and outcomes with a view to identifying opportunities for improvement.

- j) Review lessons learned from coordination efforts with other investigation services with a view to identifying opportunities for streamlining of efforts and processes and ensuring consistency and quality of investigations.

10. Within this scope, the external assessment will include undertaking the following actions:

- a) In accordance with United Nations and OIOS relevant policies and procedures, and observing applicable confidentiality and data protection requirements, examine a sufficient number of case files of investigations concluded within the last three years with the view to conducting an analysis of work performed by the Division based upon the evidentiary materials within the files. The cases should be representative of the caseload and mandate of the OIOS investigations function and based on factors such as: (i) nature of allegation; (ii) complexity; (iii) time taken to investigate; (iv) whether the case involved United Nations personnel or third parties; (v) whether the investigative findings and evidentiary materials resulted in actionable outcome; and (vi) whether the investigative findings and evidentiary materials sustained the action taken based on them.
- b) Conduct a broad spectrum of interviews, including with, as appropriate: (i) OIOS and Investigations Division staff; (ii) managers and staff of the Organization; (iii) officials in offices and bodies receiving and/or acting upon investigation reports—such as the Department of Management Strategy, Policy and Compliance (DMSPC), the Office of Legal Affairs(OLA), the Ethics Office—as well as officials in substantive programmes that are recipient of investigation reports; (iv) Member States; and (v) members of audit committees.
- c) Study relevant publicly available judgments/orders of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal and assess any issues raised by the Judges with respect to OIOS investigations.
- d) If conditions allow, undertake on-site visits to OIOS/ID locations outside of New York.
- e) Benchmark OIOS/ID work against comparable organizations, including on issues such as, but not necessarily limited to: (i) methodology of case assessment, case management and investigation; (ii) staffing and financial resources; (iii) timeframes for conducting investigations; (iv) caseload of investigators; (v) digital forensics; and (vi) continuing professional education.
- f) Undertake any other activities necessary to achieve the objectives of the assessment.

11. While the external assessment team will consult with relevant stakeholders and seek information and feedback from them, it will conduct its assessment independently and impartially.

External Assessment Team

12. The Under-Secretary-General for Internal Oversight Services is responsible for selecting and appointing the external assessment team in accordance with applicable United Nations Regulations and Rules.

13. The external assessment team will be comprised of two or more qualified individuals who have significant experience and recognized credentials in leading investigation functions in multilateral organizations. This can include former staff from the investigation offices represented at the Conference of International Investigators and/or external experts with experience in the conduct of such reviews. Due regard will be paid to gender and geographic diversity in selecting the external assessment team.

14. The external assessment team will not include current OIOS staff or staff having separated from OIOS within the last three years, nor individuals who have an actual or potential conflict of interest. The members of the external assessment team will be subject to confidentiality agreements and conflict of interest declarations.

Confidentiality of investigations, case information and individuals

15. The external assessment report will not name any individual, subject of investigation or witness and will exclude any details that may enable such individuals to be identified.

16. The identity of individuals interviewed as part of the external assessment will not be disclosed without their consent.

17. Appropriate measures will be taken to ensure that sensitive case information is not disclosed. Such measures include storing electronic information obtained or electronic records created during the course of the assessment in a secure manner to avoid unauthorized access to such data.

18. The external assessment team will return or will destroy all materials received during the review and all copies of the report.

Report

19. Prior to finalizing its report, the external assessment team will share a draft report and invite feedback from the Under-Secretary-General for Internal Oversight Services, DMSPC and OLA. While the external assessment team will finalize its findings and conclusions independently, it will take into account the feedback provided, including the need to remove information that may have the result of identifying, either directly or indirectly, specific individuals or cases.

20. The external assessment team will finalize and submit its report to the Under-Secretary-General for Internal Oversight Services.

21. The report will include an executive summary that may be shared publicly.

22. The Under-Secretary-General for Internal Oversight Services will share with the Executive Office of the Secretary-General and IAAC the final external assessment report together with the OIOS action plan addressing the recommendations made by the external assessment team. The OIOS action plan should include a timeline for the implementation of the recommendations made by the external assessment team.

Timing

23. The external assessment, including the issuance of the report, should be completed within six months.
