

Update on the Inter-Agency Misconduct Disclosure Scheme



“I leave my child with my little sister, who is ten years old, and I dress good and I go where the NGO workers drink or live and one of them will ask me for sex.

Sometimes they give me things like food, oil, soap and I will sell them and get money.”

“In this community no-one can access
Corn-Soya Blend without having
sex first.”

What is the Misconduct Disclosure Scheme?

- The scheme is designed to systematically address the problem of abusers simply moving countries or organisations when their behaviour is picked up
- The scheme complements other elements of a PSEA approach and other processes (such as disciplinaries for other grounds)
- The scheme makes checks easier to conduct for signatories
- The Scheme provides a public commitment to making additional checks

Background

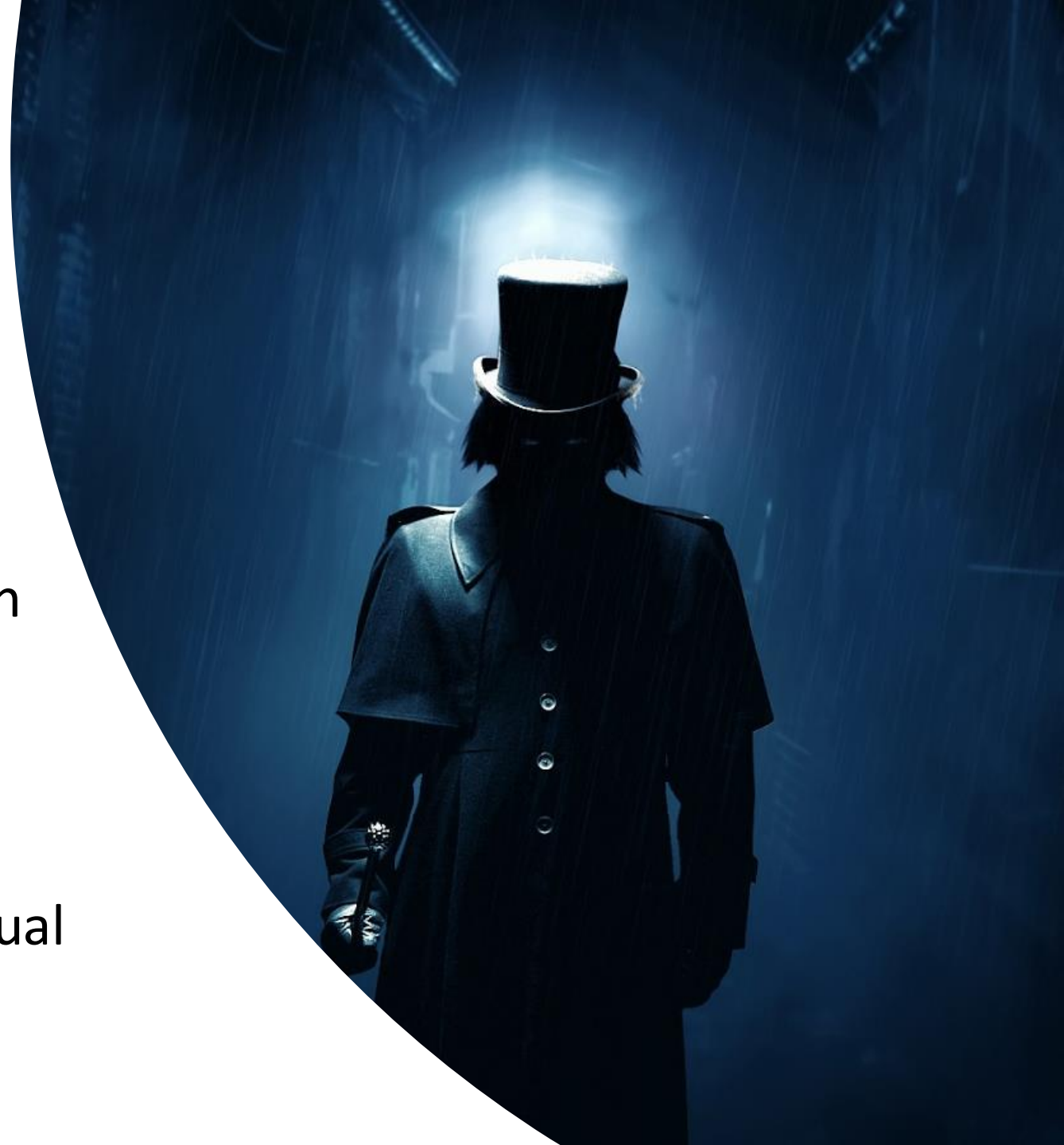
- The scheme was created in 2018 and launched in January 2019.
- We anticipate an increase in signatories in early 2020 once existing signatories have successfully started implementation at scale.
- The scheme is linked to other specific efforts to prevent sexual exploitation and abuse through the employment cycle
 - the **Interpol pilot** of an international criminal vetting system for the Aid Sector
 - the DFID-led **Humanitarian Passport scheme**
 - The UN **ClearChecks** database
- Implementation is on a rolling basis

What does it do?

- The Scheme consists of two main commitments:
 - A commitment to systematically check with previous employers about any SEA issues relating to potential new hires
 - A commitment to respond systematically to such checks from others.
- These checks may be linked to other background checks.
- It enables any hiring organisation to get **better information** to make a better hiring decision
- It doesn't take a view on your investigations and disciplinary processes – its about how you share the outcomes of those processes.

What it **doesn't** do?

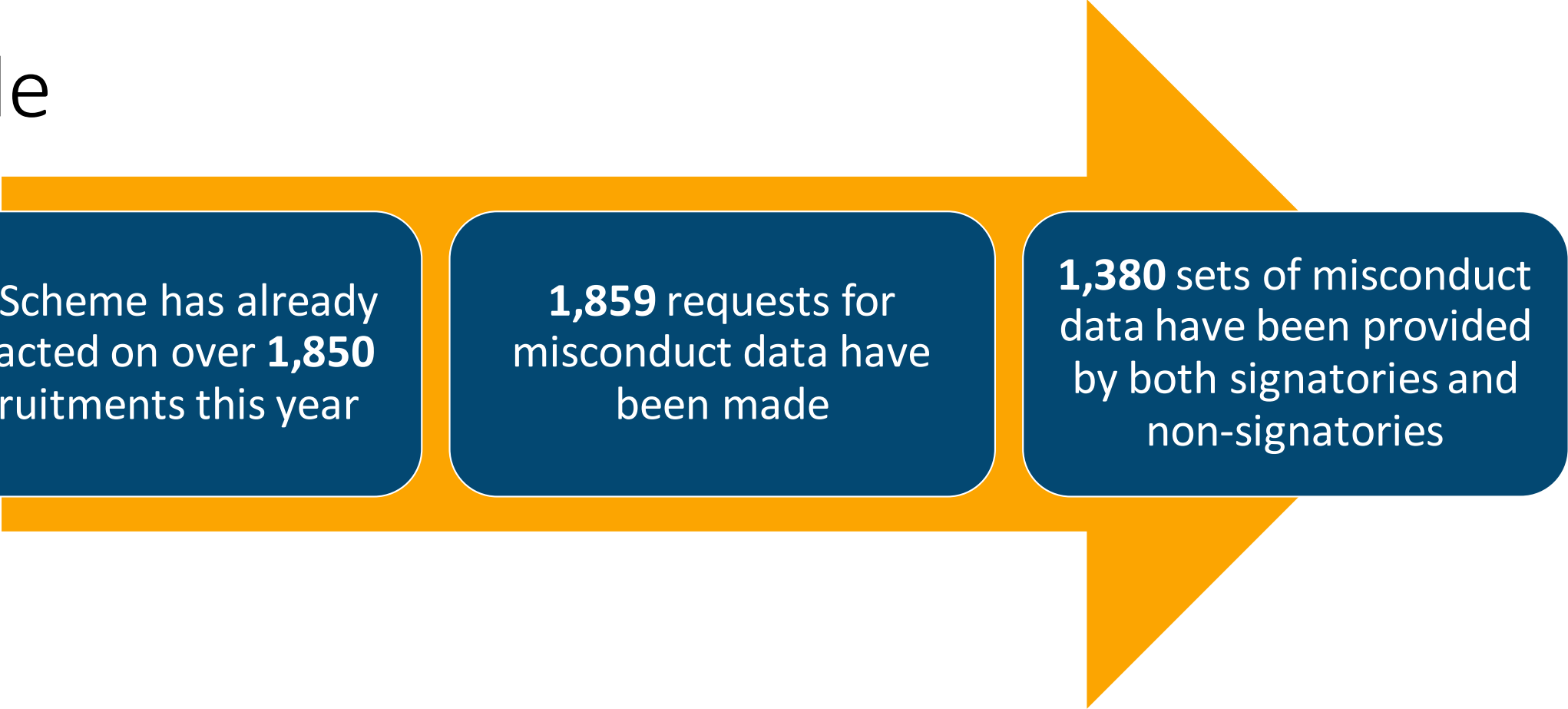
- It doesn't 'blacklist' or 'whitelist' people
- It doesn't make the hiring decision for you
- It doesn't condemn staff to being unemployable
- Its not a substitute for a comprehensive Prevention of Sexual Exploitation and Abuse approach



What's happened so far?



Scale

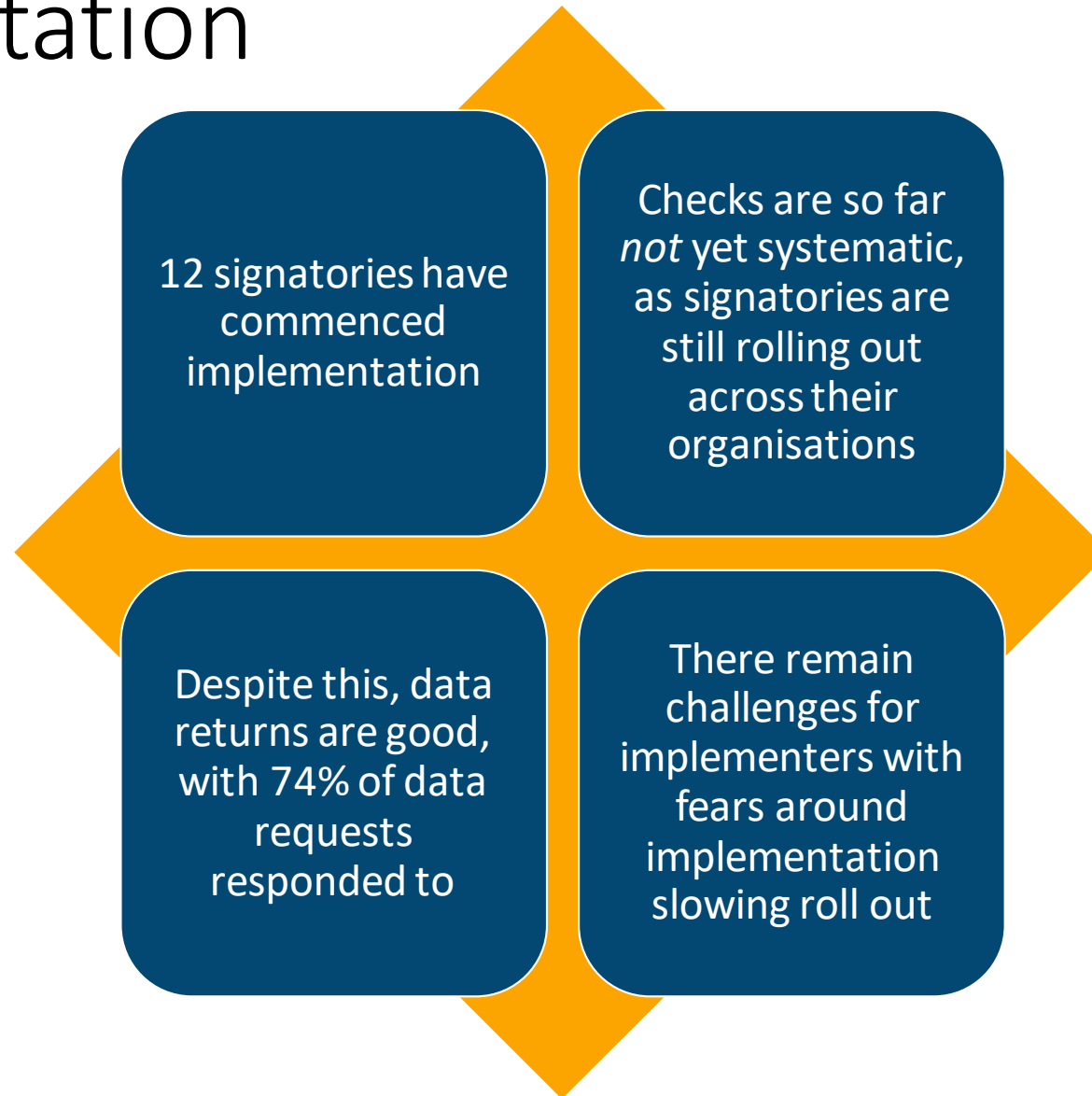


The Scheme has already impacted on over **1,850** recruitments this year

1,859 requests for misconduct data have been made

1,380 sets of misconduct data have been provided by both signatories and non-signatories

Implementation



Legal database



Misconduct Disclosure Scheme Summary of Legal checks

docs.google.com/spreadsheets/d/1XfE8lpXkeUhxJQ847-qD0ucMWIC8Dxe99hhNwxhONA/edit#gid=0

	A	B	F	G
1	Inter-Agency Misconduct Disclosure Scheme			
2				
3	Misconduct Disclosure Scheme Summary of Legal Checks			
4	Jurisdiction	Engaged Signatories	Summary of legal issues identified (Default: None Known)	Key laws and regulations
5	<i>Global North Jurisdictions</i>			
6	Australia	ACT, CARE, Caritas, IFRC, Islamic Relief, Oxfam, PLAN, SCI, WV	None: initial advice is no legal issues	
7	Austria	ACT, CARE, Caritas, IFRC, Oxfam,	None Known (but may use a similar system of employment certificates as Germany)	
8	Belgium	ACT, CARE, Caritas, IFRC, Oxfam, PLAN, SCI, WV	None Known	
9	Canada	ACT, CARE, Caritas, IFRC, Islamic Relief, Oxfam, PLAN, SCI, WV	None Known	
10	Czech Republic		None Known	
11	Denmark	ACT, CARE, Caritas, IFRC,	Consent Required: Data protection a concern, but could disclose misconduct under Scheme with individual's consent (but couldn't disclose disciplinary sanction imposed)	To be determined
12	European Union* note that there is no EU jurisdiction as such - rather the GDPR applies directly in Member States, and becomes the law of the Member State, but this provides a summary of a cross-EU issue.	ACT, CARE, Caritas, IFRC, Islamic Relief, Oxfam, PLAN, SCI, WV, VSO	None Known: Potential clash with GDPR is likely covered by relevant definitions under GDPR of 'specified, explicit and legitimate purposes' and 'adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed'. Also supported by OECD DAC recommendation	GDPR
13	Finland		None Known	
14	France	ACT, CARE, Caritas, IFRC, Islamic Relief, Oxfam, PLAN, SCI, WV	None Known	
15	Germany	ACT, CARE, Caritas, IFRC, Islamic Relief, Oxfam, PLAN, SCI, WV	Need to use adapted Statement of conduct to implement: Requirements under Scheme are inconsistent with German data protection and labour law. German organisations under section 26 (1) BDSG are not permitted to provide information on a former staff member directly to another employer. Under Section 109 of the German Industrial Code ("Gewerbeordnung") they are required to provide an "Arbeitszeugnis" (certificate of employment) to the former employee, who in turn then has to provide it to future employers. These may be 'plain', merely describing the role, or 'qualified' providing detail of performance. This has to state the facts, but the language must be benevolent ("wohlwollend") to the employee and 'shall not hinder his further professional advancement without good cause' so is unlikely to include details on misconduct. It may however include coded language suggesting less-than-perfect behaviour, which is read as a red flag by German employers familiar with the practice. New employers are able to refuse to hire an employee who is unable to provide their "Arbeitszeugnis". Consent to provide information could not be obtained in advance in a generalized manner, and could not override the BDSG.	Federal Data Protection Act BDSG s 26 (1): https://www.gesetze-im-internet.de/englisch_bdsgr/ Gewerbeordnung: https://www.gesetze-im-internet.de/gewo/
16	Greece		None Known	
17	Ireland		None Known	

Scheme Registry



We've struggled to obtain registry data



Aim is to allow signatories to update their own data



Reformatting and uploading later this year



Concern around protecting the identities of staff involved in disciplinary processes

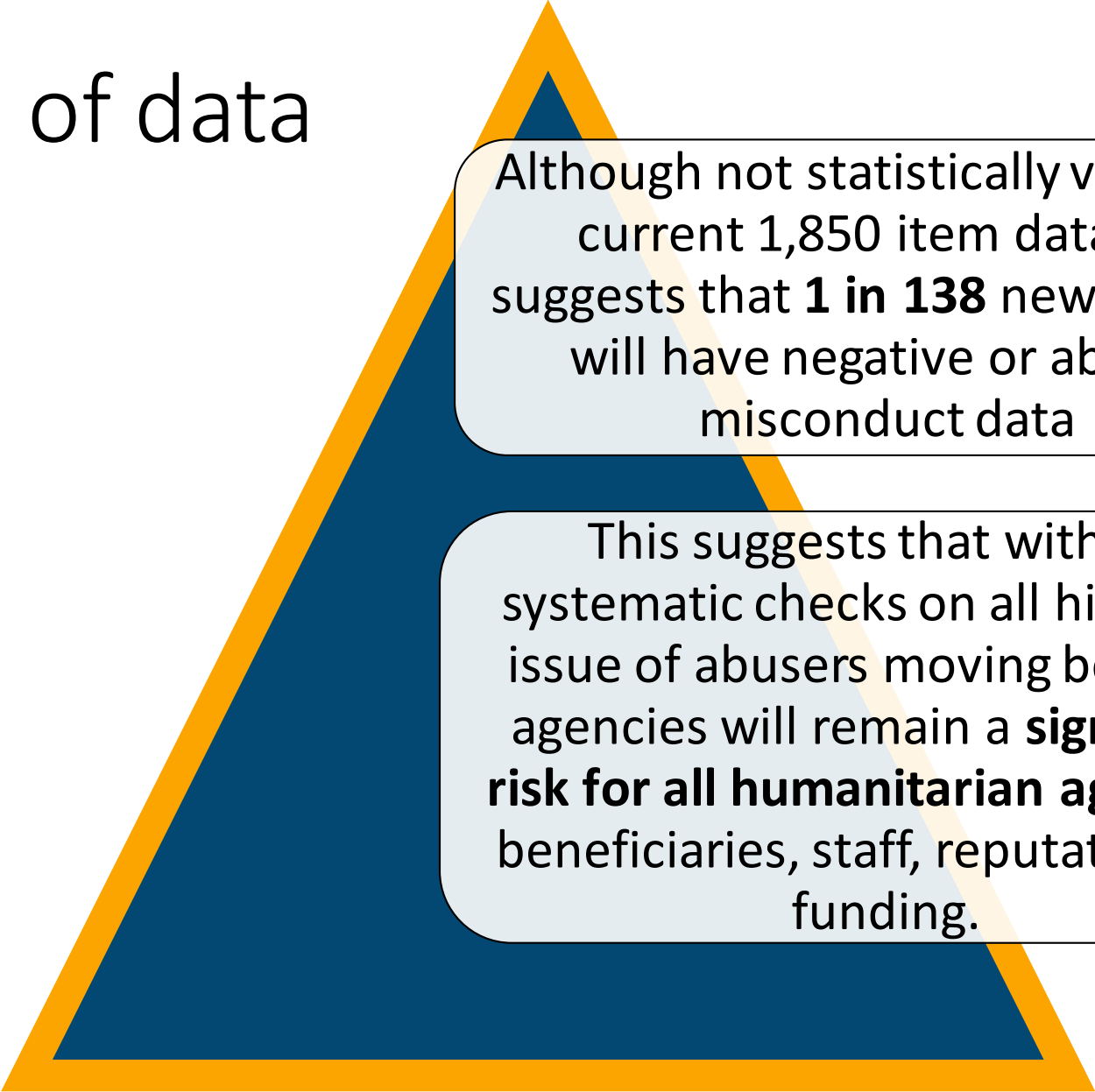
Misconduct Disclosure Scheme Registry										Last edit made 2 days ago by SCHR Misconduct Disclosure Scheme Registry									
File Edit View Insert Format Data Tools Add-ons Help																			
100% 123456789101112131415161718192021222324252627282930313233343536373839404142434445464748495051525354555657585960616263646566676869707172737475767778798081828384858687888990919293949596979899100																			
Inter-Agency Misconduct Disclosure Scheme Registry																			
Note: Columns highlighted in yellow will be publicly viewable on Misconduct Disclosure Scheme Registry																			

Impact

The scheme has already resulted in *at least* 10 applicants being **rejected at the final stage of recruitment** based upon negative or absent misconduct data

This demonstrates that even in the current environment, abusers are still applying for jobs with large, high profile humanitarian organisations like ours

Implications of data



Although not statistically valid, the current 1,850 item data set suggests that **1 in 138** new recruits will have negative or absent misconduct data

This suggests that without systematic checks on all hires, the issue of abusers moving between agencies will remain a **significant risk for all humanitarian agencies** - beneficiaries, staff, reputation and funding.

Outreach


- Since July, we have provided briefings to around 50 interested signatories including donors, NGOs and UN agencies
- Combination of joint briefings, individual briefings and a CHS alliance webinars.
- We have a pipeline of 10 'early adopters' who we hope will sign up by the end of the year
- We've produced sensitisation tools including the how-to guide and the script
- We've also provided 1-1 advice on internal mobilisation

Continuing external and internal pressure

- There remains an ongoing sense among safeguarding staff, donor governments, and the general public that efforts to date remain insufficient
- Following conversations with a wide range of safeguarding staff, we're concerned at widespread and growing frustration at slow progress
- Safeguarding and field staff are key assets in addressing these challenges, so we need to ensure we understand and communicate why progress is slow.

Mercy Corps ethics director also knew of sexual abuse allegations against co-founder

Updated Oct 24, 2019; Posted Oct 24, 2019



LC- THE OREGONIAN

Ellsworth Culver, Mercy Corps co-founder, in a 2004 photo.

24 197 shares

By [Noelle Crombie](#) | [The Oregonian/OregonLive](#)

The ethics director of Mercy Corps learned early last year that the daughter of co-founder Ellsworth Culver had accused her father of sexually abusing her as a child, but it is not clear what happened after that.

The Oregonian 24th
October 2019



Aid

Aid agencies accused of failure to make good on Oxfam abuse scandal pledges

MPs point to lack of progress on promised safeguarding improvements for whistleblowers and survivors



▲ A handwashing station in Tengbeh Town, Freetown, Sierra Leone. Charities have made little headway on transparency, British MPs have said. Photograph: Tommy Trenchard/Oxfam International

The Guardian 18th
October 2019



Implementation Timeline

January 8th 2019

June 2019

August 2019

October 2019

Mid October 2019

End October 2019

End October 2019

Early November 2019

Mid November 2019

Early December 2019

End December 2019

January 15th 2020

End January 2020

End January 2020

February 2020

March 2020

June 2020

September 2020

December 2020

January 15th 2021

Scheme commenced

Mid-term Review of Implementation Meeting

Legal database online

Registry with contact points online

First structured data collection

First edition of how-to guide published online

Legal Database has information on 10 jurisdictions

Communication to all signatories on data and state of play

Presentation to IASC PSEA Focal points on the scheme

Reach out to other key donors

Target: Legal Database has information and legal links on 30 jurisdictions

Target: 20 signatories

Data submission for full year 2019

Analysis and presentation of FY 2019 data on SCHR website

Delisting of signatories that are not implementing in at least one part of their organization and/or have failed to report FY 2019 data

Publishing of 2nd edition of how to guide if needed

Large-scale marketing of scheme seeking mass-sign up

Target: 80 Signatories including at least 5 local organisations

Increase pressure for sign up

Target: 200 signatory organisations

Target: Legal Database has information on 50+ jurisdictions

Data submission for full year 2020

Questions and Answers...

More info:

<https://www.schr.info/the-misconduct-disclosure-scheme>

Contact Gareth Price-Jones at schr@ifrc.org

Or Inez Ksiazek at inez.ksiazek@oxfam.org