

For Comments Only

Draft Indian Standard

Internal investigations of organizations — Guidance

ICS : 03.100.02

Not to be reproduced without the permission of BIS or used as Standard	Last Date for receipt of Comments is July 2024
---	---

NATIONAL FOREWORD

(Formal clauses to be added later on)

The text of the International Standard has been approved as suitable for publication as an Indian Standard without deviations. Certain conventions are, however, not identical to those used in Indian Standards. Attention is particularly drawn to the following:

- a) Wherever the words 'International Standard' appear referring to this standard, they should be read as 'Indian Standard'.

In this adopted standard, references appear to certain International Standards for which Indian Standards exist. The corresponding Indian Standards, which is to be substituted in its place, is listed below along with its degree of equivalence for the editions indicated:

<i>International Standard</i>	<i>Corresponding Indian Standard</i>	<i>Degree of Equivalence</i>
ISO 37001, Anti-bribery management systems — Requirements with guidance for use	IS/ISO 37001, Anti-bribery management systems — Requirements with guidance for use	<i>Identical</i>
ISO 37002, Whistleblowing management systems — Guidelines	IS/ISO 37002, Whistleblowing management systems — Guidelines	<i>Identical</i>
ISO 37301, Compliance management systems — Requirements with guidance for use	IS/ISO 37301, Compliance management systems — Requirements with guidance for use	<i>Identical</i>

Annex A is informative only.

Note: The technical content of the document is not available on website. For details, please refer the corresponding ISO 37008: 2023 or kindly contact:

Head
Management and Systems Department
Bureau of Indian Standards
Manak Bhawan, 9, B.S. Zafar Marg
New Delhi – 110 002
Email: msd@bis.org.in
Telephone/Fax: 011-23231106

Scope

This document gives guidance on internal investigations within organizations, including:

- the principles;
- support for investigations;
- establishment of the policy, procedures, processes and standards for carrying out and reporting on an investigation;
- the reporting of investigation results;
- the application of remedial measures.

This document is applicable to all organizations regardless of type, size, location, structure or purpose.

NOTE See Annex A for guidance on the use of this document.

Introduction

Internal investigation is an integral part of organizational management. Internal investigation is a professional fact-finding process, initiated by or for an organization, to establish facts in relation to alleged or suspected wrongdoing, misconduct or noncompliance (such as bribery, fraudulent activities, harassment, violence or discrimination). Internal investigations enable an organization to:

- make informed decisions if laws, regulations, industry codes, internal policies, procedures, processes, corporate compliance policy and/or the organization's values and ethics have been breached;
- understand the cause(s) that lead to the above-mentioned breaches;
- determine if an allegation or concern is substantiated or unsubstantiated;
- assess the financial loss of an organization;
- mitigate liability of the organization and/or its management;
- put in place and implement the necessary mitigation measures to prevent similar conduct from occurring;
- strengthen the organization's compliance and ethics culture;
- make external reporting to relevant authorities (law enforcement, judicial bodies, regulators or other bodies prescribed by law or regulation) or relevant interested parties when necessary;
- make decisions on sanctions of management and/or employees and debarment of working with third parties involved in unethical conduct.

Civil actions, whistleblower reports and external investigations by regulators can be reasons for internal investigation as well so that the concerned organizations can find out what triggered the actions, reports and external investigations, then take appropriate measures

Internal investigation is part of a compliance management system. This document can be used to help with the implementation of other standards such as ISO 37301, ISO 37001 and ISO 37002. It can also be a useful tool for an organization to identify risks. With risk clearly identified, an organization can analyse the root causes of noncompliance and design measures to control the risks.

Not having the capabilities to conduct internal investigations and/or failing to conduct internal investigations can have adverse effects on an organization such as compromising the effectiveness of the compliance management system, failing to protect its reputation, and failing to detect and counter wrongdoing.

This document provides guidance for organizations to implement internal investigations based on the following principles: independent, confidential, competent and professional, objective and impartial, and legal and lawful.

Figure 1 is a conceptual overview of the investigative process showing the whole picture of internal investigation and the possible post-investigation actions.

Figure 1 — Overview of the investigative process

