



OXFAM GB

**REPORTING MISCONDUCT STANDARD OPERATING PROCEDURES (SOP):
INTERNAL AND EXTERNAL REPORTING AND COMMUNICATION
ON ALLEGED MISCONDUCT**

Title:	Reporting Misconduct SOP: Internal and external reporting and communication on alleged misconduct
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Geographical Scope:	Worldwide, for Oxfam GB offices in the UK, UK Poverty Programme, Oxfam GB's globally located staff, and Oxfam GB's EA <u>and</u> PA roles in countries and regions, except in countries where the following policy contravenes local legislation. In these cases, local legislation must be followed with guidance from the Safeguarding Team, Anti-Corruption Team, and the Head of HR. Oxfam GB policy will apply in the event that it is more stringent than local legislation.
Confidentiality:	Public, additional guidelines and materials are available internally

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1. Scope & Purpose

1.1 This SOP is applicable to all countries and regions where Oxfam GB is Executing Affiliate (EA), Oxfam GB's globally located staff, Oxfam GB offices in the UK, Oxfam GB shops, and the UK Poverty Programme. An OI-wide policy and SOP are currently in development as of 27 June 2018.

1.2 This SOP strengthens Oxfam GB's accountability to donors and legal bodies, and to the people we work with, community members, employees, volunteers, consultants, contractors, and partners. Importantly, and for the first time, the entire reporting journey is described from suspicion / allegation of misconduct, to how that information is managed and acted upon within Oxfam GB, to how that information is shared with external stakeholders, including donors. This SOP clarifies Oxfam GB's commitment to the prevention of misconduct, the safety of the survivor / complainant, the integrity of the investigation and confidentiality, and the compliance with all donor contractual requirements and relevant legislation including the new EU General Data Protection Regulation (and other privacy legislation).

1.3 Misconduct is defined in this policy as sexual, financial, and/or HR.

- **Sexual:** child abuse, vulnerable adult abuse, sexual assault, sexual harassment, sexual exploitation, other.
- **Financial:** fraud, theft, bribery, nepotism, money laundering, terrorist financing, shoplifting, conflict of interest, counterfeit money, cybercrime, extortion, criminal damage, other.
- **HR:** bullying, harassment, discrimination, breach of policy.

Please see Table 1 below for more detailed definitions.

1.4 On 10th February 2018 Oxfam GB released a ten-point action plan, and committed to make significant and necessary changes to policy, practice, and culture to help eliminate exploitation, abuse, and harassment from all parts of our confederation - protecting those we work with and ensuring justice for survivors of abuse. This SOP forms part of that commitment, to provide clear pathways and parameters for reporting and communicating information related to misconduct appropriately and responsibly.

1.5 Oxfam GB has a zero-tolerance policy towards sexual exploitation, abuse, and harassment. At Oxfam GB, we believe all people have a right to live their lives free from sexual violence. We recognise that there are unequal power dynamics across the organisation and in relation to those we serve, and that we face an inherent risk of some staff exploiting their position of power for personal gain. **Oxfam GB will not tolerate its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of sexual harassment, sexual abuse or sexual exploitation.** Our commitment to reporting, investigating, and preventing sexual harassment, abuse, and exploitation is driven by our values and commitment to root out abuse.

1.6 Oxfam GB is committed to safeguarding all children who come into contact with the organisation. We recognise that child abuse is widespread in all countries across the world and we have a responsibility to promote the welfare of children and to contribute to the reduction of risk. It is critical that we are transparent and accountable so poor practice can be identified and potentially abusive behaviour can be challenged and best practice promoted.

1.7 Oxfam GB commits to reducing fraud, corruption, aid diversion, bribery and theft to an absolute minimum. Oxfam GB does not tolerate fraud, theft, bribery, money-laundering, aid diversion, and nepotism seriously and is committed to reducing them to an absolute minimum, ensuring

that its systems and practices reduce the risk of occurrences. Suspected or actual cases will be vigorously and promptly investigated and appropriate action will be taken. All recommendations and learnings will be applied where possible, and incorporated into Oxfam GB's strategic risk management.

- 1.8 **It is the responsibility of all representatives of Oxfam GB to raise any concerns you have or those which are reported to you. It is not your responsibility to decide whether or not misconduct has occurred. It is your responsibility to report suspicions of misconduct in a confidential and timely manner.**
- 1.9 Oxfam GB is committed to comply with legal requirements to inform statutory authorities of misconduct. Oxfam GB will comply with the requirements of contracts it has agreed with donors (institutional, corporate, foundation, and philanthropic organisations) to report any incidents in its business operations relevant to the terms of those contracts and/or other commitments entered into as a result of the donor relationship. The different ways of reporting to these donors is outlined in Table B below. This includes contractual requirements to inform donors of alleged misconduct. Oxfam GB will also report misconduct to other relevant Oxfam Affiliates (Lead Applicants who hold legal responsibility for informing their donors and Home Affiliates who are Oxfam relationship leads with their donors) provided that **issues relating to privacy regulations and confidentiality are upheld.**
- 1.10 **Country Directors (CDs) historically held responsibility in Oxfam GB for the external reporting of misconduct. CDs will remain the Decision Maker in cases where they are not implicated, however all reporting to donors on allegations, ongoing investigations, decision, and/or outcomes of misconduct will be managed from the Oxfam GB Affiliate Office in Oxford through a dedicated External Reporting Compliance Officer (ERCO).** CDs will be informed as soon as possible of any allegations of misconduct in their country by the Head of Safeguarding or the Head of Anti-Corruption, Investigations. The ERCO will inform the CD once donors have been reported to, for information purposes only; both the Safeguarding and Anti-Corruption Teams will confirm to the ERCO when CDs are not implicated so as CDs can be informed. There may be incidents where CDs are not informed, not because they are implicated in the allegation, but due to the importance to build trust with the survivor / complainant and/or to build understanding of the case in sufficient detail. Once these steps have been completed CDs are able to communicate with their in-country counterparts in embassies and international missions on the misconduct to maintain strong in-country relations however must comply with confidentiality and GDPR see section 4.1. CDs hold the responsibility to either implement recommendations provided by investigators, or otherwise provide and document sound reasoning why this is not possible. CDs will also hold the responsibility of informing National Government in the Country of Operation and Law Enforcement following in country legal advice.
- 1.11 Where there is a conflict between this SOP and relevant UK law (such as GDPR) the law takes precedence. This SOP applies worldwide, for Oxfam GB offices in the UK, UK Poverty Programme, Oxfam GB's globally located staff, and Oxfam GB's EA and PA roles in countries and regions, except in countries where the following policy contravenes local legislation. In these cases, local legislation must be followed with guidance from the Safeguarding Team, Anti-Corruption Team, and the Head of HR. Oxfam GB policy will apply in the event that it is more stringent than local legislation.

2. Associated Policies, Procedures, & Precedence

Oxfam International

- [Code of Conduct](#)
- [Aid Diversion Operational Handbook](#)
- [Terrorism Financing and Financial Crime Policy](#)
- [Risk Management Operational Handbook](#)

Oxfam GB

- [PSEA Policy](#)
- [Safeguarding Children Policy](#)
- [Safeguarding Adults Policy](#)
- [Disclosure of Malpractice in the Workplace](#)
- [Anti-Fraud and Corruption Policy](#)
- [Fraud & Corruption Response Plan](#)

2.1 Each affiliate will be subject to the regulation in their country of registration and regulations in host countries will vary. Institutional donors may impose standards of due diligence or reporting, and with due consideration to confidentiality and the law, Oxfam GB commits to take the strictest of these standards or requirements, and apply them across the board.

3. Misconduct Definitions

3.1 A detailed matrix of definitions regarding misconduct can be found in Table A on page 7.

3.2 Oxfam GB's definition of *financial misconduct* includes fraud, theft, bribery, nepotism, money laundering, terrorist financing, shoplifting, conflict of interest, counterfeit money, cybercrime, extortion, criminal damage, and other.

3.3 Oxfam GB's definition of *sexual misconduct* is broad, including – child abuse, vulnerable adult abuse, sexual assault, sexual harassment, sexual exploitation, and other. As a result, the allegations we report under 'sexual misconduct' include a wide range of sexual misconduct ranging from severe sexual violence to incidents of sexual harassment. For example, unwanted verbal comments felt to be of a sexual nature by the subject of them, unwanted physical touching, buying sex, sexual activity with a child, and rape/attempted rape would all be included. In line with our staff Code of Conduct, all forms of buying sex (including transactional sex, prostitution and making aid or employment conditional on sexual activity) are also included in our definition of 'sexual exploitation'. Oxfam GB defines 'sexual abuse' as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (see United Nations glossary on Sexual Exploitation and Abuse: <http://bit.ly/2CVMKng>). Oxfam GB extends this definition to include any sexual contact with children; this is considered to be under unequal or coercive conditions as a child cannot give consent. Oxfam GB's child abuse definition includes physical, emotional and sexual abuse, as well as neglect.

3.4 Oxfam GB's definition of *HR misconduct* includes bullying, harassment, discrimination, and breach of policy. HR misconduct is not usually reported externally to statutory authorities nor donors. Misconduct does not include a complaint about the performance and behaviour of a manager or other work colleague towards you. Such complaints will be directed for action to the

appropriate procedure under the Dealing with Problems at Work Policy (for employees); the Resolving Differences Policy (for volunteers); and the Complaints Policy (for consultants and contractors). Issues that have already been raised and dealt with under any of these policies will not be heard again if reported to the Confidential Reporting/Whistleblowing hotline, although opportunities for appeal exist for both survivor / complainant and subject of complaint at decision stage of the investigation

- 3.5 For the purposes of this document, a '*suspicion of misconduct*' is a concern that has been raised through any of the reporting pathways in Section 7 and Annex i. This suspicion is assessed at an initial case conference / stakeholder panel.
- 3.6 If, at case conference / stakeholder panel stage there is a decision to investigate the suspicion of misconduct then it is treated as an '*allegation of misconduct*'.
- 3.7 Once an allegation is investigated and the investigation report is reviewed, the resulting recommendations are referred to as the '*outcome of investigation*'. Oxfam GB will notify and report misconduct to internal stakeholders, donors, and legal bodies at allegation and outcome stages only, unless specific legal or contractual requirements exist that stipulate reporting at other stages or more detail are required. Deviations from this SOP are recorded in Annex iv.
- 3.8 *Survivor / complainant* refers to the person raising the report of misconduct, and *subject of complaint* refers to the person who is suspected or alleged to have committed misconduct.
- 3.9 When '*donors*' are referred to in this document we are including other Oxfam Affiliates, institutional, governmental, corporate, foundation, and philanthropic donors.
- 3.10 **Reportable Incident:** (i) a security incident, force majeure incident, kidnapping, breach of sanctions, data protection loss or breach of sensitive information, or a suspicion or allegation of sexual or financial misconduct, in relation to the project or that may affect the project, or (ii) an incident of material litigation or potentially litigious event regarding the actions or omissions of staff overseeing the project including Oxfam International Country Director, Oxfam International Regional Director, Oxfam International Programmes Director, other Oxfam staff, Executing Affiliate staff, Partner Affiliate staff, or of partners or consultants.
All sexual and financial misconduct described in this SOP are classed as reportable incidents. HR misconduct is not classed as a reportable incident.
- 3.11 **Serious Incident:** The UK Charity Commission states that "A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:
- loss of your charity's money or assets
 - damage to your charity's property
 - harm to your charity's work, beneficiaries or reputation"

The Commission's guidance provides both thresholds for reporting as well as discretion. The figure of £25k is referenced as a possible threshold for reporting financial loss and suspicious donations. This threshold has been adopted in this SOP.

Table A: Misconduct Definitions

Misconduct Category	Misconduct Type	Misconduct type description
Sexual Misconduct	Child Abuse	A child is defined as anyone under 18 years old. Child abuse can be physical (violence towards or deliberate injury of a child), emotional (behaviour which attacks a child’s self-esteem), sexual (using a child for sexual stimulation or gratification), neglect (persistent failure to meet a child’s basic physical/psychological needs) or involve any other sort of harm to a child, including possessing and/or the distributing of indecent images of children.
	Vulnerable Adult Abuse	A Vulnerable Adult or Adult at Risk is defined as someone “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”. This can include people experiencing certain conditions (for instance physical or mental disability or illness) or certain types of vulnerability (for instance domestic abuse or displacement from their homes)
	Sexual Assault	Sexual assault is any unwanted physical contact of a sexual nature, including rape and attempted rape
	Sexual Harassment	Sexual Harassment is unwanted conduct of a sexual nature. It can happen to any gender, and can be physical (e.g. touching), verbal (e.g. offensive comments or phone calls), or non-verbal (e.g. display of offensive materials).
	Sexual Exploitation	Sexual Exploitation is the actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes. This includes any sexual relationship with beneficiaries and/or any the exchange of money, offers of employment, employment, goods or services for sex or sexual favours, or any forms of humiliating, degrading or exploitative behaviour. It can also include undeclared or unbalanced sexual relationships between staff, particularly those in the line of management.
	Other	Other PSEA, Safeguarding Children or Adults policy violation, breach of safeguarding policy & practice, FGM, forced labour, bonded labour, trafficking in persons, forced marriage, domestic slavery
Financial Misconduct	Fraud	An act or omission that attempts to intentionally mislead to obtain a benefit or to avoid an obligation. It can also involve an abuse of position. Examples might be forging/altering an invoice, or inflating a receipt submitted for expenses, or a third-party supplier deliberately providing sub-quality products, or providing less product than agreed.
	Theft	Dishonestly taking another’s property without their consent, and with the intent to permanently deprive them of it. A possible example might be when an Oxfam GB office is broken into and Oxfam GB property taken, or where an employee deliberately fails to return their Oxfam GB laptop computer when they leave the organisation.
	Bribery	Where an individual improperly offers, gives or promises (or requests, agrees to receive or accepts) any form of material benefit or other advantage, whether in cash or in kind, to another in order to influence their conduct in any way.
	Nepotism	Favouritism granted to associates regardless of merit. Possible examples might include a manager awarding a contract to a company owned by a family member or friend on the basis of that relationship alone.
	Money Laundering	The process of turning proceeds of crime into property or money that can be accessed legitimately without arousing suspicion.
	Terrorist financing	Activities that provide financing or financial support to individual terrorists or terrorist groups.
	Other	Other financial misconduct or breach of financial policy
HR Misconduct	Bullying	Bullying is behaviour directed either against an individual or a group of individuals that creates a threatening or intimidating environment undermining the confidence and self-esteem of the recipient(s). It could be an abuse or misuse of power that humiliates or injures the recipient(s).
	Harassment	Harassment means verbal, non-verbal or physical conduct which meets the following three criteria: Is related to a person’s characteristics, whether they are actual or perceived, which include: Age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Is unwanted. Has the purpose or effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive work environment for that person.
	Discrimination	An unlawful act against people at work because of any of the following areas: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
	Breach of policy	A serious breach of Oxfam GB policy having a detrimental effect

4. Privacy Regulations and Confidentiality

- 4.1 Under UK legislation, the Data Protection Act (1998), and the EU General Data Protection Regulation (enforcement date 25 May 2018), information related to safeguarding reports is classed as 'Sensitive Personal Data', which means that Oxfam GB has a responsibility to ensure it is kept secure and confidential. Under DPA/GDPR we are broadly required to provide to individuals a copy of information held on them if they request it. There are a few exemptions to this, but they are narrow. In principle, we should consider that all information about individuals may be disclosable to them. Considering the subject of an investigation, this would include an investigation into them, evidence relating to them, etc. The only hard exceptions to this would be things like i) privileged legal communications or ii) information which would prevent detection or prevention of crime. In order to protect survivors, for something like an investigation report, if not strictly exempt, our approach would take one of the following:
- Redacting the information about others where irrelevant, or;
 - Asking those individuals for consent if this was appropriate and proportionate under the circumstances, or;
 - Rewriting the data about the individual in another form to provide them with the information needed to them.

Typically, when processing this sort of data redaction is the easiest approach. While the detail is complicated, there should be no question that there is no intent in data protection law to place victims at risk or prejudice investigations and while we do have a duty to individuals to be transparent with them we would find a way to strike this balance between the right to access and the right to privacy.

- 4.2 Survivors and complainants entrust Oxfam GB with their experiences and in return we respect this by treating them with confidence and care in recognition that mishandling confidential information can have a serious impact on the safety of affected individuals including the subject of complaint.
- 4.3 Our attitude to confidentiality can be summarised by the 'Need to Know' rule. This determines that 'Sensitive Information' must only be shared with those who need to know it. If someone needs information on a misconduct allegation they should be given as much information as necessary but no more, and they should not keep records of the information for longer than it is demonstrably needed.
- 4.4 Confidentiality must be maintained throughout the reporting process by all staff and witnesses. Staff members who breach confidentiality will be subject to disciplinary action up to and including termination of employment. In some cases, such breaches constitute breaking the law.
- 4.5 This SOP outlines Oxfam GB's position on who 'Needs to Know' clearly and transparently, outlining the steps that will be taken to uphold confidentiality and how Oxfam GB understands the 'Need to Know' rule.
- 4.6 In line with this commitment, Oxfam GB will prioritise the safety and wellbeing of the survivor, and the integrity of the investigation at all times. Oxfam GB commits to meeting its contractual and legal requirements in full, including timely and transparent reporting to internal and external stakeholders including regulatory bodies and donors and will not expose survivors / complainants or ongoing investigations to any undue risk.
- 4.7 Under GDPR Personal data is data that relates to an identifiable person who can be directly or indirectly identified by reference to an identifier. In the case of safeguarding reports, since

identification would be more than hypothetical or remote, it is prudent to treat any disclosures to donors regarding allegations as disclosures of personal data. In general, we should inform data subjects regarding any processing of their data – including disclosure to a third party. During the safeguarding process itself, we satisfy this need by indicating that we may disclose their personal data (including an example of the level of granularity) to donors either through a scripted conversation or letter.

5. Reporting to Donors and Oxfam Affiliates:

- 5.1 Oxfam GB will inform all donors who are funding Oxfam GB for activities in a particular country, regional platform, affiliate HQ, or Secretariat of any allegation in that country, which, if found to be true, could affect the reputation of these donors. This applies to all allegations under investigation, and the conclusions of investigations into suspected misconduct, in a country where Oxfam GB is working with that donor's funds, even if the allegation does not relate to staff or assets relating to the specific contract funded by the donor.**
- 5.2** Where Oxfam GB believes that risk associated with disclosure is high and could for example have a threat to life, the Head of Safeguarding and/ or Head of the Anti-Corruption Team, Investigations will liaise with the Head of Programme Portfolio Oversight and Development (PPOD) to inform donors that we require a derogation from contract and propose an alternative safe solution. In such an instance the Head of PPOD would communicate to the relevant donors through an initial phone call to discuss, or would contact the Lead Applicants or Home Affiliate to activate request for derogation of contract due to threat to life.
- 5.3** The External Reporting Compliance Officer (ERCO) is a role dedicated to reporting misconduct to donors and other Oxfam Affiliates - if they are Lead Applicants or Home Affiliates on relevant contracts - to in turn report to their donors. The ERCO reports to the Head of PPOD who in turn reports to the IPT Director. The ERCO manages a secure database record of minimum information regarding allegations received and investigated, and disclosures to all relevant external stakeholders. The Head of PPOD will ensure that programmatic and organisational decisions on resources and investment take into account all concerns of misconduct. The principles this role will adhere to at all times are to safeguard the safety of the survivor / complainant, to protect the integrity of the investigation, and to comply with all donor legal requirements and relevant legislation including the new EU General Data Protection Regulation.
- 5.4** Oxfam GB has created a new confidential email address [ReportingConcerns@Oxfam.org.uk] for reporting misconduct to external stakeholders, and the ERCO will manage this email account, only sending firewalled written communications on cases to firewalled and trained contacts in the relevant external stakeholder organisation as required by contractual obligations via BOX links with explanations to access using encrypted emails only. Any donor responses are sent to the ERCO to log in the misconduct external reporting tracker; any specific agreements that are made about what further information will be provided to the donor and by when need to be specifically highlighted in the reporting tracker. Part of the role will be to track and maintain records on timely reporting of alleged misconduct to donors and relevant Oxfam Affiliates, providing Oxfam GB Leadership Team with a monthly indicator which measures how far this SOP and the timeframes within it, are being met.

Type of Information to be Shared with Donors:

5.5 Table B documents the types of information that will be shared by the Head of Safeguarding or the Head of Anti-Corruption, Investigations at allegation and outcome point with the ERCO, meeting twice weekly to ensure donors are reported to on a timely basis. For all cases related to Safeguarding, the survivor / complainant would have to express permission to share further information above the minimum data (approved for sharing by the Head of Safeguarding) in line with due process and informed consent.

5.6 Oxfam GB must balance its obligations to report alleged misconduct to donors and its obligations under privacy and data protection law. As such, Oxfam GB distinguishes between three different types of donors (please see Annex iii for a named list by type of all Oxfam GB donors):

Table B Reporting Misconduct Types for Donors

Reporting Misconduct Types		
#	Donor Type	Information shared at investigation and outcome stage
1	Private or public bodies (e.g. commercials or corporates / private trusts etc. not enjoying the special provisions and exemptions under the legislations) <u>who do not have a confidential firewalled contact point to receive reports safely</u>	Oxfam GB will share no information
2	Private entities carrying out functions under contract with public bodies (e.g. entities winning contracts from public bodies and delivering them as ‘agents’ of the public body, sub-contracting to Oxfam GB), or public bodies who do not require information immediately, and <u>who do have a confidential firewalled contact point to receive reports safely</u>	Quarterly aggregated report including: · Type of misconduct (sexual or financial misconduct – column A in Table A) · Month allegation reported · Business unit (country / regional platform / affiliate HQ) allegation took place
3	Public bodies (e.g. government departments, and multi-laterals, enjoying special provisions and exemptions under the Data Protection Act, and others) who require more detailed information on an immediate basis, and <u>who do have a confidential firewalled contact point to receive reports safely</u>	Case by case information on: · Detailed type of misconduct (fraud, aid diversion, harassment, assault – column B in Table A) · Month allegation reported · Business unit (country / regional platform / affiliate HQ) allegation took place · Is a child / minor involved? · Is a beneficiary involved? · Does it only affect Oxfam GB Representatives? And possibly: · Summary of outcomes of investigation and actions taken · Redacted investigation reports · Management action plans

Where Oxfam GB decides to disclose data regarding misconduct Oxfam GB will ensure that:

- data is only being shared with the recipient for their own purposes;
- the recipient must consult with us before sharing the disclosure more widely to allow us to make representations regarding the further processing; and
- the recipient must hold it confidentially / securely and that these protective measures would form an important component of our proportionality analysis in considering whether to transfer data to the donor.

Any deviations from the reporting types, detail, and frequencies outlined in this SOP are outlined in Annex iv.

6. Reporting Responsibilities in the Oxfam Confederation

6.1 Please see Section 3.10 for the definition of “reportable incident”, which includes all sexual and financial misconduct described in this SOP. Sections 3.10, and 6.2-6.9 of this SOP will be included in the Master OPA, with formal responsibilities agreed and signed off across the confederation.

6.2 Reportable Incidents: Oxfam GB will seek to provide institutional donors with all relevant information relating to a “reportable incident” within the context of its obligations under privacy regulations and confidentiality to individuals involved in any “reportable incident”. Where obligations under privacy regulations prevent full disclosure of incidents to institutional donors Oxfam GB will communicate this to the institutional donor and will work in good faith to provide as much information as is possible.

6.3 Partners and sub-contractors: Partners will immediately and in any misconduct case within **1 (one) Working Days**, report in writing to the EA any reportable incident, and will use its best endeavours to ensure that any partners or sub-contractors associated with implementing this Project also comply with this requirement.

6.4 Country and Regional Teams (Oxfam International, OI): OI will immediately and in any case within **1 (one) Working Days**, report in writing to the EA any reportable incident, and will use its best endeavours to ensure that any partners or sub-contractors associated with implementing this Project also comply with this requirement.

6.5 EA Responsibilities: The EA will immediately and in any case within **5 (five) Working Days**, report in writing through the dedicated email ReportingConcerns@oxfam.org.uk to the Lead Applicant PA, Home Affiliate PA, and donors any reportable incident issues, and will use its best endeavours to ensure that any partners or sub-contractors associated with implementing the Project will also comply with this requirement. PAs that are not Lead Applicants or Home Affiliates for relevant contracts in the country of concern will not be informed. Only the Lead Applicant will report to the donor concerned, to avoid multiple reports on the same incident to the same donor.

6.6 PA Responsibilities: The PA will immediately and in any case within **1 (one) Working Day** report in writing to the EA and the CD any reportable incident issues through the dedicated reporting systems. PAs that are not Lead Applicants or Home Affiliates for relevant contracts in the country of concern will not be informed.

6.7 Third parties: If an allegation involves children Oxfam GB has a responsibility to report to the UK Police and relevant Local Authority Designated Officer (LADO) within 24 hours. If the allegation involves a serious incident Oxfam GB has a responsibility to report to the UK Charity Commission within 24 hours. If the allegation involves a person from another agency, the Anti-Corruption Team will record and pass it onto the relevant teams in that external agency, and the Safeguarding team will request permission from the survivor before passing it onto the relevant teams in that external agency. Oxfam GB is the data processor in this instance, and so would not report information about suspicions or allegations regarding other agencies to donors; the agency of concern would report to their donors as the legal data controller.

6.8 Where OI, other EAs, or PAs have a duty to report suspicions or allegations of misconduct to Oxfam GB, they must use the process outlined in this SOP and presented in Annex i Misconduct Reporting & Investigation Flowchart.

6.9 The EA holds responsibility for conducting any case conference and investigation into cases of alleged misconduct, or delegating responsibility where the EA does not have capacity to do so. The PA and OI simply need to report directly to the EA so that the EA can perform this duty as soon as possible. The EA will hold financial responsibility for payment of any investigation costs.

Information Sharing with Oxfam Stakeholders:

6.10 The Safeguarding and Anti-Corruption Teams will only share information internally with the survivor / complainant, Decision Maker, investigation teams, and with the External Reporting Compliance Officer (ERCO) and Head of Programme Portfolio Oversight and Development (PPOD).

6.11 The ERCO will **only** share information internally related to misconduct at allegation and outcome stage with the:

- CDs and RDs (where CD implicated)
- Head of Safeguarding
- Head of Anti-Corruption, Investigations
- Head of HR
- Head of Legal where required
- Head of PPOD

6.12 The ERCO will **only** share the monthly aggregated report with the:

- OI CD
- OI RD

6.13 The ERCO will **only** share the quarterly aggregated report with the:

- OI PD
- CGGs and RGGs
- Donor leads and POT

6.14 All will be required to sign confidentiality agreements (managed by the ERCO), and will not pass on any information they receive but will use this information to inform key programmatic and investment decisions in a country programme.

6.15 The internal stakeholders who have access to this information are not expected to take any direct actions based on this information, unless related to an agreed investigation.

6.16 **Country Directors (CDs) historically held responsibility in Oxfam GB for the external reporting of misconduct. CDs will remain the Decision Maker in cases where they are not implicated, however all reporting to donors on allegations, ongoing investigations, decision, and/or outcomes of misconduct will be managed from the Oxfam GB Affiliate Office in Oxford through a dedicated External Reporting Compliance Officer (ERCO).** CDs will be informed as soon as possible of any allegations of misconduct in their country by the Head of Safeguarding or the Head of Anti-Corruption, Investigations. The ERCO will inform the CD once donors have been reported to, for information purposes only; both the Safeguarding and Anti-Corruption Teams will confirm to the ERCO when CDs are not implicated so as CDs can be informed. There may be incidents where CDs are not informed, not because they are implicated in the allegation, but due to the importance to build trust with the survivor / complainant and/or to build understanding of the case in sufficient detail. Once these steps have been completed CDs are able to communicate with their in-country counterparts in embassies and international missions on the misconduct to maintain strong in-country relations however must comply with confidentiality

and GDPR see section 4.1. CDs hold the responsibility to either implement recommendations provided by investigators, or otherwise provide and document sound reasoning why this is not possible. CDs will also hold the responsibility of informing National Government in the Country of Operation and Law Enforcement following in country legal advice.

- 6.17 **Regional Directors (RDs)** will be sent a monthly update of any allegations of misconduct relevant to the countries in their region for oversight and will only be involved in an investigation and reporting to National Government and Law Enforcement in the country of operation when the CD is implicated and following documented in country legal advice. This update is sent by the ERCO. Where a CD is implicated the ERCO will inform the RD as per section 6.16.
- 6.18 The **OI Programmes Director (PD)** will receive a quarterly aggregated report including type of misconduct; month; and country. If the Regional Director is implicated in the allegation in some way the OI Programmes Director will become Decision Maker for that case.
- 6.19 **Country and Regional Governance Group** members will receive a quarterly aggregated report of closed cases only including type of misconduct; month; donor; country; and outcomes of investigation and actions taken. These reports will also be shared with the relevant **donor leads** and the **Programme Oversight Team** in PPOD.
- 6.20 The Head of PPOD may call an extraordinary meeting involving Safeguarding and or the Anti-Corruption Team, relevant donor leads and Oxfam GB Media if the suspicion or allegation is already in social or mainstream media, or deemed likely to enter the public domain and/or media.

7. Misconduct Reporting and Investigation Procedure

Forming a Suspicion:

- 7.1 If you have a suspicion that misconduct has occurred, and have a reasonable belief it is in the public interest, and report it, you will not be at risk of losing your job or from suffering from any form of retribution as a result, regardless of the investigation outcome. Those found to be making false allegations maliciously, or allegations they know to be untrue, will have disciplinary action taken against them. Support will be offered to survivors, regardless of whether a formal internal response is carried out (such as an internal investigation). Support can include specialist psycho-social counselling or access to Oxfam GB's Employee Assistance Programmes. Survivors and victims can choose if and when they would like to take up the support options available to them.

Reporting a Suspicion:

- 7.2 Anyone may raise a suspicion of misconduct about Oxfam GB's staff or work that go against Oxfam GB's Code of Conduct. If a person we work with, community member, employee, volunteer, consultant, contractor, or partner genuinely believes misconduct is about to happen or has already taken place, they should report directly to Oxfam GB's Speak Up system, available online in French, Arabic, Spanish, and English, and on the phone in over 150+ languages. Please see Annex ii for detailed phone numbers, or visit this link:

<http://oxfam.ethicspoint.com>

- 7.3 In case of sexual misconduct report directly using the online form at the link above or the relevant phone number at the link above. You can also email safeguarding@oxfam.org.uk. If you do not have access to the internet please report to the HR Manager or Safeguarding focal point in country / team. The HR Manager and/or Safeguarding focal point have a responsibility to enter the report into Oxfam GB's Speak Up system.
- 7.4 In case of financial misconduct report directly using the online form at the link above or the relevant phone number at the link above. You can also email anticorruption@oxfam.org.uk. If you do not have access to the internet please report to your Line Manager or your Country Director in country / team. The Line Manager and/or Country Director have a responsibility to enter the report into Oxfam GB's Speak Up system.
- 7.5 For all cases that do not relate to sexual or financial misconduct report directly to Line Manager. If Line Manager is involved in the allegation, or linked in any way, report to their manager or a trusted senior manager.
- 7.6 In all cases where the complainant wishes to remain anonymous without fear of retribution, and you do not have access to the internet, report directly to whistleblowing@oxfam.org.uk or using one of the following telephone numbers:
- English +441 86547 2120
 - Arabic +441 86547 2121
 - French +441 86547 2122
 - Spanish +441 86547 2123
 - Portuguese +441 86547 2124
- Cases will be referred to the appropriate team to investigate (Safeguarding, Anti-Corruption, or HR)
- 7.7 The survivor / complainant / whistleblower's identity will not be disclosed without their consent. However, if it is not possible to resolve the issue without revealing the individual's identity and they do not agree, a decision may be made not to go ahead with the investigation by the Head of Safeguarding or Head of Anti-Corruption Team, Investigations or Head of HR.
- 7.8 For suspicions of **Aid Diversion** reporting to the relevant statutory bodies including the UK Police and Charity Commission will need to occur immediately (within 24 hours where possible) and often before a case conference / stakeholder panel is convened. The External Reporting Compliance Officer (ERCO) will then report to all relevant donors and PA Lead Applicants and Home Affiliates informing them that the suspicion has been reported to the UK Police and Charity Commission, following any deviations from this SOP described in Annex iv. Following in country legal advice the CD may need to report to national regulatory and law enforcement authorities and the ERCO will work with the CD to ensure they have all necessary information for this. The Aid Diversion procedure is described in Annex vii.

Receiving a Suspicion:

- 7.9 Oxfam GB's Safeguarding Team will acknowledge the report within **24 hours**, and convene a case conference within **72 hours** of receiving a report of suspected misconduct. In case of financial misconduct, the Anti-Corruption Team will acknowledge the report within **48 hours** then inform relevant stakeholders through the forming of a stakeholder panel.

This case conference / stakeholder panel will always include the relevant Decision Maker (CD, RD, or Head of Team) (if in a country office) or Head of Department if at Oxfam GB

headquarters, the Head of Business Operations or equivalent for the relevant EA, and the OI Business Directors, Head of Safeguarding, Head of Anti-Corruption, Investigations and relevant HR Manager and Departmental Manager if appropriate. This case conference is primarily to bring all relevant stakeholders together and to determine whether the suspicion reported is one that should be investigated or not, and whether it needs to be reported to any statutory authorities (local or international) based on legal guidance and risk to the survivor. If it is decided to proceed with an investigation, the suspicion becomes known as an allegation of misconduct. The case conference will involve Oxfam GB Media team if the suspicion or allegation is already in social or mainstream media, or in the public domain.

The case conference will also discuss the donor contracts involved, and record at a minimum the Contract ID (ROXXXX) and if possible the Project ID (XXXXXX) number in the Speak Up system with support from the ERCO.

- 7.10 Progress on the investigation will be monitored through regular review by a senior investigator to the lead investigator, and recorded and evidenced in Oxfam GB's Speak Up system. This review will take place after **1 week** of the case being opened, and **fortnightly** after that until the case is closed.
- 7.11 The minimum information to allow reporting to donors in line with confidentiality, GDPR and contractual obligations (please see Table B) will be shared by the Head of Safeguarding or Head of Anti-Corruption, Investigations with the ERCO during twice weekly meetings. HR misconduct follows the same case management system as sexual and financial misconduct, but is not usually reported externally to donors nor statutory authorities.
- 7.12 Once the decision has been made that an investigation will proceed, the Head of Safeguarding and Head of Anti-Corruption, Investigations as relevant, will inform the ERCO who will process information to inform all relevant donors, and PA Lead Applicants and PA Home Affiliates as per their agreed type (in Table B) and contractual requirements, through a dedicated email [ReportingConcerns@Oxfam.org.uk]. The ERCO will report allegations of misconduct to donors and relevant Oxfam Affiliates within 5 working days. In line with section 6.16, the ERCO will also inform the relevant CDs.

Investigating an Allegation

- 7.13 The investigation process for misconduct involves fact gathering, review of records, gathering of physical evidence, interviews with relevant parties, and a formal report written by a clearly identified and expertly trained investigator or investigation team. Importantly, before an investigation takes place, Oxfam GB commits to seek legal guidance for the context of the reported misconduct in most cases. Oxfam GB's Safeguarding Team commit to conclude an investigation **within 4 weeks** where possible, recognising that some cases may take longer to resolve for a variety of reasons, and the Anti-Corruption and HR Teams commit to conclude this process as soon as possible. Details on this process are held in the PSEA Policy and PSEA Investigation Guidelines and the Anti-Fraud and Corruption Policy.

Deciding Outcome:

- 7.14 The full investigation report is reviewed by the Decision Maker, and recommendations are prioritised for implementation. There is an opportunity at this stage for follow up with the investigation team, or with wider Oxfam GB Safeguarding, Anti-Corruption, or HR teams. The Decision Maker is the:

- Country Director in cases where misconduct takes place at country level, or
- Regional Director in cases where misconduct either involves a Country Director or takes place at Regional Platform level, or
- OI Programmes Director in cases where misconduct involves a Regional Director or takes place at OI Secretariat level, or
- Head of Department in cases where misconduct involves an Oxfam GB affiliate headquarters.

At this stage redacted versions of the report are shared with the survivor / complainant and the subject of the complaint in the case of sexual misconduct. In the case of financial misconduct, reports are shared with the stakeholder panel and those involved in any disciplinary panels; relevant sections are shared with the subject of any complaint.

7.15 Once the decision has been made regarding the outcome of the investigation, the Head of Safeguarding, Head of Anti-Corruption, Investigations, or Head of HR as relevant will make a number of recommendations normally to the CD. There will then be an agreement as to which recommendations will become actions, those actions are then implemented, and within the Speak Up system evidence of those actions being implemented will be attached. There will then be verification of the evidence of the action being implemented and the investigation case will be closed in the system only with documented verification that the action has been implemented. The ERCO will update donors and relevant Oxfam affiliates as actions are implemented and once the case is closed.

7.16 Oxfam's Safeguarding Team commit to conclude this stage **within 1 week**, and the Anti-Corruption and HR Teams commit to conclude this process as soon as possible.

Taking Action:

7.17 A report of misconduct can result in one of the following:

- upheld
- partially upheld, or
- not upheld

7.18 If the allegation is upheld then the investigator will make recommendations for implementation by the Decision Maker, and records of the outcome will be stored on the employee's file. If the allegation is upheld then the subject of the complaint has the opportunity to raise an appeal, attend an Appeal Hearing, whereby a decision will be made whether to uphold the appeal or not. If the appeal is upheld then notes are not stored on the employee file of the subject of the complaint. If evidence of a false allegation has been uncovered, an investigation may commence into the complainant.

7.19 If the allegation is partially upheld then the investigator will make recommendations for implementation by the Decision Maker on the issues within the case which are upheld. Records of the outcome concerning issues within the case which were upheld will be stored on the employee's file. Issues within the case which are not upheld will be discarded and will not be stored on the employee's file. The subject of the complaint has the opportunity to raise an Appeal as above.

7.20 If the allegation is not upheld then notes are not stored on the employee file of the subject of the complaint. The survivor / complainant has the opportunity to raise an appeal and this

grievance will be taken forward by an HR manager who has not been involved in the investigation.

7.21 In all cases, remedial controls should be looked at to determine either how this specific case could have been prevented, or if it was not upheld, whether there are systemic weaknesses that need to be addressed in order to prevent any potential misconduct from occurring in the future. Emotional support will be offered throughout this process.

8. Reporting to Statutory and Regulatory Bodies and Law Enforcement Agencies in the UK

8.1 If the suspicion or allegation requires referral to the Charity Commission or other UK regulatory bodies this responsibility lies with the Oxfam GB Legal Team. Where the allegation is related to aid diversion, the Head of Anti-Corruption, Investigations, Head of Programme Portfolio Oversight and Development (PPOD), and Legal team need to come together within the first 24 hours to determine if Aid Diversion or Financial Misconduct has occurred, and in the case of aid diversion, the Oxfam GB Legal Team will report it to the relevant authorities.

8.2 Oxfam GB will report to all relevant legal authorities (including the police) should criminal activity or terrorist financing have been suspected and reported, and Oxfam GB's Legal Team will report to the UK Charity Commission within 24 hours for serious incidents (please see Annex vi-a) with the External Reporting Compliance Officer (ERCO) in copy. A quarterly report of serious incidents is compiled by the ERCO and sent to the UK Charity Commission by Oxfam GB's Legal Team. Decisions to report suspected criminal activity is subject to legal advice / stakeholder decision, and may not be appropriate in all cases. The Anti-Corruption Legal Questionnaires for each country should be consulted and where necessary in country legal advice should be sought through the CD in cases where the CD is not implicated and a green light has been given by the Head of Safeguarding and Head of Anti-Corruption, Investigations. If necessary the Investigation Team will appoint someone to have direct access to the lawyer in country.

Table C Statutory and Regulatory and Law Enforcement Reporting Responsibilities and Thresholds

Functional Area	Policy Framework	Regulator: Police/ Charity Commission etc.	Responsibility for reporting	Threshold for reporting
Health & Safety Charity Commission	Health & Safety Policy	Charity Commission Serious Incident Report	Legal Team based on information provided by the H&S lead	International Incidents: fatalities or kidnapping or where any staff are arrested in connection with an incident.
Security Charity Commission	Security Policy	Charity Commission	Legal Team based on information provided by the Security Policy lead	Fatalities and kidnapping. Other incidents likely to have an impact on reputation or programme delivery at the discretion of the Special Advisor and Finance Director.
Safeguarding Police	PSEA Policy	Police	Head of Safeguarding	
Safeguarding Charity Commission Serious Incident	PSEA Policy	Charity Commission	Legal Team based on information provided by the Head of Safeguarding	Incidents reported to the police plus any other incident where credible evidence exists to support allegations
Theft, fraud or any other financial loss Charity Commission	Anti-Corruption Policy	Charity Commission Serious Incident	Legal Team based on information provided by the Head of Anti-Corruption, Investigations	Individual or cumulative incidents above £25k. Any incidents (including those under £25k) which might impact on the reputation of Oxfam GB or the charity sector. Any incidents which involve senior staff or trustees.
Terrorist financing Police	Aid Diversion Policy	UK S19 Report under Terrorism Act 2000	Legal Team based on information provided by the Head of Anti-	NB In this section "designated" refers to individuals or entities designated under UK law. See below for other jurisdictions

Functional Area	Policy Framework	Regulator: Police/ Charity Commission etc.	Responsibility for reporting	Threshold for reporting
			Corruption, Investigations	<p>Suspicious [see guidance note for definition of suspicion] or actual breaches of regulations, including but not limited to:</p> <p>Actual or suspected payments by Oxfam GB or third parties (including partners, suppliers or partner sub-grantees or partner suppliers) to a designated terrorist group</p> <p>Fraud or theft involving Oxfam GB assets (whether under the control of Oxfam GB or partner or partner sub-grantee) by a designated terrorist group or individuals or entities associated with or controlled by a designated terrorist group</p> <p>Employment by Oxfam GB or any partner organisation in either a paid or voluntary function of any individual designated as a terrorist</p> <p>Loss of assets where there is reasonable cause to suspect that the assets may be used for the purposes of terrorism</p> <p>Members of staff who advocate support for a terrorist group</p> <p>Partners closely associated with Oxfam GB who advocate support for a terrorist group</p>
Terrorist financing Charity Commission	Aid Diversion Policy	Charity Commission Serious Incident Report	Legal Team based on information provided by the Head of Anti-Corruption, Investigations	<p>As above for any breach of:</p> <p>UK terrorist financing regulations</p> <p>Host government regulations,</p> <p>Other relevant government regulations which might impact on Oxfam GB's reputation or business e.g. back donor</p>
Sanctions (All)	Aid Diversion Policy	Charity Commission	Legal Team based on information provided by the Head of Anti-Corruption, Investigations	Any breach of any sanctions regime
Data Protection Information Commissioner	Data Protection and Information Security Policies	Information Commissioner	Head of Information Security	<p>Any significant loss of data (over 1000 people) or loss of sensitive data e.g. health records.</p> <p>Loss of information which could lead to financial loss by individuals.</p> <p>Any loss of similar data by external suppliers or due to external hacking into Oxfam GB systems NB reporting requirements will change in 2018</p>
Data Protection Charity Commission	Data Protection and Information Security Policies	Charity Commission Serious Incident Report	Legal Team based on information provided by the Head of Information Security	Copy of any report submitted to the ICO
Litigation not in the ordinary course of business (Overseas)		Charity Commission Serious Incident Report	Legal Team based on information provided by Country Directors and or RDs	Any non-employment related litigation likely to cause reputational or operational damage