

Annexure D

Protocol to conduct assessment irregularity investigations at district level

Guiding principles for investigators:

1. Investigators must be appointed in writing.
2. Two officials must conduct an interview of which the one is the investigator.
3. Minors can only be interviewed in the presence of the primary caregiver or principal.
4. Interviewees must be informed of their rights at the start of the interview, e.g. information shared may be used when the case is presented in future.
5. Obtain a statement after the interview process.

An investigation protocol is an important foundation for conducting a thorough investigation. It will ensure that any necessary investigation is carried out in an objective, uniform and fair manner.

The aim of the protocol is to gather evidence to prove or disprove an allegation, suspicion, or issue reported. The outcome of an investigation will culminate in a report about detail that preceded the event itself, what happened after the event, and what actions were taken to remedy, act upon or report the matter. It is important that the report is concise yet contains details and actions to cross-reference or corroborate the findings of the investigator.

Steps to follow during an investigation:

Step 1: Preparation, planning and conducting of investigations

When receiving an instruction to investigate an alleged assessment irregularity case the investigator must, firstly, determine whether an investigation is warranted by evaluating the transgression against policy directives. Investigating officers must be chosen based on the severity of the case and the expertise required to investigate the case. Analyse all prima facie data, information and evidence to determine the relevance of the case. Investigators must ask:



The following principles must be applied during an investigation:

- Maintain confidentiality.
- Be objective.
- Be thorough.

- Be inquisitive.
- Be mindful of the rights of the parties being investigated, e.g. the learner/educator/scribe/reader, etc. and all other parties involved.
- Refrain from giving an opinion or guiding a response.
- Be aware of body language, actions and language.
- Address the issue and not the emotions.

Step 2: Information gathering and problem identification

The gathering of information is to define the alleged irregularity that is being investigated clearly. This will assist the investigator to define the scope, focus and purpose of the investigation. To define the problem, the investigator can use tools such as problem statements, recreation of the incident, developing a sequence of events, brainstorming or mind maps. Obtain evidence from internal and external sources, but always maintain confidentiality. Conduct interviews with everyone involved with the case (preferably face-to-face) and maintain an inventory list of evidence for handover.

Step 3: Conduct interviews

Ensure that the investigation has been conducted effectively and that the relevant evidence has been collected to corroborate findings and that the rights of those involved have been respected at all times. Pick a non-threatening place for an interview. Create a comprehensive list of guiding investigative interview questions to guide the interview process. Decide whether to record the interview with the consent of the person being interviewed. Minors may only be interviewed in the presence of their primary caregiver, guardian or principal (in loco parentis). Observe and note the body language and mannerism of the person being investigated.

Step 4: Gather documents and other evidence

Gather relevant information from various sources (internal and external sources). Identify and gather evidence relevant to the scope and period of the investigation. Information is available from various sources including people involved, witnesses (whom you should interview), equipment such as unauthorised devices and documents such as seating plans, attendance registers and answer scripts. Maintain the chain of custody by keeping an inventory register of all documents and evidence obtained. In case of school related cases the starting point must be the assessment policy of the school and any other policy and documents that can clarify the procedures of the school in conjunction with the Employment of Educators Act and relevant Western Cape Education Department and Department of Basic Education circular directives.

Step 5: Evaluate the evidence

Check all documentation and analyse information carefully. Analysing all information will provide a deeper understanding of the irregularity, behaviours and timelines. This will supply meaningful insights to the circumstances of the irregularity. Always test if the evidence is credible, accurate, and reliable to build a strong coherent case. When evaluating evidence, it is natural to ask: What forms of evidence are more reliable than others? How can we best draw reliable conclusions from evidence? How can evidence be interpreted reliably? How does new evidence fit into, or change, my existing coherent concepts of the irregularity case?

Step 6: Report writing

The report of an investigator is the critical part of the investigation and will be used to present the case. Provide a concise background of the case including the learner's CEMIS number, school, etc. (Annexure E). Indicate all the actions that were taken at both school and district levels to investigate the case. Provide key findings in the case. Provide sufficient detail in the report. Indicate timelines of the investigation and supply reasons for comments and statements. Propose recommendations and disciplinary action, if necessary. Attach all evidence to the report.

Step 7: Document the investigation

The basic part of an irregularity case file includes an executive summary, preliminary case information, irregularity summary, allegation subject details, investigations details and notes, investigation interviews, evidence documentation, investigating officer report with recommendations for consideration, and deliberations and or rectification. The case manager should record the date the irregularity file was received, the contact details of the parties involved and the actions on an ongoing basis. The investigating officer's report should also include an introduction (name of alleged learner, school, date of irregularity), background and findings and recommendations.