



CHARITY COMMISSION
FOR ENGLAND AND WALES

Statement of the Results of an Inquiry

Oxfam

Registered charity number 202918

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1. The Charity

The charity Oxfam GB (which is referred to as “Oxfam GB” in this report) was registered as a charity in England and Wales on 7 September 1965 with registered number 202918. It is a company limited by guarantee and governed by a memorandum and articles of association, dated 1 October 1958.¹

Its charitable objects, as set out in its governing document, are:

- *“to prevent and relieve poverty and to protect the vulnerable, including through humanitarian intervention;*
- *to advance sustainable development;*
- *to promote human rights and equality and diversity, in particular where to do so contributes to the prevention and relief of poverty; in all cases working anywhere in the world.”*

Oxfam GB describes itself in its annual report² as:

“...a global movement of millions of people who share the belief that, in a world rich in resources, poverty is not inevitable. We are all focused upon the same single aim: to end world poverty. Oxfam GB is one of the 20 affiliates that together make up the confederation of Oxfam International.”

It was founded in 1942³ and its registered office and administrative headquarters (“HQ”) is based in Oxford, UK.

Oxfam GB forms part of what is known as the Oxfam Confederation, which is headed by Oxfam International, a separate organisation registered as a charity in the Netherlands. The Oxfam Confederation comprises a global network of 19 other Oxfam non-governmental organisations (“NGOs”) (referred to in this report as “Oxfam Affiliates”). Oxfam GB is the oldest and largest of the Oxfam Affiliates. In this report we refer to the Oxfam family or brand as a whole, which includes Oxfam GB, Oxfam International and the Oxfam Affiliates, as “Oxfam”. Oxfam employs approximately 9,000 people around the world.

Oxfam is moving towards what it refers to as the “One Oxfam” model or “Oxfam 2020”. This operational and governance change, which began in 2016/17, will lead to significant organisational changes across the Oxfam International Confederation.

The Charity Commission’s (“the Commission”) statutory Inquiry (the “Inquiry”) is into Oxfam GB.

Trustees and Executive

Oxfam GB is governed by trustees who are responsible for the control and management of its affairs. The charity’s governing document refers to the charity’s trustees as the “Council”. Trustees of charities which are companies are both charity trustees under charity law and directors under company law.

When the Commission opened its Inquiry into Oxfam GB in February 2018, several distinct areas of regulatory concern were identified; these were set out in the Commission’s scope of the Inquiry⁴ and relate to a number of issues covering the period 2010 – 2018 (‘the review period’). As charity trustees are collectively responsible for the overall governance of their charity and their tenure as trustees is usually for a fixed-term period, and as trustees have changed during the period under review, the trustees in post for each corresponding period have been referred to differently, for the following reasons:

¹ As amended by various special resolutions dated between 7 May 1965 and 2 October 2015

² [Oxfam Annual Report 2017/2018](#)

³ The word Oxfam GB comes from the “Oxford Committee for Famine Relief”. The committee comprised a group of concerned citizens including Quakers, academics and social activists who campaigned to get supplies through an Allied blockade to starving men, women and children in Greece during the Second World War. Over the years that followed they grew into Oxfam GB.

⁴ The scope of the statutory inquiry is set out later in this report under the heading [Issues Under Investigation](#)

- Different individuals were responsible for key decisions and/or oversight of issues of regulatory concern throughout the review period
- Changes in key positions within the trustee board including the Chair of trustees and the Honorary Treasurer
- Changes in governance practices and processes during the review period
- To mitigate any potential personal reputational impact being inappropriately drawn against former and current trustees

For these reasons we have named the trustees within the report. Additionally, for the similar reasons we have also named the Chief Executive Officer ('CEO'). Some senior executives referred to by their role will also be identifiable in this report, and although not named, the reasons why they have been referred to by their positions at the time is due to their involvement in key activities under review by the Inquiry.

According to the records submitted to the Commission on the Register of Charities, Oxfam GB's trustees at the point the Inquiry commenced were:

Caroline Thomson (current Chair, trustee since March 2017 and Chair from October 2017), Gavin Stewart (trustee since 2012 and Vice Chair since November 2016), Stephen Walton, (trustee since 2012 and Honorary Treasurer since October 2017), Kenneth Caldwell (trustee since November 2016), Professor Nicholas Cheeseman (trustee since 2017), Angela Cluff (trustee since 2017), Kul Gautam (trustee from 2014 until October 2018), Lois Jacobs (trustee since 2016), Mohammed Khan (trustee since 2015), Lidinyda Nacpil (trustee from 2016 until June 2019), Babatunde Olanrewaju (trustee since 2017), and Katherine Steward (trustee since 2013).

During the Inquiry Leslie Campbell (trustee and Treasurer Designate) was appointed to the Council with effect from 7 December 2018.

This report refers to these individuals collectively as the "current trustees" where matters refer to engagement with the Oxfam GB trustees after the opening of the Statutory Inquiry.

According to the records submitted to the Commission on the Register of Charities, Oxfam GB's trustees in 2011 were as follows:

Oxfam GB's then Chair was Professor John Gaventa, having been a trustee since 2004 and his tenure ending in October 2011. Also on the Council were Karen Brown, who joined as a trustee in January 2011 and became Chair in October 2011 (until 2017), James Darcy (trustee from 2010 and Vice Chair from 2012 to 2016), Maja Daruwala (from 2008 to 2014), Gareth Davies (from 2005 to 2011), Sandra Dawson (from 2006 to 2012), Andrew Friend (from 2006 to 2012), Vanessa Godfrey (from 2007 to 2013 and Vice Chair until October 2012), Rajiv Joshi (from 2009 to 2015), Matthew Martin (from 2008 to 2014), David Pitt-Watson (from January 2011 to 2017 and Honorary Treasurer from October 2011), Marjorie Scardino (from 2009 to 2015), Nkoyo Toyo (from 2011 to 2017) and Patricia Zipfel (from 2009 to 2015).

This report refers to the relevant trustees at the time of the Oxfam GB internal investigation into misconduct in Haiti, as "the 2011 trustees".

In addition, there is third representative group which relates to those trustees in post between 2011, in particular after the conclusion of the Oxfam GB internal investigation into misconduct in Haiti, up to the point of the opening of the Inquiry. The report refers to these individuals as "the former trustees".

Oxfam GB's day-to-day work is delegated to its Chief Executive Officer ("CEO") and the staff. The daily operation of Oxfam GB is overseen by an executive leadership team ("the Leadership Team") of nine⁵, headed by the CEO. Oxfam GB's current CEO is Dhananjayan Sriskandarajah, who joined the charity on 7 January 2019.

⁵ The Leadership Team was referred to as the Corporate Management Team (CMT) in 2011

At the time of the events in Haiti, the CEO was Dame Barbara Stocking (“the 2011 CEO”) who joined Oxfam GB in May 2001 and left in February 2013. Mark Goldring (“the 2013 CEO”) was Oxfam GB’s CEO between April 2013 and 7 January 2019.

This report also refers to a number of other former members of Oxfam GB staff who were involved in the conduct, supervision or management of the Oxfam GB internal investigation in Haiti. These individuals are either referred to by their role at the time in 2011 or a generic title. Although some of these roles may still exist within Oxfam GB as at current date, any reference to those roles within this report does not relate to the current post holders unless otherwise specified.

Finances

The latest annual accounts and report for the year 2017/18 were approved by the Council on 4 October 2018. These accounts record total income of £427.2m in 2017/18, up from £408.6m for 2016/17. 2017/18 expenditure was recorded as £438.7m (£402.6m in the previous year). Oxfam GB’s income from government, institutional donors and other public authorities was £207m⁶, of which the Department for International Development (“DFID”) funded direct programmes totalling £20.9m for 2017/18. Income from the Disasters Emergency Committee (“DEC”) totalled £9.2m. Income from donations and legacies totalled £99.3m and a net income of £18.8m came from its shops.

Oxfam GB’s entry can be found on the [Register of Charities](#).

As well as being registered with the Commission in England and Wales, Oxfam GB is a cross-border charity and is separately registered in Scotland (registration number SC039042).

⁶ 49% of overall income financial year 2017/2018

2. The Charity's Structure and Position in Oxfam and Oxfam GB

Structure

Oxfam GB's activities can be grouped into three areas: Oxfam GB UK ("UK Division"), Oxfam GB Trading Arm (the "Trading Arm") and Oxfam GB as an "Executing Affiliate".

Oxfam GB's core administration centre in Oxford supports the global infrastructure across its entire territorial area of responsibility. It employs approximately 840 staff, which includes 54 staff within the Oxfam International Global Humanitarian Team, and provides policy development and advocacy functions. It is also the hub for its leadership and safeguarding team. It hosts Oxfam International's Global Humanitarian Team who are responsible for what they refer to as "beneficiary protection". They also provide some volunteering opportunities in office roles, at fundraising events and via internships.

The Oxfam GB Trading Arm operates a range of activities, including an online shop and warehouses which support over 600 high street shops across the UK attracting 22,000 volunteers. According to Oxfam GB figures, their charity shops and other trading activities generated a turnover of £90 million in the year 2016/17.

In each country of operation there is one Executing Affiliate which is the lead affiliate⁷. This might be Oxfam GB or another member of the Oxfam Confederation. The Executing Affiliate is the legally registered entity and so holds the staff and donor contracts. While the Executing Affiliate holds the legal liability for those contracts, the day-to-day management and delivery of both staff and donor contracts is the responsibility of Oxfam International. They are also responsible for business support services; for example HR, logistics, finance and IT. The Executing Affiliate supports operations in-country in accordance with a Service Level Agreement agreed by all affiliates. Where permitted under local laws, the relevant Country Director has a dual contract of employment with both Oxfam International and Oxfam GB as the Executing Affiliate.

All Oxfam Affiliates, including the Executing Affiliate, contribute part of their unrestricted funds to a global fund (Collective Resource Allocation ("CRA")). This means that all Oxfam Affiliates contribute to all country programmes. Each Oxfam Affiliate can also provide additional funding and resources to country programmes as determined by their individual Boards and through restricted income contracts from home donors. This additional discretionary investment is known as the "Partner Affiliate" function.

The Oxfam Confederation works in more than 90 countries. Oxfam GB operates as Executing Affiliate in 27 of those countries across five regions (Asia, the Horn, East and Central Africa ('HECA'), Middle East and North Africa ('MENA'), Southern Africa and West Africa). It also acts as a Partner Affiliate in an additional eight – a total of 35 countries.

As Oxfam is a global confederation, the Chair of Oxfam GB is by virtue of the role a member of Oxfam International's "Board of Supervisors". Similarly the CEO of Oxfam GB is by virtue of the role, a member of Oxfam International's Executive Board.

The Oxfam Affiliates differ in size, but all share a single Strategic Plan: [*"The Power of People Against Poverty"*](#). Each affiliate may choose strategic areas and themes on which to focus. Oxfam GB's focus under that plan is on water and sanitation, women, work and inequality.

⁷ Some Oxfam Affiliates provide underpinning systems and processes (such as HR, IT, finance and logistics) which enable Oxfam country offices to operate effectively. This is known as the 'Executing Affiliate' function, and there is only one in each country where Oxfam works.

The governance of Oxfam GB

Oxfam GB states in its 2018 [annual report](#) that trustees are chosen for:

“...their mix of skills and abilities. Trustees must have sufficient collective skills to ensure that the governance of Oxfam is sound and meets its legal and moral obligations. Individual Trustees must have relevant business or organisational experience to contribute to the collective role of Council and must also have a strong degree of personal commitment and the personal qualities to work collectively to deliver a common mission.”

“The Trustees are responsible for everything that Oxfam does. However, to ensure that Oxfam is managed efficiently and effectively, the Trustees have delegated a range of day-to-day decision making powers to the Leadership Team, which reports directly to Council. Trustees have also established appropriate controls and reporting mechanisms to ensure that the Leadership Team operates within the scope of the powers delegated to it. The delegation policy is updated on an ongoing basis and is formally reviewed and approved by Trustees”.

Amongst the trustees are appointed honorary officers; a Chair, Vice Chair and Treasurer. These individuals deal with governance matters on behalf of the Council which arise between Council meetings.

The last delegation policy update was in December 2018. The annual report details a typical year for a trustee including attending four Council meetings, the annual Association meeting and AGM, and attendance at committee meetings and ad hoc groups.

The Inquiry was informed that Oxfam GB's trustees, past and present, came from different backgrounds in the public, private and/or charitable sectors. All are unpaid volunteers and most have other full time occupations. Oxfam GB's trustees both historically and currently convene formal Council meetings four or five times a year: these meeting can last a day or more. An Oxfam GB trustee may typically be asked to dedicate 12-24 days a year to their commitments; Committee Chairs and the Chair of Trustees considerably more, often being a minimum of 1-2 days a week.

Sub-Committees

To assist with its overall governance, Oxfam GB has a number of sub-committees which are chaired and attended by members of the Council⁸. Alongside Council members, members of Oxfam GB's Leadership Team and staff relevant to the business of the sub-committee may also attend these meetings. External professional advisers and other specialists, as independent members, may also attend some of the sub-committees. For example, Oxfam GB's external auditors occasionally attend the Trustee Audit and Finance Group (“TAFG”). The Inquiry was informed that strategic oversight of safeguarding matters was maintained through one executive and one trustee committee, the Safeguarding Steering Group (“the SSG”) and TAFG respectively.

The TAFG responsibilities include advising Oxfam GB's board of trustees on whether the audit, risk management and control processes within Oxfam GB are effective. As safeguarding investigations have sat within Oxfam GB's Internal Audit function since 2011 – and prior to the instigation of the internal misconduct investigation in Haiti – that activity has been reported into TAFG. With later establishment of the Oxfam GB Global Safeguarding Team after the Haiti internal investigation, this function has remained within Internal Audit, meaning that the safeguarding team had a route reporting to the trustees through TAFG on safeguarding matters.

⁸ There are currently six sub-committees: the Trustee Safeguarding Group chaired by the Chair of Trustees; the Trustee Audit and Finance Group chaired by the Honorary Treasurer; the Programme Committee chaired by one of the lead trustees for programme-related matters; the Fundraising Committee, chaired by the lead trustee for fundraising; the Remuneration Committee, chaired by the Chair of Trustees; and the Recruitment and Development Group, chaired by the lead trustee for people matters.

Until 2018⁹, first line senior executive oversight was maintained through the Safeguarding Steering Group (“the SSG”) whose terms of reference state that the SSG should “normally” meet four times a year. The SSG was chaired by the Head of Internal Audit until late 2017/early 2018 when the individual in post left the organisation. Attendees at this meeting included the Head of Internal Audit and the Head of Global Safeguarding.

Council oversight of safeguarding was carried out through TAFG, which met at least on a quarterly basis and reported to the full Council. It was chaired by the Council member who was nominated as the Honorary Treasurer, and its attendees included the Director of Finance and Information Systems and the Head of Internal Audit, and as required, the CEO.

Since 2015, a member of the Council was nominated as the lead trustee with responsibility for safeguarding. This individual was not a safeguarding professional, nor did they need to have safeguarding expertise, as they solely acted as an interface between the Head of Global Safeguarding and the Council. This role ceased to exist in March 2018 when the Trustee Safeguarding Group was formed.

⁹ The current Chair of Oxfam GB made commitments to the Secretary of State for International Development in 2018 which led to an interim restructuring of Oxfam GB’s safeguarding assurance framework until the results of Oxfam GB’s Independent Review were known and implemented.

3. Background to the Opening of the Inquiry

In November 2017, the Commission formally engaged with Oxfam GB following an article in a national newspaper (on 28 October 2017) which alleged that some senior charity officials had been investigated in the past year over “*safeguarding allegations, including sexual harassment and the covering up of exploitation*”.¹⁰ The article claimed that over the previous twelve months several of Oxfam’s country directors had been investigated concerning various allegations ranging from covering up safeguarding complaints through to specific allegations of sexual harassment by staff. It also referred to complaints made by a former Oxfam country director in Nigeria who had raised allegations of sexual assault by her manager in August 2010.

As a result of the publicity around the article, the Commission received additional information, including from an ex-staff member¹¹ of Oxfam GB. This individual had previously approached the Commission in 2015 about concerns in relation to Disclosure and Barring Service (‘DBS’) checks on volunteers in shops, resourcing of Oxfam GB’s safeguarding team and inconsistent reporting of incidents to the Commission.¹²

The matter was referred to and jointly handled by both the Commission’s investigation and compliance teams, who had met with those who provided the new information and, whilst still protecting their identity, used this additional information in the handling of the issues with Oxfam GB and scrutiny of its practices and approach.

The Commission’s 2017 regulatory engagement with Oxfam GB focused on establishing how it had managed safeguarding, including its response to individual allegations and incidents. This included considering the steps the Council take to ensure all people who come into contact with Oxfam GB, including its staff and volunteers, are protected from harm and distress.

Although the Commission identified elements of good practice, it also identified a number of weaknesses in governance, management and culture which it required Oxfam GB to address. The Commission’s 2017 review also raised concerns over the allocation of Oxfam GB’s safeguarding resources relating to maintaining an appropriate balance between proactive and preventative activity and the investigation of individual allegations.

Oxfam GB responded positively to the Commission’s regulatory concerns and committed to promptly undertaking to take action in four key areas to address the weaknesses identified by the Commission, including:

- commissioning an externally-led review of its HR culture, policies and practice;
- extending the terms of reference for an existing independently-led governance review to ensure that trustees have appropriate information, oversight and accountability on safeguarding matters;
- reviewing organisation structures, management reporting lines and resourcing to support the effective delivery of the organisation’s safeguarding objectives; and
- ensuring that an effective safeguarding management framework is developed where the charity has shared responsibilities in the Oxfam confederation, in particular with Oxfam International.

The Commission does not routinely publish the findings from its regulatory engagement outside an Inquiry, but took the decision that it was in the public interest to do so in this particular case. The Commission published the [case report](#) before its follow up monitoring action had been carried out, on 19 December 2017, together with an alert to all charities. This alert made clear the importance of robust safeguarding practices and other steps taken to highlight that this may be a wider issue for charities. It addressed safeguarding issues, not just involving beneficiaries, volunteers and those that are involved in the charity’s front line activities, but also inappropriate conduct in the office involving staff, trustees and/or volunteers.

¹⁰ The Times, 28 October 2017

¹¹ As a whistle blower in 2015, their identity, including employment for the charity was protected by the Commission in accordance with normal protocols. In 2018, they publicly identified themselves.

¹² The Commission engaged with Oxfam GB on these matters in 2015 and received assurances on the steps taken by Oxfam GB to improve the level of DBS checking in its trading shops, to improve the consistency of reporting safeguarding serious incidents to the Commission and on safeguarding resourcing. No specific allegations or concerns regarding Haiti, nor about other specific cases, were raised at that time.

A timetable was set, and full implementation of an Action Plan agreed with the Commission, specifying the actions to be taken, was due to be completed by 31 March 2018. The Commission made clear to Oxfam GB that it would closely monitor its progress in implementing the steps in the Action Plan. A meeting with Oxfam GB was scheduled on 14 February 2018 to ensure timely progress in each of the four work streams, focusing in particular on the details and supporting evidence of progress in work streams one to three. The meeting was overtaken by the events of 9 February 2018.

Events leading up to the Inquiry

Oxfam was part of the international relief effort in Haiti after the earthquake in Port-au-Prince in 2010. On 9 February 2018, concerns appeared publicly in a national newspaper alleging that *“One of Britain’s biggest charities covered up the use of prostitutes by senior aid workers in earthquake-torn Haiti.”* The article went on to state *“Oxfam, which receives £300 million a year in British government funds and public donations, allowed three men to resign and sacked four for gross misconduct”*.¹³

The newspaper article made very serious allegations about the conduct of some Oxfam staff members and claimed that they had sex with prostitutes, some of whom may have been “underage”¹⁴:

“A confidential report by the charity¹⁵ said that there had been a “culture of impunity” among some staff in Haiti and concluded that children may have been among those sexually exploited by aid workers. The 2011 report stated: “It cannot be ruled out that any of the prostitutes were under-aged”.

“A number of sources with knowledge of the case said they had concerns that some of the prostitutes were underage. One said that men had invited groups of young prostitutes to their guesthouse and held sex “parties”.”

When the allegations about Oxfam GB staff appeared in the media in February 2018, various additional allegations surfaced in the public domain about Oxfam GB’s Country Director in Haiti in 2011 (“the Country Director”). These concerned his conduct whilst employed not only in Haiti but also in Chad in 2006¹⁶, and that he had been allowed to resign from Oxfam GB regardless of the serious nature of his conduct. The 9 February 2018 article alleged that:

“Despite the admission, the charity’s chief executive at the time [in 2011]... offered ...[the individual] a “phased and dignified exit” because sacking him would have “potentially serious implications” for the charity’s work and reputation.”

The newspaper article also said that access had been obtained to Oxfam GB’s confidential report which stated that Oxfam GB had *“...allowed three men to resign and sacked four for gross misconduct after an Inquiry into sexual exploitation, the downloading of pornography, bullying and intimidation”*. It reported that *“Paying for sex is against Oxfam’s staff code of conduct and in breach of United Nations statements on the behaviour of aid workers, which the charity supported. Oxfam said that it did not report any of the incidents to the Haitian authorities because “it was extremely unlikely that any action would be taken”.*”

In addition to this, other concerns were aired publicly and in the media regarding the individual having left his job as a country director of another UK charity, in Liberia in 2004, following an investigation into allegations *“...of sex parties with young local women”*¹⁷.

¹³ [The Times, 9 February 2018](#)

¹⁴ *Uses of the term ‘underage prostitute’ in this report are taken directly from reports at the time. Current understanding of the term means that any prostitutes that were under the age of consent should be considered as minors who were victims of sexual exploitation and abuse*

¹⁵ The report referred to in the article is a draft report and not the final version. The final report does not contain the statement about a culture of impunity. Additionally, the draft report states that *“None of the initial allegations concerning fraud, nepotism, or use of underage prostitutes was substantiated during the investigation, although it cannot be ruled out that any of the prostitutes were underage.*

¹⁶ Matters relating to Chad are covered later in this report under the section [Chad 2006](#).

¹⁷ [IRIN news, 13 February 2018](#)

On the same day, 9 February 2018, the charity filed with the Commission a serious incident report about the adverse publicity arising from the newspaper article and wider media coverage and the impact on the reputation and public trust in the charity.

Oxfam GB issued a same day response to the newspaper article. Within its notes to editors it stated *“the legal advice we received in Haiti was that given the nature of the allegations, especially with the continued upheaval and chaos post the earthquake, it was extremely unlikely that reporting these incidents to the police would lead to any action being taken.”*¹⁸

The Commission’s records show that a serious incident report (“the 2011 incident report”) about Haiti had been submitted to the Commission on 25 August 2011.¹⁹ It explained that nine members of staff had been subject to disciplinary procedures, some having been dismissed for gross misconduct. The incident report stated that the misconduct related to *“inappropriate sexual behaviour, bullying, harassment and intimidation of employees”*. The report stated categorically that there had been *“...no allegations, or evidence...”* that beneficiaries had been the subject of abuse. The report did not disclose that minors might have been involved²⁰.

On 9 February 2018, the Commission asked Oxfam GB as a matter of urgency to provide further information regarding events in Haiti in 2011. The information requested included a timeline of events, information about when Oxfam GB was made aware of specific allegations and the full details of their internal investigation’s findings and conclusions.

A different allegation appeared in further related media coverage about the conduct of other Oxfam staff in the Philippines in 2013. This also alleged sexual misconduct.

On 11 February 2018, Oxfam GB provided two copies of a confidential investigation report; a draft version, which contained the words “culture of impunity” referred to by the journalist in the newspaper article, and the final version of the report which did not.

The Commission examined these documents. The Commission had concerns i) that Oxfam GB may not have fully and frankly disclosed material details about the allegations at the time in 2011, ii) about its handling of the incidents since and iii) about the impact that these were having on public trust and confidence in Oxfam GB and more widely on other charities. The Commission therefore escalated its regulatory engagement with Oxfam GB by opening a statutory Inquiry into the charity on 12 February 2018 using its power under section 46 of the Charities Act 2011. This action was published [here](#).

¹⁸ The former trustees have also since stated that whilst the press articles infer that there was a widespread problem for Oxfam in Haiti, only two of the nine individuals investigated by Oxfam’s investigation team were found to have engaged in sexual misconduct and this did not therefore appear to be a more widespread scandal.

¹⁹ [See Annex 1 for the full wording of the Oxfam GB RSI and the Commission’s response in 2011](#)

²⁰ See section on “Reporting to the Charity Commission” relating to Oxfam GB’s reporting of the serious incident

4. Issues Under Investigation

On 15 February 2018 the Commission published the [scope of the Inquiry](#). This was to:

- examine the charity's governance (including leadership and culture), its management and its policies and practices with regard to safeguarding, in the context of the applicable law, good practice and its obligations as a charity, both generally and particularly in relation to:
 - its response, general handling and disclosure to the Commission, statutory funders and other key donors, agencies and stakeholders in relation to serious safeguarding incidents which have taken place since 2011 including its Haiti programme;
 - its responsibility to provide a safe environment for its beneficiaries, staff and other charity workers in the delivery of its overseas programmes and generally;
 - its recruitment and supervision of its employees, volunteers and other charity workers; and
 - maintaining its reputation as a major aid charity which can be entrusted with international, governmental and public support and the confidence of its beneficiaries, staff and volunteers
- scrutinise and review the charity's progress with implementing the requirements in the Action Plan agreed with the Commission in 2017 and ensure such other actions that may be required to address the findings from the Inquiry's work are undertaken.

The Commission's public statement about the scope confirmed that the Inquiry would also review and consider:

- case records to test and verify assurances on the charity's handling of those cases;
- the charity's handling of the allegations in Haiti, the extent of the charity's knowledge of similar allegations against its staff which predated Haiti (including Chad and Liberia), and the matters or risks arising from its handling and subsequent decision making; and
- the charity's reporting and communications with law enforcement and other agencies and donors, including DFID and DEC.

Oxfam GB's Chair provided an unequivocal commitment to Oxfam GB, its staff and trustees to co-operate fully with the Inquiry, which they have fully and professionally done, and to resolve the issues faced by the charity to restore public trust and confidence in Oxfam GB.

Additionally, the 2011 trustees, former trustees and all other former staff members have co-operated fully with the Inquiry and to the best of their ability given the lapse of time.

The Inquiry closed on 11 June 2019 with the publication of this report.

5. Conduct of the Inquiry

The Inquiry has reviewed Oxfam GB's handling of the allegations in Haiti, including the extent of the charity's knowledge of similar allegations against its staff which predated Haiti (including Chad in 2006 and Liberia 2004). This also included matters or risks arising from its handling and subsequent decision making.

During the period of the Inquiry, it has taken the following action:

- Conducted formal, recorded, interviews with a number of key individuals relevant to the scope of the Inquiry. These were through face-to-face meetings, Skype, telephone and emails, including with four former trustees²¹ which included the former Chairs and former Honorary Treasurers, the 2011 CEO, the former Director of International Programmes and other former employees. In total, 34 interviews took place with approximately 40 hours of witness evidence taken. Some individuals were interviewed on more than one occasion. Nine other individuals also provided written statements. Final interviews were conducted in May 2019.
- Examined over 7000 individual evidential documents relating to the conduct of Oxfam GB's internal investigation, including:
 - the underlying investigation records;
 - documentary statements made by victims and witnesses;
 - transcripts of interviews with individuals of concern and other witnesses;
 - internal charity email correspondence including to the 2011 CEO, the former Director of International Programmes, the former Head of Counter Fraud and Loss Prevention, also referred to within the report as the "Lead Investigator", and the 2011 Head of Internal Audit; and
 - various correspondence to external parties including the Commission, DFID and the governments of various countries in which Oxfam has operated, including the government of the Republic of Haiti
- Formally and substantially corresponded with:
 - Oxfam GB on over 319 separate substantive occasions seeking additional information or clarification of information;
 - various witnesses and other key individuals on 184 occasions in identifying, requesting and obtaining specific information relevant to and to inform the Inquiry and where appropriate putting subsequent evidence or testimony to them for a response; and
 - other relevant external bodies, public authorities and third parties on over 44 substantive occasions including the National Crime Agency ("NCA") and DFID.
- Contacted, and obtained and verified information from, several charities and other International Non-Government Organisations ("INGOs") who employed individuals disciplined by Oxfam GB as a result of its investigation into misconduct in Haiti.
- Held regular meetings with Oxfam GB's current leadership and/or the independent reviewer and the Independent Review Chair.

The Inquiry has examined and obtained a significant amount of information in coming to its findings on Oxfam GB's handling of the 2011 internal investigation.

Whilst pursuing its enquiries, the Inquiry was informed by a former member of Oxfam GB staff involved in the Haiti internal investigation (the "internal investigation") that some of the case file evidence may have been destroyed during or shortly after the completion of the internal investigation in 2011 by another former member of Oxfam GB staff involved at the time. The concern was that this was to conceal that individual's personal conduct; the Inquiry has been unable to determine whether this happened or not. It is therefore possible that some material records may be missing.

²¹ These were the representatives authorised by all the 2011 and former trustees to represent them and give evidence on their behalf.

The Inquiry also established that not all recorded interviews undertaken with staff during the internal investigation had been transcribed. Some of those audio files were not available to the Inquiry.

In addition, the Inquiry has taken into consideration other factors which may affect the witness testimony and/or other evidence obtained. These included in particular the significant period of time that has passed since the events in Haiti in 2011, and how this might have affected an individual's ability to recollect events with certainty and/or specificity. The Inquiry recognises that Oxfam GB's own normal business document retention protocols may also have led to the destruction of some relevant documents and information. This is inevitable with an Inquiry of this nature.

The findings in this Inquiry report are therefore derived directly from the evidence the Inquiry has seen or that has been made available to it during the Inquiry.

Prior to the opening of the Inquiry, as part of the action required following the 2017 regulatory case, Oxfam GB had already started to take steps to review its safeguarding management, policies and practices, which included initiating an externally-led HR related review. Oxfam GB subsequently commissioned a broad Independent Review of safeguarding. The independent review (the "Independent Review") was conducted by Jim Gamble QPM and chaired by Kate Gallafent QC, both of whom have significant and relevant safeguarding and other expertise. The purpose of the Independent Review was to conduct an independent examination of a sample of past cases and current practices²². Following the opening of the Inquiry, the Commission put in place steps to ensure it had direct supervision of the review, agreed its terms of reference and that the results would be fed directly to the Inquiry and Oxfam GB concurrently. The Inquiry needed to be able to consider and take into account the results of the review in its own findings and conclusions, in the same way it would be if the review had been conducted by an Interim Manager.

Having agreed the terms of reference for the Independent Review of safeguarding at Oxfam GB, the Commission published these in March 2018²³, confirming that the purpose of the review was to examine Oxfam GB's:

- current safeguarding arrangements;
- management of safeguarding allegations since 2011; and
- reporting of all relevant incidents, accurately and to the levels required:
 - as serious incidents to the Commission under its regulatory regime;
 - to law enforcement or other respective agencies in the UK and in other countries where appropriate; and
 - to statutory funders in the UK and other principal donors.

The agreed terms of reference for the Review also required it to examine Oxfam GB's progress in implementing the requirements of the [safeguarding Action Plan](#) agreed with the Commission in November 2017. Throughout the duration of the review, the independent reviewer and Independent Review Chair worked closely with and were subject to the supervision of the Inquiry.

The final results of the review, including recommendations about future safeguarding arrangements for Oxfam GB, were provided to the Commission on 4 February 2019.

The findings and conclusions of the report have informed and are directly relevant to the Inquiry's own findings and conclusions, particularly Part 2 of this report. The recommendations for change or action are for Oxfam GB, its leadership and, as appropriate, wider Oxfam International to consider for the future, which they have done. Prior to making its final findings and conclusions, Oxfam GB had the opportunity to discuss matters of factual accuracy with the independent reviewer and respond to the Commission.

²² Excluding matters relating to Haiti (in 2011) and allegations concerning the Philippines (in 2013)

²³ <https://www.gov.uk/government/news/charity-commission-agrees-terms-for-independent-review-of-oxfam-gbs-safeguarding-arrangements>

Oxfam GB have also considered and provided their response to the Commission's Inquiry on the factual accuracy of the findings, which the Commission considered and took into account before making its conclusions. To ensure due process, relevant former trustees and former senior executives who are the subject of material investigatory findings in this report about their own conduct, have also been given an opportunity to respond on factual matters relating to those findings, which have been taken into account.

An executive summary of the key summary findings and overall conclusions in this report is published alongside this report.

6. Findings

Part 1: Oxfam GB's Handling of the Allegations in Haiti in 2011

i) Haiti - Context

The Inquiry established that Oxfam GB operated and had a physical presence in Haiti from 1978 until June 2018, when the Haitian government informed Oxfam GB that, as a result of what had happened in 2011, it could no longer operate in the country.

Following the earthquake in Haiti on 12 January 2010, a number of charities and international aid agencies, including Oxfam, formed part of the international relief effort in Port-au-Prince. Oxfam GB is known and respected in the international humanitarian aid context for its Water, Sanitation and Hygiene ("WASH") work. Oxfam GB's work in Haiti concentrated on these, namely working to deliver clean water, build latrines, provide sanitation and promote public health messages in response to the earthquake and cholera outbreak later in the same year. According to Oxfam GB's literature and internal reports over 500,000 people benefited from its initial response to the emergency and 700,000 from its cholera response.²⁴

There were four Oxfam Affiliates working together in the emergency response to the Haiti earthquake (Oxfam GB and three others, with Oxfam GB as the Lead Affiliate), each with its own Country Director. Oxfam GB's Country Director was the lead director for the Haiti programme, being responsible for its management and ensuring that Oxfam GB's values and its code of conduct were adhered to.

In 2010 - 2011 Oxfam GB's full year budget for Haiti was around £23m and the team consisted of about 550 Oxfam staff.

At the time that Oxfam GB responded to the allegations in Haiti in July 2011, although 18 months after the earthquake had taken place, the environment in Haiti was still destabilised with no definable infrastructure, including many public services. The government at the time was an interim government comprising both United Nations ('UN') and Haitian government officials.

²⁴ December 2011 Visit Report by the then Oxfam GB's Director of International Programmes

"Oxfam worked in 113 of the 1555 camps delivering clean water, building latrines and promoting public health messages in response to the earthquake and horrendous cholera outbreak in the same year. Overall 500,000 people benefited from Oxfam EQ response and 700,000 from our cholera response. Oxfam played a significant role in the overall humanitarian response in Haiti and distributing 15 litres per day to 2 million people."

ii) Early Warning Signs in 2010

From the evidence examined by the Inquiry allegations of sexual misconduct were known to some of Oxfam GB's staff in Haiti, including the Country Director, several months prior to the internal investigation in 2011 taking place. In addition, the Inquiry identified further records which showed other warning signs which could or should have alerted Oxfam GB to the fact that there were problems with the culture and behaviours generally of some of its staff in Haiti.

Safeguarding concerns in June 2010

The Inquiry inspected evidence that, in June 2010, a member of Oxfam GB's Haiti security staff had spoken with a member of the Haiti Human Resources ("HR") team about the reporting of sexual harassment cases and flaws in the referral system. In particular, concerns were raised that there was an assumption that cases were not reported because of staff fears of possible retaliation and the belief that the Haiti HR team would not properly handle the matter.

Although the Inquiry is unable to determine what triggered this engagement, it saw documents that showed that some sexual harassment cases were reported. From documents examined, the Inquiry identified that in June 2010 a member of the Haiti HR team wrote a report regarding the conduct of a male staff member ("Person A"), which identified that they would harass, touch or make rude suggestions to female colleagues, in particular, when intoxicated due to alcohol. That report also identified that Person A's behaviour was known to in-country managers, and that he had been informally warned to stop drinking and be professional in his conduct with staff. The Inquiry noted that the report set out new allegations that had been made against Person A in that on 25 June 2010, following a meal and drinks in two bars, he had gone on to not only physically assault two members of female staff but also make "*lewd and crude*" suggestions towards them.

The report also stated that the next morning Person A had entered the accommodation of the same female members of staff without permission, dressed only in a towel and then during the day had "*continually harassed*" one of the females both "*physically and orally*." Neither of the victims subsequently made a complaint against Person A.

From records examined, the Inquiry saw that although no complaint was raised, a formal meeting had been held on 30 June 2010 and Person A issued with a final written warning for misconduct against Oxfam GB's code of conduct. That letter also stated that Person A was expected to improve their conduct "*immediately*." Person A remained in post.

Although Person A had been warned about his conduct, correspondence seen by the Inquiry shows that his conduct did not improve and was known about by other members of staff in-country. In interview with the Inquiry on 22 May 2019, the Director of International Programmes said that Person A's conduct had been raised with the Oxfam GB's Humanitarian Team by the Country Director as he had considered Person A's conduct to be unacceptable.

Staff awareness in September 2010

The Inquiry inspected internal investigation records which identified that on leaving Haiti in September 2010 a former member of staff had raised concerns with Oxfam GB's security staff in-country about three individuals "*...damaging the Oxfam brand...*" by not following Oxfam GB's code of conduct and using prostitutes. Two of the three individuals would later become individuals of concern in the internal investigation, which included Person A.

After receipt of this information by in-country security staff, the Inquiry saw that a member of staff ("Employee 1") had reportedly seen Person A with another individual outside the Oxfam GB accommodation compound in which they resided, with females described as being "*...young, under 18...*" and that they suspected they were prostitutes. Employee 1 had, unbeknown to the Country Director or the HR team, commenced enquiries of their own resulting in them gathering evidence that Person A and

another individual ("Person B") were using a "pimp"²⁵ to gain access to the services of prostitutes and also purchase controlled drugs. The Inquiry established that this information was later shared with the Investigation Team, as were the details of incidences of sexual harassment about which Employee 1 had been made aware. The Inquiry established that these had not been raised due to an apparent lack of confidence in the HR team or as they had already been raised with the Country Director, who from internal investigation records examined by the Inquiry, was considered by staff to be protecting Person A.

Records inspected by the Inquiry referenced that Employee 1 had spoken to the Country Director about the allegations that Person A and Person B were using prostitutes, but had been informed that "...prostitution was not prohibited..." but "...brining [sic] prostitutes into the guesthouses would result in immediate termination of EXPAT contract."

The Inquiry also noted that in December 2010, the Country Director had been made aware of allegations of sexual harassment by Person B and that two others, including Person A, were considered to be entertaining prostitutes in their Oxfam GB accommodation. It was also alleged that Person B knew about Person A's use of prostitutes.

Records inspected showed that the Country Director had taken steps to act on the allegations, in particular addressing the matter with Person A's line manager asking them to conduct further enquiries and also attempt to establish Person B's involvement. In response to this request, the line manager stated that it was unclear what they were being asked to do, but that "...there is no law within Oxfam that prohibits using prostitutes²⁶..." The line manager also stated "...I really hope you can contain this and [that Person A] (and who ever [sic] else) can stop or be a hell of a lot more discrete..."

The Inquiry observed that the Country Director had subsequently informally met with Person A and Person B and had "...confronted the two in regards to their behaviour."

These allegations do not appear to have been reported in 2010 outside of the in-country managers at the time.

In the Inquiry's view, much like the concerns expressed by members of staff in Haiti in 2011, there appeared to be a general concern about HR reporting mechanisms in Haiti and also the handling of any allegations, in particular in light of what was known amongst staff about how the allegations relating to Person A had been dealt with previously. The Inquiry examined documentary evidence that the member of staff who conducted their own informal investigation was "...perplexed who to go to with all the information and evidence I had initially" and felt that whereas in a former role they had known how to process the information they had obtained, in this case "...it wasn't clear. I felt that Human Resources in-country and the Country Director didn't have the objectivity or competence to deal with it, so it made it confusing. I hesitated to bring the information out and was aware that as a whistleblower it could be dangerous for me."

November 2010

The Inquiry examined records which showed that there were other warning signs relating to the adequacy of oversight and awareness of safeguarding mechanisms in Haiti. Although these were focused on safeguarding issues in the field with beneficiaries, they showed weaknesses in Oxfam GB's assurance systems related to sexual exploitation and abuse.

In November 2010, following a visit by Oxfam GB's Accountability Team from its HQ to Haiti, a member of the accountability team who had been one of Oxfam GB's former sexual exploitation and abuse trained investigators ("Employee 2"), raised concerns with the Oxfam GB's HR team at its HQ. These concerns were that a local manager in Haiti had requested advice and support on the handling of issues relating to sexual exploitation and abuse, for which they had some responsibility.

The concerns raised were that "...whilst a really good start had been made in setting the tone (applying the Code of Conduct) from the outset of the e'quake response, things were now slipping rather. This does

²⁵ [The Times](#) Newspaper, 16 March 2018

²⁶ See section on [allegations of staff use of prostitutes and the involvement of minors](#)

appear to be the case, and it does also appear that 'systems' are not set up in such a way that we can be sure that the right people have the right information to respond correctly to allegations." In the Inquiry's view this indicated the local HR manager was aware of a problem with behaviours.

Employee 2 indicated in her correspondence to the Oxfam GB HQ HR team that ten sexual exploitation and abuse cases had been reported through a confidential telephone line. The Haiti HR team were unaware of this and it was unclear how the cases had been handled. The correspondence examined by the Inquiry records that the Haiti HR team's inability to determine what actions had been taken could "...be misconstrued as there being a level of tolerance within the office." Employee 2 also highlighted that there was a lack of awareness amongst staff of protection against physical and sexual exploitation and abuse ("PSEA") systems and policies, and that it was not clear who was responsible for PSEA issues overall in Haiti.

The Inquiry examined correspondence from the HR team at Oxfam GB's HQ raising these concerns with the Regional HR Manager for Latin America and the Caribbean ("LAC"), who in turn raised them with the Haiti HR team. The team subsequently reported that *"No OGB staff was involved, however in all cases community mobilisers (volunteers)[sic] were involved. For 'two severe' cases, the arrangements between OGB and these two people through the camp committee were stopped."* Although the Inquiry did not see records to enable it to establish the nature of the 'two severe' cases and whether these matters had been dealt with appropriately, it did see written records that showed steps were then taken to enhance in-country staff awareness of PSEA issues through a planned series of workshops that were scheduled to take place in November 2010.

The Inquiry inspected correspondence dated March 2011, from a consultant employed by Oxfam GB to evaluate its DEC response in Haiti, which followed up on the recommendations made by the Accountability Team in late 2010 to address the unreported SEA complaints.

The Inquiry observed that there were five separate action points related to this recommendation. The records show that the consultant requested the Country Director *"...let me know what happened or did not happen in relation to each action point recommended..."* One of those action points had been to *"Look in to and plan sensitisation sessions for all staff and partners on PSEA. Use the 2-hour session in the pick up and go. HR to lead on this."* The Country Director responded that *"The PSEA document was sent to all programme managers and even to our affiliate (Intermon). Due to the ongoing change management process, the planned sessions were postponed to June 2011..."*

In response to another of the actions points, which was to *"discuss with staff members on an appropriate feedback mechanism for dealing with any cases within OGB programme and office"*, the Country Director stated that *"a committee was put in place and we are finalising the way of working."* One of the other action points was to *"ensure any case of SEA is passed to HR immediately for urgent action."* The Country Director's response to this was *"Done."*

Although assurances were provided to the consultant that mechanisms had been put in place to address PSEA cases, the Inquiry could not locate any other records to validate or verify that the awareness sessions did take place in June 2011. The Inquiry noted with concern that, in any event, this was some eight months after they were first planned. The Inquiry could also not identify what outcomes, if any, had been reached by the committee and what mechanisms had been put in place as a result to address PSEA cases within the programme or office.

The fact that weaknesses in the referral system and the handling of such cases by the Haiti HR team were raised in 2010, indicates that, if action had been taken (and the Inquiry has seen no evidence of that), then it was not sufficient to have a material impact on improving the culture and issues that had developed in Haiti, as the allegations that triggered the staff misconduct investigation in Haiti would later show.

Results of internal audit

The Inquiry established that in August 2010, seven months after the earthquake in January 2010, the Oxfam GB internal audit team had conducted an audit into the control framework over the Haiti programme. The report was accepted by the Director of International Programmes and formed part of the regular

reporting to TAFG. The report was finalised on 19 October 2010, an executive summary circulated on 28 October 2010 and the results of the report were discussed in the TAFG meeting in January 2011.

The Inquiry obtained a copy of the internal audit report dated 19 October 2010 which identified that the audit opinion was:

“Despite a generally satisfactory opinion on the delivery of our work through the first phase of the emergency, along with determination from country management to resolve problems as quickly as possible and improve the control framework, we are of the opinion that, at the time of the audit, a weak risk management framework existed within the programme.”

At the point that the audit was conducted, Oxfam GB had already been operating in Haiti for decades. The report acknowledged that Oxfam GB had to contend with the collapse of in-country infrastructure, in a country which was already considered by them to be a difficult environment. However, the Inquiry noted, the audit report raised some significant issues in relation to the delivery of the Haiti programme generally post-earthquake. The 2011 trustees informed the Inquiry that these concerns were not unique to Haiti and would be likely to be found in any large humanitarian crisis response.

The audit resulted in a total of 35 recommendations being made by the internal audit team. Nine of the 35 were rated as “high” risk and related to the overall programme strategy, management and funding. Evidence examined by the Inquiry, supplemented with oral testimony from some of the 2011 and former trustees, indicated that TAFG’s was responsible for oversight of all internal audit activity. In addition, in accordance with TAFG’s terms of reference, the high risk recommendations were monitored directly by the TAFG, who would receive full copies of all internal audit reports, including the recommendations. In relation to recommendations rated as “medium” or “low”, the 2011 and former trustees explained that these actions would fall to the senior executive management to oversee implementation and monitoring. They explained that progress and updates on these was provided direct to the internal audit team, who maintained overall responsibility for collating and monitoring progress, and ultimately then feeding back to TAFG to ensure that the Council had sufficient assurance of implementation and follow up.

The Director of International Programmes stated in an interview with the Inquiry on 22 May 2019, that the 26 recommendations in the Haiti audit report rated as “medium” or “low” risk were her responsibility to implement through both regional and in-country staff. She confirmed that she had maintained oversight of these recommendations and that the Regional Director had the responsibility to report progress to internal audit.

In interview with the Inquiry on 23 May 2019, the then Chair of TAFG stated that the internal audit report was considered by them to be a fair and balanced report and the weighting of the recommendations appropriate. The 2011 trustees informed the Inquiry that although they could have challenged the audit recommendations if there was a justifiable reason to do so they had no reason in this case. Their recollection was that they had been provided with assurances by the internal audit team that adequate progress was being made against the recommendations.

One of the audit report’s key observations related to staff wellbeing and morale: the recommendation to address this was graded medium risk. The report stated:

“The team has grown seven-fold over the first phase, coping with personal trauma, a stressful, unfamiliar working environment and high turnover of management. These have all contributed to lack of unity, both within / across functional teams and between national and expatriate staff. There was general consensus that addressing concerns of staff wellbeing presents a major ongoing challenge.”

The Inquiry noted that the internal audit report recommended that to address this risk that the morale staff issues impacted effective delivery to beneficiaries, the Haiti HR team were to *“continue working with Management and the Staff Association to identify appropriate ways to improve wellbeing and morale. Regularly monitor this through the SMT.”* The Inquiry also noted that this action is recorded as having a target date for implementation of 1 November 2010.

Two other staffing related risks, risk rated “medium” for the emergency relief programme, were the risk around the lack of leadership and operational staff due to high staff turnover and the risk that incomplete HR records impacted effective HR management and decisions.

Whilst the Inquiry recognises that there is no specific evidence in the records that directly relate to the matters raised within the internal audit report about staff morale and wellbeing to the allegations that would later result in triggering the internal investigation into staff misconduct in Haiti, some of the characteristics identified by the internal audit, in particular stress, trauma and high turnover, may have impacted the general staff wellbeing and behaviour culture in Haiti. In witness testimony provided to the Inquiry by a former member of Oxfam GB staff, although not the sole evidence relied on by the Inquiry, they endorsed the concerns about the morale and culture at the time. One witness was told by a senior member of staff from Oxfam International during an induction at Oxfam GB in 2011, to be careful around certain individuals in Haiti and that Haiti was a “*work hard, play hard*” environment.

From the records examined by the Inquiry it has been unable to determine or verify what specific actions were undertaken by the in-country SMT and staff association to implement the recommendation relating to staff wellbeing and morale. They are not reflected or recorded in the action plan which tracked those outcomes. The Inquiry noted that the in-country SMT were responsible for monitoring this matter, and that the staff association were “*active within the SMT*”. The Inquiry also noted that the internal audit report stated that the SMT was at that time “*...not a fully functioning body which provides overall management control and direction. This is primarily due to the level of turnover within the SMT post over the last 6 months.*”

Summary Finding - early warnings and the extent of problem

The staffing incidents and problems in Haiti identified in 2011 were not one off isolated incidents; there were clearly issues in Haiti. These warning signs were identifiable at various points over the previous year, as early as June 2010.

There were examples of incidents of poor conduct by Oxfam GB staff in Haiti that had taken place in 2010 and evidence of some underlying behavioural issues amongst Oxfam staff. For example, concerns about two of the individuals who would later come under investigation in the 2011 were known about by senior staff locally in Haiti in 2010.

At the time, this was a critical and key humanitarian emergency relief work and regarded by Oxfam GB itself as a large programme. There were some clear warning signs about staffing issues in the 2010 internal audit report into the control framework over the Haiti programme. The report identified issues which included that high turnover of management and a stressful environment contributed to lack of unity in the teams. Addressing concerns about staff wellbeing amongst the 550 staff was assessed as a major ongoing challenge. The staffing risks were rated “medium” for the emergency relief programme and included the risk that the staff morale issues impacted on effective delivery to beneficiaries, the risk around the lack of leadership and operational staff due to high staff turnover and also the risk that incomplete HR records impacted on effective HR decisions. The responsibility for monitoring the implementation of medium risk items was with the executive. The items were closed off in the audit report’s action plan list as completed in November 2010.

Aside from the audit, there were other concerns surfacing at the time about the way in which staff felt unable to report concerns with confidence through the local HR or the Country Director. In particular, staff expressed concern about whether either had the objectivity or competence to deal with staffing matters that were raised.

In November 2010, HR were made aware of concerns that there was a lack of awareness amongst staff of protection against physical and sexual exploitation and abuse. The limited steps that the Inquiry could identify were taken as a result came too late (in June 2011) and were in any event, as subsequent events would show, not sufficient.

The warnings signs in 2010 should have alerted Oxfam GB to the fact that there were some serious problems with the culture, morale and behaviours generally of their staff in Haiti. Some of the warning signs in 2010 about staffing issues in Haiti should have been escalated by senior staff locally.

Later events would show when the allegations which instigated the internal investigation into staff misconduct in Haiti were reported in July 2011, the limited actions taken to address the issues raised by these events were not sufficient. By that stage staff confidence in Oxfam GB to address the behaviour of some staff in Haiti had further eroded.

It is not possible for the Inquiry to conclude if different action had been taken by Oxfam GB in 2010, that this would have prevented some or all of the incidents in 2011. However, in the Inquiry's view it is clear that there were warning signs of serious staffing issues and the charity missed opportunities to address the cultural and behavioural issues in Haiti at that time.

iii) How the 2011 Allegations Were Made and the Investigation Started

The Inquiry examined how the 2011 allegations came to light and were first brought to the attention of Oxfam GB's leadership and management.

The Inquiry was informed that allegations were raised with Oxfam GB's leadership during an International Programme Leadership team meeting held at Oxfam GB's HQ in early July 2011²⁷. The LAC Regional Director informed Oxfam GB's Director of International Programmes that a member of staff in Haiti had identified an ongoing situation that *"needed to be addressed"* and that there was a *"bullying culture"* in-country. The Director of International Programmes consequently directed the LAC Regional Director to speak with the Head of Oxfam GB's Loss Prevention Team. The Loss Prevention Team, at that point, were responsible for the conduct of safeguarding investigations.

The Inquiry inspected records which evidenced that, on 12 July 2011 ("the 12 July 2011 allegations") an email was sent to the Lead Investigator from a whistle blower setting out the allegations and concerns. In the correspondence, the whistle blower stated that *"a series of investigations"* had been ongoing for a period of six months, and these continued to be conducted. The allegations included *"soliciting bribes from suppliers to harassing and intimidating staff to engaging underage prostitutes"*. It also stated that *"...many thousands of dollars have been misappropriated"*.

The whistle blower knew that the allegations had been brought to the attention of the Country Director, but in their view the resolution had been *"...weak and not resulted in any change in their behaviour."* The whistle blower also stated in correspondence that two of the key individuals had both been previously involved in a number of humanitarian responses undertaken by Oxfam, and that there was *"...fairly good reason to believe that some of the behaviour listed in the allegations has been recognised before in other countries"*²⁸.

In addition to the 12 July 2011 allegations, on 18 July 2011 ("the 18 July 2011 allegations"), an email was received by the 2011 CEO and Oxfam GB's media inbox. The email seen by the Inquiry states that it was from a 13-year-old Haitian girl claiming that she and her 12-year-old female friend had been forced into prostitution to survive. It alleged that both of them were engaging in sexual contact with Oxfam staff²⁹.

Due to the severity of the 12 July 2011 allegations, Oxfam GB dispatched two members of the Loss Prevention Team, which included the Lead Investigator, to Haiti to commence an investigation on 22 July 2011. They arrived in Haiti on 23 July 2011. Although some staff in Oxfam GB's operating base of Port-au-Prince in Haiti were aware of the presence of the Loss Prevention Team due to their involvement in the initial investigation, wider knowledge of their presence was not revealed to Oxfam GB's staff until four days after their arrival.

²⁷ OGB International Departmental Programme Leadership team meeting, 3-8 July 2011

²⁸ See the section relating to [Chad](#)

²⁹ See later in the report the section on "The 18 July 2011 Allegations"

iv) The 2011 Internal Investigation and its Outcomes

The Lead Investigator and another investigator were deployed to Haiti on Saturday 23 July 2011. They were shortly followed by the Head of Internal Audit and another investigator.

Records inspected by the Inquiry show that a final summary investigation report (“the final report³⁰”) was compiled in late August 2011 by the Head of Internal Audit and the Lead Investigator. The final report summarised actions taken by the Investigation Team in relation to the 12 July 2011 allegations and the overall internal investigation outcomes. The final report describes the internal investigation as being into breaches of Oxfam GB’s code of conduct and related to “*sexual exploitation (use of prostitutes in OGB guest houses and sexual harassment of staff), fraud, negligence and nepotism*”. The final report makes no reference to the 18 July 2011 allegations.

The Inquiry established that in order to prevent the internal investigation being compromised, there was no advance knowledge of the Investigation Team’s arrival. For the first four days of the internal investigation, their presence and the fact that an internal investigation had commenced was only known by a limited number of Oxfam GB staff including: the 2011 CEO; the Director of Strategy and Innovation (referred to in this report as ‘the Incident Director’³¹); the LAC Regional Director; the Regional Programme Manager for Economic Justice (“the Regional Programme Manager”) (the Country Director’s line manager) and the Director of Finance and Information Systems.

The internal investigation records examined by the Inquiry refer to the Investigation Team having obtained evidence from approximately 40 witnesses. The Inquiry could not verify from the records available the total number of witnesses. However, it inspected written records that showed evidence had been obtained from some former female staff members who had previously made complaints, various members of security staff and one Haitian female.

The Inquiry established that the original scope of the internal investigation identified that there were three key individuals of concern, including a very senior member of staff. By the end of the internal investigation, ten members of Oxfam GB staff were identified as having committed various breaches of Oxfam GB’s code of conduct and/or other policies.

On 19 February 2018, in response to public concerns about Oxfam GB’s handling of the incidents in Haiti, Oxfam GB published a copy of the final report, with names redacted in accordance with data protection considerations. Oxfam GB said they were “...making this exceptional publication because we want to be as transparent as possible about the decisions we made during this particular investigation and in recognition of the breach of trust that has been caused. We are also meeting with the Government of Haiti to apologise for our mistakes and discuss what more we can do, including for the women affected by these events. We hope this also contributes to rebuilding trust with those who support our work³².”

The circumstances leading up to the senior manager’s resignation, the investigation and disciplinary processes that followed are examined later in this report. However, in summary, the final report into the internal investigation described the position as follows:

- In relation to the Country Director it stated:

“During the interview ... [he] ...admitted to using prostitutes in his OGB residence. On being briefed on the wider allegations, he took full responsibility and offered to resign. After further discussion with the RPM and the Head of Internal Audit it was agreed that OGB might accept his resignation, and allow him a phased and dignified exit, provided that he would fully co-operate with the rest of the investigation. This proposal was subsequently agreed with [the 2011 CEO] (standing in for [the Director of

³⁰ The final report itself is undated

³¹ The individual responsible for managing an incident in accordance with Oxfam GB’s Crisis Management Plan. This is covered in greater detail under the section [Lines of Reporting and Accountability, and Trustee Oversight](#)

³² www.oxfam.org.uk/media-centre/press-releases/2018/02

International Programmes])³³ as there were potentially serious implications for the programme, affiliate relationships and the rest of the investigation if he were to be dismissed on these charges. In accepting [his] resignation, [the 2011 CEO] and [the Director of International Programmes] also took into consideration the significant contribution he had made in his time with OGB. It was subsequently agreed that [he] would leave the organisation after a period of up to 1 month.”

The summary against this entry in the report noted “...negligent and failed to safeguard employees, in particular, female employees.” Oxfam GB accepted the resignation and he left the organisation on 24 August 2011.

- For other members of staff subject to investigation the report recorded that they had breached Oxfam GB’s code of conduct in various ways. Eight members of staff went on to be dealt with under Oxfam GB’s disciplinary procedures. The final report recorded that those individuals³⁴ received sanctions or were cleared of any misdemeanours, as follows:
 - Person A was dismissed for gross misconduct for use of prostitutes at Oxfam GB property.
 - Person B was dismissed for gross misconduct for failing in his duty to protect staff. At the time of the report, he was considering an appeal.
 - Person C was dismissed for gross misconduct for bullying and intimidation of Oxfam GB staff and for the misuse of computing equipment through the access and download of pornographic and illegal material.
 - Person D was charged with gross misconduct for the use of prostitutes at Oxfam GB’s property and for bullying and intimidation of Oxfam GB staff. This individual resigned under investigation but agreed to undergo a later disciplinary hearing.
 - Person E was dismissed for gross misconduct for bullying and intimidation of Oxfam GB staff.
 - Person F was “charged with” using prostitutes at the charity’s property and for CV (curriculum vitae) fraud. This individual resigned under investigation and left the organisation on 7 September 2011.
 - Person G was cleared of nepotism, a failure to declare conflicts of interest and several procedural breaches for private gain.
 - Person H was given a final written warning for a breach of trust and confidence through the unauthorised sharing of a confidential investigation report related to one of the other subjects of concern.

All the individual disciplinary hearings had been held by early September 2011 and although a number of appeals were lodged, according to the records seen by the Inquiry, only one was upheld - Person D who was cleared of using prostitutes. One of the staff members, whose appeal was not upheld, re-appealed to Oxfam GB in 2013 for clemency against their dismissal in relation to their case. Oxfam GB provided the individual the opportunity to submit new evidence in furtherance of this appeal but they did not do so.

The final report also set out a number of lessons learned, with planned action and who was responsible for leading on that and by when. The former trustees have stated that the inclusion of the “lessons learned” review in the report demonstrated their commitment in seeking to address the poor behaviour of some staff and to improve the situation across the whole organisation which resulted in a number of positive steps,

³³ The Director of International Programmes was on annual leave from 25 July – 14 August 2011, but was Acting CEO from 13 August - 4 September inclusive (except 22 - 24 August when 2011 CEO was in the office) as the 2011 CEO was first on an Oxfam visit to Ethiopia and then on annual leave.

³⁴ Unless otherwise stated, Persons A - H from this point forward are referred to collectively as “the individuals of concern”

v) Allegations of Staff Use of Prostitutes and the Involvement of Minors

One of the key issues of public concern raised in 2018 in relation to the events in Haiti is that prostitutes may have been used by Oxfam GB staff and that some of these individuals may have been minors.

The final report records that the internal investigation into ten members of staff included examining allegations that prostitutes were used by staff on the charity's residential property. In total, the individual case records show that the Investigation Team examined allegations that seven individuals, not including the senior manager, had used the services of prostitutes. This was upheld in two cases and the relevant staff were dismissed for gross misconduct. One of these individuals was dismissed primarily on the basis of using prostitutes. Allegations were also upheld against a third employee who had also been investigated, including for the use of prostitutes, but had left Oxfam GB for other reasons. The third employee appealed the allegations, including use of prostitutes and on appeal the allegation of the use of prostitutes was not upheld. The other allegations of threatening and intimidating behaviour remained upheld and Oxfam GB accepted the employee's resignation due to local labour law implications of their substantive overseas contract.

The final report states that *"none of the initial allegations concerning fraud, nepotism, or use of underage prostitutes was substantiated during the investigation, although it cannot be ruled out that any of the prostitutes were underage."*

Oxfam GB's code of conduct and rules on prostitution

In 2011, Oxfam GB's code of conduct³⁵ stated that Oxfam GB employees:

- should *"refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or exploitation."*
- when working in an international context or travelling internationally on behalf of Oxfam GB, should *"...observe all local laws and be sensitive to local customs."*
- are prohibited from entering into *"...commercial sex transactions with beneficiaries..."*; a "transaction" being defined as any exchange of money, goods, services or favours.
- should *"seek to ensure that my sexual conduct does not bring Oxfam GB into ill-repute"*
- are prohibited from engaging in *"...sexual behaviour with children under the age of 18, regardless of local custom..."* and exploiting *"...children under the age of 18 in any way..."* confirming that they would report any such behaviour to line management.

The code also stated that *"Managers ... have a particular responsibility to uphold the standards of conduct and to set an example"*.

The Inquiry also examined Oxfam GB's PSEA policy in place at the time which applied across the whole organisation, including in Haiti. The policy states that *"If prostitution is illegal in a country in which we are working [...] then in any case it is prohibited under the Code of Conduct [6]"*³⁶ The policy also states that employees should have *"No sexual contact with children under the age of 18 (mistaken belief of age being no defence)"* and *"No transactional sexual contact with Oxfam GB beneficiaries"*.

There appeared to be a discretion allowed in practice at the time for the Country Programme Managers to consider whether or not to specifically ban their staff from having sex with prostitutes, where certain conditions applied. These conditions included where it compromises security in any way and bringing the charity into "ill repute". The PSEA policy provided an explanation of what conduct was considered to amount to ill repute and makes clear that:

"The purpose of the Code of Conduct is to ensure that Oxfam implements its work in a manner which upholds organisational values and goals ..."

³⁵ The extant code at the time was produced in 2004. A full copy is [annexed](#) to this report in Annex 2.

³⁶ See Oxfam GBs code of conduct at [Annex 2](#)

The purpose of the clause on ill-repute is to ensure that staff members' sexual conduct does not impact on our ability to work with the communities we seek to assist. Therefore when trying to determine whether a staff member's sexual conduct breaches the Code of Conduct, some questions to consider are:

1. Does this conduct affect our ability to work with the community? Has the community lost trust in Oxfam as a result of this conduct?
2. Does this conduct undermine Oxfam's values and goals? For example, does it contradict a key campaigning message we are trying to communicate to the community?
3. Does this conduct pose a security risk to Oxfam?

NB: If the staff member's conduct involves any activities that are illegal, then s/he is in breach of Oxfam policy. [Inquiry emphasis added]"

The policy goes on to state that:

*"If the answer to even one of the questions is yes then Country Programme Managers are strongly advised to ban the use of prostitutes. However individuals should not wait for a ban before considering if **this conduct is exploitative or abusive** [Oxfam GB's emphasis]"*. From the records inspected by the Inquiry, there was no evidence to show whether such a ban had been imposed in Haiti.

Given the content of the code of conduct and PSEA policy, the Inquiry's view is that the starting point for the internal investigation and Oxfam GB HQ should have been whether the act of being a prostitute or using the services of a prostitute in Haiti was illegal. If the conduct under scrutiny was illegal or involved any activities that were illegal, it would have automatically been a breach of the code of conduct. If not, then Oxfam GB needed to be clear about whether the conduct under investigation was otherwise in breach of the code. For example, they needed to consider whether the conduct under scrutiny was in breach of the code due to a ban imposed by local management; and/or because it was a commercial sex transaction with beneficiaries and/or if the employees' sexual conduct brought Oxfam GB into ill repute or impacted on, or undermined, their ability to undertake their role.

The steps Oxfam GB took to determine the Legality of Prostitution in Haiti

Records inspected by the Inquiry showed that, between 26 July and 1 September 2011, questions had been raised about the legality of prostitution in Haiti and whether this meant that the Oxfam GB staff under investigation had broken local laws. The Inquiry inspected various documents which demonstrated that the matter had been raised on several occasions. This included in particular by the Director of International Programmes on learning of the allegations and also the Director of Finance and Information Systems, when later signing off the final report into the internal investigation.

The Inquiry found records that various members of Oxfam GB staff, both at its HQ and in Haiti, either involved in the investigation or the management and oversight of it, had undertaken internet research on the legality of prostitution. In a document examined by the Inquiry dated 26 July 2011, it referenced that "... *Article 281 of the penal code mentions prostitution as it relates to sexual exploitation of youths under the age of 18...*" and that *"Although prostitution is illegal, it remained widespread practice particularly among women and girls. Local NGOs reported that police generally ignored prostitution."*

The Inquiry established that in correspondence dated 31 August 2011 reference was made to an extract from a 2009 report authored by the US Department of State Bureau of Democracy, Human Rights and Labor³⁷. The content of the extract stated that in relation to Haiti, prostitution, brothel ownership and pimping were all illegal. The same email chain containing this extract also made reference to other countries that had banned the

"...buying of sex..." and *"...purchasing sexual services from victims of human trafficking..."* stating that *"...there is a very small number of countries which have made the purchase of sex from a prostitute illegal - this list does not include Haiti. Instead most countries, including Haiti, simply criminalise the seller, by outlawing the act of prostitution."*

Records of correspondence reviewed by the Inquiry between the Director of Finance and Information Systems and the Head of Internal Audit on 31 August 2011 indicated that those staff had reached the

³⁷ The hyperlink cited in the email was <http://prostitution.procon.org/view.resource.php?resourceID=000772#haiti> . Although this hyperlink takes you to the relevant website the extract has been withdrawn.

conclusion based on their open source research that being a prostitute was illegal but using the services of prostitutes was not illegal. Similarly the Director of Finance and Information Systems gave evidence to the Inquiry that it was his view, after researching various available sources and consulting one of Oxfam GB's in-house lawyers, that the use of prostitutes in Haiti did not constitute a crime.

In addition to the internet research conducted on this matter, during the same time period, the Inquiry examined records which indicated that on at least two separate occasions professional legal advice may have been sought by Oxfam GB about prostitution.

The Inquiry noted that email correspondence dated 1 September 2011 recorded that the Lead Investigator and Regional Programme Manager had taken legal advice in Haiti which had confirmed that prostitution, but not the use of prostitutes was illegal. The email did not contain the advice nor state when that advice had been given. The Inquiry established that on 1 September 2011 Oxfam GB had received written external legal advice³⁸ from a Haitian law firm. The record of that advice stated:

"Our research at the level of the 1987 Constitution has shown that the Constitution has not devoted a particular chapter to prostitution. On the other hand, it is well established in the fundamental rights of citizens that the state has the 'imperative obligation to guarantee the right to life, health and also respect for the human person to all citizens without distinction in accordance with the Universal Declaration of Human Rights'; the state also recognizes the right of every citizen to decent housing, education, food and social security. The chapter on the right to freedom of work, while providing that every citizen has the obligation to devote himself to a job of his choice in order to provide for himself and his family, does not suggest that this choice, although free or "prostitution".

In addition, a revision of the law creating in 1958 the Institute of Social Welfare allows to conclude that prostitution is not an activity encouraged and this by the creation of various services including the service of social security which has among other things sections the "section against begging and prostitution" whose role is to control begging, mores and the fight against prostitution. Its role is to control the brothels of corruption and prostitution.

On this account, the first elements of this rather rapid research make it possible to envisage the existence at the level of the Institute of Social Welfare as well as in the laws of police and morals of the rather strict conditions regulating this "illicit" traffic.

We remain at your disposal in case further study of the question under Haitian law is required."

The Inquiry could not establish from the records the date the legal advice was requested or what the nature of the requests to the lawyers were in either case where legal advice was sought. There is also no record of whether the legal advice given to the Lead Investigator and the Regional Programme Manager was written or verbal. The Inquiry's view is that the professional legal advice above was not clear enough on whether the act of prostitution, and/or the use of the services of a prostitute in Haiti, were illegal. When interviewed by the Inquiry in March 2018, both the 2011 CEO and Director of International Programmes informed the Inquiry that their recollection was that the legal advice was inconclusive; however, their decisions were informed by the overall assessment that the use of prostitutes was not illegal.

Enquiries pursued about "underage prostitution"

The final report states that *"none of the initial allegations concerning ... [...]...use of under-age prostitutes was substantiated during the investigation, although it cannot be ruled out that any of the prostitutes were under-aged."*

The 12 July 2011 allegations included that staff in Haiti may be *"...engaging underage prostitutes."* From examining the investigation records, the Inquiry observed that there were multiple references that females may have been considered to be prostitutes, and may have been *"underage"*. Given the code of conduct included a complete prohibition on sexual activity with people under 18 years old and exploitation of

³⁸ The English translation is contained in the email dated 1 September 2011 sent by the legal adviser to Oxfam GB.

children, and the seriousness of such conduct, in the Inquiry's view it was reasonable to expect this to be thoroughly investigated.

From records reviewed by the Inquiry, it appears that more detailed enquiries in one staff case stopped when the individual admitted the use of prostitutes. The evidence given to the Inquiry from a former member of the Oxfam GB internal Investigation Team as to the reason that no further enquiries were pursued was because the individual had *"...resigned, there's no need to follow up on anything."* Another manager confirmed in written correspondence to the Inquiry that *"...his resignation did not allow us to investigate him..."*.

In other cases, it was not clear from the records that the allegations that some of the prostitutes may be *"underage"* were investigated to a firm conclusion. Some of the witness accounts as to the age, appearance and status of females they had seen with individuals of concern, or who they knew to have attended Oxfam GB residences, differed.

One witness account described them as *"...young, under 18, scantily dressed (provocatively dressed)..."*, others *"About 28, 20 something."* One witness that was interviewed by the investigation team had been specifically asked whether they had seen *"...young prostitutes..."* in an Oxfam GB guesthouse. The staff member's response to this was that *"...I have no way of knowing if they were prostitutes: they could have been girlfriends, friends or acquaintances. I don't know their age – I would guess around mid-20s."* The same individual also stated that *"...I didn't see anything illegal or against Oxfam's code of conduct that would lead me to make a formal complaint."*

In another case the Inquiry observed that internal investigation case records showed that on 5 August 2011 a member of the Investigation Team had interviewed a prostitute. In the interview the individual said she was 20 years old and claimed that others she knew had interacted with members of Oxfam GB staff were aged 20 to 22 years old. A supporting member of staff present at the interview informed the Inquiry that it was their view that those managing the prostitute had *"...put forward this woman to be the one to talk to us to give us enough to do something to get these guys into trouble. But it was very clear that, in my view, she knew what she could and couldn't say."*

In the Inquiry's view, Oxfam GB took limited steps to follow up or validate information provided to them by some witnesses. In some cases individuals of concern offered verifiable information relating to females they had interacted with, some of whom were claimed to be girlfriends, which would have assisted the Investigation Team to identify those individuals.

The 18 July 2011 allegations

The Inquiry established that there was limited evidence of follow up on the 18 July 2011 allegations. The 18 July 2011 allegations that were made by email stated in the text they were from a 13-year-old and her 12-year-old friend. The email stated that the two minors were engaging in prostitution and that the author had been *"...beaten and used by two men who I know work for you..."* and that *"They also have boss who works for you and I have not met, but my young friend. She is 12. has had sex with him."* From the evidence examined by the Inquiry this email was only addressed to two recipients, being the 2011 CEO and an email address used by the Oxfam GB media team, which the Inquiry was informed was only known to a few staff.

Evidence provided to the Inquiry from a former member of staff working in the 2011 CEO's team identified that shortly after the email had been received the Lead Investigator had asked if an email containing a complaint had been received that morning from Haiti. This member of staff also stated that they were not sure if the email was genuine, due to the fact that the email mentioned using Google Translate, and she would have expected the complainants to have used their native language. The Inquiry was also informed by the 2011 CEO that suspicions had been aroused about authenticity of the email. This was due to the unusual use of language in the body of the email and the fact that the email had only been sent to the 2011 CEO's email account and the press team. The Inquiry was informed by those members of the executive who were aware of the email, including the 2011 CEO, that regardless of their concerns, they had treated the email as genuine for the purpose of following it up. The Inquiry was also informed in an interview with

the 2011 CEO that the 18 July 2011 allegations were handed to the Lead Investigator to deal with. This account was consistent with documents examined by the Inquiry.

Records examined by the Inquiry showed that the 2011 CEO had responded to the email author on 26 July 2011 stating the allegations were being taken “...very seriously...” and she would send “...a more substantive response in the next few weeks”.

A reply was received by the 2011 CEO on 20 August 2011, which stated that “A white man came to help me during the night two weeks ago, it led me to Carrefour, the convent of St. Teresa... [...]...now I’m in school and have I have adequate health care. They did not tell me where they came from or what their names were, but I think it was you.” The Inquiry noted that the complete email chain was subsequently forwarded to a number of other addressees on 22 August 2011, including the Director of International Programmes, the Incident Director, the LAC Regional Director and the Head of Internal Audit.

The Inquiry saw in documents that questions were raised about the authenticity of the emails. The LAC Regional Director asked the Head of Internal Audit whether “...there is a way to assess the authenticity of this message – the first one was sent a few days before [the Lead Investigator] arrived in Haiti?” The Inquiry noted that the email also asked “What happened to the first message received by [the 2011 CEO] on July 18th? Was it fed into our investigation process?” Additionally, the LAC Regional Director also asked the Head of Internal Audit “Were we the ones going at [sic] that place to take the girl out – if the story is true?”

The Head of Internal Audit responded the same day stating that “There is no way to authenticate the source of this message as it is from a gmail address. The first message was passed on to us by [the 2011 CEO] before the investigation began. Whilst it was not used to feed directly into our investigation, it did make us consider whether some of the alleged use of prostitutes involved under age [sic] girls. The investigation, however, did not throw up sufficient evidence to conclude whether some of the girls were underage.

None of my team went to take the girl out³⁹ (we wouldn’t have been able to find her in any case) so I don’t know how this happened or whether the story is true. It is possible that she also emailed other sources and provided them with some additional contact details. One of these may have helped her but this is speculation.”

From its inspection of the records, the Inquiry could only establish that one witness had been asked questions about the 18 July 2011 allegations. That staff member was unable to provide any evidence to assist the investigation. The Inquiry has not seen, nor has it been provided with, any information or evidence to show that the Investigation Team pursued the 18 July 2011 allegations any further.

In interview in March 2018, the Inquiry asked the 2011 CEO how she had maintained oversight of the result of the investigation of the 18 July 2011 allegations. The 2011 CEO informed the Inquiry that as no names were given in the email there was no way of knowing who the email had been sent by. She informed the Inquiry that she had been reliant on the Investigations Team in Haiti to attempt to identify the individuals and confirm whether there was substance to the allegations. The 2011 CEO gave evidence to the Inquiry that in her view it would be “virtually impossible” to track down these individuals.

The 2011 CEO informed the Inquiry that at the time she enquired as to whether the allegations were being addressed. The 2011 CEO also informed the Inquiry that in relation to whether Oxfam GB staff had attended the convent as stated in the 20 August 2011 email, she recollected that she had been assured by someone in Oxfam GB this had happened. She could not recollect who, but she had been told a member of staff had attended the convent and attempted to establish whether the individual was real. She added, that with hindsight “...I’m not sure that that happened now.”

The Inquiry obtained information from the Director of Finance and Information Systems which supported the 2011 CEO’s recollection that Oxfam GB staff had attended the convent. They informed the Inquiry that

³⁹ The last member of the Investigation Team returned to the UK on 19 August 2011.

“...as far as I knew, it had been followed up and the trail had gone cold, so we thought no more of it, to be honest.”

Additionally, the 2011 CEO gave evidence to the Inquiry that they believed that the 18 July 2011 allegations were fake. The Director of Finance and Information Systems also gave evidence to the Inquiry that the email containing the 18 July 2011 allegations *“...looked odd and it wasn’t clearly genuine.”* The Inquiry has been unable to locate any other records or information to confirm what steps, if any, were taken in 2011 to validate concerns about the authenticity of the 18 July 2011 allegations. Nor has Oxfam GB been able to provide any other evidence to verify or prove that any member of their staff had attended the convent named in the 20 August 2011 email.

Leaving aside the issues about the conduct of the Oxfam staff, the two emails of 18 July and 20 August 2011 raised potential child protection issues about the safety and security of two children. The Inquiry established that the emails were not raised with any other relevant law enforcement authorities at the time⁴⁰. The 2011 and former trustees informed the Inquiry that that they were not aware of the 18 July 2011 allegations.

The 2011 CEO has accepted publicly⁴¹ that further steps could have been taken to determine whether minors were involved in the original allegations in July 2011. In written evidence to the IDC, in relation to the alleged exploitation of minors in Haiti, the 2011 CEO stated that:

“...following a detailed investigation several statements were made by individuals which confirmed that the women involved were not minors and some of the information received about the possible use of minors was found to be without foundation.” She went on to state *“After detailed investigation, the team in Haiti concluded that in relation to the involvement of minors none of the evidence was substantiated. It could be argued that we should have engaged with the women more thoroughly to find out whether there were minors. In retrospect, and with hindsight, we could have pursued that further - but I think all of us concerned felt, at the time, that we had enough information and evidence to ensure that the staff involved were removed from Oxfam and from Haiti.”*⁴²

The Inquiry was informed by the 2011 CEO, on 24 April 2019, that private enquiries made by the 2011 CEO in 2018 and 2019 during the period of this Inquiry into the provenance of the emails containing the 18 July 2011 allegations, led to them obtaining details of the IPN address used in the emails. She explained that the results of her enquiries indicated that the emails were transmitted via a proxy server based in the United States. The use of a proxy server would mask the identity and location of the sender. The 2011 CEO informed the Inquiry that it was now her view that it is implausible that the sender was a non-English speaking 13 year old Haitian female and also the emails were not genuine.

The Inquiry notes that the final report from 2011 recorded that the initial allegations about the use of *“underage prostitutes”* was not substantiated by the internal investigation but could not be ruled out. In the Inquiry’s view, further enquiries as referred to above could and should have been made at the time. In addition, in relation to the 18 July 2011 allegations, whilst the Inquiry acknowledges the view of the 2011 CEO and others that they suspected these emails were fake, given the seriousness of the content they did not take enough steps at the time to be sure of this or, alternatively, manage the risks by raising the matters in them to the authorities. There were also avenues that in 2011 the charity could have pursued to validate the authenticity of the email containing the 18 July 2011 allegations. These are avenues which have only now in 2018 and 2019 been acted on.

⁴⁰ The content of emails were reported to the UK law enforcement authorities in 2018 by Oxfam GB as agreed with the Inquiry.

⁴¹ In evidence dated 22 June 2018 to the IDC on ‘Sexual Exploitation and Abuse in the Aid Sector’- report published 31 July 2018.

⁴² Parliamentary information licensed under the Open Parliament Licence v3.0 <https://www.parliament.uk/site-information/copyright-parliament/open-parliament-licence/>

Summary Findings – Allegations about and the legality of prostitution

Unlike some other organisations at the time, Oxfam GB did have a code of conduct in place that made it clear that harassment, intimidation and exploitation was prohibited, as was *“transactional sex with beneficiaries, sexual activity with persons under 18 or vulnerable people”*. Its PSEA policy was that if prostitution was illegal in the country then it was prohibited under the Code of Conduct. However, it also gave a degree of discretion to local management about whether they could go further and ban staff using prostitutes more generally when it did not involve beneficiaries and was not an illegal activity in country. In this case, the local management would be or include the Country Director.

The internal investigation identified by admission and/or evidence that four⁴³ staff under scrutiny either had or were suspected of using prostitutes, including on charity residential premises. The final report could not conclude whether minors were involved in some of the incidents investigated:

“None of the initial allegations concerning fraud, nepotism, or use of under-age prostitutes was substantiated during the investigation, although it cannot be ruled out that any of the prostitutes were under-aged” [Inquiry emphasis]

From its examination of the internal investigation records available, and information and evidence provided to the Inquiry through its own enquiries the Inquiry’s finding is that not all lines of enquiry about the use of prostitutes and/or minors’ involvement were fully pursued in 2011.

In the Inquiry’s view, the position on the legality and culpability of the parties for the various activities connected with prostitution was not clear until after the conclusion of the internal investigation. In any event, the external legal advice sought was not received until 1 September 2011 after the investigation findings were made and the outcome report had been finalised.

In light of the seriousness of the allegations and concerns that some females may have been under age, the Inquiry’s view is that the lines of enquiry about the nature and extent of what happened should have been pursued further.

Given the serious nature of the allegations and potential risk of harm, the 2011 CEO and the Director of International Programmes should have ensured and obtained sufficient evidence that the enquiries were fully followed up. With hindsight, the 2011 CEO publicly accepted in 2018 that more should have been done to follow up whether minors were involved. This was particularly important in the Inquiry’s view due to the significance and seriousness of the allegations.

Oxfam GB proceeded on the basis that the allegation that the prostitutes were minors was found not to be true including when considering what to communicate internally and externally. However, the outcome report result left open the possibility those involved were under age.

Separately, Oxfam GB’s senior executive had to deal with the two emails dated 18 July 2011 and 20 August 2011. Both were said to be from a 13 year old about herself and a 12 year old girl and made different and further allegations of physical abuse and other misconduct involving Oxfam staff. The Inquiry was informed that it was suspected by Oxfam GB at the time, but not then proven⁴⁴, that they were not genuine. The Inquiry’s finding is that taking into consideration the seriousness of the allegations made in those emails, as well as the clear risks to the safety and security of those minors if the allegations were true, Oxfam GB should have tried harder and taken more steps at the time to identify the source of the concerns and followed up the allegations and concerns, notwithstanding they suspected them to be false. This shortcoming has been acknowledged by Oxfam GB’s current chair who has accepted that *“Oxfam did not adequately investigate the allegations, received in an e-mail dated 18 July 2011, that minors were being sexually abused by Oxfam employees, nor did it report these*

⁴³ The Country Director and three other staff subject to internal investigation

⁴⁴ The steps the 2011 CEO explained she had taken in 2018 and 2019 to trace the provenance of the emails are [set out above][explained in the detailed findings in the main report]

allegations to the Commission or appropriate law enforcement agencies. This would not be the case now. Today, such a serious allegation would be dealt with very differently.”⁴⁵

In May 2019, in response to the statement made by the current Chair of trustees, the 2011 CEO stated to the Inquiry that “At the time we believed that we had adequately followed up on these emails. We had been given reassurances by our staff that they had been to the convent and that there was no trace of these girls. We also believed that having a full investigation which resulted in nine people leaving our employment was the best way of ensuring that any ongoing abuse was immediately curtailed. I was dismayed to find out during the course of this inquiry that our investigations were not as full as they could have been. If these emails had been genuine I would want to know that they had been followed up as extensively as possible in order to find these individuals and ensure that they were safe. I am therefore relieved to know that we [now] have evidence backing up our understanding at the time that these emails were not genuine”.

The Inquiry’s view is that Oxfam GB should not have taken the risk with the safety of minors. It should have reported the possibility of two girls being at risk to the local law enforcement authorities. The matter was reported to law enforcement in the UK by both the Commission and Oxfam GB in 2018. The decisions about and handling of the matter at the time meant the charity exposed the charity to undue risk, amounting to mismanagement in the administration of charity.

The Inquiry’s view is that the focus of the Oxfam GB investigation at the time became getting enough evidence to ensure the individuals of concern were removed from Haiti and Oxfam GB. The risk to and impact on the victims appeared to take second place and was not taken seriously enough.

Given the period of time that has passed, it will not be possible to conclude with sufficient certainty whether minors were involved or at risk.

⁴⁵ Correspondence dated 12 February 2019

vi) Events Leading Up to the Resignation of the Country Director

One of the issues of concern for the Inquiry, and a matter which has received much public scrutiny and concern, related to the resignation of the Country Director.

The final report recorded that “...prior to their departure [from the UK]... allegations were received that the Country Director had also breached the code of conduct through the alleged use of prostitutes at his OGB funded residence”.

The Inquiry examined evidence that on 22 July 2011 the Regional Programme Manager had sent the Director of International Programmes a flow chart headed “*Understanding the Problem Haiti*”. This document explored possible case scenarios, including relating to whether the Country Director “...a) is implicated, b) neglected to take actions, c) incapable”. However, the Inquiry has been unable to locate any records which set out the exact nature of the allegations beyond those contained within the email containing the 12 July 2011 allegations.

The final report records that a decision was taken by Oxfam GB senior management to prioritise investigation of the allegations against this individual, due to “a number of risks associated with any potential action required...” and the need “...to establish the veracity of the allegations against him before commencing the investigation of the other staff members.”

The first four days in Haiti

The final report states that the Investigation Team spent the first four days from 23 – 26 July examining the allegations against and dealing with the matters relating to the Country Director, and that the only confirmed allegations were of the “...the use of prostitutes...” This was confirmed by the Inquiry through other sources and records inspected.

From documents examined and information provided to the Inquiry by former members of Oxfam GB staff connected to the internal investigation, the Inquiry established that the Investigation Team had conducted a number of interviews with staff members in an effort to explore and evidence the allegations. These included interviews with locally-contracted security staff from the Oxfam GB residence.

Records inspected by the Inquiry showed that the two night guards at the residence gave evidence to the internal investigation that he received regular visits during a week from females, on occasion two at a time. These females were described as being “...young beautiful women...” and “...just normal girls dressed nicely...” being aged “...twenty, mid-twenties...” Although the records reflect that one of the guards considered the females were prostitutes, the other disagreed stating “...I don't want to say what I don't see...”

Other than the records of the interviews with the night guards, there were limited records of what other enquiries were undertaken by the Investigation Team regarding the allegations against this individual.

Documents inspected by the Inquiry show that once aware of the admission of the Country Director's use of prostitutes at his Oxfam GB residence, senior members of staff at Oxfam GB HQ, including the Director of International Programmes and the 2011 CEO, were informed. The Inquiry noted that in email communications with each other on 26 July 2011, the Director of International Programmes and the Head of Internal Audit recorded that although the individual's activities with prostitutes were considered to be “discreet”, it had been agreed that he had to leave Oxfam GB, either by resigning and leaving immediately or up to two months later. This solution was considered by the Head of Internal Audit to be “the best option to manage our reputation risk.” It was also noted that the proposed solution may need to change dependant on what further evidence may be discovered.

The Inquiry noted that the Director of International Programmes had raised concerns as to whether the individual should be dismissed if prostitution was illegal in Haiti and whether, if asked to remain in country, he would be at risk of being arrested. The Head of Internal Audit acknowledged this as a risk, but considered that it was highly unlikely as the relevant evidential burden of proof required to convict him would not be met. He also noted that when balanced against a number of factors including reputational

damage, a staged exit was a more practical solution as to dismiss the individual may undermine the internal investigation. The Inquiry observed that the records showed the Director of International Programmes supported the Head of Internal Audit's judgement on this. The 2011 CEO and Regional Programme Manager were copied into this correspondence.

Due to the Director of International Programmes being on leave, the 2011 CEO led the Oxfam GB HQ oversight. The Inquiry records show that on 27 July 2011 the 2011 CEO informed the individual about the presence of the Investigation Team in Haiti and that they were investigating complaints about staff behaviour including his. The 2011 CEO asked him to meet the Investigation Team at a hotel in Port-au-Prince that day, which he did.

Interview with the Country Director

The Inquiry examined the transcript of the Investigation Team's interview with the Country Director. The undated transcript recorded that within minutes of commencing the interview, and before any substantive questions were asked about the allegations, the Lead Investigator informed the Country Director that he should be considering the "...likely outcomes of our investigation and where that leaves you..." and that he needed to consider all "...options."

The Investigation Team informed him that they had evidence that prostitutes had stayed at his Oxfam GB residence. In response he attempted to explain about visitors including that he regularly gave locals items such as milk powder and nappies but this was not linked to prostitution. During the interview however, he subsequently admitted that he had "...twice in one year had the visit of a prostitute". He also stated that "...I am not proud about it, honestly". He also later in the meeting explained he took the risk discreetly hoping it would not come out.

During the interview the Investigation Team asked if he was aware prostitution is illegal in Haiti. He replies: "Yes. I was not sure. [...] I know that if it is illegal it is also illegal for us or something code of conduct..." They made clear that if that was in breach of the code of conduct then it was gross misconduct. The Investigation Team then discussed the implications of the conduct he admitted to for Oxfam GB. This included that it put Oxfam in a terrible position because it was admitting a serious breach of conduct and it was an illegal act. They raised concerns that if one of the newspapers was to get hold of it, "*the sheer damage to our reputation and your reputation...*"

The Inquiry observed that according to the interview record, the Investigation Team did not question him further about whether the prostitutes may be minors. Nor does the transcript record that they explored the 18 July 2011 allegations with him.

The Investigation Team then went onto question the Director on his wider knowledge of issues relating to staff misconduct in Haiti and his management of those allegations. During questioning the Investigation Team informed him that staff were circumventing informing him of concerns of sexual misconduct because people felt that it had not previously been dealt with by him.

The transcript records that the Investigation Team put to him that he had been aware of concerns of the behaviours of some individuals of concern in Chad prior to similar matters arising in Haiti. The Investigation Team also put to him that he handled the allegations against some of the individuals of concerns in a way which protected them. The Country Director denied this. He provided the Investigation Team with an explanation of the actions he had taken to deal with allegations of staff misconduct in Haiti when it had been brought to his attention, in particular Person A.

The Inquiry also reviewed the documents from 2010 and noted evidence of some staff misconduct having been dealt with by the Country Director prior to the internal investigation. This included dismissal of a member of staff for the alleged use of prostitutes. The interview transcript did not record that the Country Director accepted full responsibility for the events that had occurred.

The interview transcript showed that the Investigation Team then go on to address the individual's suitability and ability to remain with Oxfam GB:

“Investigator: That’s the thing we are going to ask you to sit and think about for a few minutes is do you honestly think that now we’re in this position that Oxfam could leave you in post? Do you think there’s a solution that helps both you and Oxfam?”

The Inquiry noted that the record showed the individual had consciously considered the options available to him. The transcript records that he put forward a range of options, including resigning, or that Oxfam GB provide him with another opportunity and move him to another country, or finally that that he stays in Haiti and that to “...*protect myself and the name of Oxfam...*” he is moved into shared accommodation. The record noted that he also considered the implications for him in resigning in relation to obtaining a future reference. The Director then goes on to state that “...*it’s wrong what I did. I am really feeling guilty...[...]...I would hope that my managers considers that as so far I know, honestly, that neither none of my staff, neither none of the whole Haitian population or UN or other NGO know this.*”

The transcript recorded a short break, following which the conversation returned to the options facing the individual. The Inquiry observed that in continuing to consider the options available, it appeared to the Inquiry that the Director wished to leave on set terms which would not put Oxfam GB’s reputation at risk. The transcript records that he asked the investigator if he could do so in a “*gallant*” and “*gentlemanly*” manner and said:

*“Individual: That I propose my resignation, that’s what you say?
Lead Investigator: That’s the English word, yes.”*

Shortly after he offers to tender his resignation, the interview is concluded. The final report summarises that:

“During the interview the [individual] admitted to using prostitutes in his [Oxfam GB] residence. On being briefed on the wider allegations, he took full responsibility and offered to resign.”

Follow up letter and subsequent resignation

The Inquiry identified records that noted after the interview, the individual met with the Regional Programme Manager and Head of Internal Audit to formally tender, and discuss the terms of, that resignation. The Inquiry could not locate a formal record or note of this meeting. In an email to the 2011 CEO from the Head of Internal Audit on 27 July 2011, the 2011 CEO was informed of his resignation and that he was “*very keen to co-operate*” and wanted “*a dignified exit*”. The Inquiry noted that although the email stated he had resigned it did not record the reasons for his resignation.

The Head of Internal Audit also notified the Director of Finance and Information Systems and the Incident Director of the individual’s resignation. In an email to the Incident Director, it confirmed that the individual would stay to assist the internal investigation and provide a handover to their successor. The email also records that the terms of the individual’s resignation had been left to Oxfam GB HQ to decide. It asked the Incident Director to seek HR advice on how to proceed. The individual was “...*ready to accept anything that is suitable to us*”. The Inquiry again noted that the email did not set out the rationale for the resignation but did state that they were “...*keen that his resignation is not seen as being connected to the ongoing investigation here.*” In responding on 28 July 2011, the Inquiry noted that the Director of Finance and Information Systems confirmed that HR advice should be sought and set out his views on how the matter should be handled, but without “...*dictating the terms of his resignation.*”

In a later email from the Regional Programme Manager to the 2011 CEO, Director of Finance and Information Systems and the Incident Director, it was confirmed that the resignation had been accepted, and that he had admitted “...*full responsibilities of his actions...*” The email confirmed that he wanted a “*clean exit*” from Oxfam GB and that he had agreed to stay for up to two months to assist the internal investigation. Again, this email did not set out the reasons for the resignation or what actions or conduct he had accepted responsibility for.

From records seen by the Inquiry, the individual formally indicated his intention to resign in writing on 28 July 2011. No further explanation for the resignation was included. The Regional Programme Manager did

not responded to this email until 29 July 2011, as he was being helped to “...write his resignation...” and that they would respond “...after a revision of a draft with [the Head of Internal Audit]”.

The next relevant record is from 1 August 2011, where Oxfam GB formally accepts the individual's resignation from that date. A copy of the actual resignation letter could not be located in the records. In January 2019 the individual confirmed both orally and in correspondence with the Inquiry that “*We made an agreement*” in order to “*save the building and works.*” He confirmed that a leaving date had been agreed with Oxfam GB and that they “*asked me to make a resignation letter*”. He confirmed to the Inquiry that although he did not have a copy of the resignation letter, from his recollection the reasons for his resignation were stated in that letter as being words to the effect of “*I have failed in my management*”. He also informed the Inquiry that he had “*Allowed conflicts with the code of conduct and failed in the control of it.*”

Records examined by the Inquiry showed that after acceptance of the resignation by Oxfam GB, the individual wrote again to the Regional Programme Manager, the Director of International Programmes and the 2011 CEO on 2 August 2011. The letters to the Director of International Programmes and the 2011 CEO were hand delivered by the Investigation Team on return to the UK on 22 August 2011.

Within that correspondence, the Inquiry noted that the individual stated that he was ashamed and deeply regretted his own behaviour. He sought to explain more about his own conduct and concluded that it “*has to be considered as prostitution*”.

On 23 August 2011, the Director of International Programmes thanked him for his letter, and confirmed she had received it the previous day and had shared it with the 2011 CEO. She thanked him for his “*very considerable contribution you have made to Oxfam in Chad, DRC and Haiti over the last few years. It is so sad that you leave Oxfam in this way I know, but we wish you very well in all your future endeavours...*”

The 2011 CEO sent an email to the individual on 24 August 2011 which stated:

“Your letter to senior staff was passed on to me by [Director of International Programmes]. I appreciate your willingness to apologise and explain. You will understand that it was not just your own behaviour, but the wider acceptance of poor behaviour in the organisation which concerned us deeply. Despite my own shock and disappointment about the situation ... I did though want to note the significant contribution you have made to Oxfam’s work in Chad, DRC and Haiti. For that work I remain grateful. I was also pleased that you continue to have affection for Oxfam and its work.”

The individual left Oxfam GB’s employment on 24 August 2011. The rationale for the individual’s resignation, stated in Oxfam GB’s 5 September 2011 press release, was described as resignation “*...taking managerial responsibility for issues that occurred while he was heading the programme.*”

The Inquiry explored why the issues in this staffing matter were not dealt with under the disciplinary procedures and how the ultimate outcome was arrived at. The final report recorded that that the “*proposal*” had been agreed by the 2011 CEO, standing in for the Director of International Programmes, and that in accepting the individual’s resignation, the 2011 CEO and the Director of International Programmes “*...took into consideration the significant contribution he has made in his time with OGB.*”

In evidence to the Inquiry, the 2011 CEO explained the factors taken into account in agreeing the outcome of this part of the investigation. She explained she relied on the judgement of the Head of Internal Audit and Regional Programme Manager in Haiti: “*I believed the team on the ground understood what was needed in Haiti and that second guessing them from Oxford was not appropriate.*” The factors described also included that the conduct of concern had been conducted discretely and that unlike other situations, it did not involve sexually harassing female members of staff. They were concerned to ensure all the individuals would co-operate with the internal investigation, as well as consider the impact on delivering services to beneficiaries. A voluntary admission and the individual’s contribution more generally whilst employed by them were other factors.

The Inquiry accepts that it is not possible to prevent an individual who wishes to from resigning from an organisation, regardless of whether they are subject to investigation or disciplinary processes at the time. It

would be for the employer, taking professional advice, to consider whether any internal proceedings started before they left employment could or should continue. A charity would also need to consider the impact on the victims if formal processes were not instigated or continued.

In evidence to the Inquiry the 2011 CEO and Director of International Programmes were of the view that, based on the information available to them, the individual had not committed any breach of the code of conduct: the Director of International Programmes gave evidence to the Inquiry during interview on 22 May 2019 that this view was based on HR advice. Based on the records examined by the Inquiry of what was known at the time by the Investigation Team, and in light of the charity's policies and what conduct could amount to a breach of the code of conduct, the Inquiry finds it difficult to accept that what was admitted in interview and/or the follow up letter should not have been treated as a potential breach of the code and been formally dealt with.

The 2013 CEO conceded to the IDC that in hindsight the decision the charity took in accepting the resignation was wrong; he said *"all of these relationships are exploitative. We fully accept that, and that is why we should not have accepted the resignation of individuals"*⁴⁶.

In response to the 2013 CEO's statement to the IDC the Director of International Programmes stated to the Inquiry *"We felt really let down by our staff at the time and wanted anyone who had been involved in any misconduct to be removed from the organisation. When our investigation team investigated the Country Director's behaviour they advised us that there was no evidence that he had broken the code of conduct and based on that advice the only way we could ensure he was removed from Oxfam was to accept his resignation"*.

Summary Finding - The Resignation

It was a prudent and responsible decision for the then senior executive to ensure concerns about possible breaches of code of conduct by the Country Director, who was holding a position of significant authority and responsibility, were looked into urgently.

From examining the records, including transcript of the interviews, the follow up letter from the individual, records confirming his resignation and Oxfam GB's related email correspondence between Oxfam GB staff and senior leadership about what happened, the Inquiry's finding is that this evidence indicates that Oxfam GB encouraged and facilitated the Country Director's resignation as a solution to his response to the allegations.

It appears that the then senior executive believed that facilitating resignation was the best way to deal with the conduct of the most senior member of staff involved, manage the reputational risk to the organisation and minimise the disruption to its humanitarian programmes which would result if alternatively he had been subject to formal disciplinary procedures. The then executive, including the 2011 CEO and Director of International Programmes who were copied into key emails and the Haiti investigation team had already discussed between themselves resignation as an outcome option before they formally presented the results of their enquiries to date to the Country Director.

The Commission is prohibited from acting in the administration of a charity. It is therefore not for the Inquiry to make or replace the decision of Oxfam GB. The regulator's role is to scrutinise the basis for the trustees and/or executives decisions and hold the charity to account for the consequences of them. The consequences of the decisions on this issue meant there was not parity of treatment with other staff who were found to have committed or been suspected of the same or similar conduct.

Even if they did not appreciate it at the end of July 2011, by the time the final report was ready it was, or should have been, clear to Oxfam GB that the consequences of the outcome of a facilitated resignation would mean that there had been a lack of consistent application of the staffing policies and procedures. Oxfam GB accepted publicly in 2018 that, with hindsight, their decision was wrong.

⁴⁶ Contains Parliamentary information licensed under the Open Parliament Licence v3.0 <https://www.parliament.uk/site-information/copyright-parliament/open-parliament-licence/>

In an email to the 2011 CEO from the Head of Internal Audit on 27 July 2011, the 2011 CEO was informed of the Country Director's resignation and that he was "*very keen to co-operate*" and wanted "*a dignified exit*". The final investigation outcome report recorded the resignation as having been accepted, and the term used to "*allow him a phased and dignified exit*", provided that he would fully co-operate with the rest of the investigation. The Inquiry's view is that it is also clear for Oxfam GB to see, with hindsight, how a recorded desire to secure a "phased and dignified exit" for the individual would appear insensitive and not be an appropriate response the public would expect.

Given that there was a formal and serious investigation into the conduct of ten staff, it is particularly concerning that similar allegations against two other members of staff were investigated differently and treated as potential gross misconduct. The 2011 CEO and Director of International Programmes do not accept the allegations and conduct were similar nor that the conduct in question - the use of prostitutes - was a breach of the code of conduct. Ultimately, the result of the decisions and different approach led to unequal treatment of other staff and meant that Oxfam GB did not apply its disciplinary processes, policies and procedures consistently, and there do not appear to be sufficient reasons for doing so. This was mismanagement in the administration of the charity.

In the Inquiry's view, this action and approach also exposed the charity to the risk that its approach could be understood that more senior staff would be treated more leniently. This approach could have jeopardised the handling of other disciplinary cases both at the time and been seen as setting a precedent or problem for dealing with similar future incidents.

The current Chair of Oxfam GB apologised to the Inquiry in February 2019 for what happened and promised that Oxfam GB's policies and procedures today would not allow this to happen now.

vii) The Charity's Investigative Capacity and Capability in 2011 to investigate the Allegations in Haiti

General Capability and Capacity

It is important that those carrying out investigations into concerns about conduct have the necessary skills and experience for the task, so that they have the confidence of those that instruct them to carry out a robust and credible investigation. There should also be sufficient resource capacity to carry out these functions. The teams and process should command confidence that difficult situations can be dealt with; this confidence is important for both those being investigated and those making allegations.

Each charity will have its own staffing, conduct and investigation procedures and policies. These may involve separate fact finding, investigation and decision making processes, requiring different skills and experiences and different sets of people who need to be involved. There are wider learning points here for the sector on how safeguarding and conduct issues are investigated.

In 2011, the majority of Oxfam GB's investigative and audit resources were based in its Oxford HQ. The Inquiry established that when Oxfam GB received the 12 July 2011 allegations, it had no investigation team dedicated to investigating sexual exploitation and abuse. Oxfam GB's dedicated investigative resource was within its Loss Prevention Team, whose remit was mainly to conduct civil/administrative investigations into allegations of fraud and other financial loss and irregularities within Oxfam GB, both domestically and internationally.

In 2011, the Loss Prevention Team sat under Oxfam GB's Internal Audit function within the Finance Division. It comprised the Head of Loss Prevention and Counter Fraud (also referred to as "the Lead Investigator"), three Global Loss Prevention Advisers, a part-time Global Safeguarding Co-ordinator and a Loss Prevention volunteer. The Head of Loss Prevention and Counter Fraud was managed by the Head of Internal Audit, who was in turn managed by the Director of Finance and Information Systems, who reported to the 2011 CEO.

On 1 March 2011, a Global Safeguarding Co-ordinator commenced work at Oxfam GB. This new, part-time member of staff was under the line management of the Head of Loss Prevention and Counter Fraud and was home-based in the Netherlands. Although their remit included the conduct of safeguarding investigations, and the Inquiry has seen evidence that it had been planned that the individual would form part of the Investigation Team to deal with safeguarding related matters, they were not used to respond to the allegations in Haiti.

In 2011, organisational oversight of the work undertaken by the Loss Prevention Team (as well as the work of Internal Audit referred to above) was reported to the TAFG committee on a quarterly basis. Both the Director of Finance and Information Systems and the Head of Internal Audit attended TAFG meetings, which were chaired by the trustee holding the role of Honorary Treasurer.

At the start of Oxfam's 2011 internal investigation, the Head of Internal Audit had been in post for two months, joining Oxfam GB in May 2011. The post holder was a trained accountant who had extensive experience in audit and risk roles in the charity sector and had also previously worked in private sector accountancy and audit companies. They had no experience of conducting either civil or criminal investigations, nor any experience of investigating safeguarding related issues.

The Lead Investigator joined Oxfam GB in June 2010. Prior to joining the charity, their previous roles were mainly in retail loss prevention. Although there were three Loss Prevention Advisers in the Loss Prevention Team, only two of those formed part of the Investigation Team in Haiti. Both of those individuals had worked for Oxfam GB for less than one month at the time they were deployed to Haiti. The Inquiry established that prior to joining Oxfam GB, both had experience of undertaking criminal investigations, although neither had specific safeguarding experience.

viii) The Conduct of the Internal Investigation and Subsequent Disciplinary Cases

Relevant policies, procedures and standards

The Inquiry established that in 2011, Oxfam GB had in place a number of relevant policies relating to dealing with staff-related issues, including an anti-bullying and harassment policy, a whistle blowing policy (called the “*Disclosure of Malpractice in the Workplace Policy*”), a disciplinary policy (called the “*Dealing with Problems at Work Policy*”) and the PSEA (Physical and Sexual Exploitation and Abuse) policy, referred to above.

Oxfam’s PSEA (Physical and Sexual Exploitation and Abuse) policy

The former trustees, 2011 CEO and former Director gave evidence to the Inquiry that 2006 Oxfam GB’s Council agreed to an enhanced approach to transparency and accountability. This decision was taken following allegations of fraud in 2006 about Oxfam GB’s aid programme in Indonesia in 2004. The Oxfam GB Council, alongside senior managers, were of the shared view that this measure would maintain public trust in Oxfam GB and drive internal improvement, if it publically acknowledged problems or failures in the operation of Oxfam GB and the steps being taken to address those matters.

The Inquiry was informed that the Oxfam GB Council, in conjunction with senior managers, also used this ethos to inform its approach to accountability to its stakeholders, including direct beneficiaries, supporters, donors and regulators. It was as a result that Oxfam GB published its first accountability report in December 2007 which set out its approach to Prevention of Sexual Exploitation and Abuse within its first accountability report. Oxfam GB confirmed publicly that it:

“...trained 20 Oxfam staff around the world to manage and carry out investigations into allegations of sexual exploitation and abuse. Twelve allegations were made against staff. Each was followed up and investigations were carried out in eight cases. Three staff were dismissed, one summarily as no investigation was needed, and in six cases the claims were found to be unsubstantiated. Additionally, staff have carried out further trainings [sic] for a number of agencies based in South and South East Asia.”

Within its 2008 – 2009 report, Oxfam GB also stated in relation to its approach to PSEA that:

“We run training courses on the prevention of sexual exploitation and abuse for our international staff and a version of this course has been published. In our Trading Division in the UK, we are integrating training on these issues into other programmes.

Safeguarding of complainants and witnesses

We have new guidelines on dealing with allegations of sexual exploitation and abuse. These ensure we give proper consideration to the needs, wishes and safety of people making complaints, as well as to those of people involved with investigating complaints (be they witnesses, relatives, investigators or those under investigation).”

Oxfam GB’s former trustees and former executive informed the Inquiry that the legacy of transparency continues today as Oxfam GB continues to publish statistics on its handling of PSEA cases⁴⁷. They told the Inquiry that Oxfam GB adopted its first official policy on its approach to PSEA in January 2008. Oxfam GB’s current PSEA policy is published on its website⁴⁸.

⁴⁷ <https://www.oxfam.org.uk/what-we-do/about-us/plans-reports-and-policies/statement-of-legitimacy-and-accountability>

⁴⁸ <https://www.oxfam.org.uk/what-we-do/about-us/plans-reports-and-policies>

Other Policies

Oxfam GB also had in place a Child Protection Policy and the Code of Conduct setting out behavioural standards expected by all members of Oxfam. The Code of Conduct stated that a breach of the code may result in disciplinary action being taken and refers to Oxfam GB's other relevant policies.

To understand the full framework operated by Oxfam GB in 2011 relating to the reporting and handling of the 12 July 2011 allegations, the Inquiry examined the charity's key policies; including the whistle blowing policy, the disciplinary policy and the anti-bullying and harassment policy. Although procedures varied, some allowed for informal resolution of issues and others triggered formal procedures under another policy. For example in a grievance, the ultimate form of resolution would be through the conduct of a formal investigation which could lead to an individual being subject to separate consequential disciplinary proceedings. Where an investigation was required each policy signposted to Oxfam GB's guidance document entitled "*How to Carry Out an Investigation*". The Inquiry obtained a copy of the 2018 version of this guidance but due to a lack of version control and past records it was not possible to say what the guidelines were in 2011.

The Inquiry also viewed records that demonstrated that in support of its PSEA functions, Oxfam GB had created PSEA guidance, in particular for managers handling SEA allegations. The Inquiry saw documentary evidence that this guidance document (dated 17 September 2007) was in circulation in 2010/2011. The Inquiry was unable to obtain a copy of this version of the document from Oxfam GB and therefore could not state whether the guidance it contained had been followed by the Investigation Team during the internal investigation.

The Inquiry also identified that the Loss Prevention Team had its own procedural guidance relating to its remit to investigate financial irregularities. Although Oxfam GB is not a criminal investigating or prosecuting authority (and should not be), the Inquiry noted that the procedural guidance appeared to be based on criminal investigative standards. Although the document contained some relevant basic investigative practice, for example, on subjects such as the recording of witness statements and securing and retaining physical evidence, it also included practices which would be outside the remit of the Loss Prevention Team. For example, the interview "*under caution*" of employees suspected of committing criminal offences. In the Inquiry's view, the guidance was of limited assistance to the Investigation Team in investigating safeguarding related matters.

The Inquiry's view is that each of the Oxfam GB's whistle blowing, grievance, disciplinary and child protection and PSEA policies were all likely to be relevant to the 2011 internal investigation because of the nature of the 12 July 2011 allegations.

The Inquiry reviewed records that showed that the Investigation Team had produced a handling strategy relating to the individuals of concern and maintained a summary of witness statements recorded. The Inquiry expected to see records of how the investigation had been managed, including advice from HR or file notes recording decisions about what policies were applied in each case. However, it could not see these. For example, there was no record of advice from the HR team to the Investigation Team in how to deal with concerns which might have crossed two policies or on whether a particular matter could or should be dealt with by informal or formal means and by whom.

Due to the lack of clarity and/or detail in the investigations records, the Inquiry found it difficult to understand which set of policies and procedures and/or practices were being followed in which cases, particularly in relation to gathering evidence and reporting. Even though the Inquiry was unable to fully evaluate how the internal investigation had been handled it did identify some weaknesses in investigative processes. For example, some witnesses had not been informed how their statements or interviews would be used in the process. In addition, the Inquiry established that:

- Breaches of confidentiality had taken place during the investigation. This included the unauthorised disclosure of an individual investigation report by a member of Oxfam staff regarding one of the individuals of concern. In addition, the Inquiry inspected documents that showed on at least one occasion, one of the Investigation Team compromised the safety and confidentiality of a witness, providing details to one of the individuals of concern, which led to witness intimidation.

- The case records raise concerns that the Investigation Team may not always have adequately explained to those being investigated what the allegations against them were and reasons for the interviews. There was evidence that some of the individuals of concern were confused as to the purpose of the interviews that took place.
- There was poor record keeping practice. For example, in the formal records of events inspected by the Inquiry there were a number of unsigned and undated witness statements used as the primary evidential record.

Format and Consistency on the Individual Cases' Investigations

After the evidence gathering phase of the internal investigation, the Investigation Team drafted reports into seven out of the ten individuals of concern⁴⁹, setting out their findings and making recommendations as to whether there had been breaches of policy or Oxfam GB's code of conduct. The Inquiry observed that these seven investigation reports were sometimes inconsistent in terms of format and content, in that:

- it was not clear in all instances when the report had been finalised and produced; some documents were undated. It was not clear which were final versions and which were drafts
- there was no consistent style or format for each individual staff report - some had clear headings, some an occasional heading and others were just a continuous narrative
- the standard and length of each report varied significantly. Not all contained a full explanation of the steps taken to investigate the allegations. One particular case gave no details at all about a specific allegation or how and what evidence had been relied on
- it was not always possible to get a clear view of the sequencing of events. Dates were used sporadically and not always chronologically
- the vast majority of the reports did reference, by appendices or annexes or otherwise, the relevant evidence associated with and relied on in the case
- it was not always clear how conclusions had been arrived at
- one of the individual investigation reports which claimed to be co-authored by two of the Investigation Team was amended by one of the investigators after the other investigator had left Haiti, without final sign-off on content from both authors

Evidential thresholds and corroboration of evidence

During its review of the available case file records, the Inquiry identified some discrepancies between the reports and the supporting evidence. For example, a report dated 11 August 2011 makes reference to evidence being provided by anonymous witnesses. However, the witnesses referred to did not appear to make statements containing the information used until two days after the completion date stated on the findings report. This casts doubt, at the very least, as to whether the dates were right. In another example, on 9 August 2011, one of the investigators completed a report that stated no further action should be taken against two individuals of concern relating to their alleged use of prostitutes due to insufficient evidence. In another report dated 14 August 2011⁵⁰ into the same two individuals of concern, without taking any further evidence, the report states there is sufficient evidence that the individuals were using prostitutes.

In relation to the conclusions reached by the Investigation Team regarding the conduct of the individuals of concern, the Inquiry saw various references to different standards of evidence being applied. The Inquiry observed that the standards applied varied from "*it is reasonable for Oxfam to believe*" to "*reasonable suspicion to believe*", to "*believe they have reasonable suspicion*" and also "*failed to demonstrate adherence to the following points in the code of conduct.*" None made reference to the evidence reaching the balance of probabilities threshold.

⁴⁹ A final report was not produced for the Country Director, nor two others who were not directly connected to the 12 July 2011 allegations.

⁵⁰ This relates to the co-authored report.

From the evidence reviewed by the Inquiry, it was also not clear that all reasonable lines of enquiry had been fully pursued in reaching decisions about the culpability of the individuals of concern. In particular the Inquiry saw evidence where individuals of concern had presented mitigating evidence either during the internal investigation or at their formal disciplinary meetings. In one example involving allegations relating to the misuse of computing equipment, in questioning the individual during their formal meeting about how pornographic images came to be on a work laptop computer the individual's representative suggested that IT experts could be used to check the provenance of the files. In response, a member of the disciplinary panel stated that *"The investigators have this kind of expertise"*. The Inquiry has seen no evidence that any of the Investigation Team were forensically qualified in this field. The Inquiry also saw no evidence that this was investigated further. In another example investigating an employee's use of prostitutes, the employee denies the allegations and claims they were female colleagues, friends and partners that were visiting their accommodation. Despite being given names, the lines of enquiry do not appear to have been followed up and there are no records as to why.

Investigators' conduct in interviews

The Inquiry noted some examples where two members of the Oxfam GB Investigation Team, either acting alone or jointly, displayed behaviour of concern in particular in interviews with the individuals of concern.

From its examination of the internal investigation records, the Inquiry identified two particular examples. In one case the Inquiry observed that the individual of concern had been put under pressure to have their interview recorded rather than a written record being maintained: in accordance with the Oxfam GB policy the individual was under no obligation to submit to a recorded interview. The records showed that the individual of concern was also told that a failure to submit to the recording of the interview would be considered to be non-cooperation and gross misconduct. Following this the individual of concern was also informed that they had broken several Haitian laws, without it being specified which, leading to them being threatened that they would involve the police and making inappropriate suggestions as to what action the police would take against the individual of concern, including imprisonment.

The disciplinary processes which took place after the investigations

After the evidence gathering phase of the internal investigation, the Investigation Team drafted the seven reports referred to above.⁵¹ Although the Investigation Team were responsible for collating the facts, they were not the decision makers in relation to how these matters would be concluded in terms of disciplinary or other actions. This is common practice in conduct matters. The Inquiry examined whether Oxfam GB had followed its own disciplinary policies and procedures in convening and conducting the various disciplinary hearings against the individuals of concern⁵².

The application of the charity's disciplinary policy and procedures in 2011

The Inquiry examined Oxfam GB's disciplinary policy to ascertain what processes would need to be followed on conclusion of the investigation and fact finding stages. The policy sets out the steps to follow once it had been determined that a disciplinary hearing was required. The individual of concern should be notified that they are required to attend a formal meeting within three to five working days. The policy states that after the formal meeting, preferably within five working days, the individual of concern should be informed of the outcome. If gross misconduct had taken place, a decision could be made on the same day. The policy also gives individuals of concern a right of appeal and sets out the steps and guidelines for how this should be conducted.

The procedures relating to the disciplinary procedures are also clearly set out in the policy for staff to follow, which includes the conduct of the formal meeting. The formal meeting process allowed for three different processes relating to issues of misconduct, performance or a grievance. The policy stated that at a formal meeting following any introduction, the individual of concern should be informed:

⁵¹ A final report was not produced for the Country Director, nor two others who were not directly connected to the 12 July 2011 allegations.

⁵² excluding the Country Director

“...precisely what the complaint is and outline the case briefly by going through the evidence, including signed witness statements, which the employee will have received in advance.”

The policy states that the individual of concern should then be able to be given the opportunity to respond to the allegations, ask questions and question previously invited witnesses. It then states that an exploratory discussion would take place, considering mitigation. The policy also guides the disciplinary panel that:

“If the final outcome of the meeting might be dismissal, you should keep an open mind and not go in with an intention to dismiss. Even in cases of gross misconduct the employee should be given the opportunity to state his/her case.”

In conducting its examination of the internal investigation records, which included the records of formal meetings held with the individuals of concern, the Inquiry looked at whether the meetings followed the policies and procedures. Based on the records examined, the Inquiry⁵³ identified some inconsistencies and anomalies in arranging and conducting formal meetings with the individuals of concern:

- Some formal meetings took place more quickly than the recommended three to five working days. For example, one individual of concern was sent a letter on 15 August 2011 inviting them to a formal meeting on 16 August 2011. Although “Person A” agreed to an expedited formal meeting, Oxfam GB’s policy states that under UK legislative requirements the employee must have a *“Reasonable amount of notice for a formal meeting to allow the employee to prepare.”* The preparation time in this case appears to have been less than 24 hours and the Inquiry could not see from the records inspected that the employee was made aware of their right.
- It was not clear that the individuals of concern had been offered the opportunity to present further evidence during their hearing. In some of the notes of the formal meetings the Inquiry noted that the individuals being investigated had named other individuals who may be able to support their assertions but it was not clear whether this was followed up before a decision was reached.
- Based on meeting records examined in one case, the meeting manager did not go through the case evidence with the individual of concern, including *“signed witness statements which the employee will have received in advance”*. The Inquiry noted that in the record of the formal meeting the disciplinary panel had questioned the individual of concern on the basis of information contained in the investigation report cross referring to the relevant report paragraph numbers, rather than referring to the evidence presented in supporting statements, some of which were not signed. In one hearing the individual of concern asks for the statement to be signed.

Where a finding of gross misconduct is made, Oxfam GB’s disciplinary policy allows meeting managers to make decisions about the outcome on the same day. The records the Inquiry examined confirmed that in most cases, unless there were circumstances which prevented this, most outcomes were deliberated on and the individual of concern notified of the outcome on the same day. The policy states that:

“In order to reach a decision after a formal meeting, the relevant manager will need to consider all the circumstances of the case and any mitigating circumstances but does not have to prove the case “beyond reasonable doubt” as in a court of law, in order to act. The manager will need to look at the balance of probabilities as to which version of the event and evidence is believable.”

The Inquiry inspected the records of some decisions which appeared to indicate the meeting managers may not have been clear about the evidential standards that they were working to, even though there was a HR presence at each meeting. In one particular case the Inquiry noted that in communicating the message to the individual of concern, the meeting manager stated that there had been *“...enough evidence to suggest you have been using prostitutes”* and also that they *“...potentially brought Oxfam into disrepute...”*

⁵³ This analysis excludes the Country Director and one other individual of concern for which the Inquiry was not able to see the report or evidence relating to their disciplinary handling.

The letter that was subsequently sent to this individual of concern did not reflect what they had been informed verbally, and stated:

“...based on the evidence contained within the investigation report ... your behaviour and sexual conduct has not only damaged the reputation of Oxfam and has impacted on our credibility, but is also illegal under the local law.”

It goes on to state that:

“Based on the evidence in this report ... you have seriously breached our trust and confidence and have contravened Oxfam’s values and mission. This is a serious breach of Oxfam’s code of conduct and is considered to be gross misconduct.”

Summary Finding – The Investigation

The allegations were first raised orally in early July 2011 with Oxfam GB’s senior leadership during an International Programme Leadership team meeting held at Oxfam GB’s HQ. These concerns were followed up in writing by the whistle blower on 12 July 2011. Oxfam GB’s leadership acted to mobilise the internal investigation which commenced on 23 July with an investigation team being dispatched to Haiti. The internal investigation started examining allegations against, and the conduct of, three members of staff. By the time it concluded it had extended to investigating 10 members of staff and reportedly involved over 40 witnesses. The outcome of the investigations led to various individual disciplinary hearings. An overarching final report for all cases was produced in August 2011. The final report also contained recommendations for wider action for Oxfam GB and identified learning for the future.

In summary, the Inquiry’s finding is that it was proper that Oxfam GB’s leadership instigated an urgent investigation into the concerns raised by the whistle blower. The Inquiry identified some issues about how the investigation was conducted. These include concerns about the resourcing, capacity and experience of the investigators in specifically dealing with PSEA and/or handling safeguarding allegations. The team’s knowledge, experience and skills were mainly in financial related investigation expertise.

The Inquiry also identified some worrying reports about the manner in which some of the investigators conducted themselves during the investigation, including their conduct when interviewing some witnesses. The Inquiry noted some lapses in good investigation standards - in some instances of poor and/or inconsistent record keeping and report writing practices. The fact that sensitive information in an individual investigation report was leaked by a member of staff during the investigation was of serious concern. This compromised the safety and confidentiality of a witness, leading to intimidation of witnesses. This in turn led to further charges of bullying and intimidation that were investigated.

ix) Lines of Reporting and Accountability, and Trustee Oversight

Records examined by the Inquiry showed that following receipt of the 12 July 2011 allegations, the matter was escalated to Oxfam GB senior managers, including the Director of International Programmes and the Director of Finance and Information Systems. The Inquiry noted that from that point a series of actions were swiftly taken by the Director of International Programmes to mobilise Oxfam GBs response to the allegations including activating the Oxfam GB Crisis Management Plan ('the Management Plan'). The actions taken were, at this point, confined to a small group of individuals both in the UK and Haiti to maintain confidentiality.

In incepting its Management Plan, the Inquiry noted the Director of Strategy and Innovation was designated as the "Incident Director". The Incident Director became responsible for managing the incident and deciding whether an Incident Management Team would be established, defining its objectives and membership and where it would be located. In managing the incident, a record of all communications and decisions made should be kept and a formal communications strategy developed. In accordance with the Management Plan, the Incident Director and the internal communications team would be the nominated functional contact for the trustees and the Oxfam GB CMT. The Management Plan also stated that *"The ID will authorise coordination of all components, communications and decision-making. Although the ID is responsible for managing the incident, they will operate under the guidance of the CEO and some decisions may be referred to the CEO and possibly to the Chair."*

The Inquiry established that for the first few days after deployment to Haiti, both the Head of Internal Audit and Lead Investigator were communicating with the Director of International Programmes, prior to her going on annual leave, in relation to the progress and direction of the internal investigation. This included agreeing the Investigation Team's action plan which set out the proposed measures to be taken in managing each of the individuals of concern, including suspending five of the individuals. The measures to be taken to manage the most senior member of staff were also set out in that action plan. The Inquiry noted that although the action plan referred to the allegations made against each individual of concern those allegations were not set out in the action plan.

The Inquiry also examined records that demonstrated that in the days leading up to the Country Director's resignation on 27 July 2011, there were regular communications both oral and written, between senior managers at Oxfam GB's HQ and senior managers and the Investigations Team in Haiti. These covered the steps that were being taken, which prior to the 27 July 2011 primarily related to the investigation of the concerns and the conduct of the Country Director. Those included in the communications included, the Director of International Programmes, the Regional Programme Manager and the Head of Internal Audit.

In her interview with the Inquiry in January 2019, the 2011 CEO provided an explanation of how the internal investigation was established and overseen from Oxfam GB HQ. The 2011 CEO informed the Inquiry that there was a clear division between the corporate management chain and those in the internal investigation management chain so that the investigation could maintain its independence.

The Inquiry recognises that in managing in a crisis situation the same processes may not need to be followed in each case. However, although the 2011 CEO had explained to the Inquiry how this was managed in accordance with the policy, the Inquiry was unable to fully establish from its review of the records what procedures had been agreed and put in place for managing the incident and how those aligned with the Management Plan, in particular in relation to decision making, record keeping and internal communications. This was particularly evident in relation to the handling of the matters relating to the Country Director.

The Inquiry recognises that in a charity as large and complex as Oxfam GB, trustees would not be expected to have a detailed oversight of or be involved in all aspects of a charity's work on the front line, the day to day management of these aspects being delegated to charity's CEO and staff to undertake.

In the context of an investigation into staff conduct issues, ordinarily trustees would not need to be involved in that process or have direct oversight of it. However, where senior members of staff are involved in serious misconduct, it might require their involvement, oversight, and scrutiny, and more detailed reporting to them on matters of corporate significance or for which they would be legally responsible.

In their written submission to the Inquiry in March 2018, the 2011 trustees informed the Inquiry that due to the size of Oxfam GB and the fact it operated globally in many countries, one of their challenges was ensuring that there was sufficient oversight of the staff and Oxfam GB's activities. The 2011 trustees informed the Inquiry that a mechanism to address this was through frequent and open dialogue between the trustees and Oxfam GB senior managers. The 2011 trustees explained to the Inquiry how they maintained regular communication between the honorary officers and senior management, stating that the three honorary officers collectively met with the 2011 CEO in between Council meetings. These meetings were not minuted but were used to provide an update on important issues and discuss the agendas of Council meetings. In addition, the chair met frequently with the 2011 CEO between formal meetings, approximately every two weeks. The Honorary Treasurer met regularly with the Director of Finance and Information Systems, and the Vice-Chair similarly met with the HR Director, as the Vice-Chair acted as lead trustee for HR issues.

The 2011 trustees also informed the Inquiry that in relation to the internal investigation the 2011 CEO had attempted to inform the then Chair of trustees⁵⁴ of the allegations relating to staff misconduct in Haiti on 28 July 2011 but was unable to contact them due to the fact they were dealing with a family bereavement. However, the Honorary Treasurer had been informed and provided with an explanation of the nature of the allegations and the management response at that point, including the decision to accept the Country Director's resignation. The 2011 trustees informed the Inquiry that due to the severity of the allegations and the number of staff implicated, they fully supported the decision to fully investigate matters and commit the Oxfam GB resources necessary to understand the extent of the issue and what action was needed to deal with it appropriately.

Following contact with the Honorary Treasurer, the 2011 CEO had sent an email to all the 2011 trustees on the same day. In that email, the Inquiry saw that the 2011 CEO had stated:

"I am sorry to have to inform you that we have uncovered allegations of some severe behaviour malpractice in Haiti, this was discovered through staff raising the issues. We have had a small investigation team in-country since the weekend. Six members of staff are now suspended while the full investigation takes place. Our Country Director has said that he will resign (please do not share this) and we have accepted that, but he will stay with us for a short period to help us through. This resignation is on the basis of his overall responsibility, not because of involvement in the activities of concern."

A similarly worded email had also been sent to the CMT by the 2011 CEO on the same date.

The 2011 CEO's email stated that the reasons for the Country Director's resignation was "...on the basis of his overall responsibility, not because of involvement in the activities of concern." When questioned by the Inquiry during their January 2019 interview, the 2011 CEO informed the Inquiry that this statement related to the Country Director's overall responsibility for the behaviours of staff in Haiti, and that because the internal investigation was still on-going, she did not wish to pre-judge the situation about the results of the enquiries into his own conduct. The 2011 CEO also subsequently explained that she did not think this omission was problematic:

"My understanding of the situation, at the time, was that the Investigation team had very clearly told me that [his] activities were not related to those that the wider group of staff had been involved with and when I said in the email that 'he was not involved with the activities of concern' I was referring directly to the investigation into the group of staff. I did not intend to mislead the trustees at all. I also had conversations with [Chair of trustees] and [Honorary Treasurer] at that time and I discussed [Country Director]'s behaviour in more detail with them."

When interviewed by the Inquiry, the then chair informed the Inquiry that when briefed by the 2011 CEO, they had discussed the range of allegations including the concerns regarding the Country Director. They informed the Inquiry that they could not recollect the exact details of what had been discussed, but would have asked probing questions and would have been satisfied that appropriate decisions were being taken.

⁵⁴ The then chair was not informed until 2 August 2011

The then chair also stated that they would have had follow up conversations about the investigation with the 2011 CEO on a regular basis as part of their normal engagement.

The Inquiry reviewed documents that showed that on 5 September 2011, the 2011 CEO had also sent an email to the 2011 trustees⁵⁵ in which she summarised the outcomes of the internal investigation, informing them:

“The investigation found that six members of Oxfam GB staff had been involved in a number of instances of misconduct. The charges against them include: a breach of Oxfam GB’s behavioural code of conduct; bringing Oxfam’s name into disrepute; abuse of power; and bullying within Oxfam. None of these charges involved beneficiaries. As a result of the internal investigation, disciplinary action has been taken and all six individuals have left the organisation.”

The number of individuals quoted and updated did not include the Country Director, who at this point had already resigned, having left Oxfam GB’s employment on 24 August 2011.

The 2011 trustees informed the Inquiry that following the 2011 CEO’s email and the update provided to the then chair on 2 August, the honorary officers held a telephone conference with the 2011 CEO on 6 September 2011 where they were updated on the internal investigation. The 2011 trustees informed the Inquiry that during this call it became clear to them that in addition to dealing with the failings identified in Haiti, they would need to take further steps to strengthen Oxfam GB’s PSEA arrangements. The 2011 trustees state that there were committed efforts to set the tone for improving safeguarding from the top.

At the meeting of the TAFG committee on 30 September 2011, which was chaired by the honorary treasurer and attended by two other trustees⁵⁶, a copy of the final report had been provided to the committee members, which included the lessons learnt and recommendations for action. The Inquiry noted that other than the 2011 CEO’s email to the 2011 trustees on 28 July 2011, this was the first time that they would have seen the documented outcomes of the internal investigation.

The TAFG minutes for 30 September 2011 record that the Head of Internal Audit briefed the committee about the nature of the 12 July 2011 allegations, the investigation process and the outcome of the investigation. The Inquiry noted that the minutes reflected that the Head of Internal Audit also raised points about organisational culture, particularly in humanitarian and emergency response situations, about similar patterns of behaviours displayed by some of the individuals of concern in other regions. The Head of Internal Audit also highlighted the lack of mechanisms for alerting other agencies to the misconduct of staff disciplined under the internal investigation. Other concerns considered at that meeting were:

- whether there had been sufficient challenge and monitoring of the Haiti programme from the Regional Centre and Oxfam HQ
- around whistle blowing and the fact that staff had not felt empowered to raise their concern, due to the Director and a member of HR staff being implicated
- a number of Oxfam GB staff, including senior managers, had visited Haiti in the 18 months after the earthquake and nobody had felt able to raise concerns with them.

The meeting minutes also reflected that discussion took place around post investigation initiatives that were then taken by Oxfam GB to strengthen its whistle blowing procedures, awareness of the code of conduct, code and standards of behaviour expected of staff and also that the Regional Centre was undertaking a review as to whether there was more they could have done. The minutes also noted that the Oxfam GB’s Humanitarian Department was looking into whether there was a culture within the Humanitarian Support Personnel community that increased the likelihood of the kind of behaviour that had taken place in Haiti. It also identified that the Director of International Programmes had also set a deadline of the end of December 2011 for a report on whether similar behaviour had occurred in field projects in which the individuals of concern had served.

⁵⁵ Nominated trustee representatives were selected to act for the former trustees collectively. Three out of four trustees the Commission interviewed in 2018 had been present at the September 2011 TAFG.

⁵⁶ The meeting was also attended by the chair of trustees designate as part of their preparation for taking that role following the 14 October 2011 Council meeting

In a statement to the Inquiry the 2011 trustees stated that:

“In the light of the discussion, the trustees on the Committee considered at the time that the investigation had been carried out in a thorough and professional manner and that the report provided an effective summary of the action taken in respect of individuals and a valuable analysis of the action to be taken. They supported the proposed action plan which recognised the scale of the change required across the organisation.”

Although this was the case, the final report only made reference to the 12 July 2011 allegations. The 2011 trustees informed the Inquiry that they had not been made aware of the 18 July 2011 allegations.

From records examined by the Inquiry, there had been a meeting of the Council on 14 October 2011. The 2011 trustees and former trustees informed the Inquiry that prior to the Council meetings, an un-minuted trustees' meeting takes place and that the 2011 CEO often attended: the 2011 CEO had attended this on this occasion. In their written submission to the Inquiry, the 2011 trustees stated that the pre-meeting discussion that day had included discussion on the internal investigation and the need for a significant change in approach to Oxfam GB's approach to PSEA issues. The 2011 trustees and former trustees informed the inquiry in interview on the 23 May 2019, that they recalled the 2011 CEO being present and answering questions. The 2011 trustees and former trustee also recalled that either in the pre meeting or in the Council meeting, the 2011 CEO and others had answered questions about reporting taking place to regulators and stakeholders in Haiti and elsewhere, and the safety of prostitutes and if they were reported to the police.

The 2011 trustees also informed the Inquiry that during the formal meeting, the 2011 CEO had briefed them on the internal investigation outcomes and the action already taken to address the lessons learnt from evaluation of the investigation the longer term action plan as part of the CEO report. The minutes record that the 2011 CEO reported to the Council:

“Following the recent staff dismissals, [2011 CEO] advised that a new Country Director was being appointed. [HR Director] would circulate the action plan which had been put in place. The incident had highlighted the importance of finalising the Oxfam International code of conduct, and she was now leading on this work.”

The Inquiry also established that the 14 October 2011 Council meeting minutes also contained a report from the TAFG. Although the narrative within the October minutes referred to the TAFG meeting on 30 September 2011 they made no reference to the internal investigation, focusing on the TAFG Annual Report and Annual Control Assurance Report, both of which are reported as having been considered by TAFG at that meeting. Although in response to the Inquiry Oxfam GB stated that although the briefing began with these two items as they were within the papers sent to Council, it was not limited to those items.

The October minutes also report on Oxfam GB's risk management in responding to frauds and defaults when they occurred e.g. in Haiti and Pakistan. Although the minutes also state that *“It was important to continue reinforcing vigilance in a more challenging environment. Oxfam's response and the transparent approach taken had demonstrated that the organisation was becoming more accountable...”* it is not clear that this is in reference to the internal investigation rather Oxfam GB's oversight and management of financial risk. In interviews with the Inquiry on 23 May 2019, the 2011 and former trustees stated that this comment directly related to the internal investigation as the 12 July 2011 allegations also contained some financial aspects.

Although the action plan had been circulated to members of the TAFG committee, and the TAFG minutes from the 30 September meeting tabled at the 14 October Council meeting, it is not clear from the records that the very final report had been attached to those minutes. However, irrespective of the Council records, other records examined by the Inquiry showed that on the 17 October 2011, the 2011 and former trustees were all sent a copy of the final report action plan by email. This set out the list of planned actions and who within Oxfam GB would be responsible for progressing those matters to completion. The list of planned actions set out the timescales for completion of the proposed actions which did not exceed *“December 2011”* and/or *“Winter 2011”*.

The action plan allowed the former trustees to consider the organisational risks arising from the internal investigation and how the executive proposed they would be addressed. Although the Inquiry examined the detailed action plan, it has been unable to locate documentary records which evidenced how the former trustees maintained oversight to ensure that the actions had been completed and the issues of concern they were addressing had been resolved to their satisfaction. In interview with the Inquiry on 23 May 2019, the 2011 and former trustees stated to the Inquiry that although the Council meeting minutes from the time may not properly reflect the discussions that took place during those meetings, they were, in their view, fully aware of the progress made at all times. They considered that as trustees they had been provided with sufficient assurance by the executive that the actions had been fully implemented.

Summary Finding – Lines of Reporting and Trustee Oversight

In a large charity in particular, reliance by trustees on delegation to the executive is inevitable and essential. In a charity as large and complex as Oxfam GB, its trustees could not and would not be expected to have a detailed oversight of, or involvement in all aspects of the charity's day to day work and all decisions on front line operations. There will need to be a heavy reliance on a competent executive, in particular the CEO and the senior executives.

However, that delegation by trustees means it is essential that they ensure there are effective oversight, assurance and accountability mechanisms in place. Specialist committees, internal audit, meaningful briefing and reporting by the executive and other assurance mechanisms are critical. In essence, trustees need to be confident that they have sufficient oversight over key matters and are able to identify and ensure action on issues of concern, holding the executive to account and in turn enabling the trustees to fulfil their legal duties and responsibilities.

In Oxfam GB's case, the 2011 trustees were naturally heavily reliant on the delegated authority they gave to the CEO and executive. This included reliance on ensuring that the charity's policies and internal assurance mechanisms were properly implemented in practice, and that the trustees were provided with sufficient and meaningful reporting information. In this context, a trustee board would not normally be expected to be involved into routine staffing matters including investigations into staff conduct issues. However, with more senior the staff, and the more serious or widespread the misconduct, as was the case here, the more oversight and assurance scrutiny by them would be expected. In turn, the more detailed and regular reporting to them should be expected as these would be matters of corporate significance and risk for which they would be legally responsible and accountable.

The Inquiry finds that there was limited documented trustee briefing about and during the Haiti investigation in 2011. Oversight of the handling of the staff issues of concern, including the Country Director was handled by the then senior executive. Some oral briefings were said to be provided to the 2011 trustees by the 2011 CEO. The email of 28 July 2011, from the 2011 CEO to the 2011 trustees, is the only written record the Inquiry could locate of a written report or briefing to the trustees on progress prior to the final report. It is in this email that the 2011 trustees were informed of the Haiti Country Director's resignation. The 2011 CEO wrote *"This resignation is on the basis of his overall responsibility, not because of involvement in the activities of concern"*. However, the events leading to his resignation were triggered by presenting to him concerns about his own conduct in breach of the code of conduct. The Inquiry's finding is that Oxfam GB encouraged and facilitated his resignation.

Later the results of the enquiries conducted into the Country Director's conduct is more fully noted in the final report, a summary of which was given to the trustee committee, TAFG and also emailed to the whole trustee body on 17 October 2011. This investigation outcome report was not completed until after 26 August 2011, by which stage the Country Director had already left Oxfam GB's employment. The Inquiry is critical of how this was handled by the then executive in this period.

The final report's section on lessons learnt allowed the 2011 and former trustees to consider the organisational risks arising from the internal investigation's results and scrutinise and oversee how the executive proposed they be addressed. However, although this was the case, the Inquiry was unable to establish to its satisfaction how the former trustees held the executive to account for this or signed off its satisfactory completion formally. In the Inquiry's view it is concerned that this was not categorically closed off formally given the seriousness and significance of the issues in the action plan.

The 2011 trustees state the executive did not inform them about the 18 July 2011 allegations.

Overall the Inquiry finds that the former trustees did exercise oversight over the organisational risks arising from the internal investigation and how the executive proposed they would be addressed. However, the inquiry was not completely satisfied that the oversight and scrutiny of the information and assurances provided by the executive were sufficient to enable the trustees to be satisfied that they were carrying out their legal duties and responsibilities, and that the executive were effectively held to account for the decisions they had made on matters of such significance.

x) Employment References Obtained and Provided by Oxfam GB for Individuals of Concern in Haiti

It is an essential duty of trustees for them to take reasonable steps to safeguard beneficiaries and to protect them from abuse. Additionally, trustees must take reasonable steps to protect staff, volunteers and those connected with the activities of the charity from harm. This includes taking reasonable steps to ensure when recruiting workers that they do not pose a risk to other persons involved or coming into contact with the charity.

References, vetting and other historic allegations

When the concerns about Oxfam GB staff were highlighted in the national media in 2018, it came to light that one of the staff whose conduct was of concern had formerly worked at another international aid charity in 2004. It was alleged publicly that he had been dismissed from that charity following an internal staff investigation into misconduct in Liberia⁵⁷.

It also came to light that other members of staff who had been dismissed from Oxfam GB as a result of the internal investigation had been subsequently employed with other international charitable organisations. This raised questions publicly about whether and what references Oxfam GB had provided to those organisations, and whether Oxfam GB had disclosed, or was able to disclose, the reasons their former staff members had been dismissed from or had left the charity.

Liberia

The Inquiry established as part of its enquiries that in 2004 a formerly registered UK charity ('Charity A') had carried out an investigation into allegations of sexual misconduct amongst staff in Liberia. A number of expatriate staff were included within the investigation, which included the Country Director.

Charity A no longer exists. The Inquiry contacted the charity, Charity B, it merged with to identify what records were still held in relation to Charity A's employment of the individual in Liberia. Due to the amount of time that had elapsed and the merger, records were very limited. Charity B were able to locate and provide the Inquiry with extracts from Charity A's remaining records containing information relating to the individual.

Examination of these records by the Inquiry showed that the individual had been employed by Charity A as the Country Manager in Liberia between 20 February and 31 July 2004, when they were "*dismissed following a sexual misconduct investigation in Liberia in July 2004*".

The Inquiry interviewed the two former Charity A staff members who had investigated the case, and the individual who had reported the concerns to the media in February 2018. Other than what had been published in the media, none of the three witnesses interviewed by the Inquiry were able to provide further information. In interview, the Charity A staff members informed the Inquiry that they had been unable to corroborate the allegations, but recalled that in any event the rumours surrounding them were strong enough that the individual was unable at the time to stay in post.

In an open letter published in February 2018, the individual described a situation where he socialised with two colleagues/friends who had taken two females to a bar, where he had danced with them. The females concerned were later identified as being prostitutes. In the letter he explained that "*When the facts were revealed I was correctly so [sic] asked for an explanation. An investigative commission right away fired the two colleagues and myself as I didn't do the necessary follow ups, and that my behaviour was compromised*". He stated very clearly that he had "*...NO contact with prostitutes, nor did I invite them as was suspected at first hand*". He also stated that in relation to the action taken by his employer that "*I thought this was a correct decision and I would also take such a decision.*"

⁵⁷ <http://www.irinnews.org/investigations/2018/02/13/exclusive-oxfam-sexual-exploiter-haiti-caught-seven-years-earlier-liberia>

The individual's employment with Oxfam

The Inquiry examined records regarding the Country Director's employment with Oxfam GB and established that they had been employed by Oxfam GB as follows:

Start Date	End Date	Country
10/04/2006	29/07/2009	Chad
05/01/2010	19/06/2010	DRC
20/06/2010	25/08/2011	Haiti

In exploring the periods of employment with Oxfam GB, to determine whether proper due diligence had been carried out, the Inquiry examined Oxfam GB's recruitment processes; in particular, its reference requirements.

As the employment history with Oxfam GB was not continuous, the Inquiry sought to establish whether he would have been subject to the same recruitment checks on each occasion he was re-employed after 2006. Oxfam GB's recruitment strategy in 2004 ("the 2004 policy") stated that on recruiting an individual the reference requirements were as follows:

"Newly joining staff members should supply the names of at least two people other than relatives including, where available, that of their most recent employer."

These requirements were revised in 2009 ("the 2009 policy") and stated that in relation to pre-employment checks: *"Two valid references (at least one from a previous employer)"* were required.

In terms of providing references for UK employees, under the general law, there is no obligation on a UK charity to provide a reference, unless it is a term of the contract of employment. In providing a reference, it has to be accurate and fair, and could include details about a worker's performance and if they were dismissed.

Chad 2006

References sought by Oxfam GB

The Inquiry established that in April 2006, the individual joined Oxfam GB for a role in Chad as Country Director. At the point that he was recruited into the role, the charity's 2004 policy was the current document. Due to its usual document retention policy, Oxfam GB has not been able to provide the Inquiry with complete copies of two references provided to them at the point that pre-employment checks were conducted for the post in Chad. Oxfam GB informed the Inquiry that it would have taken proper references at the time.

The curriculum vitae on file by Oxfam GB showed that prior to joining them in April 2006, he had worked as a consultant for non-UK registered charity ('Charity C') in 2005 and early 2006. The Inquiry approached Charity C and its confederation members in an attempt to validate this but due to the lack of availability of records they were not able to confirm this either way.

Due to limited records available the Inquiry could not confirm either way whether the dismissal in 2004 had been disclosed in official references or through other enquiries made with the employer by Oxfam GB. The Inquiry was informed by a former HR staff member of Charity A that they did not recall a reference request ever being made and believed that a reference would not have been given even if it had been requested. Oxfam GB gave the Inquiry a copy of a reference dated 5 April 2006 that it had recovered from archived electronic files in 2018. This document appeared to be a personal character reference from the individual's former line manager at Charity A, which had been provided by a recruitment agency: the recruitment agency no longer exists.

Media reports⁵⁸⁵⁹⁶⁰⁶¹ in February and March 2018, made further claims about the use of prostitutes by Oxfam staff in Chad and that a former Charity A staff member whose complaint was claimed to have initiated the misconduct investigation in Liberia in 2004 had again raised concerns with their then employer, about the individual in 2008 when they had become aware that he was working for Oxfam GB in Chad. These concerns were not reported direct to Oxfam GB by either the Charity A employee or their employer.

The Inquiry examined available records to establish whether the alleged misconduct reported was known to Oxfam GB and whether they had acted on those allegations. The limited documentary evidence available to the Inquiry demonstrated that the alleged use of prostitutes by staff in Chad had been raised in 2007. The Inquiry observed that this matter had been investigated by regional senior managers in Chad who had been interviewing staff in country in an attempt to validate rumours circulating amongst staff about “inappropriate relationships”. The Inquiry noted that in doing so nothing had been raised that senior managers could “...act upon...”

The records examined by the Inquiry recorded that the Country Director, regional programme manager or regional Director had not received and were not aware of any allegations about the suspected use of prostitutes prior to 2007.

The records examined also identified that concerns about the suspected use of prostitutes had been raised by a staff member leaving Chad in 2007. Further enquiries had been conducted with that staff member. The matter appeared to relate to an “...*inappropriate overnight stay...*” which a regional senior manager confirmed was true but did not involve prostitutes. The records stated that “*nevertheless there was no doubt at all that inappropriate behaviours had been happening and more information was seeping out bit by bit*”. These allegations were then brought to the attention of the Country Director in January 2007 and senior managers. The incident appeared to be dealt with informally and “treated as a one off incident”. The Inquiry’s investigation has not identified or been provided with any other evidence that this conduct involved those implicated in the Haiti internal investigation.

From the records dated 2007 examined by the Inquiry the Inquiry has not seen, nor has it been provided with any evidence that allegations raised about use of prostitutes in Chad was substantiated or specific concerns about the individuals of concern in Haiti being formally raised.

- Knowledge and Steps in 2011:

During its examination of the 2011 records of the internal investigation, the Inquiry identified that during an interview on 24 July 2011, a former staff member had informed the Lead Investigator that she had been in Chad with Person A and the Country Director. The Inquiry noted that although the individual had confirmed that they were aware of the use of prostitutes in Chad and said they had raised this matter with the Country Director, no further information was provided to the Lead Investigator. The Inquiry also observed that although the former staff member had indicated that they were aware of behaviours of concern of Person A in Chad they had not personally witnessed them. She provided the Lead Investigator with the names of other staff members who also knew about Person A’s behaviour. This line of enquiry does not seem to have been pursued by the investigation team.

The Inquiry established that after the interview on the 24 July 2011, the Lead Investigator had emailed the Oxfam GB HQ HR Team raising the issue that the former staff member had made new allegations that Oxfam GB were not aware of; the detail of these allegations were not set out in the email. The email stated that the former staff member’s concerns had been raised with two members of Oxfam GB HR staff, including regional HR staff, but did not specify when they had been raised. The Inquiry examined further documentary records relating to the steps taken to validate these facts but has been unable to identify an audit trail for them or locate any evidence setting out what the concerns were, who they related to, or what action, if any, may have been taken in relation to them.

⁵⁸ [The Guardian.com, 11 February 2018](https://www.theguardian.com/development/2018/feb/11/oxfam-sexual-exploitation-haiti)

⁵⁹ [The Guardian.com, 13 February 2018](https://www.theguardian.com/development/2018/feb/13/oxfam-sexual-exploitation-haiti)

⁶⁰ <http://www.thenewhumanitarian.org/investigations/2018/02/13/exclusive-oxfam-sexual-exploiter-haiti-caught-seven-years-earlier-liberia>

⁶¹ [Development today.com, 16 March 2018](https://www.developmenttoday.com/2018/03/16/oxfam-sexual-exploitation-haiti)

From records examined by the Inquiry, in early August 2011, at the request of the 2011 CEO, the Oxfam GB HR team had undertaken research to establish what Oxfam GB operations all the individuals of concern under investigation had previously worked on and when. In the Inquiry's view this was a prudent and necessary step for Oxfam GB's management to have taken.

The initial results identified that there had been some overlaps between the Country Director and Person A in Chad in 2008/09, and also a potential overlap between Person A and Person B in Chad (although no specific date was identified) and potential overlaps between the latter two individuals in Indonesia in 2006/07. However, the Inquiry could not identify records which showed the completion of these enquiries or indicating what the final impact of this research was. Nor could it be shown whether these results were fed back to either the Investigation Team or Oxfam GB HR Team to investigate possible repetitive patterns of behaviour or past breaches of the code of conduct. The Inquiry did examine email correspondence between the Director of International Programmes and the Head of Internal Audit on 15 August 2011, which showed that the Head of Internal Audit may have been "... quietly looking at whether we need to do any investigative work in DRC/Chad". The Inquiry was unable to locate documentary evidence that this was followed up.

A meeting of Oxfam GB's CMT took place on 5 September 2011. The action notes from the meeting under the heading "*Follow-up from Haiti/Code of Conduct/Behaviours in Organisation*" actions, had been assigned to three senior managers including the Director of International Programmes (who the Inquiry notes was unable to attend the meeting⁶²), and the Head of Internal Audit. The action notes state that discussion of these matters was specifically not recorded. The actions relating to Chad and DRC were that the person deputising for the Director of International Programmes was to contact the Director of International Programmes "...re: talking with female staff in DRC." In addition, the Head of Internal Audit was required to "... think about how we could explore the situation in DRC." The person deputising for the Director of International Programmes was to also talk to the Director of International Programmes "...about how we could explore the situation in Chad."

The issue about historic checks was also subsequently raised at a TAFG committee meeting on 30 September 2011. The minutes recorded that the Director of International Programmes "...had set a deadline of the end of December for a report on whether similar behaviour had occurred in other postings held by those managers subject to the investigation."

During interview with the Inquiry in January 2019, the Director of International Programmes informed the Inquiry that she had made a number of confidential enquiries in relation to this matter with staff which on that basis had not been documented. As a result, the report had been a verbal briefing not a written report. In interview with the Inquiry on 22 May 2019 the Director explained she had spoken to a number of senior staff who had direct knowledge of those programmes at the time. She stated that her recollection was the enquiries that had been undertaken in relation to historic activity in Chad and DRC had identified nothing of concern. The Director of International Programmes also confirmed that the briefing on this had been made by her to the 2011 CEO.

The inquiry has examined minutes of the TAFG meetings after December 2011 and could identify no record that this matter was reported back to TAFG. The inquiry is not suggesting that that briefing did not take place and recognises that this follow up demonstrates trustee oversight, but it is critical of the executive for not ensuring there was a proper audit trail to show the outcome of a matter of such significant concern was properly followed through and concluded.

On 12 February 2018 the former Director of International Programme resigned from her current post in Oxfam GB:

"I am deeply sad to announce that I have resigned ... Over the last few days we have become aware that concerns were raised about the behaviour of staff in Chad as well as Haiti that we failed to adequately act upon. It is now clear that these allegations - involving the use of prostitutes and which related to behaviour of both the Country Director and members of his team in Chad - were raised before he moved to Haiti. As

⁶² The Director of International Programmes was on Oxfam GB business in DRC and the Director on Strategy and Innovation (the "Incident Director") deputised in their absence.

Program Director at the time, I am ashamed that this happened on my watch and I take full responsibility. I am desperately sorry for the harm and distress that this has caused to Oxfam's supporters, the wider development sector and, most of all, the vulnerable people who trusted us."

Evidence provided to the Inquiry shows that the Director of International Programmes did not know about the information relating to Chad in 2011.

Democratic Republic of Congo ("DRC") 2010

In January 2010, the Country Director returned to Oxfam GB, this time to take up a role in DRC as the Deputy Country Director. As Oxfam GB no longer held his recruitment records in 2018, the Inquiry was unable to establish what references were obtained or taken by Oxfam GB for this role. Oxfam GB gave evidence to the Inquiry that they had been unable to determine whether the Country Director had been employed since leaving the charity in July 2009 and being recruited to the DRC role. It is possible that Oxfam GB may have relied on its own internal references having been the Country Director's employer on a previous occasion, which would have met the recruitment policy's basic requirements.

Haiti 2010

In June 2010, whilst still employed by Oxfam GB in DRC, the Country Director was offered the role of the Country Director in Haiti, moving from DRC to Haiti in June 2010. The Inquiry established from the records held by Oxfam GB that on this occasion the required references relied on were those from internal Oxfam referees. There was no record in those references of any adverse historic conduct about the Country Director. The Country Director started the role on 20 June 2010.

Summary Finding - Chad and Knowledge of Prior Incidents

The Inquiry established that when employing the Country Director in 2006, Oxfam GB relied on a reference which had been provided by a recruitment agency. The recruitment agency no longer exists. This appears to be a personal reference from the individual's former line manager at his previous employment. An employment reference from his previous employer could not be located. As a result, Oxfam GB did not appear therefore to know about the individual's previous dismissal from employment in Liberia.

In the Inquiry's view, there were general concerns emerging about staff conduct and behaviours in Chad in 2007. In 2007 rumours were circulating amongst staff in Chad about prostitutes and "inappropriate relationships" but nothing had been raised that senior managers could "...act upon...". Separately, concerns about breaches of Oxfam's code of conduct by staff connected with an overnight stay in Oxfam premises in the Chad were also raised with local Chad management in Oxfam in 2007. They were discussed with but not escalated beyond country level and, in the end, could not be substantiated.

During the 2011 Haiti investigation, one of the witnesses raised the possibility of the use of prostitutes by staff in the past in Chad but these leads were not followed up.

From records examined by the Inquiry, in early August 2011, at the request of the then 2011 CEO, the Oxfam GB HR team undertook research to establish what Oxfam GB operations all the individuals under investigation had previously worked on and when. The initial results identified that there had been some overlaps between three of the individuals in Chad and potential overlaps between two of the same individuals in Indonesia.

At trustee level, TAFG were aware that work had been commissioned to look into these links; it was raised at a meeting of TAFG in September 2011, where a deadline for December for a report on whether similar behaviour had occurred in other postings by those managers was noted. The Director of International Programmes told the inquiry she reported back orally to the 2011 CEO.

The Inquiry was unable to verify to its satisfaction that this work was completed, or that the executive fully followed up the outcome and actions, and were held accountable for doing so.

The former Director of International Programmes resigned in February 2018, stating:
"I am deeply sad to announce that I have resigned ... Over the last few days we have become aware that concerns were raised about the behaviour of staff in Chad as well as Haiti that we failed to adequately act upon. It is now clear that these allegations - involving the use of prostitutes and which related to behaviour of both the Country Director and members of his team in Chad - were raised before he moved to Haiti."

The Director of International Programmes informed the Inquiry that she had made a number of confidential enquiries in relation to this matter with staff which had not been documented. The outcome of those enquiries was that she could not identify any issue of concern in Chad. As a result, the Inquiry was informed that the report had been an oral briefing to the 2011 CEO, not a written report. The Inquiry is not suggesting that that briefing did not take place, but it is critical of the executive and then trustees for not ensuring there was a proper audit trail to show a matter of such significant concern was properly followed through and concluded.

The Inquiry finds that Oxfam GB's handling of these matters exposed the charity to further risks, as evidenced in February 2018. Those risks included not being able to state with certainty whether there were concerns about staff conduct in Chad that were known about and, where appropriate, acted on. This meant the charity was not able to have or provide the necessary assurance that the risks had been managed. In the Inquiry's view this amounts to mismanagement.

Employment references provided to other organisations

References provided by Oxfam GB in respect of the Country Director

The Inquiry inspected records showing that on 18 October 2011, as a result of staff being dismissed from Oxfam GB as part of the internal investigation, mechanisms had been put in place to flag any reference requests for former Haiti staff to specific members of staff within the HR team at Oxfam GB's HQ to enable them to advise on any response. The Inquiry was provided with documents that showed instructions had been issued to relevant staff stating that if requests were received about the former Country Director, they should state factually he had resigned under investigation.

The Inquiry examined documents which showed that during his resignation period, the individual had applied to a UK registered charity ('Charity D') for a Country Director post in Haiti. The Inquiry has seen evidence that references a phone call which took place between the Director of International Programmes and Charity D who were seeking further information regarding the individual's suitability. The message was conveyed by the Director of International Programmes that the individual had *"resigned following an investigation for which he took responsibility as the manager of the country"*.

The Inquiry examined correspondence between Oxfam GB and another INGO ("INGO B") relating to employment references for the same individual. The Inquiry noted that INGO B had made two requests to Oxfam GB for references in late July 2012. In a response on 1 August 2012, Oxfam GB's HR Team stated *"I am unable to complete the form sent as legally we can only tell you [the person's] start date, end date and Job Title."* Oxfam GB subsequently provided that information. Similarly, the Inquiry also identified that on 6 August 2012, the Director of International Programmes had also responded to INGO B, again clearly stating *"All we are legally allowed to tell you is his start date, end date and job title."*

The Inquiry identified that on 25 July 2012, INGO B had also written to a then member of Oxfam GB's Humanitarian Support Personnel requesting they provide a reference for the individual and complete a reference form. The Inquiry inspected documents which confirmed that the staff member responded from an Oxfam GB email account on the same day, stating *"I have no hesitation in recommending him to you."* The Inquiry identified that the Oxfam GB staff member had completed the reference form providing a positive reference. This appeared to be a personal reference. Oxfam GB's reference guidelines state *"Other persons are able to provide personal references. These must not be written on headed paper or be written to suggest that it is a formal reference from Oxfam GB."* As well as being sent from their Oxfam GB email address, the reference form completed by the individual also gave their position in Oxfam GB. Oxfam GB have confirmed to the Inquiry that this reference was in breach of Oxfam GB's guidelines.

Although no positive reference was provided by Oxfam GB corporately to the INGO, the Inquiry notes that as the individual had resigned under the circumstances he did, it appears to have created an uncertainty internally in Oxfam GB about what could be said to other organisations regarding his departure and the reasons for it.

References provided by Oxfam GB for other staff members involved in the Haiti allegations

In February 2018, the media reported that three of the other individuals dismissed by Oxfam GB for gross misconduct during the internal investigation had been re-employed by other aid agencies. Two by other international aid agencies, the other by Oxfam as a consultant.⁶³ Oxfam GB's 2013 CEO gave an interview⁶⁴ on 9 February 2018 stating that:

"When the staff involved resigned in 2011, or were fired, Oxfam was very clear that we would not give them references. We recorded that on our own system, and we wrote to all of our offices across the world. But there is a real difference between an organisation giving a reference and individuals that have previously worked for an organisation giving references in individual capacities, and that's what we believe will have happened."

The Inquiry identified that Oxfam GB had taken steps to ensure that all its affiliates were made aware that requests for references were being coordinated centrally by Oxfam GB.

Wider Recruitment and Reference Practices involving individuals of concern

The Inquiry reviewed documentation relating to how Oxfam GB had handled requests for pre-employment references from other organisations looking to recruit employees who had been the subject of the internal investigation. Through this examination the Inquiry identified that, between 2011 and 2016, a number of these individuals had been successful in acquiring roles with other charities or INGOs. It also identified other cases relating to Oxfam GB's employment of these individuals prior to them becoming involved in the internal investigation which, if known, would have affected their employment by Oxfam GB.

Through its examination of the records obtained from Oxfam GB or from the recruiting organisations, the Inquiry saw that the former employees who were subsequently employed with other charities, INGOs or Oxfam GB were as follows:

- In two cases, the recruiting organisation had not obtained official references from Oxfam GB but had taken personal references from serving or former Oxfam GB staff members. The recruiting organisations appeared to have accepted these as being official references. In one case, the referee was a former staff member who had not only been involved in the individual of concern's disciplinary case in Haiti, but was subject to disciplinary action themselves as part of the internal investigation, having received a final written warning⁶⁵. The second case related to a reference provided by a serving manager at Oxfam GB who worked with the individual of concern in Haiti
- A former employee who was dismissed during the internal investigation had been contracted by an INGO as a consultant shortly after being dismissed. Oxfam GB had acted responsibly and notified the INGO of their concerns. This individual had then gone on to obtain further employment with another INGO between 2011 and 2016, without reference to Oxfam GB. Only when the allegations about Haiti broke in February 2018 did the 2016 employer contact Oxfam GB for a personal reference. In response, Oxfam GB clearly stated that the employee had been dismissed. Following their own internal investigation, the 2016 employer took the decision to continue the former staff member's employment based on their findings and the individual's performance and conduct whilst with the 2016 employer.
- A former employee who provided a CV and two references to the INGO that employed them in 2014, although disclosing they had worked for Oxfam GB, there was no reference to Haiti. One of the references had been provided by a former senior member of staff who had been involved in

⁶³ Oxfam GB confirmed to the Inquiry that they did not give references for these 3 individuals.

⁶⁴ BBC Radio 4's Today programme.

⁶⁵ not related to sexual misconduct

overseeing the Oxfam GB response to the incidents in Haiti and would have known of the employee's dismissal.

- A former employee who resigned during the internal investigation was identified to have not fully disclosed their previous employment history when joining Oxfam GB in Haiti in 2010. Although Oxfam GB had obtained two references from their most recent employers named on the CV at that time, when the employee applied for another role in 2011, it identified that they had been employed by another UK charity which had not been named on their CV. The former employer did not provide a satisfactory reference to Oxfam GB and it was then identified that they had been dismissed from that charity in 2008. This individual resigned and left Haiti during the internal investigation and did not return.
- An INGO applied to Oxfam GB in September 2011 for a reference for an employee dismissed during the internal investigation. In responding, Oxfam GB clearly stated that the individual had been dismissed for breaches of the code of conduct and that Oxfam GB would not re-employ them.

In summary, the Inquiry found evidence that Oxfam GB had taken some responsible and reasonable steps to protect other charities and INGOs from being exposed to risks posed by those employees formally disciplined by Oxfam GB in Haiti. This included informing prospective employers factually of what happened when asked and recommending that in relation to requests for references they contact Oxfam GB HQ.

Oxfam GB is not responsible for the actions other aid agencies take or do not take as part of pre-employment due diligence carried out on former members of Oxfam GB's staff. Nor is it responsible for decisions taken by those agencies to employ former Oxfam GB staff dismissed in Haiti. They are also not responsible for the actions taken by Oxfam GB staff members who provided personal references unbeknown to Oxfam GB. Two of them have resultantly had disciplinary action taken against them.

In relation to the Country Director, Oxfam GB was put in a difficult position by virtue of its own decisions about the outcome of the allegations against him. These decisions consequently limited Oxfam GB's ability to mitigate the risks to other parts of Oxfam and other organisations. These decisions also led to difficulties, as its staff were not clear what could or should be disclosed.

The Inquiry has seen and is reassured that in 2018 Oxfam GB responded to what happened in Haiti responsibly by reviewing its current policy and practices when providing references to third parties on current and former Oxfam GB workers. As a result Oxfam GB has a new set of standards regarding corporate references which were introduced in March 2018 to manage the risks arising from individuals whose conduct the charity has cause for concern over.

Summary Finding - Oxfam's handling of Requests of Staff References after the 2011 events

Oxfam GB's handling of references for the Country Director immediately after 2011 appeared to be affected by uncertainty about what could lawfully be said to third parties and prospective employers. The Inquiry's finding is that this was made more difficult for Oxfam GB because of the decisions Oxfam GB took about the outcome of the investigation, the circumstances leading up to the resignation and its handling of the individual's departure.

Oxfam GB was limited in its ability to mitigate the risks to other parts of Oxfam and other organisations because it agreed and facilitated the Country Director's resignation. Oxfam GB created difficulties for itself as a result, in particular not being clear on what Oxfam GB could or should disclose without creating other risks to the charity arising through the use of more informal mechanisms.

Oxfam GB's handling of reference requests about other staff involved in formal investigation and subsequent disciplinary processes was different. There was evidence that Oxfam GB had taken some reasonable steps to protect other Oxfam Affiliates from being exposed to the risks posed by the findings that were upheld. This included informing prospective employers factually of what happened when asked and recommending that any requests for references to Oxfam were provided by Oxfam GB centrally. Oxfam GB was clear they would not give references for these staff beyond factual dates of employment. This decision was recorded on their Oxfam-wide systems to ensure a consistent and correct approach.

The Inquiry finds that the approach of the other charities' and aid agencies' handling of reference requests for some of these staff was not as good as Oxfam GB's, particularly in their assessment and due diligence on prospective employees. Other charities did not pay enough attention before relying on it as to whether a reference was personal or a corporate one. Some charities also appeared to accept personal references by former employees as if they were corporate or organisational references. This might have been by mistake or as a result of not taking enough care to identify what the nature of the relationship of the individual giving the reference was. The Inquiry found some of these personal references were from individuals who were, themselves, subject of the 2011 Haiti investigation.

Oxfam GB is not responsible for the actions or omissions of other charities and aid agencies in the use of references and/or the nature of their pre-employment due diligence carried out on former members of Oxfam GB's staff. Nor indeed are they responsible for the decisions subsequently taken by other charities and agencies to employ former Oxfam GB staff dismissed in Haiti.

As a result of what has happened, Oxfam GB has reviewed its current policy and practices when providing references to third parties on current and former Oxfam GB workers. The Inquiry has seen some cases where Oxfam GB has taken appropriate action including, where necessary, disciplinary action against individuals who have breached Oxfam's employment procedures. As a result, Oxfam GB has introduced a new set of standards regarding corporate references to manage the risks arising from individuals whose conduct the charity has cause for concern over.

xi) Disclosure and external reporting of the 2011 allegations and incidents

When unexpected events arise or things go wrong, charities and their trustees may have either a legal duty or more general responsibility to ensure that regulators, funders and other stakeholders are informed.

During the course of the internal investigation between 23 July and 9 September 2011, Oxfam GB contacted a number of funders and other stakeholder including ECHO, the Oxfam Affiliates, the Commission⁶⁶ (as its regulator) and DFID (in its capacity as a major funder). It also contacted the Haitian government about the internal investigation.

The Inquiry has undertaken an examination and analysis of the various reports made by Oxfam GB and how those reports were responded to by its stakeholders, the Haitian government and the Commission, based on those reports.

Reporting to Haitian authorities

It is clear from the records examined by the Inquiry that some correspondence took place between Oxfam GB and the Haitian government at the time. The Inquiry examined an email dated 5 September 2011 which contained a proposed draft of a letter that contained “...*information on the conclusion of the investigation*” and was “...*based on the letter to donors.*” The email also stated that it was suggested the letter be sent to the Ministry of Planning, the Office of the Prime Minister and the Office of the President.

⁶⁶ Discussed in part 6

The proposed text of the letter was as follows:

"5 September 2011

Dear X,

I am writing to inform you about the outcome of an investigation into allegations of misconduct by a small number of Oxfam GB staff in Haiti.

The investigation found that six members of our staff had been involved in a number of breaches of our organisation's code of conduct. These breaches of the code of conduct included bringing Oxfam's name into disrepute, abuse of power and bullying within Oxfam.

Although serious in nature, none of these instances of misconduct involved beneficiaries or the misuse of any funds intended for post-earthquake reconstruction efforts in Haiti.

As a result of this investigation, disciplinary action has been taken, and all six individuals involved in this misconduct have left the organisation and the country. None of the individuals involved are Haitian nationals. The country director of Oxfam GB in Haiti resigned last month, taking overall managerial responsibility for matters that occurred during his tenure in office.

Oxfam GB's chief executive has written to all staff worldwide to reiterate that the organisation does not tolerate breaches of its code of conduct and will take robust action against those involved in misconduct.

Oxfam has been working in Haiti since 1978. Over the past two years, Oxfam helped approximately 700,000 people during the first phase of the humanitarian response to the 2010 earthquake in Haiti, and subsequently 500,000 people in a cholera response programme. Oxfam will remain engaged in long-term development assistance and support for the government of Haiti for the foreseeable future. Our programmes in Haiti have not been affected by the internal investigation and we will continue to operate as normal.

Now that the investigation has been completed, we trust that our staff in Haiti will continue to work according to Oxfam's global standards for programme quality, public accountability, and good governance.

If you have any questions or concerns about Oxfam's work in Haiti or the outcome of this investigation, please do not hesitate to contact me by telephone or email.

Sincerely,"

Oxfam GB have been unable to provide the Inquiry with a copy of the actual letter sent to the Haitian officials, but the Haitian government's reply to Oxfam GB on 14 September 2011, states that the letter was sent on 5 September 2011.

The Haitian government's response to Oxfam GB stated the following:

"The Prime Minister noted that you took sanctions against them at the conclusion of the investigation, that their offenses do not relate to misuse of funds from your organization and that you are ready to provide, upon request, further information on the species.

The Prime Minister considered it necessary to bring these facts to the attention of the Presidency of the Republic, the Ministry of Planning and External Cooperation and the Interim Commission for the Reconstruction of Haiti."

Oxfam GB's letter invited the Haitian government to raise with them any questions or concerns about their work or the outcome of the internal investigation, which is acknowledged in the Haitian government's response. The Inquiry has seen no records or other evidence to suggest that any questions followed.

The Inquiry examined records that post the conclusion of the internal investigation, the Director of International Programmes, accompanied by two of the former trustees, and the 2011 CEO had visited Haiti in December 2011 and January 2012, respectively.

From the records examined, the Inquiry observed that although there had been no interaction with the Haitian government prior to or during the December 2011 visit, there had been correspondence with the Haitian government regarding the 2011 CEO's visit which took place between 8 - 10 January 2012⁶⁷. The Inquiry saw a copy of the 2011 CEO's itinerary which stated that she was provisionally scheduled to meet the Haitian President on 10 January 2012.

The Inquiry noted that the Regional Programme Manager and other Oxfam GB staff in Haiti had corresponded with Haiti government officials on six occasions between 12 December 2011 and 10 January 2012 in an attempt to make arrangements for the meeting. In reviewing the correspondence the Inquiry noted that the meeting was presented as an opportunity for the 2011 CEO to *"...better understand the challenges of the process of reconstruction of Haiti and explore the collaboration between the Haitian authorities and Oxfam GB..."*. There was no mention in any correspondence of the internal investigation being a topic of discussion. This meeting did not subsequently take place due to the Haitian President's prior commitments. In responding to the Inquiry in March 2019, the 2011 CEO stated that although the meeting with the Haitian President had not taken place, she had visited the Ministry of the Interior and the UN SRSG who was part of the interim Haitian government formed from United Nations and Haitian Government officials.

The Inquiry noted that the 2011 CEO had briefed the former trustees on her January 2012 visit to Haiti in a council meeting during the same month. The meeting minutes recorded that the 2011 CEO *"...gave brief details of her recent trip to Haiti which had concentrated on the action plan following the investigation of personal conduct, and discussions with staff..."*.

The Inquiry noted that post the 2011 CEO's visit to Haiti in 2012, there was no further correspondence or interface with the Haitian government regarding the internal investigation until the events were published in the media in February 2018.

On 10 February 2018 Oxfam GB wrote to the Haitian Ambassador in London expressing *"...intense regret for the pain and embarrassment and negative exposure brought upon the people of the Republic of Haiti by the current media attention caused by the behaviour of Oxfam staff in 2011. We are, and were at the time, horrified and appalled at what happened. It is a shameful and deeply regrettable state of affairs to Oxfam..."*

Oxfam GB's activities were temporarily suspended in Haiti in February 2018 and, as reported in the media⁶⁸ on 14 June 2018, they were banned from operating in the country due to its *"violation of Haitian legislation and serious breach of the principle of human dignity"*. The Minister of Planning and External Co-Operation stated *"The NGO is therefore declared persona non grata"*.

Reporting to the Haitian police authorities

From records examined by the Inquiry, it was identified that the Oxfam GB's PSEA policy in circulation in 2011 set out the criteria applicable to reporting matters to the authorities. The policy stated:

"Investigations are an internal administrative process and would not therefore involve the police or judiciary. Investigations are carried out so that Oxfam GB can have the best information possible on which to base its decisions concerning employee conduct and consequences thereof. Please see Carrying out an Investigation.

⁶⁷ According to the itinerary, the 2011 CEO departed Haiti early on the morning of the 11 January 2012

⁶⁸ A Haitian government statement made to the media as reported in the Telegraph www.telegraph.co.uk, 14th June 2018

We might then alert the appropriate authorities if, following an investigation, we judge that:

- A crime has taken place*
- Confidentiality can be ensured*
- The victim is in agreement and*
- Those associated with the case will not be subject to further abuse, disrespect or violence”*

The Inquiry noted that the guidance in the PSEA policy could be applied to any situation where it was suspected that a crime had taken place but only stated that this may be a consideration following an investigation, not where there may be suspicions that this may be the case from the onset.

Records examined by the Inquiry established that early consideration had been given to whether matters raised in the 12 July 2011 allegations should be reported to the relevant authorities. In correspondence between the Head of Internal Audit and the Lead Investigator on 19 July 2011, the Inquiry noted that the Lead Investigator stated he would “...*be looking to meet with members of MUNISTA – The UN force in country...[...]...I’ll aim to join one of those meetings to assess whether our employees, if the evidence shows guilt, should be passed to the Haitian authorities of MUNISTA (Or none) so I can make that recommendation to [the Director of International Programmes] & [the 2011 CEO].*”

The position regarding how the question of the legality or illegality of prostitution was dealt with is set out in greater detail earlier in this report. The Inquiry inspected correspondence between the Director of International Programmes and the Head of Internal Audit on 26 July 2011, relating to the activities of one individual in which the Director of International Programmes raised the point that if an individual resigned and stayed in Haiti “...*do we then put him at danger of being arrested?*” The Head of Internal Audit responded on the same day stating that “...*It seems unlikely that the police would be interested or able to get sufficient evidence*”

The Inquiry also inspected information indicating that on 26 July 2011, the Security Adviser emailed the Lead Investigator and reported that although “*prostitution is illegal, it remained a widespread practice, particularly around women and girls. Local NGOs reported that police generally ignored prostitution*”.

Other than the early considerations as to whether reporting Oxfam GB staff to the authorities would be necessary, the Inquiry examined other information which showed that on several occasions during the course of the internal investigation the issue of whether reports should be made to the police/authorities was raised.

The Inquiry examined an email from the Oxfam GB International Internal Audit Manager who Oxfam GB dispatched to Haiti to provide guidance and support to the Investigation Team in the absence of the Head of Internal Audit. In an email to the Director of Finance and Information Systems, the Incident Director and the Head of Internal Audit on 2 August 2011, it made reference to the week 8 – 12 August 2011 being “...*the critical “decision point”, where the findings will be reviewed, and a decision taken as to whether the issues need to be handed over to the police / suspension changed to dismissal etc.*”

The Inquiry also examined correspondence between the Head of Internal Audit and the Lead Investigator on 4 August 2011, requesting an update on the internal investigation from the Lead Investigator in advance of a meeting with the 2011 CEO, the Incident Director and others on 5 August. The Head of Internal Audit asked in that correspondence: “*[The 2011 CEO] will ask whether the police should be involved. Any views on this?*”

The Lead Investigator responds stating:

“I would say a definite no. For two reasons, one the evidence is strong enough to dismiss but the chances of securing any convictions are relatively weak without victims coming forward. The victims don’t want to come forward as far as we can see. The 2nd reason is that the police here and UN are, according to the Haitian Intelligence Services, linked to the organised crime networks. Both UN and local forces are heavily funding the bars, clubs, brothels and underground crime network. In all likelihood, if we were to report to the police, our staff may become targets for the organised crime networks, especially those working in the camps where the gangs have a very strong foothold.”

In email correspondence of 7 August 2011, the Inquiry observed that the Lead Investigator raised again whether matters needed to be handed over to the police in Haiti and/or the individual's home country authorities.

In correspondence between the LAC Regional Director and LAC Regional Coordinator for Media and Communications on 30 August 2011, whilst agreeing the content of a press release relating to the internal investigation, the issue about the legality or illegality of prostitution was raised again by Oxfam GB's media and communications staff member.

The Inquiry examined other information which showed that in producing the final report into the internal investigation in late August and early September, the issue of reporting to the authorities remained a consideration for Oxfam GB. The Inquiry reviewed correspondence between the Head of Internal Audit and the Director of Finance and Information Systems covering the period 31 August - 2 September 2011 regarding the legality of prostitution and considerations about reporting to the relevant authorities. In various emails, issues were still being debated as to whether the police would take action, about the burden of proof being too high, and the difference between being a prostitute and the act of the use of prostitutes. The Director of Finance and Information Systems stated that *"...I don't think it is a good excuse for not reporting a crime just because we don't believe the police would take it seriously. The wording I suggested previously was on the basis of my understanding that use of prostitutes is not clearly illegal. If you are certain that it is, then I would prefer to remove this para altogether from the [investigation] report, and we should have another discussion about what action to take. After all, if we decide not to report it, and a staff member subsequently complains to the police, then we would potentially be in a difficult position."*

In response, the Head of Internal Audit replied on 1 September 2011 stating that *"We are certain that prostitution is illegal in Haiti...[...]I agree that we could be in a difficult position with this and that any perceived police inactivity is not a great excuse for not reporting to them. I think, however, that there are other factors to consider such as security of staff whose names are given to the police I agree that we need to have a separate discussion about this."*

The exchanges continue but conclude with the Head of Internal Audit responding on 2 September 2011 stating *"...I guess this reading of the situation means we are not obliged to report to the Haitian authorities."* The Director of Finance and Information Systems responded stating *"Unless there is other authoritative information available, that would be my conclusion."* In addition, as highlighted in the earlier section of this report, the Director of Finance and Information Systems gave evidence to the Inquiry that it was their view, after researching various available sources, that the use of prostitutes in Haiti did not constitute a crime.

Through its examination of records made available to the Inquiry by Oxfam GB relating to the internal investigation, and its interviews with former trustees and staff, it appears to the Inquiry that decisions were taken not to report matters to the police/authorities by members of Oxfam GB staff including the 2011 CEO and the Director of Finance and Information Systems, based on the following factors:

- The Haitian authorities' evidential burden would not be met, and/or that the police would not be interested. Other than open source material researched by Oxfam GB staff members and the opinion of the Lead Investigator, the Inquiry has seen no evidence to support this
- The unsupported opinion of the Lead Investigator that Oxfam GB staff would become the targets of organised crime gangs and retaliation by the authorities
- The material difference in their view between the use of prostitutes and being a prostitute, based on their internet research and internal legal advice
- The significant personal risk for the prostitutes if any potential crimes were reported; and
- That victims were not coming forward.

The Inquiry has seen evidence that some of the victims of work place sexual harassment did not wish to make formal complaints, but in some cases the evidence they provided indicated that they had been physically assaulted by the individuals of concern. In addition, the Inquiry could not see that there was evidence that the victims were asked by the Investigations Team or otherwise whether they wished or intended to pursue criminal sanctions in relation to what happened to them.

In relation to some of the other activities considered by the Investigation Team to be potential criminal offences, it is possible that Oxfam GB itself may have been able to present itself as the victim of the crime, in particular relating to the misuse of its computer equipment and the provision of fraudulent credentials to obtain employment. There did not appear to be any record that this was considered or briefed to senior managers in Oxfam GB to consider reporting.

If a charity is unable for good reason to report a suspected crime locally, where the individuals are of a different nationality, the matters might still be reportable to their country of origin or main residency. Even though the Inquiry examined evidence that individuals of concern had been informed that they had committed offences against Haitian law, it saw no evidence that in 2011, aside from the legality of prostitution, Oxfam GB took any steps to identify what, if any, of the alleged breaches of Haitian law that some of the individuals of concern were accused of were actually offences and may have been reportable either in Haiti or in the countries of origin or residency of the individuals of concern. Due to the uncertainty as to whether crimes may or may not have been committed by the individuals of concern, Oxfam GB subsequently reported these matters to the National Crime Agency in 2018.

As regards to the 18 July 2011 allegations, the Inquiry acknowledges that the 2011 CEO and other senior managers within Oxfam GB may have considered the 18 July 2011 allegations to be untrue and/or that actions had been taken to validate the existence of the victims, but as identified elsewhere in this report, the Inquiry has seen no information or any evidence that shows that any consideration had been given to reporting those matters to the police or to other authorities. Additionally, if there was a good reason for not reporting these concerns to the relevant authorities, the Inquiry has also not seen or been provided with any evidence as to what that rationale was or a record of the decision.

From information examined by the Inquiry it is clear that the Investigation Team had identified a number of issues that they considered may have potentially been illegal in Haiti, in addition to matters relating to prostitution. These included allegations of breaches of copyright laws, video piracy (theft), the alleged possession of indecent imagery, potential fraud and possible drug offences. However, the Inquiry noted that the focus on whether matters should be reported to the authorities appeared to only relate to issues pertaining to prostitution.

In terms of the 2011 trustees' knowledge and awareness of these decisions, the Inquiry could not identify records that showed they were made aware of specific decisions taken to not report matters to the local authorities. Nor do the documents examined by the Inquiry record whether the 2011 trustees asked for assurance that this was the case. The 2011 trustees informed the Inquiry that due to the time that had elapsed since the internal investigation, they could not all specifically remember being informed of these matters. In correspondence from the 2011 trustees' legal adviser on 29 August 2018, they also stated that:

"...we are not sure on what basis Oxfam were under any obligation to report this matter to the Haitian authorities. Our understanding is that there was no evidence that Oxfam staff had broken local laws and Oxfam would have had to consider its duty of care to its staff before making a report to any external body."

In interview with the Inquiry on 23 May 2019, the 2011 and former trustees explained that this matter had been discussed at the Council meeting on 14 October 2011. They considered that they had been fully informed of the decision taken by Oxfam GB at the time not to report matters to the police and that the rationale for not doing so was that Oxfam GB staff had not committed reportable criminal offences. The Inquiry noted that this is not recorded in the minutes of that meeting. The 2011 and former trustees stated to the Inquiry that they accepted that the minutes from the time may not properly or fully reflect the discussions that took place during those meetings.

Reporting to DFID

DFID provides millions of pounds of government funding annually to a number of international aid agencies, some of whom are registered charities in England and Wales. Oxfam GB has been a recipient of funding from DFID, since DFID was established in 1997, for various aid projects over the years.

According to Oxfam GB's accounts for the year ending 31 March 2018, Oxfam received £20.9m in direct income from DFID during the 2017/2018 financial year. Since 2004, when Oxfam GB's current financial

systems were put in place, Oxfam had entered into 168 grant funding agreements directly with DFID, with a total value of £381m. This included 2 grant agreements in response to the earthquake disaster in Haiti in 2010.

It was a decision for the charity and its trustees, acting reasonably in line with their duties as trustees to act in the best interest of the charity, whether, with or without the support of professional advice, they were under a contractual or other obligation to report incidents to donors and, if so, what they disclosed, taking into account all the relevant factors and ensuring that any disclosure was in line with their legal obligations under any contract. The charity had to make sure that their decision would not result in them being subject to any legal challenge or putting the charity, its reputation, assets or beneficiaries at undue risk.

Reporting requirements

The Inquiry established that the initial funding agreement ('the first agreement') was for £1million pound for the charity's *"emergency response in Haiti, for the provision of water supplies, sanitation and hygiene facilities for the affected population in Haiti"*. A letter dated 12 October 2010 set out its terms, headed "Accountable Grant Arrangement". It was signed by Oxfam GB on 22 February 2010 and by DFID on 22 February 2010. This grant period started on 12 January 2010 and ended on 11 July 2010.

A subsequent agreement ('the second agreement') was entered into for £1,877,292 of funding. The second agreement related to Oxfam's *"emergency response to the cholera outbreak in Cap Haitien"*. A letter dated 13 December 2010 set out its terms and was headed "Accountable Grant Arrangement". It was signed by Oxfam GB on 17 December 2010, and DFID on 22 December 2010. The grant period started on 26 November 2010 and was originally due to end on 25 April 2011 but was subsequently extended to 25 May 2011 with the amount reduced slightly. A second extension was granted to 31 December 2011.

Each agreement placed different obligations on Oxfam GB to report specific issues to DFID. The first agreement stated at clause 2 (g) that:

"If any changes occur which, in the opinion of the DFID, impair significantly the developmental value of the project; the DFID and Oxfam GB will normally consult on measures to resolve the problem and possible courses of action."

A similar provision was included in the second agreement. Clause 4.5 of the second agreement, also required:

"If at any stage, the Oxfam GB should become aware of, or suspect, any misappropriation or diversion of funds or possible fraud or corruption relating to the project/ programme activities funded by the DFID grant, Oxfam GB must report the matter immediately to DFID."

Oxfam GB explained to the Inquiry that it would have been in the discretion and judgement of the relevant individual Country Director to decide what disclosures to make to a donor under the relevant funding agreement.

Oxfam's response to the July 2011 issues and reporting

When Oxfam GB received the 12 July 2011 allegations, in the email sent to the Lead Investigator from the whistle blower, the concerns included allegations of bribery *"soliciting bribes from suppliers..."* and said that *"...many thousands of dollars may have been misappropriated"*.

The Inquiry identified that once deployed to Haiti, one of the Investigators visited Cap Haitien around 11 August 2011 to investigate the financial allegations. The records inspected show that the Investigator did not substantiate the financial allegations and could not determine whether there had been a financial loss to the charity. The Head of Internal Audit gave evidence to the Inquiry that, *"with hindsight we should have done a separate fraud investigation"*.

The Inquiry established that Oxfam GB sent three letters to DFID about adverse events in Haiti. The first was dated 5 August 2011 from the Head of Programme Funding at Oxfam GB stating that they had

commenced an investigation into alleged misconduct of staff, an update about the investigation dated 18 August, and a final letter dated 5 September to inform them of the conclusion of the investigation and its outcome. All of the letters sent to DFID indicated that the issues of concern related to alleged misconduct by staff and clearly stated that there were no impacts associated to DFID funding. At no point did Oxfam GB report to DFID allegations referring to sexual misconduct. In the letter of 5 August 2011 it stated:

"I am writing to inform you of a situation that has arisen in our Haiti country office that has required us to launch an internal investigation into alleged misconduct among staff members.

In the interests of transparency, we are writing to all of our donor partners to inform them that we have dispatched a team to Haiti to investigate these allegations. Oxfam's standard operating procedures require the organisation to investigate all serious allegations made against personnel in order to protect the interests of beneficiaries, partners, staff and donors alike.

...Although we cannot disclose the details of the allegations at this time, it is unlikely that it involves financial irregularity or the misuse of donor funding.

We are committed to making a public statement about the outcome once the investigation has been concluded."

In the update letter dated 18 August 2011, Oxfam GB confirmed

"...the allegations of misconduct are not connected to any incidents of fraud, and have not affected the funds received for our emergency response to the earthquake, the cholera outbreak, or our longstanding commitment to development programmes in the country..."

It went on to say *"Oxfam's Country Director in Haiti has resigned, taking managerial responsibility for issues that occurred while he was heading the programme..."*

In the final letter to DFID on 5 September 2011 after the conclusion of the internal investigation and its outcome, Oxfam GB wrote:

"The investigation found that six members of our staff had been involved in a number of breaches of our organisation's code of conduct. These breaches of the code of conduct included bringing Oxfam's name into disrepute, abuse of power and bullying within Oxfam. Although serious in nature, none of these instances of misconduct involved beneficiaries or the misuse of any funds intended for post-earthquake reconstruction efforts in Haiti.

As a result of this investigation, disciplinary action has been taken, and all six individuals involved in this misconduct have left the organisation and the country. None of the individuals involved are Haitian nationals. The country director of Oxfam GB in Haiti resigned last month, taking overall managerial responsibility for matters that occurred during his tenure in office."

In April 2018, Oxfam GB explained⁶⁹ that:

"Our actions exceeded our contractual obligations to DFID, as there was no explicit requirement from DFID to report safeguarding issues and DFID were not at that time still a funder of our Haiti work. We communicated with DFID because it is a major stakeholder for Oxfam and the body that bears the greatest responsibility for ensuring public trust in UK aid".⁷⁰

The Inquiry's view is that it was right, given the extent and nature of the allegations, to report the incidents to DFID both under the terms of the grant agreement and as a key stakeholder who would be concerned to understand what had happened and the implications for the work they were or had been funding. In 2011 DFID's standard accountable grant agreement went beyond finance-related adverse events. This is reflected in the specific agreement with Oxfam GB in Haiti which stated that *"...if any changes occur which, in DFID's opinion, impair significantly the developmental value of the project, DFID and Oxfam GB will*

⁶⁹ [Point 23](#), formal written submission by Oxfam GB to the IDC's Inquiry into Sexual Exploitation and Abuse in the Aid Sector, submitted on 6 April 2018.

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consult at the earliest opportunity on measures to resolve the problem and identify possible courses of action." DFID have confirmed that this stipulation was intended to cover adverse events that were not limited in nature to adverse events financially. At the point the allegations were made, it was also not known what period the misconduct covered. So it was not then clear that it did not relate to the period of DFID grants. However, in all Oxfam GB's correspondence with DFID, Oxfam GB clearly stated that DFID could raise any questions if they had been unclear on any point raised within that correspondence. Oxfam GB informed the Inquiry that DFID raised no questions with them.

As to whether Oxfam GB reported accurately and with sufficient detail to DFID, the Inquiry noted that it was true that the internal investigation found that six members of staff had been involved in a number of breaches of Oxfam's code of conduct. It was true that these breaches of the code of conduct included bringing Oxfam's name into disrepute and abuse of power and bullying within Oxfam. What was not disclosed or explained to DFID was the full reasons and circumstances that led to the Country Director's resignation, including the nature of the misconduct. For some recipient reporting entities, the fact that the report omitted to disclose the full circumstances of the misconduct being investigated would have been material facts.

In June 2018, the 2011 Secretary of State for DFID expressed his view publicly that *"Oxfam did abide by the letter of the rules but it would be a fair comment to make that they did not abide by the spirit of the rules"*⁷¹ in reporting matters to DFID⁷². In responding about the content of the letters to DFID, Oxfam GB's 2013 CEO stated publicly:

"It is completely fair to say that Oxfam did not tell the Department for International Development enough."

From the evidence examined by the Inquiry, the Inquiry found that the content and nature of the reporting to DFID, other donors and the public at large, was similar to the information which was reported to the Haitian authorities.

The 2011 CEO stated to the Inquiry *"Our intent was to be open and transparent as possible. Oxfam wrote to DFID three times updating them on each stage of the investigation and inviting them to ask any further questions. They chose not to even acknowledge our letters, let alone ask any questions"*

Reporting to the Charity Commission

Oxfam GB submitted a serious incident report to the Commission on 25 August 2011 relating to the recent events in Haiti.

Since 2007 charities and their trustees have been subject to the requirements of the Reporting Serious Incident ('RSI') regime. This requires charities to report to the Commission incidents which are under the guidance and, in the context of the charity, serious. The regime is one of the ways that the Commission, as regulator, identifies how much abuse and problems are encountered across all charities and ensures trustees meet their legal duties, including the duty to take reasonable steps to assess and manage risks to their charity's activities, beneficiaries, property, work or reputation. Guidance on what to report to the Commission as a RSI, and when, has been in existence since the beginning of the regime and published on the Commission's website. The guidance has been updated and changed from time to time as the requirements changed⁷³.

The current guidance⁷⁴ explains to all charities what is expected of them in respect of reporting to the Commission. It includes advice on what constitutes a serious incident, the actions expected of a charity if criminality was suspected, the provision of confidential or sensitive information and also good reporting practice. It makes clear that the responsibility for reporting serious incidents to the Commission rests with the charity's trustees, even if they delegate to others.

⁷¹ Contains Parliamentary information licensed under the Open Parliament Licence v3.0 <https://www.parliament.uk/site-information/copyright-parliament/open-parliament-licence/>

⁷² [Q397](#), in oral evidence dated 5 June 2018 to the IDC Inquiry [the Rt Hon Andrew Mitchell MP]

⁷³ Further detail on the RSI regime, how it operated and changed over the years is set out in [part 2, heading] later in this report

⁷⁴ <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

The Commission's published RSI guidance at the time⁷⁵ of the events in Haiti in 2011 did not prescribe a list of serious incidents. Instead, it left open, under a broad definition, what might be a serious incident for a charity so there was flexibility to adapt events to the charity and the nature of its activities and scale of them⁷⁶. However, the guidance identified several events where the issue itself would cause such serious concern to the Commission that it would always give immediate attention because of the impact on the charity and on its reputation. These issues included "...serious harm to beneficiaries and, in particular, vulnerable beneficiaries.... criminality and/or illegal activity within or involving a charity... issues that could damage the reputation of an individual charity or class of charities or the wider charity sector".

The 2011 RSI guidance explained:

"Trustees must comply with the legal duties of charity trustees in the administration of a charity. Trustees have a general duty to take reasonable steps to assess and manage risks to their charity's activities, beneficiaries, property, work or reputation. Where it is clear that trustees are handling serious incidents appropriately and the risks are being managed by them, we are unlikely to take further action. If it is not clear that the incident and risks arising from it are being dealt with and the trustees are acting responsibly, we will need to engage further with you."

On incidents of harm to beneficiaries, the RSI guidance from 2011 stated:

"You should report this if any one or more of the following things occur:

- there has been an incident where the beneficiaries of your charity have been or are being abused or mistreated while under the care of your charity or by someone connected with your charity such as a trustee, member of staff or volunteer;*
- there has been an incident where someone has been abused or mistreated and this is connected with the activities of the charity;*
- allegations have been made that such an incident may have happened, regardless of when the alleged abuse or mistreatment took place;*
- you have grounds to suspect that such an incident may have occurred.*

As well as reporting to us, you should also notify the police, local authority and/or relevant regulator or statutory agency responsible for dealing with such incidents... . Our concern is ensuring that individual incidents are being properly dealt with. This includes making sure that trustees have proper systems and procedures in place to handle allegations, are dealing with them responsibly, and reporting incidents where appropriate to the police, social services and other agencies. We also expect them to manage the risks of the incidents happening again as far as this is reasonably possible, by making any necessary changes to systems, procedures and work practices.

....We realise that the sector is diverse and that defining the beneficiaries and people connected to the charity may not be straightforward. If you are not sure whether to report an incident, please contact us."

The 2011 RSI guidance was clear about how soon after an incident a charity should raise a report, setting out criteria which should be reported immediately, including matters that "...resulted or could result in ... a significant risk to a charity's property, work, beneficiaries or reputation...". In relation to suspected criminal or illegal activity it goes on to say that this should be reported as soon as possible after the incident.

The expectation and onus is on a charity to decide and identify material facts to report and be open and frank with the regulator when reporting.

⁷⁵

http://webarchive.nationalarchives.gov.uk/20110709210741/http://www.charitycommission.gov.uk/Our_regulatory_activity/Reporting_issues/rsinotes.aspx

⁷⁶ For example, a fraud of £1,000 in a small charity may have a different impact than in a larger one and would also be affected by who committed it.

The 25 August 2011 report

When on 25 August 2011 the charity submitted a RSI to the Commission, the internal investigation in Haiti had been on-going since late July 2011. The report stated that reporting of the incident had been delayed *"...until our investigation concluded that a serious incident had occurred and we were clear as to the nature and extent of the incident."*

Oxfam GB described the incident to the Commission:

"...As a result of this investigation 9 members of staff have been subject to disciplinary procedures. Some of these staff have been dismissed for gross misconduct. The cases of misconduct relate to inappropriate sexual behaviour, bullying, harassment and intimidation of employees. I am pleased to report that there have been no allegations, or evidence, of any abuse of beneficiaries or any instances of fraud or financial malpractice."

The RSI referred the Commission to Oxfam GB's press statement it had made earlier in the month. The 5 August 2011 press release was attached to the RSI which stated within that Oxfam GB had:

"...launched an internal investigation into allegations of misconduct against a small number of Oxfam Great Britain staff in Haiti. Staff members have been suspended pending the outcome of the investigation... Oxfam GB Chief Executive [2011 CEO] said, "Oxfam never tolerates misconduct by our aid workers. We will take forceful and immediate action pending the outcome of the investigation. "We will continue our work with poor communities and be accountable to those who need assistance in Haiti" [2011 CEO] said".

The attached press release also contained a section entitled Notes to Editors which included that Oxfam GB was an *"...organisation of integrity with strong principles of governance, transparency and accountability"*. It also stated: *"Oxfam has been working in Haiti since 1978. Oxfam has helped approximately 700,000 people during the first phase of the humanitarian response to the 2010 earthquake and has assisted more than 500,000 Haitians through its cholera response programme"*.

The RSI concluded with the following: *"Please do not hesitate to contact me if you require any further information"*.

At the time the Commission received the RSI and press release, based on the reported information contained within it, the Commission concluded it was assured that Oxfam GB was taking appropriate steps to handle the matters reported. As a result, the Commission replied on 30 August 2011 as follows.

*"Thank you for your email advising us of the serious incident that occurred in your Haiti programme. I note that the misconduct described is confidential"*⁷⁷.

As Oxfam has taken appropriate action following the incident we have no regulatory concerns. I have noted the press statement for our records. I look forward to receiving a copy of the second press statement to be released in September."

There is no record on the Commission's case records that Oxfam GB contacted the Commission again or provided the September press statement.

As the RSI report made clear that it did not involve any allegations or evidence involving beneficiaries and potential criminality was not disclosed, the parts of the guidance set out above did not apply and no further action was required under the then regime. In the Commission's view, the events were presented as internal staffing matters in Oxfam GB. The use of prostitutes in Haiti and that the original allegations potentially involved minors, and the possibility of sexual crimes, were not mentioned in the RSI report made about the incident in 2011 to the Commission.

⁷⁷ This was treated under the quality of confidence until 2018 when the public interest in this matter displaced this and in any event Oxfam GB have waived confidentiality for the purposes of this report

After new concerns were raised publicly on 9 February 2018, Oxfam GB were asked by the Commission to provide the full outcome investigation report from 2011.⁷⁸ They responded on 12 February 2018 providing the final copy and the draft copy. Having examined these and the remaining records of the incidents and associated records, the Inquiry established that at the time the incident report was made in 2011 it was known that:

- the investigation did involve allegations of staff conduct involving Haitian locals; Haiti had been subject to a natural disaster and the aid relief effort was sent to address this. In the Commission's view, local Haitians were beneficiaries⁷⁹
- the matters involved the Country Director, a senior member of staff
- the allegations investigated involved matters which were potentially criminal
- the outcome of the investigation left open the possibility that minors might be involved – it stated this could not be substantiated or ruled out
- Oxfam GB was in receipt of specific allegations in the email of 18 July 2011, which stated within the email they involved two Haitian females aged 12 and 13 years old

The Use of the Term 'Beneficiary'

Oxfam GB explained their understanding of the word 'beneficiary' in 2018:

*"We believed at the time that it was appropriate to use the word "beneficiary" as meaning direct recipients of Oxfam programmes, as it is the definition often used in the humanitarian sector, and seemed to us at the time also to be the normal meaning of the term in the charity sector as a whole. However, we now recognise that the term could have been reasonably interpreted to mean the entire earthquake affected population of Haiti. This distinction between "beneficiary" (meaning direct beneficiary) and "wider beneficiary", which is a term we now understand the Charity Commission used in 2010 should have been made clear by us."*⁸⁰

In response to the statement made by Oxfam GB about their understanding of the word beneficiary, the 2011 CEO stated to the Inquiry "As an NGO we were bound by obligations to very carefully define our actual beneficiary base rather than the potential beneficiary base. Our staff code of conduct used our narrower definition of beneficiary and this was the definition referenced in our serious incident report. At the time the Charity Commission's own guidance on Serious Incident Reporting recognised that "the sector is diverse and that defining the beneficiaries and people connected to the charity may not be straightforward. The report we made was intended to be open and transparent and based on Oxfam's widely understood definition of beneficiary."

Since the allegations relating to Haiti were reported in February 2018, Oxfam GB had been given opportunity to reflect and re-evaluate its understanding and position about the term 'beneficiary'. With

⁷⁸ Examination of these led to the opening of this Inquiry, as explained earlier in this report

⁷⁹ The Commission's RSI and other general guidance describes charity beneficiaries as "these are the people who the charity's aims are intended to benefit". Aims are the charity's purposes in its governing document.

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hindsight, the 2013 CEO later confirmed that Oxfam GB were wrong to state to the Commission that there were no beneficiaries involved^{81 82}. The 2013 CEO stated⁸³:

"We believed at the time that it was appropriate to use the word "beneficiary" as meaning direct recipients of Oxfam programmes, as it is the definition often used in the humanitarian sector, and seemed to us at the time also to be the normal meaning of the term in the charity sector as a whole. However, we now recognise that the term could have been reasonably interpreted to mean the entire earthquake affected population of Haiti. This distinction between "beneficiary" (meaning direct beneficiary) and "wider beneficiary", which is a term we now understand the Charity Commission used in 2010 should have been made clear by us."

In addition, the current Chair of Oxfam has personally confirmed to the Commission that Oxfam GB accept that the RSI "...should have been more explicit about the nature of the allegations and their seriousness and we are clear that we would now be more specific". Oxfam GB were also keen to stress to the Inquiry, that the statement in the RSI about beneficiaries was not the result of any intent to mislead the Commission, or underplay the seriousness of the allegations.

The lodging of the report

The Inquiry inspected correspondence from 25 August 2011 between four members of Oxfam GB staff, including the Lead Investigator, the Head of Internal Audit and the Director of Finance and Information Systems. The email correspondence discussed the proposed draft submission to the Charity Commission to decide what information should be included in the RSI to be submitted and about what exactly and how much was reported to the Commission to prevent follow up questions.

This correspondence records that the person who usually submitted RSIs to the Commission had made clear to his colleagues his proposal was to include more information about the "*nature of the misconduct discovered*" so as to prevent speculation about what the issues might be. Oxfam GB staff explained to the Inquiry that the intention behind this approach was to enable a comprehensive report with all material facts to be made.

The proposed inclusion is supported by the Director of Finance and Information Systems "*...it is worth giving more detail on the nature of the offences to the Commission to head off follow up questions*". However, the following additional description of the misconduct was deleted "*negligence and failure on the part of some managers to safeguard employees*". This was the specific language used in the then draft outcome report about the Country Director's conduct. Ultimately, further detail of the nature of the misconduct was not included. In addition, the original text qualifying what was known by making clear the investigation "to date" had not revealed any evidence or allegations of abuse of beneficiaries was changed to make this a definitive conclusion.

The Lead Investigator included in the exchange of correspondence between Oxfam GB staff on his views for change a full status update report on the investigation in Haiti which was entitled "Update Report, FRN5 - Haiti. Allegations of Fraud, Sexual Exploitation, Sexual Harassment, negligence, nepotism & other acts of gross misconduct". The attachment included the names and position of 10 staff employed by Oxfam GB in Haiti together with individual details of their separate allegations, commentary under a heading of

⁸¹ Extracts from IDC evidence: "Q64: Can I probe the Charity Commission's submission, where there was a statement that there was categorically no abuse of beneficiaries? I am just trying to get a grasp of what a beneficiary is. I think what you are saying there is there was no transaction: "For aid or for some food, I expect you to have sex". Is there not a much wider definition of beneficiary, in that nobody goes into prostitution as an alternative to a well-paid job somewhere else? These are desperate people that we were trying to help collectively as a community, and those people should be defined as beneficiaries."

"Q64: Answer by Oxfam 2013 CEO: "I completely agree. Oxfam used "beneficiary" to mean those in direct receipt of Oxfam assistance. In fact, the whole population of Port-au-Prince and surrounding areas, and indeed much of Haiti, were beneficiaries in the wider sense, of which they were affected by the earthquake or were living in poverty whether or not they were affected by the earthquake. Therefore, Oxfam trying to distinguish in a technical way was not the right thing to do. The investigators were trying to say there was not selling of sex in return for Oxfam aid, but actually there was a much bigger failing and a much bigger misdemeanour". <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-development-committee/sexual-exploitation-and-abuse-in-the-aid-sector/oral/78764.pdf> Page 25

⁸² Contains Parliamentary information licensed under the Open Parliament Licence v3.0 <https://www.parliament.uk/site-information/copyright-parliament/open-parliament-licence/>

⁸³ Source: Written Evidence by Oxfam GB: Sexual exploitation in the aid sector, Submitted April 2018

“Corroboration” and “Action”. This report included the Director, which the report recorded his resignation under Action, and “admission during interview with the investigation team” under Corroboration. Against these, the allegations were recorded in the report as *“use of prostitutes in OGB premises”* and *“Negligence and failure to safeguard employees – in particular, female employees”*. Also listed were the allegations of use of prostitutes in several other cases and one allegation against an Oxfam GB employee of *“violence against contractors”*.

The Inquiry established that the Director of Finance and Information Systems, the Head of Internal Audit and the Lead Investigator were all blind copied into the RSI email submission to the Commission on 25 August 2011. The Inquiry has seen no evidence that the 2011 CEO or the Director of International Programmes was aware of content of the RSI or authorised it.

The Inquiry found no record of a “cover up”. However, Oxfam GB should have been more full and frank in its reporting without prompting.

Timing

The Inquiry scrutinised the timing of the various different stakeholder reports.

The 2011 RSI guidance stated *“It is commonsense that trustees will need some time to gather information to establish the facts following an allegation or incident before reporting to us, but we would expect a report as soon as is reasonably possible. Clearly there is a balance to be struck between fact finding and timely reporting and trustees will need to exercise their discretion and judgment in the circumstances. When an incident is very serious, we would expect this to be reported to us immediately.”*

However, Oxfam GB reported the matter to DFID first and then later made the RSI report to the Commission and the Haitian authorities. Oxfam GB had already corresponded with DFID on two occasions prior to 25 August about the event and made a statement to the UK media, which was also published on Oxfam International’s website on 8 August 2011.⁸⁴ Oxfam GB notified the Haitian authorities on 5 September 2011. The correspondence inspected indicates that the member of staff that normally handled engagement with the Commission on reporting was absent on leave and no one else picked this up in his absence. The Director of Finance and Information Systems advised the team to consider putting *“a covering note to explain the delay in notifying the Commission due to [the staff member’s] absence.”*

Oxfam GB’s response to the Commission relating to how they handled the RSI reporting on Haiti includes that the Commission’s guidance and expectations on RSIs are *“non-binding”* and the only legal duty they were required to meet was making a declaration in the annual return that it had declared all the incidents it should have done during the year.

In relation to the 2011 trustees’ knowledge of the content of the incident report, the Inquiry established that they were aware that a report had been submitted to the Commission. The 2011 trustees interviewed confirmed that they did not see the content of that report and relied on Oxfam GB’s executive to ensure that the reporting requirements were complied with.

In its press release of 10 February 2018, the Commission stated that:

“...The report to us stated there had been no allegations, or evidence, of any abuse of beneficiaries. It also made no mention of any potential sexual crimes involving minors. Our approach to this matter would have been different had the full details that have been reported been disclosed to us at the time.”

Notwithstanding this, the Commission expects charities to think carefully about when and what they report so as to discharge their duties to act in the charity’s best interests and avoid further unnecessary interaction for key relevant information which would be an inefficient use of charity resources. Nor should they work on the basis of being covered because the recipient can ask further questions if something is missing.

⁸⁴ <https://www.oxfam.org/en/pressroom/pressreleases/2011-08-08/oxfam-announces-internal-investigation-misconduct-staff-haiti>

In their response to the Commission in March 2019, the 2011 trustees confirmed that had they known, in 2011, the full details of what had been reported in the media in 2018, they also would have taken different action, including in respect of serious incident reporting.

Summary Finding - Disclosures and reporting to third parties

In 2011, Oxfam GB's focus when reporting incidents to donors, and to its regulator, was on financial issues; for example, frauds, misappropriation and/or bribery incidents.

Oxfam GB was not used to dealing with reports about staffing and safeguarding matters at that time. That said, Oxfam GB did act responsibly in alerting and in making reports about their internal investigation outcome in 2011 to the Haitian government, DFID, DEC and the Charity Commission. However, Oxfam GB did not make a report about possible criminality related to the events in Haiti to the local police authorities.

In addition, the impression the Inquiry has is that Oxfam GB's handling of these matters was influenced by a desire to protect Oxfam GB's reputation, and to protect donor and stakeholder relationships. The Inquiry's assessment is there was a tension for the charity when making a report to donors or regulators. This tension was between providing sufficient details of the incident and complying with the requirements, and the difficulties Oxfam GB saw in also respecting confidentiality and not triggering a lack of donor confidence and/or funding withdrawal. The concerns were a funding withdrawal may affect Oxfam's operational capacity and/or their actions may result in regulatory enquiry or intervention.

The Inquiry found that the content and nature of the incident reports to donors and its regulator were similar. They were limited in detail and all confirmed categorically that no fraud or beneficiaries were involved. In relation to DFID, there were three rounds of correspondence connected to reporting the events. These reported to DFID that the issues of concern related to alleged misconduct by staff and clearly stated that there was no impact associated with DFID funding. At no point did Oxfam GB report to DFID that the allegations included or referred to sexual misconduct.

More generally in relation to all the reports, the Inquiry's view is that some material facts were not disclosed or explained about the breadth and full nature of the breaches of the code of conduct and misconduct investigations. These included that

- the misconduct being investigated involved the use of prostitutes
- the allegations included minors – and subsequently that the involvement of minors had not been substantiated but could not be ruled out
- the incidents may have raised criminal matters that may have been reportable to the Haitian police authorities, and/or decided not to report matters to the police authorities
- the breaches of the code of conduct involving the use of prostitutes took place on Oxfam GB provided residence

In their reporting, Oxfam GB used a specific definition of what constituted a beneficiary. The reports stressed the misconduct did not involve beneficiaries. This was based on the term as Oxfam GB understood and used that term. It is the Inquiry's view that by stressing in the reports that the incidents did not involve beneficiaries, the concerns would be likely to be interpreted as matters internal to or between Oxfam staff, albeit serious enough in some cases to warrant dismissal. Whilst Oxfam GB maintain they acted honestly and in good faith with no intent to mislead the Commission, or underplay the seriousness of the allegations, with hindsight, they now accept they used a definition of beneficiary which was not the same as the definition commonly used by the Commission under its regulatory regime.

As the Commission said publicly in February 2018, the report made no mention of any potential sexual crimes involving minors. Leaving aside the report about the main investigation, in addition, Oxfam GB was also in receipt of specific allegations, regarding two Haitian females aged 13 and 12 years old, who had claimed to be physically abused by an Oxfam "boss" and used for prostitution. The Commission has made clear that its approach in responding in 2011 would have been different had the full details, that have now been reported, been disclosed at the time.

The expectation of and onus on a charity is to decide and identify material facts to report and be open and frank with the regulator when reporting. The Inquiry has taken into account Oxfam GB's usually prompt and regular reporting on other types of incidents, including on frauds and financial matters.

The Inquiry's view is that the incidents did involve beneficiaries so the categorical statements that they did not, were mistaken. The meaning of beneficiary for the regulator was as generally and publicly used by the Commission and as explained in its RSI and other guidance. The Inquiry also finds that Oxfam GB should have been more explicit about the exact nature of the allegations and how serious they were and this was unsatisfactory.

The Inquiry found no record that there had been a "cover up". However, the Inquiry concludes, and agrees with Oxfam GB's current leadership, that Oxfam GB should have been fuller and franker in its initial report to its donors and the regulator.

Oxfam GB have explained why this happened and have accepted the criticism and learning on this and were keen to stress they are satisfied that *"this was not the result of any intent to mislead the Commission, or underplay the seriousness of the allegations..."*

The Commission's RSI reporting requirements have changed since 2011 and the Commission's response to them is more proactive and robust. Safeguarding reporting requirements are no longer confined to "beneficiaries at risk" issues.

Oxfam's handling of the issues publicly

For a number of reasons, including confidentiality obligations in employment contracts and so as not to prejudice any legal proceedings and ensure a fair hearing, it would not be usual practice for a charity to make public that they were conducting an internal investigation into identifiable individuals for staff misconduct matters. This of course needs to be balanced against the need to maintain confidence and trust of those that have brought forward legitimate concerns, and the confidence of its other employees, volunteers, stakeholders and the public that it is dealing with any incident fairly, objectively and robustly. This is particularly so when issues are leaked or complaints become widely known about within a charity.

Oxfam GB had been informing its donors and stakeholders that it *"was committed to making a public statement about the outcome once the investigation has been concluded."*

Articles about Oxfam GB's issues in Haiti were published in the media both in the UK and internationally during August and September 2011:

- At 5.51pm on 5 August 2011, Oxfam GB issued a statement to the media which announced it had an internal investigation into misconduct by staff in Haiti. It said *"an internal investigation into allegations of misconduct against a small number of Oxfam Great Britain staff in Haiti. Staff members have been suspended pending the outcome of the investigation....."* The statement included a quote from the 2011 CEO which said *"Oxfam never tolerates misconduct by our aid workers. We will take forceful and immediate action pending the outcome of the investigation."* This press release was also recirculated by other organisations⁸⁵ and is [annexed within this report](#).
- A press release was also published by Oxfam GB in Haiti on 12 August 2011 similar to that already released within the UK. From the information examined by the Inquiry, Oxfam had been made aware that allegations were circulating in the public domain prior to this date alleging that the Country Director was *"fired for part in massive \$9,677,542.00 corruption scandal."*⁸⁶
- Oxfam GB was also fielding concerns from some other Oxfam Affiliates in Haiti, most of whom appeared to be resistant to Oxfam GB publishing anything about the investigation.

⁸⁵ <https://reliefweb.int/report/haiti/oxfam-announces-internal-investigation-misconduct-staff-haiti>

⁸⁶ <http://www.haitian-truth.org/haiti-oxfam-country-director-fired-for-part-in-massive-corruption-scandal/> The Inquiry has seen no evidence that the allegation made in the media was substantiated.

- The BBC⁸⁷ reported on Oxfam GB's investigation on 13 August 2011. The online article stated that *"The director of Oxfam's operations in Haiti has resigned amid an Inquiry into allegations of misconduct by staff."* The article also named the Country Director stating he *"felt he needed to resign as he had been in charge at the time."*
- A second press statement was issued by Oxfam in September 2011 which confirmed *"The investigation found that six members of Oxfam GB staff had been involved in a number of instances of misconduct, the charges against them include: Breach of Oxfam GB's behavioural code of conduct; bringing Oxfam's name into disrepute; abuse of power and bullying within Oxfam"* and saying that *"None of these charges involved beneficiaries."* It went on to state *"Oxfam has a commitment to high ethical standards in all the countries where we work.... we make sure that there are systems in place so that when misconduct is discovered, there are repercussions and penalties, which has proven effective in this instance. Lessons have been learned from this experience and we are reviewing how we reinforce adherence to our code of conduct in order to ensure that we do everything we can to prevent future misconduct issues from arising. ... Oxfam GB's Country Director ...resigned taking managerial responsibility for issues that occurred while he was heading the programme".*

Further articles about Oxfam GB's issues in Haiti were published in the media both in the UK and internationally during 2018. Key media engagement and coverage included:

- In late October and November 2017 Oxfam GB started to respond to a number of questions from the national media in the UK which had started looking into and investigating concerns about safeguarding and senior staffing issues in Oxfam. The Commission's response to these were dealt with as part of the 2017 regulatory case to establish both how the trustees were responding to the individual allegations, as well as to establish assurance that they were taking steps to ensure the charity was appropriately safeguarding all people who come into contact with it, including its staff and volunteers.
- In January 2018 Oxfam GB started to respond to a number of questions from a national newspaper in the UK which had been looking into and investigating concerns about senior staffing issues in Haiti in 2011. The story on Haiti broke publicly in early February 2018. The newspaper reports quoted from a leaked draft of the investigation report and included highlighting concerns from a number of sources with knowledge of the case.
- Oxfam GB gave a formal statement to the national newspaper investigating what happened in Haiti on 6 February 2018 which confirmed that *"As soon as we became aware of a range of allegations - including sexual misconduct - in Haiti in 2011 we launched an internal investigation. The investigation was announced publicly and staff members were suspended pending the outcome The country director took full responsibility for events that took place under his management and was permitted to resign on the basis that he fully cooperated with and supported the investigation. The sexual misconduct allegations were investigated and detailed in the investigation report together with the outcomes and lessons learned. Allegations that underage girls may have been involved were not proven"*.
- On 9 February 2018, having been asked to do so by Oxfam GB, the 2011 CEO gave an interview to BBC Newsnight of her recollection of events and how she handled matters at the time. Oxfam GB informed the Inquiry that she was put forward to do this by them as Oxfam GB, at the time, believed that the media reports were misleading and as the 2011 CEO she was the best person to tell the full story. They explained that putting her forward was Oxfam GB's effort to be open and transparent.
- On 16 February 2018 an interview with the 2013 CEO was published in the Guardian newspaper.
- Oxfam GB also managed responses of Oxfam International and the confederation.

⁸⁷ <https://www.bbc.co.uk/news/world-latin-america-14514905>

The events of 9 February 2018 and following resulted in extraordinary public scrutiny and intense focus on the charity, and its current and previous leaders, particularly in the weeks immediately after 9 February 2018. Charities are often expert and adept at being the advocate for good causes or for the voices of others, often those less able to do so themselves. The events in this matter, and other cases at the time, highlight that charities may not be so adept at handling public scrutiny of themselves and their actions.

In the Commission's view, the initial media and public responses from Oxfam GB in early February 2018 were more defensive of the 2011 position and handling than the position they took subsequently, albeit mirroring the lines taken in 2011. Credit is given to Oxfam GB's 2018 leadership who did adapt their public position and response to public criticism more responsibly in the later weeks. This change of response included, on 19 February 2018, the proactive decision by Oxfam GB to be transparent and publish a copy of the final 2011 internal investigation report, with names of individuals redacted in accordance with confidentiality obligations and data protection requirements. Oxfam GB said they were *"...making this exceptional publication because we want to be as transparent as possible about the decisions we made during this particular investigation and in recognition of the breach of trust that has been caused. We are also meeting with the Government of Haiti to apologise for our mistakes and discuss what more we can do, including for the women affected by these events. We hope this also contributes to rebuilding trust with those who support our work⁸⁸."*

Summary – Handling of the Issues Publicly

Oxfam were open publicly in media statements, released on their website at the time, that there were serious issues with staff in Haiti in 2011. However, in the Inquiry's view, Oxfam GB were not as careful, or full and frank as they should have been in referring to and using the Country Director's resignation in the way they did.

On 28 July 2011, in an email to the 2011 trustees, the reason for the Country Director's resignation was positioned by the 2011 CEO as due to *"his overall responsibility, not because of involvement in the activities of concern"*. In their external communications Oxfam GB referred to Oxfam GB's Director resigning to take managerial responsibility for issues that occurred while heading the programme. However, the risk was there was a wider picture and context from which the resignation arose. In the Inquiry's view, Oxfam GB encouraged and facilitated the resignation as an outcome to the response to the allegations against him. The approach Oxfam GB took in referring to the resignation and reasons for it publicly, gave the impression that there were no issues about the conduct of the individual in Haiti.

The actions and approach taken on handling exposed the charity to undue risk. Now that the wider context and circumstances leading up to the resignation have been scrutinised and are known, it is clear that the approach Oxfam GB took exposed the charity to concerns that it did not disclose the full picture at the time and/or diverted attention away from material relevant information. Namely that there were concerns about the conduct of the same member of staff who was stepping forward to take responsibility for others' conduct.

Trustee and Senior Executive Oversight and Learning

The Inquiry questioned the 2011 trustees about what degree of oversight they had over the various external communications and reporting, including the press releases and the letters to donors. The 2011 trustees informed the Inquiry that they had been regularly updated on the internal investigation, were aware that a serious incident report had been submitted to the Commission and donors informed but had no recollection of seeing the documents or copies of press releases to be issued by the charity before they were issued. They confirmed that, although they regularly saw press releases regarding matters they needed to be sighted on, they relied on the judgement of the senior executive and relevant staff as to their content and positioning. Similarly, although they were aware of the report to the Commission, they again relied on the executive staff to ensure that the reporting requirements were met.

⁸⁸ www.oxfam.org.uk/media-centre/press-releases/2018/02

Although Oxfam GB had activated the Management Plan, the Inquiry finds that had the proper mechanisms been put in place, as set out in the crisis management policy, then the trustees would have had a clear line of communication with the crisis management team - rather than relying on briefings from the 2011 CEO who may not have necessarily been aware of all the relevant details or who was involved in some of the decisions that were taken.

The Inquiry also established that there were multiple handlers of information and differing levels of knowledge within the organisation as to what the allegations were, the internal investigation outcomes, the results of the legal advice sought and the interpretation and application of that advice. From records examined by the Inquiry, Oxfam GB recognises after the event, in an internal communication from its Communications Team on 9 September 2011, that there should have been tighter controls around communications to ensure consistency and accuracy of what was reported. This was recognised shortly after the conclusion of the investigation and four days after the final letter was sent to DFID.

Summary Finding - Trustee oversight, briefing and follow up

On reporting to other agencies, the 2011 trustees naturally delegated reporting to the executive and relied on their assurances this was correctly done. The 2011 trustees say they did know about the decisions taken by the executive not to report matters to the local police authorities on the basis that no reportable crime had been committed. The 2011 trustees state they recall they were not made aware of the 18 July 2011 allegations from and about the alleged 13 year olds.

Overall the Inquiry is not completely satisfied that the combined oversight, scrutiny of the information and assurances given to the 2011 trustees by the executive, or the accountability measures in place were sufficient in the circumstances. This meant that the 2011 trustees could not have had the assurance they needed regarding the discharge of their legal duties and responsibilities and that the executive were effectively held to account for the decisions they had made on matters of such significance.

xii) Oxfam GB's Organisational Response to the Issues in Haiti

After the conclusion of the internal investigation and disciplinary processes, Oxfam GB conducted an evaluation to review what it had learnt from events in Haiti and as a result it identified a number of key improvements it could make. These were set out in the final report and considered by the CMT on 5 September 2011. The Inquiry noted that the 2011 trustees' view was that despite the challenges of operating in Haiti post-earthquake, the fact that an investigation took place shows that line management had taken action and that regional and headquarters management were also keen to address root causes and poor behaviour.

In addition to having been considered by the CMT, documents examined by the Inquiry also showed that a copy of the final report, which included the action plan, had been disseminated at a meeting of the TAFG on 30 September 2011, and that after a Council meeting on 14 October 2011, which refers to Haiti and the action plan, on 17 October 2011 a copy of the action plan was disseminated to all the trustees.

Although the Inquiry noted that some of the 2011 trustees who attended TAFG would have already seen both the final report and the action plan, for others, this would have been the first occasion that some of them had seen the full outcomes of the internal investigation and the resultant lessons learnt from it as set out in the action plan.

The action plan listed 5 areas in which there were lessons to be learnt. These included:

- Organisational Culture, including more embedding of Oxfam's values and behaviours across the organisation, more embedding of women's rights at the heart of Oxfam's activities, stronger emphasis on the Code of Conduct, refreshing and increasing awareness training on Preventing Sexual Exploitation and Abuse particularly in high risk countries.
-
- Human Resources, including the need for better mechanisms for informing other regions, Affiliates and agencies of behavioural issues with staff when they move and to avoid the recycling of poor performers and/or problem staff. Also the need to ensure basic HR practices/standards are followed in all countries and promoting a culture of openness to learning.
- Line management - where weaknesses are recognised in country Directors or country teams, the need to ensure effective support and monitoring from the Regional Centre,
- Whistle Blowing - better mechanisms to enable staff, especially national staff to come forward with concerns and blow the whistle,
- Audit and Investigation Processes including increasing awareness across Oxfam of the existence of an independent review/investigation team, improving internal audit process to cover HR and culture more effectively and taking account of feedback from Haiti on investigational process/effectiveness and applying the learning from this.

The Inquiry noted that in total there were 21 planned activities and actions identified in the action plan as requiring follow up. Against each action or activity a member of staff was named as being the designated lead for delivering on those activities and actions. The Inquiry also established that the timescales set for completion of the proposed actions was that they did not exceed "*Winter 2011*" and/or "*December 2011*".

In terms of substance the planned actions showed that:

- Oxfam GB recognised that it needed to bolster its organisational culture, including by taking a stronger stance on the need to embed Oxfam's code of conduct and not be tolerant of weak controls in emergency situations.

- Oxfam GB also took the view that they needed to strengthen their pre-employment checks, and create better mechanisms for informing other affiliates and agencies of staff behavioural issues to prevent “recycling” of poor performers and problem staff.
- They also sought to introduce better whistle blowing procedures, including through a revised confidential international reporting line in multiple languages. In addition, they sought to promote the investigation team and ensure that future internal audits took account of HR and organisational culture.
- The most significant outcome of the investigation was that the charity identified that not only did it need to raise awareness of PSEA across the organisation, but that it needed to reinvigorate its PSEA focal point network and increase the number of PSEA investigative staff.
- This led to the establishment in 2012 of a focused safeguarding provision which would become the charity’s Global Safeguarding Team.

In a written submission to the Inquiry in April 2018 the 2011 and former trustees stated:

“After October 2011, Trustees were kept abreast of those actions which had not already been implemented in relation to the follow-up to the Haiti action plan through reports, updates at Council and meetings. The action plan was put in place immediately after the Haiti reports had been completed and reached across all of OGB’s programme work, HR and audit as well as addressing Haiti specifically. From the trustees’ viewpoint, the action plan was being taken forward effectively and OGB was fully and openly facing up to and dealing with the implications raised by the Haiti situation.”

From records inspected by the Inquiry it has seen evidence of the actions that were taken by Oxfam GB to address some of the areas of concern. In addition to this, the Inquiry established that in December 2011 and January 2012 respectively, both the Director of International Programmes, who was accompanied by two of the former trustees and 2011 CEO had undertaken visits to Haiti. During the visit in January 2012, the 2011 CEO met with the Ministry of the Interior and a UN official from the interim Haitian Government. Although there is no record of what was discussed at that meeting, the Inquiry observed that the outcome of the 2011 CEO’s visit was reported back to the Council at their meeting in January 2012 stating that the visit had “...concentrated on the action plan following the investigation of personal conduct, and discussions with staff. This had been positive and Oxfam’s action was respected in Haiti.”

The Inquiry was informed that the Director of International Programmes and the former trustees that had accompanied her on the visit to Haiti in December 2011 also briefed the Council on their return. This visit formed part of the trustees’ normal schedule of visits. There is no express reference in the meeting minutes to it being linked to the outcomes of the internal investigation. The former trustees informed the Inquiry that they had been able to “...form an impression during their visit of the problem of sexual exploitation in Haiti. [One of the former trustees] was left in little doubt from his private conversations that it was understood by Oxfam staff, (and hence by the aid community) that some dismissed staff had been using prostitutes. They saw that a new, strong management was in place to deliver the work in Haiti.”

The former trustees maintain that they had adequate oversight of delivery against the action plan through reports, updates at Council and meetings, and that the Management Accounts report for October to December 2011 noted that the Haiti plan was being implemented through autumn 2011. The Inquiry has been unable to locate documentary records which evidenced how the former trustees maintained oversight of how the action had been completed and the issues of concern addressed to their satisfaction. In interview with the Inquiry on 23 May 2019, the former trustees stated that although the Council meeting minutes from the time may not properly or fully reflect the discussions that took place during those meetings, they maintain that they were fully aware of the progress made at all times. The former trustees consider that they had been provided with sufficient assurance by the executive that actions had been fully implemented.

In terms of the overall outcome, and effect of any follow up on these learnings and actions, Part 2 of this Inquiry report covers the latest Independent Review of Oxfam GB’s safeguarding approach and practices.

xiii) Allegations that emerged during the Inquiry about the Philippines in 2013

In November 2013, Typhoon Haiyan made landfall in the Philippines. The typhoon is on record as being one of the strongest tropical cyclones ever recorded and is also stated as being the deadliest Philippine typhoon on record and made many millions homeless.

Oxfam GB informed the Inquiry that 2013 was particularly significant for three emergency responses by Oxfam; the first in September 2013 in response to conflict and displacement in Zamboanga City, the second in response to the earthquake in Bohol Island in October 2013, both of which were responded to directly by Oxfam GB teams and in partnership with national organisations. The third and largest response was for the impact of Typhoon Haiyan. Oxfam GB informed the Inquiry that their response to the typhoon provided water, sanitation, emergency livelihood support, protection and other disaster relief efforts from November 2013 focused on 4 locations across the path of the typhoon. It resulted in a significant upscale of both staff (from approximately 40 to 400 Oxfam staff) and partnership working (from no previous partnerships in the area to over 15 organisations). The immediate response, recovery and rehabilitation phases continued for 3 years.

On 15 February 2018, public concerns arose about historical issues with Oxfam GB's staff in the Philippines. A press article ⁸⁹ in the London Evening Standard reported that in the aftermath of the typhoon that struck the Philippines, an individual who had been resident in a hotel in Cebu had informed the media that he had witnessed Oxfam staff "...lounging round a luxury hotel pool with local girls who appeared underage..." stating the girls appeared to be "...only 14 or 15 years old." The individual also claims to have called Oxfam GB on two occasions to report the matter, once at the time of the event and again in February 2018, when the allegations about Haiti surfaced. The individual stated he had not heard back from Oxfam GB following the initial report being made.

The Inquiry questioned Oxfam GB staff and established that despite Oxfam GB conducting checks of all remaining call records, it was been unable to locate any record of the complainant contacting Oxfam GB prior to 2018. Oxfam responded to the concerns and allegations by opening an investigation on 22 May 2018. Due to the fact that Oxfam GB was under a statutory Inquiry, the conduct of the Oxfam GB investigation was closely monitored by the Inquiry.

From records examined by the Inquiry, it observed that the complainant had spoken to Oxfam GB's then Head of Global Safeguarding on the 12 February 2018. Oxfam GB followed this up with a telephone interview with the complainant on 17 May 2018 formally recording the complainant's account of events. The Inquiry examined records that Oxfam GB had attempted to contact the complainant on a number of occasions between February and May 2018, but this appeared to be the first occasion the complainant had been available to formally speak to Oxfam GB.

The Inquiry reviewed the statement recorded by Oxfam GB. In their statement the complainant described a chain of events, detailing the activities he had witnessed, allegedly regarding minors whose ages he placed at between 12 – 16 years old, indicating that the events took place sometime after Christmas 2013: a specific date was not given but the complainant informed Oxfam GB that the "...tree was still up in the hotel." He also stated that he had interacted with two members of Oxfam's staff who he identified by their clothing and identify cards. One of the staff members was a male. The complainant gave a physical description of this person, providing two suggestions as to what he thought the individual's name may have been. The complainant reported that this individual had been verbally abusive towards him when challenged about his behaviour. The other was a female. The complainant provided a physical description of her. The complainant said she apologised for the alleged behaviour of her colleagues. The complainant also informed Oxfam GB that he had spoken to members of hotel staff at the time, in particular the hotel manager and a concierge, raising his concerns with the hotel manager.

⁸⁹ www.standard.co.uk, 15th February 2018

The Inquiry also observed that the complainant had informed Oxfam GB that he had returned to the hotel at a later date, again no date was specified, and stated that the hotel car park contained a number of vehicles from other INGOs and aid organisations: Oxfam wasn't named amongst those.

The Inquiry notes that Oxfam GB was unable to make any substantive enquiries until it had obtained a complete account of events from the complainant. Once it had obtained the complainant's account, it conducted a number of follow up enquiries in an attempt to verify the details that had been provided.

In summary, Oxfam GB's investigation team:

- contacted the hotel referred to in the article. They confirmed that there were no bookings attributed to Oxfam GB corporately or individually during the period in question.
- undertook internal enquiries with Oxfam GB's finance department to determine whether any expenses had been incurred using charity money linked to the hotel either generally or related to individual "rest and recuperation" periods: the results of this were negative.
- interviewed all members of staff who had been in the country at that time. No complete matches were identified for the descriptions or name given by the complainant. Only one member of staff interviewed had any recollection of attending the hotel but that had been for an hour in November 2013 as part of a UN coordination meeting. None of the others had any recollection of ever attending the hotel or having knowledge of the events described by the complainant.
- identified that the charity had one rented 4x4 vehicle and several minibuses, all of which would display the Oxfam logo and be used for transport to the field or visits to the warehouse, occasionally the guesthouse. When not in use at night and at the weekends these vehicles were parked at the rental company. They also identified that potentially two 4x4 vehicles had been donated by DFID, which were not licensed for use until after January 2014.

In addition to Oxfam GB's own enquiries⁹⁰, the Inquiry attempted to contact the complainant on a number of occasions regarding his concerns. The complainant responded to the Inquiry on 7 August 2018 stating that in addition to the information already provided to Oxfam GB, he had photographic evidence of the female he had described. He also explained that Oxfam GB appeared to be using the hotel for a rendezvous point in the morning. This information was later passed to Oxfam GB who has not been able to establish that was the case. The complainant informed the Inquiry that he would provide the photographic evidence but despite repeated attempts to obtain this information from the complainant, they have failed to respond.

In summary, it is the Inquiry's view that Oxfam GB have taken all reasonable steps possible to verify the allegations made by the complainant. No independent witnesses have come forward as a result of the article published in the media in February 2018, nor has Oxfam GB or the Inquiry been able to identify any other independent witnesses to the alleged events raised by the complainant. Therefore, in the absence of any further evidence and due to the length of time that has elapsed since the incidents, it is not possible for the Inquiry nor Oxfam GB to progress this matter further.

⁹⁰ Oxfam GB estimated around 100 hours spent on the resourcing of enquiries in 2018

Part 2: Oxfam GB's wider approach to safeguarding, historically, and currently

i) The role of the independent review

The Inquiry's findings in relation to Oxfam GB's wider approach to safeguarding, both historically and currently, has been informed by the results of an independent review commissioned and paid for by Oxfam GB, as well as by other evidence available to it, including the responses and documents provided by Oxfam GB and some former employees and former trustees of Oxfam GB on the Inquiry's emerging findings.

Following the opening of the Inquiry the Commission put in place steps to ensure it had direct supervision of the review, agreed its terms of reference and that the results would be fed directly to the Inquiry and Oxfam GB concurrently. The independent review was carried out by members of Ineqe Group Ltd ('Ineqe') and led by Jim Gamble QPM, CEO of Ineqe ('the Independent Review Team'). The independent review was overseen by Kate Gallafent QC but the Independent Review Team had final editorial control on the findings and content of the review report. The results of the independent review are for Oxfam GB and for Oxfam to respond to. They are not owned by the Commission but have informed the Inquiry's regulatory findings and action required by it. The Inquiry considered and took into account the results of the review in its own findings and conclusions, in the same way it would if the review had been conducted by an Interim Manager.

The independent review's findings and recommendations were based on engagement with Oxfam between March and September 2018. The final results of the review including recommendations were provided to the Commission on 4 February 2019.

In summary, the purpose of the independent review was to examine Oxfam GB's:

- current safeguarding arrangements⁹¹ & ⁹²
- management of safeguarding allegations since 2011 (excluding the 2011 Haiti events and Philippines allegations)
- reporting of all relevant incidents, accurately and to the levels required:
 - as serious incidents to the Commission under its regulatory regime
 - to law enforcement or other respective agencies in the UK and in other countries where appropriate
 - to statutory funders in the UK and other principal donors.

A summary of its key findings and recommendations are published in annex 3.

As well as the findings of the independent review, the Inquiry has also taken into account the results from the Commission's own direct regulatory engagement with Oxfam GB on safeguarding matters, including its regulatory compliance case in 2017, an externally-led HR related review commenced by Oxfam GB in January 2018, and direct engagement with Oxfam GB's current leadership during this inquiry.

In many places the results of the Independent Review Team reflect or endorse the Commission's findings from regulatory engagement during November 2017 and the Inquiry.

⁹¹ For the purposes of the Inquiry and the independent review 'safeguarding' has the meaning set out in the Commission's strategy for dealing with safeguarding issues in charities (December 2017), that is, the taking of reasonable steps to ensure that beneficiaries and other persons who have contact with Oxfam GB do not, as a result, come to harm. Ultimately safeguarding is about keeping people safe and responding appropriately and responsibly when incidents and issues do occur, which is bound to happen from time to time. Safeguarding in the context of the Inquiry and independent review therefore includes, but is not limited to, responsibilities within PSEA, prevention of, and responding to, misconduct by Oxfam GB's staff and Safe Programming. Although this definition of safeguarding is wider than that used in the context of UK statutory guidance and domestic legislation, which applies to children and young people under 18 years of age and adults at risk (aged 18 and over), the definition of safeguarding by the Commission reflects the broader legal duties of charity trustees both currently and at the time of the Haiti incidents in 2011

⁹² Oxfam GB is responsible for safeguarding in its offices and other operations in the UK, including its shops, and in the 27 other countries in which Oxfam GB is responsible for in-country staff and support services. These countries are identified in the Inquiry report and the independent review report as Executing Affiliate [EA] countries.

ii) Safeguarding governance and leadership within Oxfam GB (including assurance and improvement systems and trustees' safeguarding skills and training)

The Commission's engagement in 2017 and the 2017 action plan

The Commission established during its review in 2017, prior to the establishment of the Trustee Safeguarding Group ("TSG"), that the Council's oversight of safeguarding was exercised in the first instance through the Trustee Audit, Finance and Risk Committee ("TAFG"). This oversight was supplemented by a lead trustee for 'people risks' including safeguarding⁹³. Safeguarding is also overseen by the Programmes Committee. At that time TAFG received information on safeguarding at its meetings on a 6 monthly frequency, although prior to 2016 reports had been provided to it on a quarterly basis. Since 2016 TAFG has received an annual report on people risks for review and discussion. The annual report included analysis of safeguarding, security and health and safety. In addition, the Safeguarding Steering Group (a management committee), meets on a quarterly basis reporting to the executive Leadership Team. The Inquiry was informed that specific cases were not discussed and the detail of them not shared at TAFG but the most serious cases were flagged with the Chair and sometimes the other honorary officers through an escalation process.

The Inquiry was informed by the representatives for the former trustees and former employees that this was part of several lines of defence; line management itself in country, support through expert staff with a dotted line relationship to the Head of Safeguarding, and thus to the head of audit, internal audit, the management safeguarding group and regular reporting through TAFG to Council.

The former trustees reported to the Inquiry that they took their oversight duties and responsibilities extremely seriously and that a minimum commitment as a trustee involved providing between 12 and 25 days a year including attendance at one of the governance committees as well as the main Council meetings.

It was explained by Oxfam GB to the Commission that TAFG had heavy workloads and that the reduction in 2016 in frequency of reporting on safeguarding occurred to improve how TAFG receives information at its meetings on safeguarding and synchronise it with other areas of reporting on 'people risk' such as security and health and safety matters. The Inquiry established from the minutes of TAFG meetings that from May 2016 the Head of Global Safeguarding no longer attended TAFG meetings to provide safeguarding updates, and that such updates were provided by their line manager and/or a member of the executive team.

It was separately reported to the Inquiry that concerns had been raised internally on more than one occasion with the Oxfam GB management and a trustee about the reduction in frequency of safeguarding reporting to TAFG, given the continued pressures and challenges faced by staff on safeguarding work. Notwithstanding these concerns the reduction in frequency of reporting to TAFG was not reversed prior to the Commission's engagement, in part because the Safeguarding Steering Group, a cross departmental management committee within Oxfam GB, continued to meet quarterly reporting to the executive leadership team and because of the other communication channels on safeguarding which existed.

The Commission found in 2017 that management information was being produced both for the Safeguarding Steering Group and TAFG. This was mainly transactional and quantitative data on the number and nature of safeguarding cases being handled by the safeguarding team. The Commission found limited evidence of reporting to drive effective management of strategic, thematic/tactical and performance matters in respect of safeguarding. For example there was no measurement of safeguarding against strategic or operational key performance targets and no regular structured quality assurance or audit reports presented on safeguarding case management or compliance with policies and standards. The Commission expressed its view during its engagement with Oxfam GB that there were weaknesses in the governance and management oversight of safeguarding which needed addressing by the charity.

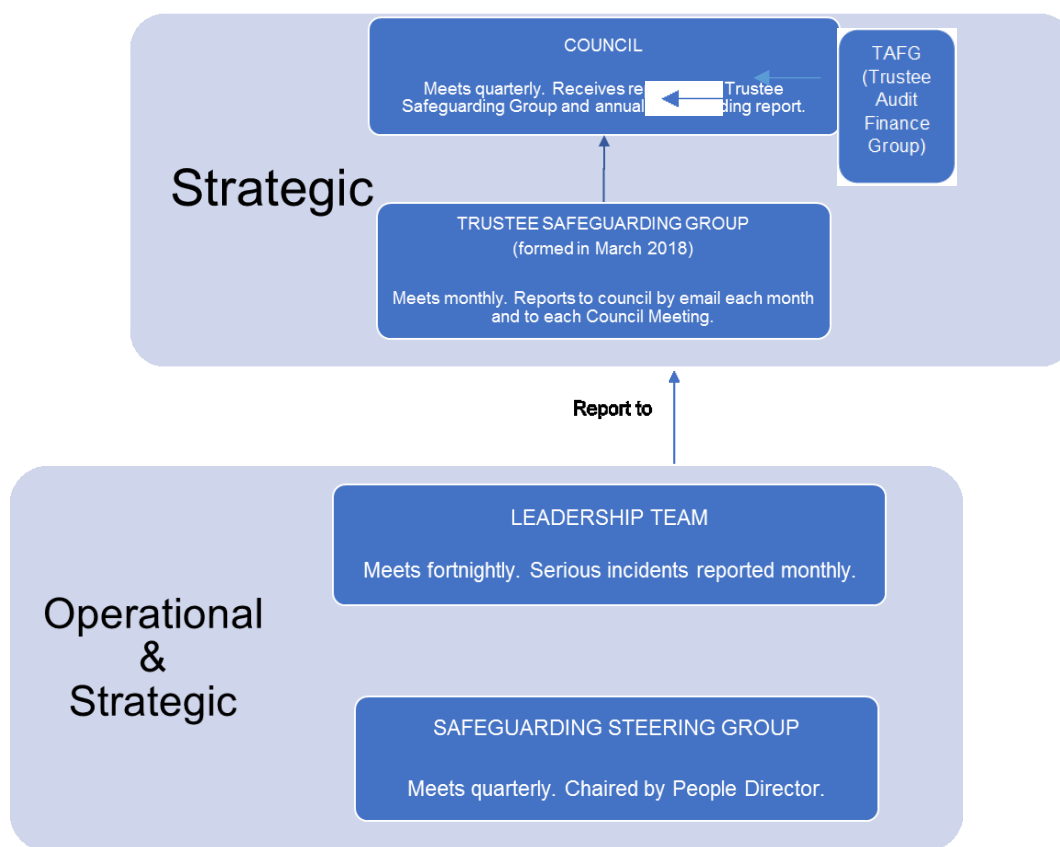
⁹³ A lead trustee for safeguarding had been in place since 2016 on the recommendation of the then Head of Global Safeguarding.

Oxfam GB agreed as part of the 2017 action plan to include safeguarding as part of a governance review, which had already been commissioned by Oxfam GB prior to the Commission's intervention. This governance review was tasked with reporting back on improvements that could be made to governance in the context of safeguarding by 31 March 2018. This governance review was largely overtaken by two events:

- the opening of the statutory inquiry and the associated appointment of the Independent Review Team to conduct a broader review of safeguarding at Oxfam GB
- the decision of the trustees to establish the TSG as an interim governance measure in March 2018

Operational and strategic oversight of safeguarding within Oxfam GB including assurance and improvement systems

An overview of the current operational and strategic oversight of safeguarding within Oxfam GB is provided in the introductory section titled 'The charity's structure and position in Oxfam – Sub-Committees' and is illustrated below.



Source: Oxfam GB Independent Safeguarding Review Report

The Inquiry also established that in 2016 a Safeguarding Case Management Group was established to assist the Safeguarding Steering Group in discharging its oversight responsibilities.

The Independent Review Team made the following findings on quality assurance on handling of safeguarding cases:

"In the context of Oxfam GB's current processes, the Review identified no firm evidence of any coherent monitoring of Key Performance Indicators, case auditing activity or systematic safeguarding surveys. Whilst acknowledging Oxfam GB is developing its performance data in line with its 2018-21 strategy and that there are elements of auditing / reviews in place (i.e. via the MEAL process), a more sophisticated approach should be developed. This will help Oxfam GB gain sufficient line of sight on the quality of practice."

The response from those representing the former trustees and former employees (excluding the 2013 CEO), informed the Inquiry that safeguarding was part of line management responsibilities, overseen by the

human resources department (responsible for policy), and with internal audits specifically commissioned to report back on outcomes.

However the Inquiry found that prior to the improvements in 2018, there were systemic weaknesses in quality assurance and accountability on safeguarding matters which exposed Oxfam GB to undue risk. This included the systems and processes to regularly monitor KPIs and case auditing activity, and the inadequate safeguarding case records and records management which hampered its ability to provide reports of sufficient quality to ensure effective audit and oversight of risks the issues. Such risks included: some aspects of Oxfam GB's safeguarding casework were not being carried out in compliance with procedures and/or recognised practise standards⁹⁴; that its policies and recognised practise standards not being properly or consistently implemented in practice by staff; and that the charity was not able to provide necessary assurance to its staff and the public that safeguarding risks were being properly managed. The Commission considers this to be mismanagement in the administration of the charity.

The Independent Review Team has confirmed to the Commission that governance oversight of safeguarding has improved within Oxfam GB since 2018. Examples of improvements that have been made include:

- The Trustee Safeguarding Group meets every month to review safeguarding performance
- The Head of Safeguarding has a direct communications line to the Chair of Trustees and they meet regularly so that any concerns or issues can be raised directly with trustees and discussed. The role of the Safeguarding Steering Group has been clarified to ensure oversight across functions at the management level.
- A set of new safeguarding KPIs have been set and approved by the TSG, which will provide quarterly measures of progress in key priority areas, to the Trustees. Monitoring of these began on 1 January 2019.
- The global planning and reporting process now includes strengthened information on safeguarding and will give the global leadership a top line indication of the plans, and progress against these, as well as financial investment levels relating to safeguarding activities at the country level.
- A new risk framework was approved by trustees in early December 2018, which gives increased attention to safeguarding risk management and mitigation in Oxfam GB's UK divisions. Oxfam GB is now working directly with Keeping Children Safe to discuss how to roll out a similar framework to countries and programmes.

The Independent Review Team has made several recommendations to further improve Oxfam GB's safeguarding capability through the introduction of a new safeguarding operating model. Further details are provided in annex 3. This includes further strengthening Oxfam GB's governance with a new safeguarding committee, which *'whilst sitting within Oxfam GB's overall governance structure will provide an enhanced and transparent level of professional scrutiny.'*

Relevant Independent Review Team recommendations on safeguarding governance and leadership within Oxfam GB and Oxfam GB's status report on implementation

The Independent Review Team has made 7 relevant recommendations in this area. Recommendations relating to assurance and learning/improvement systems have also been included in this section.

⁹⁴ For example, the Commission regards the UK frameworks and guidance which set out reporting and referral criteria to LADOs as a recognised practice standard.

Table 1 summarising recommendations and implementation status in respect of Oxfam GB's safeguarding governance and leadership

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
17	That Trustees, the Oxfam GB leadership team and all senior managers (as appropriate) should, as a priority, receive accredited safeguarding training that ensures clarity on the following: <ul style="list-style-type: none"> OXFAM GB's responsibilities to children and vulnerable adults in the context of its operations in the UK. OXFAM GB's responsibilities in the context of its safeguarding functions to overseas beneficiaries. It is acknowledged that accredited training in this regard may be harder to access. The National Crime Agency (NCA) may be able to facilitate such. In the absence of accredited training for overseas responsibilities Oxfam GB should consider commissioning the development of such training. 	Complete	
23	To support trustees to develop the skills, abilities and experience required to be effective in their role, Oxfam GB should: <ul style="list-style-type: none"> Explore shadowing opportunities with relevant in-sector and/or external bodies with inspection / peer review experience in safeguarding. A safeguarding personal development portfolio should be created for each trustee aimed at identifying areas relevant to their role in Oxfam GB. A routine briefing cycle on Oxfam GB related safeguarding trends, themes and patterns. The suggested time frame is quarterly to Safeguarding Committee and annually to the Council. 	Complete	
22	The TSG or new Safeguarding Committee (Appendix D) should biannually review safeguarding audits of safeguarding investigations and case management. Such audits should have clear terms of reference and identify SoC and victim profiles, trends, themes and patterns related to allegation types and investigation outcomes. Critically, all incomplete investigations should be considered and noted by the TSG or new Safeguarding Committee and presented to the Council as part of the annual safeguarding report.	On track	Links have been made with external auditors to aim to commence file audits for the last financial year which will be a process that will be undertaken every year
26	The trustees must ensure that the information they receive is sufficiently detailed to enable them to make accurate decisions as to whether the incidents have been properly investigated and that they have enough details to report to the Charity Commission and to discharge their other duties and responsibilities.	Complete	To be tested by verification and assurance work
60	In order to ensure consistency of approach to disciplinary decision making, all disciplinary files dealing with safeguarding cases should be reviewed on completion/disposal by the Global Head of Safeguarding. In addition, Oxfam GB may wish to consider sharing outcomes, trends and patterns in respect of safeguarding cases with relevant decision makers, senior management and Trustees. This could include an anonymous synopsis of all cases and their outcomes.	Complete	To be tested by verification and assurance work
63	Effectiveness Reviews should be developed to include safeguarding, either as a stand-alone discipline or as a defined element requiring consideration within each of the defined themes.	On track	Dec-19
64	Oxfam GB should develop a Learning & Improvement Framework that includes mechanisms for safeguarding self-assessment, case auditing, performance data monitoring, stakeholder feedback and external learning.	On track	Jun-19

Recommendations for trustees in respect of RSIs have been included under RSI disclosures table 9.

Oxfam GB have completed the governance recommendations made by the Independent Review Team in respect of serious incident reporting to the Commission. Oxfam GB is implementing the recommendations to adopt a new safeguarding operating model. Oxfam GB trustees will decide in July 2019 on the composition and terms of reference of the safeguarding committee which will permanently replace the interim TSG. A programme of work is underway to strengthen assurance systems by enhancing the management information provided to the interim TSG, and the safeguarding committee, when it replaces the TSG.

iii) Oxfam GB's safeguarding strategy and strategic response

The position in 2015, the Commission's regulatory engagement in 2017 and the findings of the Independent Review Team in 2018

The Commission established, during its engagement with Oxfam GB in late 2017, that the charity had developed a safeguarding strategy for the period from 2012-14 ("the 2012-14 strategy"). The outcomes from the 2012-14 strategy were intended to address weaknesses identified by a self-assessment exercise conducted by staff. There was evidence that the 2012-14 strategy was approved by Oxfam GB's executive leadership team and the strategy was presented to TAFG, the trustee sub-committee of Council⁹⁵, in May 2013. It was agreed at that time that TAFG would be kept updated on the implementation of the strategy. However the Commission saw no evidence that this strategy was formally approved, or endorsed, by Council at the time. Although the Inquiry notes Council's commitment at the time to championing safeguarding and to placing a high priority on addressing and denouncing sexual violence in Oxfam. Both Oxfam GB and the charity's former trustees pointed to a range of positive measures in support of this including:

- Programmes designed to combat violence against women
- Holding female only meetings when female senior staff and trustees visited overseas locations to encourage a culture of speaking out.
- The actions taken on programmes to encourage beneficiary complaints or reports of abuse
- Raising 'front line' awareness through training
- Establishing central safeguarding resources to support and co-ordinate safeguarding delivery.
- Reporting on the number of safeguarding incidents handled by Oxfam GB in the Trustees' Annual Report

Oxfam GB and the former trustees highlighted to the Inquiry that in some aspects of safeguarding they were regarded by their peers as delivering best practice.

The Commission established that Oxfam GB's management had intended to commission a strategic safeguarding review in 2015 and that they had informed TAFG, the trustee sub-committee of Council, of its intent⁹⁶. Whilst the Council minutes in March 2015 record that "*the trustees were absolutely committed to supporting an even more robust approach*" on safeguarding, a strategic review did not take place in 2015.

The Inquiry considers that this was a significant missed opportunity to improve safeguarding management and arrangements in Oxfam GB, and to address issues which Oxfam GB were aware of, such as those raised by a former Head of Global Safeguarding with Oxfam GB in March 2015 and other occasions prior to this (see further the section below on 'Oxfam GB's Organisation Management and Resourcing of safeguarding'). The Inquiry found no evidence that TAFG or the full Council monitored delivery of the intended 2015 strategic safeguarding review or held the executive to account for this, although it was receiving safeguarding reports.

The Inquiry considers this an illustrative example of the weaknesses in the assurance and oversight mechanisms by the trustees and executive over safeguarding arrangements within Oxfam GB at that time.

When questioned by the Commission in 2017 about its safeguarding strategy Oxfam GB told the Commission that they had 'rolled over' the 2012-14 safeguarding strategy. However, the Commission did not find any evidence in minutes of meetings or papers that the 2012-14 strategy was being used either by Oxfam GB's trustees or executive to measure and monitor progress against the strategic targets set by the strategy.

It is the Commission's view that Oxfam GB had no up to date live safeguarding strategy in place in 2017. Although the Commission did see a safeguarding operational plan for 2016 which reflected ongoing work under the 2012-14 strategy and efforts were being made by Oxfam GB to prepare an updated safeguarding

⁹⁵ See above the introductory section titled 'The charity's structure and position in Oxfam – Sub-Committees' and the 'Safeguarding Governance, and Leadership' section below for further details on TAFG.

⁹⁶ This was also referenced in an email between an Oxfam executive and the then Head of Global Safeguarding in March 2015 which confirmed that Oxfam planned to undertake a strategic review of its approach to safeguarding as soon as is practicable.

strategy document prior to the Commission's engagement in 2017, including key performance indicator targets to enable trustees and management to track Oxfam GB's performance against the strategy.

The Inquiry is critical of the failure of the former trustees to ensure that a 'rolled over' strategy was used to effectively measure and monitor progress against strategic targets, and the failure to ensure that the intended 2015 strategic safeguarding review took place and support and hold the executive to account for doing so. This is particularly since Oxfam GB were put on notice at that time about the increasing safeguarding challenges for Oxfam GB and the resourcing issues which the safeguarding team faced. There should have been adequate assurance processes and systems in place to ensure this strategic review took place. The Inquiry notes Council's commitment at the time to championing safeguarding and to placing a high priority on addressing and denouncing sexual violence in Oxfam. However, in the Inquiry's view insufficient steps were taken by the trustees and senior executive at the time to deliver and follow through on this intent, which as a consequence exposed the charity to undue risk. The inquiry regards these failures as intrinsically linked to the decisions by Oxfam GB in respect of its organisation, management and resourcing of safeguarding. The Commission considers the failings in both of these areas between 2015 and 2017 as collectively constituting mismanagement in the administration of the charity.

The Commission advised Oxfam GB in 2017 that it considered the self-assessment exercise which underpinned the formulation of the draft updated strategy to be too optimistic. Oxfam GB's self-assessment in 2016-17 concluded that none of the eight components⁹⁷ for effective safeguarding delivery were weak and that five out of the eight elements had improved since the last self-assessment in 2012. This was not a view the Commission shared following its 2017 engagement⁹⁸.

The Inquiry has observed significant progress made by Oxfam GB in this area since 2017. Following the Commission's intervention in November 2017, Oxfam GB agreed to produce an updated safeguarding strategy. This was implemented in May 2018 (the 2018-21 strategy) following approval by the trustees in Council.

The Independent Review Team were tasked with reviewing the 2018-21 strategy, including the sufficiency of the charity's prevention, deterrence, training and awareness measures.

The Independent Review Team's scrutiny and analysis has been restricted to analysing content of the strategy rather than performance because of the short time it had been in place when they conducted their review.

The Independent Review Team considers the key elements of the new strategy to be sufficient. However, they have recommended the strengthening of the strategy in respect of safeguarding training and consider there is scope for Oxfam GB to improve the methodology it uses to inform its future safeguarding strategy development, because of the potential for 'optimism bias' in its self-assessment exercises.

Delivery of the safeguarding strategy is now monitored and reviewed by a new Trustee Safeguarding Group.

Relevant Independent Review Team recommendations on Oxfam GB's safeguarding strategy and Oxfam GB's status report on implementation

The Independent Review Team has made four relevant recommendations in this area.

⁹⁷ The eight defined areas of performance for the self-assessment exercise were: Governance and Accountability; Policies; Management; Information and Knowledge Management; Plans and Procedures; Learning and Development; Resourcing; Monitoring and Evaluation.

⁹⁸ At the time of the Commission's engagement in 2017 Oxfam GB highlighted the study by Professor Dyan Mazurana and Affiliated Student Phoebe Donnelly of Tufts University in their research on sexual assaults against humanitarian and development aid workers. This study cited Oxfam GB as a model of best practice in the sector in addressing sexual harassment and assault against aid workers. Given the context and methodology of this study the Commission advised Oxfam GB that it would be inappropriate to use the study as a form of assurance that the charity was taking reasonable steps to mitigate safeguarding risk and protect people from harm. Further information is provided on this study in the executive summary of the independent review report at annex 3. [\[Mazurana, D. and Donnelly, P. \(2017\). *Stop the Sexual Assault against Humanitarian and Development Aid Workers*. Somerville USA: Feinstein International Centre\]](#)

Table 2 summarising recommendations and implementation status in respect of Oxfam GB's safeguarding strategy

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
27	Oxfam GB should align the action for reviewing the Safeguarding Risk Management approach with the proposals for a Learning & Improvement Framework so that there is one process to assist strategy development, quality assurance and improvement.	On Track	Project commenced Jan 19 estimated completion Oct 19
28	That the 2018-21 safeguarding strategy should be amended to include the following distinct headings with the associated action specified in the Practice section of this report also included: <ul style="list-style-type: none"> • The development of a safeguarding training strategy. • The development of consistent course content adapted to country context. • The development of a comprehensive training programme. • The development of an evaluation framework to determine impact. 	Complete	Delivery ongoing
29	Building on the recently agreed Safeguarding Strategy 2018-21, Oxfam GB should produce one single safeguarding business plan to consolidate all areas of safeguarding work: <ul style="list-style-type: none"> • The Plan should be reviewed to ensure it is SMART and that all actions are Specific, Measurable, Timely, Realistic and Achievable. • This plan will be monitored by Trustee Safeguarding Group (TSG) and by the proposed Safeguarding Committee. Progress will be reported to the Council twice yearly. 	Complete	To be confirmed by verification and assurance work
65	As they move forward, part of Oxfam GBs safeguarding strategy / action plan should ensure there is a dedicated focus on developing links with key safeguarding structures in the UK to support Oxfam GB staff and volunteers.	Complete	To be confirmed by verification and assurance work

iv) Oxfam GB's organisation, management and resourcing of safeguarding

The Commission's regulatory engagement in 2017 and the findings of the Independent Review Team in 2018

Since its formation in 2012, the Global Safeguarding Team ('the safeguarding team') has formed the hub through which most of Oxfam GB's safeguarding activity has been co-ordinated. The Commission is clear that Oxfam GB's initial decision to invest in this dedicated resource was a significant and positive measure and one which many other charities do not have.

However, the Commission reached the view that the safeguarding team was not fulfilling its intended purpose or potential in and before 2017. During its regulatory engagement in 2017, the Commission found that Oxfam GB's organisational approach to safeguarding and the limited resources of the safeguarding team meant that it was almost exclusively occupied in undertaking reactive safeguarding case work with very little time dedicated to proactive strategic, thematic or preventative work⁹⁹. This was confirmed by Oxfam GB's own analysis in 2017 which assessed that *"Outside of the Trading Division it is estimated that only 5-10% of activities carried out by the Safeguarding Team focus on preventing sexual exploitation or abuse from happening in the first place."* The Commission found that this had largely been the case since at least 2015. Around this time the then Head of Safeguarding team had brought the resourcing and capacity issues facing that team to the attention of Oxfam GB executive and trustees. Following their departure from Oxfam GB the former head of the safeguarding team also contacted the Commission in 2015 about their concerns in relation to DBS checks on volunteers in shops, resourcing of Oxfam GB's safeguarding team and inconsistent reporting of incidents to the Commission.

The Commission engaged with Oxfam GB on these matters between June 2015 and January 2017, and it received assurances from Oxfam GB on the steps it had taken or was taking, including measures being taken by Oxfam GB to increase resourcing of the central safeguarding team. Oxfam GB reported to the Commission in January 2017 that it would be increasing the resourcing of the safeguarding team, however evidence was provided to the Inquiry that Oxfam GB failed to deliver these promised resources. At the time of the Commission's engagement in October/November 2017, these resources were still not in place; the safeguarding team comprised of 3 posts: 1 safeguarding head; 1 safeguarding advisor; and 1 co-ordinator. The latter post was vacant in October 2017¹⁰⁰, although there had been dialogue prior to this between the trustees and executive on increasing the team's resources. The need to review these resourcing levels was incorporated into the 2017 Action Plan.

The lack of resources and time to devote to proactive strategic, thematic or preventative work was also evidenced by the content of the minutes of the Safeguarding Case Management Group from 2016 onwards, which largely concentrated on significant numbers of reactive safeguarding case work.

The intended strategic safeguarding review in 2015, which could have addressed these issues and the concerns of the then head of the safeguarding team did not take place, and instead a modest increase in the safeguarding team's resources occurred in an effort to alleviate the challenge faced by the team. It is the Inquiry's view that this was simply placing a bandage on the problem. The Inquiry has seen evidence that shows internal concerns continued to be raised within Oxfam GB about safeguarding resourcing up to 2017. The Inquiry also heard from one member of staff that *"it was enormously challenging to win management time"* and that staff *"raised almost every criticism to our leaders directly and repeatedly and they were consistently ignored until there was a bottom line - for me, this is what it means 'not to prioritise' Safeguarding and PSEA"*.

It is the Inquiry's view that, had the strategic review taken place in 2015, it is more likely than not that a large proportion of the weaknesses identified by the Commission in 2017 and by the Independent Review

⁹⁹ The Commission was provided with evidence of time dedicated to proactive, thematic and preventative work within the Trading Division and its shops, which dealt with a numerically high proportion of the safeguarding allegations within Oxfam GB.

¹⁰⁰ Alongside this, safeguarding in the Trading Division and UK shops was overseen by the Deputy Director of Trading, a part-time safeguarding adviser working 3 days per week and 8 HR business partners.

Team in 2018 could have already been addressed at an earlier stage. The 2018 CEO, in his evidence to the International Development Select Committee in February 2018, acknowledged that Oxfam GB had not taken the warning in 2015 about overstretch of the team seriously enough and “....responded gradually rather than dramatically” to the need for additional resource in the central safeguarding team. It was accepted that Oxfam GB “should have acted faster”.

Ultimately it is for the trustees of a charity, in controlling and managing the charity and the risks it faces, to decide how to organise their charity and allocate resources¹⁰¹. The Commission’s role is to hold the trustees to account for those decisions. The Commission was not satisfied by Oxfam GB’s assurances about the level of resourcing dedicated to safeguarding to manage the risks and advised Oxfam GB in 2017 that it should review the organisation, management and resourcing for safeguarding. This formed part of a workstream Oxfam GB agreed to in the 2017 action plan, originally due for completion by March 2018. The progress of this work was overtaken by events in February 2018 and the uplift in the number of safeguarding incidents being reported to Oxfam GB following the media attention, which required additional temporary support for the safeguarding team, and by the appointment of the Independent Review Team to review safeguarding arrangements in Oxfam GB, including its organisation management and resources.

The Independent Review Team has recommended a new organisational model to improve Oxfam GB’s arrangements which is outlined in annex 3 and the next section. The review concluded that the safeguarding team should be retained within the new organisational safeguarding model with a more strategic and co-ordinating remit “*the single point of contact for all safeguarding concerns, but their capacity to hand-off cases to other skilled and trained professionals needs to increase*”.

The Inquiry found that the decisions on safeguarding organisation and resources made previously, meant resourcing and capabilities did not adequately match the level of risks faced by the charity, its global reach and the nature of the activities it carried out. They were also not sufficient to promote and implement the strategic level improvements that were necessary to adequately manage those risks. These decisions and the lack of resource put undue pressure on the safeguarding team. This in turn led to undue and unmanaged risks about the quality, timely progress and effectiveness of Oxfam GB’s safeguarding responses. The Commission considers these failures are intrinsically linked to the decisions by Oxfam GB in respect of its strategic development and response to safeguarding (see previous section). The Commission considers the failings in both of these areas between 2015 and 2017 to collectively constitute mismanagement in the administration of the charity.

Relevant Independent Review Team recommendations on Oxfam GB’s safeguarding organisation, management and resourcing and Oxfam GB’s status report on implementation

Nine of the independent review recommendations relate to the implementation of a new safeguarding operations model, management and resourcing.

Since 2018 Oxfam GB has made significantly more investment in safeguarding:

- Oxfam GB has quadrupled funding of its dedicated safeguarding team from around £120,000 in 2017-18 to £496,000 in 2018-19. This has resulted in the size of the central safeguarding team more than doubling from 3 to 7 full time staff¹⁰².
- Globally, Oxfam has trained more than 100 people to investigate safeguarding and have at least one dedicated safeguarding lead in every country in which it works. This has enabled Oxfam GB to partially implement the Independent Review Team’s recommendation to revise Oxfam GB’s safeguarding team role into more strategic and co-ordination based functions.
- Oxfam GB is also putting in safeguarding focal points in the UK based divisions, and now has 2 new deployable advisors in its Humanitarian department.

¹⁰¹ Section 20 of the Charities Act 2011 prohibits the Commission from exercising functions corresponding to those of a charity trustee in relation to a charity, or otherwise be directly involved in the administration of a charity, except to the extent permitted by the use of specific powers.

¹⁰² This is separate from safeguarding resources within the Trading Arm which is overseen by the Deputy Director of Trading, a p/t time safeguarding adviser working 3 days per week and 8 HR business partners.

- Eight HR staff in Oxfam GB's Trading Arm, which runs its shops network in the UK, have been trained to work alongside the existing Trading Safeguarding Advisor
- Oxfam GB is ensuring there is a safeguarding focal point at all festivals and fundraising events
- The Safeguarding Director, who reports directly to the CEO, was appointed on 18 February 2019

Table 3 summarising recommendations and implementation status in respect of Oxfam GB's safeguarding organisation, management and resourcing

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
18	To ensure the sufficiency of distributed leadership in respect of safeguarding within Oxfam GB, there should be a continued investment in greater capacity and staff with the necessary experience, skills and abilities.	Complete	
19	Oxfam GB should agree to work in collaboration to develop the new proposed safeguarding operations model outlined in Appendix D	On Track	Final reviews of operational and governance structures have commenced. Expect both to conclude by July 2019
20	<p>In order to strengthen their safeguarding capability, Oxfam GB should establish the following roles:</p> <ul style="list-style-type: none"> • A Director of Safeguarding role to oversee and maintain accountability for the delivery of effective safeguarding responses across all Oxfam GB divisions. • Three Divisional Safeguarding Managers to oversee and maintain accountability for the delivery of effective safeguarding responses within their respective divisions. • A Safeguarding Operations manager role to oversee and maintain accountability for the Global Safeguarding Team and its (revised) functions. Create Designated Safeguarding Leads (DSLs). <p>A DSL and Deputy DSL should be appointed in each Oxfam GB TA shop, other facility, project or programme, including those in EA countries. (DSLs should replace the role of existing Focal Points in each project across the 27 Oxfam GB EA countries).</p>	Complete	
31	<p>Oxfam GB should review and revise the operational parameters for the Global Safeguarding Team to ensure its functions are focused, manageable and include the following:</p> <ul style="list-style-type: none"> • Leadership of Oxfam GBs engagement with relevant safeguarding structures locally, nationally and/or internationally as required. • Acting as a single point of contact to provide specialist advice on specific safeguarding issues and direct investigation support to Regional Designated Officers (RDOs), for whom the manager of the Global Safeguarding Team will be responsible. • Acting as the conduit through which referrals to statutory bodies are made in a timely way. • Providing and delivering safeguarding training. • Raising awareness through regular communications. • Quality assuring the effectiveness of Oxfam GB's safeguarding response through a defined learning and improvement framework that includes: performance information, auditing, reviews, staff and public engagement. • Reporting on progress to internal and external bodies as relevant. • Taking responsibility for identifying escalating relevant risks to the leadership team / governing bodies. 	On Track	Incremental changes over time as capacity builds – expected to complete by December 19. See comments below on R33
32	That Oxfam GB should ensure a blended skill-set is maintained within the Global Safeguarding Team and that this includes staff with enhanced safeguarding training and experience. This is important to ensure the team maintains flexibility to provide advice and guidance (and or deploy on complex Investigations).	Complete	Ongoing

33	That Oxfam GB's should identify relevant support to reduce the requirement on the Global Safeguarding Team to lead on investigations. This should include implementing Oxfam GB's stated intent of building capacity across the globe (through the training of an additional 119 investigators) and reviewing the support available from within the HR.	Complete	The investment in SG investigation training was put in place in 2018, and over 100 investigators were trained. Oxfam are now using this resource, with the appropriate support. Oxfam investigators are now working more closely with HR as noted in R31
34	Oxfam GB should: <ul style="list-style-type: none"> Consider renaming Safeguarding Focal Points (SFP) as Designated Safeguarding Leads (DSL). Review and amend the DSL (SFP) job description – removing the prescription of a % of time allocated to safeguarding and setting out the expected deliverables in respect of training, casework, advice and guidance. Appoint Deputy DSLs that could provide appropriate expertise and cover in the absence of the DSL. Ensure all DSL's to receive mandatory safeguarding training (Level 3) to enable them to effectively discharge their duties. 	Complete	
35	At the outset, the Review recommends that Oxfam GB should rapidly engage BOND and other cross-agency forums to explore opportunities to develop this role on a cross-NGO basis. Developing in-country capacity across a range of NGOs is likely to increase the capacity, stability and sustainability of this role, alongside providing opportunities for NGOs to access peer support and 'off-line' investigations by qualified individuals with no employment relationship.	On Track	Oxfam is contributing to cross sector work – timescales are not within OGB's control
48	Given staff turnover, Oxfam GB should develop appropriate succession planning measures for new Designated Safeguarding Leads (Safeguarding Focal Points).	Complete	

Oxfam GB has made good progress in implementing a range of measures to improve its capacity and capability to handle and respond to safeguarding issues but there is more action required. Further work remains for Oxfam GB to complete this phase of organisational development.

v) Culture, HR policies and practice

The externally-led HR review of culture, policies and practice

Following the Commission's regulatory engagement in 2017, Oxfam GB undertook to initiate an externally-led review of Oxfam GB's culture, HR policies and practice. This was started prior to, and is separate from, the work undertaken by the Independent Review Team.

The HR consultant was tasked to review culture, HR policies and practice ('the HR review') and to identify any improvements necessary to achieve best practice in the following areas:

- vetting and taking references - including the use of criminal checks where possible)
- induction
- performance Management
- training
- oversight - to ensure effective procedures and compliance with relevant HR procedures
- accountability - to ensure consistent and appropriate disciplinary action taken in line with values and policy

This review covered the programme related work and did not cover any UK operations or Oxfam GB's Trading division.

The HR review took place between mid-January and May 2018 and broadly comprised two phases:

- January to March 2018 – familiarisation work by the HR consultant with Oxfam GB's policies, procedures and practices. The HR consultant held meetings and calls with relevant parties at Oxfam House and in regions and countries where Oxfam GB is the Executing Affiliate. This phase culminated in the production of an interim report dated 5 March 2018 ('the March interim report') which was reviewed by Oxfam GB trustees on 16 March 2018 and issued to the Commission on 31 March 2018 as part of an update on the Oxfam GB's progress in implementing the 2017 action plan.
- During April and May the HR consultant conducted country visits to review working practices at country office and field office level with a primary focus on humanitarian programmes.

The executive summary for the board paper which contained the March interim report for the HR review identified two central themes:

- *"a pattern where documented procedures, policies and practices are not consistently followed, through what appears to be a lack of accountability and*
- *a culture where the organisation's mission and values are not sufficiently embedded in the day to day actions and behaviours within the organisation to reinforce the expected ways of working in line with the code of conduct."*

It also contained the following summary findings and observations:

1. Vetting and referencing of candidates
"The key message here is one of inconsistency combined with a lack of thoroughness. So a case of clear procedures in place at country level but mixed approach to following those procedures and not enough probing of information received."
2. Recruitment process
"Key findings have centred around the degree to which the code of conduct needs to be incorporated into the stages of the recruitment process from job spec/job advert through to the importance that needs to be attached to the behavioural attributes of the candidate in the context of Oxfam's values and approach to gender and safeguarding at interview stage."
3. Induction process
"Induction is 'assumed' to happen in many cases. This would appear to stem from a position of trusting the new staff member to manage his or her own induction process and to be self-motivated to do so. The Code of Conduct (COC) is not uniformly emphasised as part of the induction process by means of discussion and example scenarios and to the extent that induction plans are given to new staff they are not monitored in many cases."

4. Training

“Senior Programme staff will not automatically be enrolled on the face to face Managing People at Oxfam course which may well be down to cost and logistics. The face to face course has more relevant content around management behaviours whereas currently this content is missing from the equivalent online version. Some modules which should be compulsory for all staff are currently considered optional such as Gender. Any training on code of conduct and values tends to be a country specific initiative.”

5. Performance Management

“A comprehensive performance management system exists but is not being utilised to its full potential at country level and in the absence of a simplified version there is an attempt to achieve a ‘work around’ in terms of what is measured and recorded. What is also clear is that there is not a universal culture of assessing management performance in terms of behaviour and adherence to organisation values and consequently there is not a link between behaviour/conduct and performance rating.”

6. Oversight

“Due to the complexity of the current transitional structure the level of oversight is likely to be directly linked to the extent of institutional memory in the Regional office and so is likely to be less effective or reliable where there are newly appointed senior staff.”

7. Accountability

“There appear to be two parallel questions about accountability. The first is the extent to which the complexity of the confederation structure creates ambiguity around where accountability actually sits and how this manifests itself day to day. The second is the extent to which holding people to account is something that doesn’t always happen in practice and this is perceived to play a part in the degree to which appropriate sanctions are or are not applied in cases of misconduct which in turn is linked to a culture of tolerance.”

The March 2018 interim report identified the risks for Oxfam GB which flowed from the findings and contained a provisional list of recommendations, which was subject to further validation and field work by the HR consultant.

The findings from the HR review echo the concerns raised by others to the Inquiry, which included reported issues of inconsistency and poor behaviour in overseas offices.

In addition, some of these same issues were highlighted in the interim findings of the Independent Commission on Sexual Misconduct, Accountability and Culture Change, published in January 2019 which is examining all aspects of culture, policies, and practices relating to safeguarding across the Oxfam confederation. On tolerance of poor behaviour across the Oxfam network internationally that report gave examples of hearing multiple staff concerns about poor behaviour of the type that *“can create an atmosphere that allows harassment, sexual abuse, and other forms of abuse to take place”*¹⁰³. On inconsistencies and issues with culture on safeguarding it noted *“accusations of various forms of nonsexual misconduct that either have not been reported or did not appear to trigger a human resources investigation”* and *“examples where the speed and quality of an investigation relied on the individuals in country, rather than a high quality system being in place.”* The report quotes one member of human resources staff saying *“Communications about safeguarding do not reach across the organisation to staff in the field.”*

In response to the Inquiry’s findings, the Inquiry was informed by the former trustees/former employees’ representative that *“Oxfam’s assurance processes were designed to provide a clear line of accountability from country level through to the management line. They were in accordance with policies developed through the Human Resources function.”*

Further work was undertaken by the HR consultant in April and May 2018 which culminated in a final report containing an action plan to address the identified risks and issues arising from the HR review. This was issued to Oxfam GB in June 2018 and was also passed onto the Independent Review Team.

The consultant's final recommendations and implementing actions were presented to Oxfam GB's full Council of trustees in July 2018, then also considered at Oxfam International meetings in October and

¹⁰³ <https://independentcommission.org/interim-report-listening-to-people-rebuilding-trust/>

again at Council's December meeting. The Council, in December 2018, noted that a series of practical changes and longer-term culture work were being undertaken to drive sustained positive change. Progress of the work is monitored monthly by the Trustee Safeguarding Group on behalf of Oxfam GB's Council.

The Inquiry recognises that in a charity as large and complex as Oxfam GB, trustees would not be expected to have a detailed oversight of, or be involved in, all aspects of a charity's work on the front line and the day to day management of all issues delegated to charity's CEO and senior executive leadership and undertaken by them or other staff. Trustees rely on that delegated authority to the executive to ensure that the charity's strategies, policies, and internal assurance mechanisms are properly implemented in practice, and that they are provided with sufficient reporting information to enable them to fulfil their legal duties and responsibilities. But it means the onus is on the trustees to ensure they provide the right scrutiny and oversight, ensure the executive act on areas of concern and hold them to account for doing so. In larger charities with more complex or widespread operations, where there is more delegation, and on issues of high significance or risk to the organisation and its work, it means both the existence and effectiveness of appropriate assurance and accountability mechanisms become all the more important.

As illustrated by the results and recommendations of the HR review there were clearly a number of weaknesses in the HR policies and practices and their implementation at Oxfam GB prior to 2018, including on vetting and referencing practices, recruitment and induction processes, training, performance management and management oversight. The lack of effective, robust centralised and local oversight on culture, consistent implementation of HR policies and practice and lack of accountability – failure to consistently hold people to account for poor behaviour and ensure there was robust and consistent action taken against them in practice – exposed Oxfam GB to undue risk. This exposure and the fact that the assurance mechanisms that were in place were not effective at identifying these issues earlier and addressing them with the senior executive was mismanagement in the administration of the charity.

The Inquiry would also observe that, through the Commission's work in listening to those who have tried to speak up in Oxfam GB and more widely in other charities, that individuals who have been the victim of abuses of power or position, have indicated that a culture of tolerance is likely to put victims off speaking up in the first place. If they do have the confidence to speak up they are often concerned they will not be genuinely listened to. Alongside this is a lack of trust in the system, processes and procedures which do exist to protect them being implemented consistently in practice by people who should ensure action will be taken, particularly against senior people. For example, the Inquiry was informed by safeguarding professionals that there are barriers in communities in aid camps to raising concerns as it is often the same agencies involved in camp management who control registration. One person witnessed cases where beneficiaries who raised complaints against Oxfam GB and UN staff were removed from camps and repatriated back to conflict zones by staff in the agency that wanted to protect their colleagues. The issue about lack of trust in the system and reporting portal are also reflected in earlier findings connected to the events in Haiti in 2010 and 2011.

HR review recommendations and Oxfam GB's status report on implementation

The HR review recommended around 40 actions to mitigate risks identified from the review. Of these, Oxfam GB and the Oxfam Confederation are taking forward 35 and Oxfam GB have reported to the Inquiry that they have now completed 28 of these actions (70%)

Oxfam GB have informed the Commission that many of these actions were in hand prior to the finalisation of the HR Review's recommendations. In addition, Oxfam GB note that the numbers in the table below, while providing a helpful overview, do not reflect the range and depth of the change agenda across the Oxfam Confederation. Oxfam GB have reported to the Commission that both they and the wider Confederation have implemented improvements beyond the HR review including the World Check 1 screening of all staff and the championing of the Inter-Agency Misconduct Disclosure Scheme for the sector.

Follow up work will be conducted in 2019 on behalf of the Commission to verify and evaluate the extent to which the recommendations from the HR review have been successfully implemented and addressed the cultural and practice issues identified.

Table 4 summarising implementation status of actions/recommendations from the HR review

Heading	Total Actions Arising from HR review	Number reported complete by Oxfam GB on last progress update to inquiry	Actions to complete ¹⁰⁴	Estimated end date ¹⁰⁵	Not being progressed at this time	Additional notes/commentary reported by Oxfam GB
Oxfam Country Programme Recruitment Process	7	6	-	-	1	Consideration has been given by Oxfam GB to the one remaining recommendation for the wider use of personality questionnaires. Oxfam GB will continue to reflect on the relevance of their usage, as appropriate, within individual recruitment campaigns.
Vetting and taking references	6	4	-	-	2	Oxfam GB has implemented a controlled process of referencing through accredited referees to support consistency and quality of approach from recognised employing organisations. Two additional recommendations on telephone referencing and additional character referencing may be given further consideration in future.
Induction	8	8	-	-	-	Mandatory induction content and approach agreed. Translated content being finalised. Rollout commenced in January 2019.
Performance Management	6	-	4 1 HSP ¹⁰⁶ end of deployment process	June 2019	1	Oxfam GB values and behavioural expectations will be strengthened in the guidance and support to the process for 2019/20 cycle. Oxfam GB recognise the benefit of face to face discussions as ideal. However, the global spread of its employees does mean that this recommendation is not being mandated rather it will be highly recommended.
Training	4	3	-	-	1	All country leadership team members have access to Managing People at Oxfam GB programme. Oxfam GB's global range will continue to require some of this to be delivered by facilitated e-learning rather than classroom based as recommended
Oversight	6	4	1 SOP 1 Exit interviews	Q2 2019	-	Standard operating procedure (SOP) for Safeguarding case management in draft and undergoing wider consultation. Exit interview process being reviewed for effectiveness alongside Oxfam GB's referencing process.
Accountability	3	3	-	-	-	
Grand Totals	40	28	7	-	5	

¹⁰⁴ Excluding ongoing tasks/actions

¹⁰⁵ Excluding ongoing tasks/actions

¹⁰⁶ Humanitarian Support Personnel

The Independent Review Team's consideration of Oxfam GB's HR policies and practice

The outputs from the HR review were considered by the Independent Review Team who concurred with its overall findings. The Independent Review Team also considered various aspects of HR policies and practice:

Oxfam GB's recruitment policy

The Independent Review Team also considered Oxfam GB's recruitment policy from a safeguarding perspective and found that it *"provides some good advice regarding interviews and stresses the need for criminal record checks (in the UK) and the use of local checking services (i.e. police checks) overseas. However, the policy and more importantly practice could be supported by the development and acceptance of a range of minimum standards for safer recruitment"*. Relevant recommendations have been made by the Independent Review Team in this area.

Safer recruitment

Oxfam GB generally work to five stages in the recruitment process: Authorisation; Planning; Attraction/Marketing; Selection; Verification Checks & Offer.

In addition to the work undertaken by the HR consultant in this area, the Independent Review Team analysed recruitment practice in the context of safeguarding during the last 3 stages as part of its work. The Independent Review Team reported to Oxfam GB and the Commission that overall its findings *"illustrate an inconsistent application of policy in Oxfam GB's approach to safe recruitment"* and has made a number of recommendations in this area to assist Oxfam GB in strengthening its safer recruitment practice.

- Attraction/marketing stage

The Independent Review Team observed that *"With regards to attracting people to the charity, its commitment to safeguarding is evident within recent online job adverts. Where present, this ordinarily features as a clear policy statement. However, across a number of advertised roles, wording varied and in some, the commitment and responsibilities for safeguarding were not explicitly defined or appeared to be in draft."*

- Selection stage

Specifically with regard to selection, the Independent Review Team found that: *"Oxfam GB's recruitment policy provides good guidance on the interviewing process. It includes a number of key questions and techniques to use when seeking to appoint someone who will work with children, young people and vulnerable adults. Whilst the Review did not observe any interviews, safe recruitment is likely to be strengthened if elements of this specific guidance are used in the interview process for all candidates."*

Following its analysis on offending profiles, the Independent Review Team also made a recommendation about improving the gender balance at the selection stage, which mirrors the recommendation and action identified through the HR review.

- Verification checks and offer

Similar to the findings of the HR consultant, the Independent Review Team identified inconsistency in Oxfam GB's approach to verification checks. For example the Independent Review Team reported to Oxfam GB and the Inquiry that:

"the Review saw evidence where only one reference had been requested and on occasions, a level of ambiguity clearly existed about referencing for existing Oxfam GB staff moving internally or for those who had been previously employed."

Despite this, evidence was also obtained via the Review's survey of staff and volunteers that illustrated good practice in this regard. In the significant majority of cases, staff and volunteers confirmed that they were asked to provide two references. Only a small number said they were only asked for one and a minority could not remember. Overall 5.3% were not asked for a reference."

Whilst these figures are encouraging, Oxfam GB should still aim for full compliance in this area. The Review believes this is something that can be resolved through specific communication and relevant training for hiring managers.

The [HR consultant's] report addresses these issues in detail and the Review does not intend to repeat his individual findings and recommendations. However, particular attention is warranted in respect of the need to apply more rigour when taking up references, the need for consistent implementation and more curiosity in the analysis of their respective content. Positively, Oxfam GB has already started to address these recommendations."

○ Criminal records checks – legal framework overview

Charity trustees must make sure that trustees, staff and volunteers, including those from or working overseas, are suitable and legally able to act in their positions. This includes undertaking criminal records checks where the position is eligible.

The authorities providing criminal record checks for Oxfam GB in the UK are the Disclosure and Barring Service (DBS), covering England and Wales, Disclosure Scotland (DS) and Access NI (Northern Ireland).

Available levels of checking are as follows:

- **a basic check**, which shows unspent convictions and conditional cautions
- **a standard check**, which shows spent and unspent convictions, cautions, reprimands and final warnings
- **an enhanced check**¹⁰⁷, which shows the same as a standard check plus any information held by local police that's considered relevant to the role. Disclosure of local police information is governed by statutory guidance¹⁰⁸. (In Scotland, the equivalent is the Protecting Vulnerable Groups (PVG) Scheme)

For all standard and enhanced checks in the UK, legislation and relevant guidance define when these can be carried out, in what circumstances and for what role. Criteria is strict, and employers may only request a criminal record check on an individual when they are legally allowed to do so. The Independent Review Team acknowledged the *"significant challenge that Oxfam GB faces in terms of maximising its capability to safeguard people within the existing legal constraints on criminal record checks"* which has been previously highlighted by the 2015 Lampard review¹⁰⁹.

Charity trustees must ensure that their charity always get a standard, enhanced or enhanced with barred list check from the DBS when a role is eligible for one.

If a role is not eligible for a standard or enhanced check, the Commission advises charity trustees to ask any person, who will come into contact with children or adults at risk through their charity work, to apply for a basic check.

Criminal records checks – findings of Independent Review Team

Oxfam GB had previously confirmed to the Commission that it undertakes enhanced DBS checks for all eligible roles.

In respect of Oxfam GB's shops, the Independent Review Team confirmed that *"enhanced checks are prescribed for shop managers, deputy shop managers and volunteers in supervisory roles. Until checks are completed, Oxfam GB expects supervision by an experienced staff member at all times when in the presence of children and/or vulnerable adults. Evidence was*

¹⁰⁷ An enhanced check can also include a check with barred lists, which shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role.

¹⁰⁸ [Home Office - Statutory Disclosure Guidance, 2015](#)

¹⁰⁹ [Themes and lessons learnt from NHS investigations into matters relating to Jimmy Savile by Kate Lampard QC and Ed Marsden. Published February 2015.](#)

seen by the Review where the absence of vetted staff resulted in children being prohibited from volunteering at such times.”

The Independent Review Team found that outside the UK, “Oxfam GB advises that local checking services should be used, such as requesting local police records. Oxfam GB’s recruitment policy 2017 highlights this step as ‘particularly important in humanitarian situations where managers are under pressure to recruit people as quickly as possible.’” The Independent Review Team recommended that Oxfam GB also prescribes the use of the International Child Protection Certificate¹¹⁰ as part of its overseas recruitment process.

Safeguarding Induction & Training

Both the HR Review and the Independent Review Team found weaknesses in Oxfam GB’s induction and training. The independent review considered Oxfam GB’s specific approach to safeguarding induction and training and found that *“the delivery of safeguarding training across Oxfam GB has been inadequate to meet the needs of the organisation.”*

“Whilst acknowledging that Oxfam GB has recently applied more focus to its training offer (with the development of a draft ‘training plan’ dated June 2018), there has been no overarching strategy, no training needs analysis and no organisational safeguarding training priorities. When considering that Oxfam GB’s most important asset is a highly skilled and knowledgeable workforce, this is a significant gap.

“Furthermore, whilst recognising the need for a tailored approach to the different divisions, there is an urgent need for Oxfam GB to consolidate and agree core training content that will be applicable across the entire organisation. Within Oxfam GB’s TA division, proposals have already been developed to construct a framework for training content that can be applied to different levels of staff and volunteers. This structure should be built upon three levels focused on the context of the role and needs of the workforce.

“Oxfam GB has not provided safeguarding training as part of a defined programme. Training delivered by the Global Safeguarding Team has been ad-hoc. Oxfam GB has recognised this variability is unsustainable and is planning to introduce more robust requirements for staff. As an example of early progress in response to the Review’s interim suggestions, trustees and the leadership team have been receiving safeguarding training from the new Global Head of Safeguarding. Whilst a positive start, trustees and the leadership team should be required to attend the same appropriately accredited ‘day session’ safeguarding training that they are planning for all managers.

“Oxfam GB also need to develop a much stronger approach to the evaluation of training going forward. This will be essential if they are to sustain improvement.”

The Independent Review Team made 6 recommendations on safeguarding induction and training, which broadly correlate with recommendations made by the consultant leading the HR Review.

Employment references and disclosures provided to third parties

The Independent Review Team found little evidence historically of safeguarding concerns being shared with other aid agencies but noted that this is a complex cross-sector issue.

In terms of providing references for UK employees, under the general law, there is no obligation on a UK charity to provide a reference, unless it is a term of the contract of employment. In providing a reference, it has to be accurate and fair, and could include details about a worker’s performance and if they were dismissed. There is a wider sector issue about to what extent aid agencies including charities are able to share lawfully and fairly information about individuals who they consider may pose a safeguarding risk to the work of the charities and their beneficiaries and people. This matter is being addressed by the work of the International Aid Sector UK and DFID following the two safeguarding summits in 2018.

¹¹⁰ The International Child Protection Certificate (ICPC) is a criminal records check for UK nationals, or non-UK nationals who’ve previously lived in the UK, looking to work with children overseas. [The International Child Protection Certificate](#)

The Independent Review Team found that “better practice is clearly developing within Oxfam GB, reflected in the implementation of its new electronic management system and reporting misconduct procedures (specifying the completion of investigations even if a member of staff / volunteer leaves). Further progress is also evident in the new referencing system implemented by Oxfam GB in March 2018. This new framework has been put in place to centralise its referencing system. It now enables the charity to ‘coordinate and track references globally.’”

Relevant Independent Review Team recommendations on HR policies and practice and status report on implementation

The Independent Review Team has made 16¹¹¹ recommendations relevant to HR culture policies and practice.

Table 5 summarising recommendations and implementation status in respect of Oxfam GB’s HR matters

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
11	Oxfam GB should actively recruit both women and men to positions of power and influence within Oxfam GB where their past performance evidences a clear commitment and ability to promote the rights of women, children (given the Oxfam GB victim profile), and other minority groups.	The emphasis of gender balance, diversity and ensuring commitment & ability to promote the rights of women as outlined now incorporated into revised recruitment procedures that have been rolled out	Ongoing
12	Consistent with the Minimum Operating Standards for PSEA reflected in the IASC guidance in 2013 and 2016, appraisal targets for senior staff and heads of security should be set to include performance measures on their ability to foster safe, respectful working environments where sexual discrimination and harassment are not tolerated.	Complete	
43	Oxfam GB should revise its recruitment policy to include more explicit reference to its function in respect of safeguarding children, vulnerable adults and beneficiaries. This should emphasise safer recruitment in the policy statement and principles sections of the document.	Complete	

¹¹¹ This includes two recommendations in respect of recruitment policy. Related items such as recommendations on changes to the code of conduct are included under safeguarding related policies and procedures.

44	<p>Oxfam GB should develop and insert within its recruitment and selection policy a set of minimum standards applicable to safer recruitment. As a minimum, these should include:</p> <ul style="list-style-type: none"> • A generic statement within every job description attached to a job involving contact or work with children or adults with children that outlines the organisational expectation of the post-holder regarding safeguarding. For example: <i>“All staff have a responsibility to safeguard and promote the welfare of children, vulnerable adults and beneficiaries with whom Oxfam GB engages. The post holder will undertake the appropriate level of training and is responsible for ensuring that they understand and work within the safeguarding policies of the organisation”</i> • A definition within each job description of the nature of supervision a post-holder will receive. • The requirement for a new DBS check at enhanced level for every new member of staff who works directly with, or has regular contact with, children or vulnerable adults in the UK (consistent with DBS guidance and relevant law). • The requirement for local checks for every new member of staff who works directly with, or has regular contact with beneficiaries (both children and adults) in overseas operations. • The requirement to conduct repeat checks every 3 years on every member of staff who works directly with, or has regular contact with, children and young people. • The requirement to take up a minimum of 2 references, one of which should be from the most recent employer. • A requirement to ensure that every employer/manager involved in the interviewing process receives and can evidence that they have received appropriate training that addresses safer recruitment and refreshes this whenever the law in this context changes. 	Complete	
Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
54	Immediate training should be provided to key personnel in the Oxfam GB Safeguarding Team and Trading Arm (Business Partner and Shop Managers) on the process relating to LADO and the management of allegations against staff and volunteers.	Complete - All SG personnel, Trading Area Managers and HR Business Partners and members of the Volunteering Team trained	Continuous training ongoing
62	Key Oxfam GB safeguarding personnel should receive bespoke training on case recording in the context of safeguarding concerns.	Complete - Initial training delivered to team. Further training planned further to development of the case management system.	Further training ongoing
66	As part of their recruitment process, an agreed statement should be used in all advertising to ensure absolute clarity to all prospective candidates about the importance of safeguarding and their responsibilities in this regard if appointed.	Complete	This has been rolled out – further embedding activity underway
67	In order to reinforce the priority that Oxfam GB places on safeguarding, as part of their recruitment process they should introduce a mandatory safeguarding question for all roles as part of Oxfam GB’s interview stage and define this within relevant policy / guidance issued by the Recruitment Team.	Complete	This has been rolled out – further embedding activity underway
68	Oxfam GB should consider applying the requirement for job applicants to supply two references to internal candidates, as they do for other candidates.	Complete	

69	Oxfam GB should include the regular use of the International Child Protection Certificate (ICPC) as part of its recruitment process overseas.	Complete	
74	Oxfam GB should ensure that safeguarding induction materials within its proposed e-learning package are standardised across all its divisions (allowing for variation in certain content depending on the context of operations). To provide reassurance that the safeguarding components of induction have been fully understood, Oxfam GB should build in tests as part of the e-learning induction and prescribe a mandatory pass rate.	On track - phase 1 completed December 2018	Phase 2 December 2019
75	Oxfam GB should develop a Training Strategy that delivers consistency in respect of the identification of safeguarding training priorities, training content, methods of delivery and the monitoring and evaluation of quality and impact.	Complete	
76	That Oxfam GB should develop a single course structure that will be applicable for use across all of Oxfam GB divisions, both in the UK and in EA countries. Core content will provide consistency in message but should also remain flexible enough to deal with the local safeguarding context.	On Track	Phase 2 December 2019
77	Oxfam GB should develop a defined programme of safeguarding training that is scheduled for each year. This will support those professionals involved in the delivery of training and ensure that training is planned for in a systematic way that maximises attendance. This programme should be published in advance on an annual basis with other learning opportunities included as they arise. That trustees and the leadership team should attend the accredited day session safeguarding training mandated for other managers within Oxfam GB.	Complete	Included in strategy May 2019 Will be enhanced and delivered over time
78	In order to maintain clear oversight on training delivery across its international and UK workforce, Oxfam GB's learning management system should be developed to provide specific prompts for refresher training.	Not yet started	Dec-19
79	In order to maintain a robust overview of safeguarding training, Oxfam GB should develop and implement a training evaluation framework that captures information and involves analysis in the following related areas: <ul style="list-style-type: none"> Detailed quantitative data on training sessions delivered and number of attendees. The relevance, currency and accuracy of course content. The quality of training delivery. The impact of training on safeguarding practice and outcomes for vulnerable people. To oversee and coordinate safeguarding training delivery, Oxfam GB should consider creating a dedicated resource to manage this activity.	On Track	Dec-19

Follow up work will be conducted on behalf of the Commission after the Inquiry to ensure the remaining work on implementing these recommendations from both the HR review and the independent team is completed and to evaluate their effectiveness in addressing the cultural and practice issues and risks identified by the respective reviews.

vi) Oxfam GB's handling of safeguarding incidents and allegations – policies, procedures and practice

Safeguarding policies and practice actions arising from the Commission's regulatory compliance case and the 2017 action plan

Several areas for improvement in Oxfam GB's handling of safeguarding incidents and allegations were identified as a result of the Commission's regulatory engagement in 2017, including:

- Ensuring improved consistency of handling of investigation and disciplinary processes and achieving appropriate outcomes
- Reviewing and strengthening safeguarding related policies (including recruitment and selection and performance management)
- Improving the quality of record keeping and case management records in respect of safeguarding incidents and allegations

Actions arising from this which were incorporated into the 2017 action plan included:

- Reviewing Oxfam GB's serious incident reporting policy (referred to in more detail in the section of this report titled 'The disclosure of other incidents and allegations from 2011 to 2018'.)
- Revising Oxfam GB's PSEA, Vulnerable Adults and Child Protection policies and other related policies. As a result of this work updated policies were adopted by Oxfam GB in April 2018. These were subject to further scrutiny by the Independent Review Team.
- Completing the selection and launch of an appropriate case management system. NAVEX was selected as an all Oxfam case management system and this went live in June 2018.
- Reviewing arrangements for whistle blowing by beneficiaries and charity workers. A new independent whistle blowing hotline was launched in March 2018 which provides charity workers and beneficiaries with an external, confidential route to report concerns. Callers can remain anonymous and the system provides the facility for reporting in five languages.
- Commissioning an externally led review of Oxfam GB's culture, HR policies and practice. This was initiated prior to, and is separate from, the Independent Review Team and is reported on in the section below titled 'HR culture, policies and practice'.

The Independent Review Team's analysis of Oxfam GB's safeguarding related policies and procedures

The Independent Review Team examined a number of different policies¹¹², analysing them in the context of their credibility and relevance to Oxfam GB's safeguarding responsibilities and practice. In conducting this work it acknowledged that "*Oxfam GB had already undertaken work to update its policies prior to the commencement of this Review*" in line with the action plan agreed with the Commission in 2017.

While taking into account these changes, the Independent Review Team identified a number of further improvements which could be made to policies which would assist Oxfam GB to support the adoption of good practice principles by staff including the following relevant statutory guidance.

Further details on the Independent Review Team's recommendations for strengthening these policies are made in the next section, along with the progress made by Oxfam GB in implementing these recommendations.

Information gathered through regulatory engagement and the Independent Review Team's work has highlighted some practice and consistency issues on past cases, covered in more detail later in the report. The Inquiry was informed that the safeguarding team had developed "Safeguarding Investigation Guidelines". However, the Independent Review Team highlighted the limited supporting procedures to guide staff as a factor in these practice issues. For example the Independent Review Team found that:

¹¹² Policies reviewed by the Independent Review Team included: Safeguarding Children Policy; Safeguarding Adults Policy; PSEA Policy; Code of Conduct for Employees; Disclosure of Malpractice in the Workplace (Whistleblowing) Policy; Anti-Bullying & Harassment Policy; Recruitment Policy – the Independent Review Team's recommendation on recruitment policy are dealt with under the section titled Culture HR policies and practice.

“Whilst there is evidence of revised policies being developed by Oxfam GB, there is little evidence of supporting procedure to guide practice. The current safeguarding procedure ‘flowchart’ is written to cover events arising both in the UK and EA countries and whilst it is simple to understand, it appears to have been constructed on the basis of Oxfam GB’s requirements as opposed to any lessons derived from best or good practice.

Neither at the point a complaint is received, nor at the point a case conference is held is there any reference to Oxfam GB referring to statutory authorities. This omission in procedures is significant and seriously undermines their effectiveness. Oxfam GB should not make a decision about their investigative role (except in exceptional circumstances outside the UK) until statutory agencies have confirmed their intentions.”

The Independent Review Team has therefore made several recommendations on procedure and protocol development to improve practice standards and consistency.

Relevant Independent Review Team recommendations on safeguarding related policies and procedures and Oxfam GB’s status report on implementation

Table 6 summarising recommendations and implementation status in respect of Oxfam GB’s safeguarding related policies and procedures

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
1	Standard Operating Procedures (SOPs) should be developed to ensure appropriate management of and oversight of information relating the tracking of safeguarding cases and the monitoring of actions. This should include required fields, formal review periods and approval requirements as well as minimum requirements for Terms of Reference for any safeguarding investigation.	Complete	
6	In the context of EA countries, if there are credible concerns that reporting a case to local authorities might impact upon the safety of a victim, advice should be sought from the Global Director of Safeguarding, and a balanced, evidence-based judgement made and recorded. The procedural guidance and accompanying flow-chart highlighted in recommendations R56 and R57 should include guidance in this respect.	Complete - Now part of Standard Operating Procedures	To be tested by verification and assurance work
10	Oxfam GB should support its decision making by developing a template (checklist) and contemporaneous record of their decision-making process. At a minimum this should include: <ul style="list-style-type: none"> • Synopsis of case (timeline). • Evidence base for concerns. • Consultation feedback from police service representative or other appropriate agency. • Relevant legal framework (and legal opinion where sought). • Risk Assessment re the victim/s, potential future victims, beneficiaries, staff, volunteers and the organisation. • Recommendations. • Detailed approval. Whilst the recommendation may be made by the CD, the final decision should be agreed and authorised by the Director of Safeguarding (or equivalent) and reported to the Chair of Safeguarding Committee. 	Complete	
13	In order to achieve consistency in the formulation of TOR’s for safeguarding cases, Oxfam GB should include guidance and examples in the Consolidated Procedural Guidance document recommended in this review (see Recommendation 56 and 57). The guidance should be included in the Safeguarding Training Strategy and should be delivered as part of the safeguarding training for DSL’s, RDO’s and relevant decision makers.	On Track	Confederation SOPs to be updated Q2 2019 Next level DSL training Dec 2019

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
21	Oxfam GB should amend their policy to facilitate the appointment of independent investigators for cases involving individuals in positions of power, influence and authority. Where their influence in Oxfam might compromise an objective and fair investigation.	Complete	To be tested by verification and assurance work
36	Oxfam GB should update its policies as set out in these recommendations and the main body of the report. The Charity will need to develop a clear plan to ensure their development and implementation.	Child SG and PSEA rolled out in April 2019	Ongoing process for the remaining policies for the remainder of the year
37	<p>Oxfam GB should revise its Safeguarding Children Policy as follows:</p> <p>For all staff:</p> <ul style="list-style-type: none"> Narrative in respect of what staff or volunteers should do if they are worried about a child or concerned about a professional or volunteer working with children should be strengthened, with these sections being brought closer to the start of the document. Ensure clear contact details are included, through which further advice can be sought. <p>Additional changes for staff based in the UK:</p> <ul style="list-style-type: none"> More explicit reference should be made to the CEO and Chair of Trustees retaining the overarching accountability for adult safeguarding in Oxfam GB. Strengthen relevant reference to legislation and statutory guidance. 	Complete	
38	<p>Oxfam GB should strengthen its Safeguarding Adults policy to realise their aim to achieve a globally applicable policy, which is relevant to the confederation. For all staff:</p> <ul style="list-style-type: none"> Definitions should be strengthened with references to extremism, modern day slavery and abuse as a result of faith, belief and harmful practices. Guidance on how to raise a complaint or concern should be strengthened in terms of more detail to guide staff and volunteers about what they should do if they are worried about either abuse or a professional or volunteer working with a vulnerable adult. In the section relating to adults at risk as volunteers, further detail should be set out explaining the context of such volunteering e.g., where this might take place and in what context, would be helpful. <p>Additional changes for staff based in the UK:</p> <ul style="list-style-type: none"> More explicit reference should be made to the CEO and Chair of Trustees retaining the overarching accountability for adult safeguarding in Oxfam GB. Ensure appropriate links to the Local Government Association and the Association of Directors of Adults Services guidance on dealing with adult safeguarding and domestic abuse. Highlighting the legislation and guidance relevant to the safeguarding of vulnerable adults using information is readily available via Oxfordshire's Safeguarding Adults Board website. 		Now targeted for completion in Q3 2019
39	<p>That Oxfam GB's Code of Conduct be revised as follows:</p> <ul style="list-style-type: none"> The code should state that the listed examples of behaviour are not exhaustive but aim to help employees understand the ground-rules that they are expected to observed. The code should include an explicit reference about the behaviour expected of employees in identifying and reporting any safeguarding concerns in line with the relevant Oxfam GB's policy and procedure. The code should be strengthened to describe where employees can access advice if at any time they are unsure about the 'right thing to do'. This should include the following as a minimum: <ul style="list-style-type: none"> refer to the Code of Conduct itself and/or any policies, procedures, guidance or local rules and requirements that apply to their job, discuss the situation with their manager, contact Human Resources, Audit & Anti-Fraud or Legal Services for assistance. In the section listing those policies that support the code's standards, the Adult Safeguarding Policy should also be included. 	Not started	The Code of Conduct is a confederation wide document which incorporates affiliate policies within it via links. It was recently reviewed and implemented across the confederation. Therefore the proposed amendments will be incorporated at the Code's next review (2020).

40	Whilst recognising that the various legal jurisdictions in which Oxfam GB operates might limit their ability to intervene effectively, the Code of Conduct should be rewritten to ensure that local customs and cultural practices that present safeguarding risks to both children and adults (e.g. FGM) are not perceived to be endorsed or tolerated by Oxfam GB.	As above	As above
41	Oxfam GB should revise the definition on bullying to include more detail in respect of cyberbullying.	Complete	
42	Oxfam GB should strengthen the Anti-Bullying and Harassment Policy to include reference to the potential criminal and civil consequences of harassment. The procedure set out within this policy should be amended to include specific consideration as to the engagement of relevant authorities where a criminal offence may have been committed.	Complete	
45	The procedure for handling safeguarding concerns should, wherever possible be amended to align with the expectations set out in statutory and non-statutory guidance in the UK, adopting a 'best practice' approach regardless of the country of operation.	Working towards this - need to apply in context of relevant legal frameworks, culture and context for each country	To embed these, and ensure they deliver the best possible standard internationally, will realistically take several years.
46	Oxfam GB's interpretation of the requirements for reporting safeguarding cases to statutory authorities as set out in their PSEA Policy, currently includes the following definition of those circumstances whereupon such reporting may not take place: <i>If someone's life is in danger or the matter relates in any way to a child or adult at risk.</i> This should be broadened to include circumstances that 'indicate a potential risk of harm to an individual or others in the future'.	Complete	
49	Procedures should prescribe that in safeguarding cases, investigators and decision makers should seek early advice from the safeguarding team.	Complete	
50	In all cases where a SoC or witness is being interviewed in a language other than their native tongue or a language in which they are judged to be fluent, procedures should prescribe the use of an interpreter. Such interpreter should be independent from the investigation, save in those cases where the SoC or witness is fluent in the language of the investigator. In cases, for example in remote locations, where the only resource for interpretation is the Safeguarding Focal Point (to be re-designated DSL), their use should be risk assessed before any interview takes place. The rationale for their use by the person who authorises the interview, as well as the risk assessment made in such an instance should be recorded.	Complete	
55	In all safeguarding cases, procedures should prescribe explicit justification and sign off as to why a case is not considered suitable for referral to the police or appropriate relevant agencies.	Complete	
56	A consolidated procedure document should be produced to assist all staff, across all divisions to understand the step-by-step approach to dealing with safeguarding allegations, similar to those contained in the Safeguarding Children Procedures – Trading (July 2016).	Complete	
57	The consolidated procedures document referred to in recommendation 56, to provide guidance to all staff in case recording/investigation of safeguarding allegations, should include a defined flowchart as developed in the Safeguarding Children Procedures - Trading (2016) (amended as per relevant recommendations within this report).	Complete	
58	Procedures in respect of safeguarding investigations should prescribe that in cases where there is a police investigation, irrespective of the outcome, Oxfam GB's safeguarding team must review the case and determine if there are any residual safeguarding issues that need to be addressed. Either by way of disciplinary action or through engagement with other agencies and information sharing.	Complete	

Excludes 2 recruitment policy changes which are included under HR and 1 included under shops.

The Independent Review Team's analysis of Oxfam GB's past safeguarding case management practice

Case and records management

Oxfam GB's safeguarding register ('the safeguarding register') is a spreadsheet held internally that has been used by the charity's Global Safeguarding Team to log centrally and track the status of all

safeguarding incidents and allegations reported to the team. Some but not all of these incidents would be reportable to the Commission as serious incidents under its guidance.

This register was used by Oxfam GB as the primary source for identifying relevant safeguarding cases to provide to the Independent Review Team for their assessment on handling and disclosures to the relevant authorities. It currently remains in use until Oxfam's NAVEX case management system has been fully implemented.

The Independent Review Team considered the records of past cases and incidents on the safeguarding register *"to be inadequate in respect of its data quality and management"*. It also identified that *"a significant number of entries in the [safeguarding] register had no accompanying paperwork and 18 case files were not listed within it."*

During the final fact checking phase of the Independent Review Team's work, additional files were located by Oxfam GB. These were dip sampled by the Independent Review Team who found they reflected the same issues identified above.

Given the limitations and issues with the records of some historic cases referred to above, the Independent Review Team has been unable to categorically confirm to the Inquiry or Oxfam GB that all of these cases have been appropriately handled in accordance with policies and procedures.

The Independent Review Team acknowledges that *"Prior to the commencement of the Review Oxfam GB had recognised the failings and invested in a new electronic management system, NAVEX. This positive step should improve case recording and tracking in future"*.

The Independent Review Team also provided assurance to the Commission that *"The Review has had sight of this system and is reassured that focus is being applied and action is being taken to improve the way in which Oxfam GB collects and stores relevant information."*

The Inquiry's view is that without compliance with the basic requirement to make, store and file relevant case records, in a structured system, whether manual or electronic, and ensure this is enforced as core practice, it is not possible for the charity or its trustees or executive to evidence or provide the necessary assurance internally or externally on the robustness and quality of handling of incidents and allegations.

The Inquiry is extremely critical of the basic failings around records management and case systems and the lack of adequate assurance, audit and quality systems in place and lack of adequate oversight and scrutiny by the trustees to identify this at an earlier stage. The Inquiry received evidence that the safeguarding team had lobbied for a proper case management system but that this had not gained any traction with Oxfam GB's senior leadership team until the Commission's intervention in 2017. The Inquiry acknowledges the steps taken since by the charity to address this issue.

Notwithstanding the issues arising from lack of complete records of some past incidents, the Inquiry was satisfied that the 245 cases assessed by the Independent Review Team represented a substantial enough number of historic cases to cover a breadth in the nature and volume of incidents and allegations handled by Oxfam GB between 2011 and 2018.

Scope/terms of reference for safeguarding investigations and compliance with relevant policies

The Independent Review Team has reported to the Inquiry on its findings that the scope/terms of reference for investigations it inspected the records of *"were erratic and it was often difficult to identify what policies were being considered or applied."*

The Inquiry is critical of this weakness in its investigation practice. Oxfam GB report that this matter has been addressed through the development of its standard operating procedure, in accordance with recommendation 1 made by the Independent Review Team.

Consistency of investigation and disciplinary handling by Oxfam GB of past incidents or allegations

The Independent Review Team corroborated weaknesses and inconsistencies identified by the Commission in the consistency of investigation and disciplinary handling, noting that the cases examined by them *“revealed a mixed approach to discipline, ranging from very prompt investigations and expeditious disciplinary action to less structured investigations that failed to hold potential wrongdoers to account. Whilst many of the case files provide little information on outcomes, the Review was able to establish that in 11 of the 245 historic files investigations were halted because the SoC had left their post, resigned or their contract had come to an end”*.

The Inquiry appreciates and accepts that there will always be some occasions in any organisation where by human error or oversight some aspects of procedure or policy might not have been strictly adhered to in a particular case. But these would be minor deviations, and/or isolated occasions where, in any event, the audit, quality and assurance systems and/or management oversight should be able to identify these and provide a safe and constructive environment to ensure they are improved upon and learnt from for the future.

The Independent Review Team has reported to Oxfam GB and the Commission that it *“is reassured that this will no longer be allowed to happen and guidance to this effect has been incorporated into Oxfam GB policy”*. In March 2018 Oxfam GB implemented a change in policy to specifically address this matter. As a result the 2018 Misconduct/Gross Misconduct Procedure now states that any future cases will carry on in absentia; *“if an employee resigns prior to the conclusion of this disciplinary process, Oxfam GB will conclude the process and keep a record of the outcome”*.

Use of electronic means to hold interviews and interpreters

The Independent Review Team found that:

“In 25 EA and seven UK case files, interviews undertaken as part of the investigation process were noted as being led by the Global Safeguarding Team and conducted on the phone / Skype or via e-mail. Whilst acknowledging the geographic challenges that might exist in reaching some people in EA countries, the use of such ‘virtual interviewing’, in the opinion of the Review, should be avoided, particularly when dealing with vulnerable witnesses or those suspected of wrong-doing. Oxfam GB is aware of and agrees this position.

From the case files it is difficult to assess how many interviews required an interpreter. In one case, there was no indication of a translator being present when a victim (whose first language was not English) was interviewed concerning allegations of indecent assault and sexual misconduct.

Furthermore, during the Review’s visits to Tanzania and Rwanda, despite the Global Safeguarding Team being held in high regard, there was a view expressed by some that matters could and should be dealt with more locally. The Review agrees. Alongside the practical challenges of investigations being led from another country, having investigators on the ground was felt to be a sensible way forward. Except for the most basic of enquiries or for meetings that do not involve vulnerable witnesses or SoCs, the Global Safeguarding Team’s role should be to facilitate and provide specialist support and safeguarding advice to the investigative process as opposed to ‘virtually’ leading it.”

Relevant Independent Review Team recommendations on case management practice and Oxfam GB's status report on implementation

The Independent Review Team has made 9 recommendations to address the practice issues it has identified.

Table 7 summarising recommendations and implementation status in respect of Oxfam GB's case management practice

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
2	That Oxfam GB revisit each of the entries on the register for which no paperwork or file was made available to the Review. Where no clear outcome is recorded or where concerns are evident that cases have not been thoroughly dealt with, Oxfam GB should initiate contact with referrers and/or alleged victims to establish whether any ongoing risk exists or not.		Q2 2019
8	<p>In respect of relevant unreported cases and future cases where the safety of the victim or other issues linked to potential Human Rights violations are considered to exist, a full risk assessment should be completed. As a minimum it should address the following:</p> <ul style="list-style-type: none"> • Synopsis of case (including a timeline). • Evidence base for concerns. • Consultation feedback from appropriate police service representative or other appropriate agency (to include minutes of meetings). • Relevant legal framework (and legal opinion where sought). • Risk Assessment re the victim/s, potential future victims, beneficiaries, staff, volunteers and the organisation. • Recommendations. • Detailed approval (whilst the recommendation may be made by the CD, the final decision should be agreed and authorised by the Director of Safeguarding (or equivalent) and reported to the Chair of Safeguarding Committee. <p>Such reports should be shared with the Charity Commission.</p>	Complete	To be tested through verification and assurance work
14	For case INE015, Oxfam GB should establish what information/reference (if any) was shared with the two charities named in the reference request, clarify the basis for the SoCs resignation/termination and the reason for conflicting records. The outcome should be shared with the Director of Global Safeguarding and the Chair of the Safeguarding Committee who should consider what further actions may be appropriate, including notifying the Charity Commission.	Complete	
15	In all cases, the wider safeguarding issues that could potentially arise in the context of an individual's future employment should be considered at the earliest possible stage and included for consideration in all investigation ToR.	Complete	
51	The preferred method of conducting interviews, particularly with SoCs should be face-to-face. If this is not possible, the decision to use phone or Skype should be recorded in the case file. (See R53 re practicality).	Complete	To be tested through verification and assurance work
52	Operational protocols should be adapted to include a specific prompt and question regarding the use of interpreters for victims, witnesses and SoCs. For interviewees whose first language is different to that of the interviewer, interpreters should always be made available, save in those cases where the interviewee is fluent in the language of the investigator. Exceptions can include when information is being urgently sought to help safeguard someone or prevent a crime, or if the investigator has established an adequate level of fluency by the interviewee. All exceptions should be authorised by the Director of Global Safeguarding, Director of HR or equivalent.	Complete	To be tested through verification and assurance work

53	Operational protocols should be adapted to include authorisation for interviews intended to be carried out by any means other than face to face. The protocol should not inhibit such an approach but require evidence of the rationale for the decision and authority to proceed. It should at a minimum include: <ul style="list-style-type: none"> • The nature of the interview/inquiry. • The status of the interviewee. Victim/witness/ SoC. • An assessment of whether the virtual engagement will achieve best evidence. • Authorisation from a safeguarding or if a misconduct case HR line manager. • SoCs should not be interviewed via email, skype or phone unless explicit permission has been obtained from the Head of Global Safeguarding, HR or equivalent. 	Complete	To be tested through verification and assurance work
59	The issue of jurisdiction and who is responsible for the conduct of investigations is something that Oxfam GB should clarify as they move towards their aim of 'One Oxfam'.	Complete	
61	Oxfam GB should develop a case file structure within the new system to improve the handling and storing of safeguarding recording, alongside developing key templates on which Oxfam GB staff and managers can record their activity / decisions in a coherent manner.	On Track The system is being fully utilised, further development being scoped for SG specific needs.	Jul-19

vii) Patterns, themes and profile analysis of identified incidents

The Independent Review Team's analysis of offending profiles, trends and patterns

The Independent Review Team found from its analysis of 146 incidents, between 2011 and 2018 which it considered met the Commission's serious incident reporting criteria, that the alleged victims included:

- 27 individuals under 18 years old – 16 of these were in the UK's trading arm
- 16 beneficiaries
- 11 adults at risk.
- 51 members of Oxfam GB staff
- 10 adult volunteers
- 18 third parties

The Independent Review Team also found that *"the most common allegations contained a sexual element. Unsurprisingly the vast majority of victims were female and the majority of subjects of concern were male. Whilst beneficiaries feature in the victim profile in EA countries, over half the victims were Oxfam GB staff members, as were the majority of SoCs"*.

The reporting of incidents by victims in particular beneficiaries

The International Development Committee's report on *'Sexual exploitation and abuse in the aid sector'*¹¹³ published on 31 July 2018 ('the IDC report') highlighted the issue of under reporting of sexual abuse in the sector as a whole. This is an issue which has been recognised by the sector, including Oxfam GB, for many years¹¹⁴.

Both the Inquiry and the Independent Review Team consider that it is difficult at this point to determine an expected level for the identification and reporting of abuse and exploitation involving Oxfam GB, given its broad geographic footprint, the lack of available benchmarking data and the complexity of the local situations in which it delivers aid. The Inquiry also recognises the particular complexities and challenges which are faced in encouraging dependent and vulnerable beneficiaries to make complaints against organisations and charities which are providing them with support.

The Commission's regulatory engagement in 2017 confirmed that there had been an improving trend in all reported safeguarding incidents (not just limited to beneficiaries) up from 12 in 2011/12 to 87 in 2016/17, as a result of Oxfam GB's initiatives. This increased to 155 incidents in 2017/18 which includes 73 reports received between 10 February and 31 March 2018 after Oxfam GB appealed for those who have experienced abuse and harassment to contact its safeguarding team.

However, the findings of the Independent Review Team corroborate findings from the Commission's work that the number of reported safeguarding incidents where the alleged victim is a beneficiary remain extremely low in proportion to the large volume of beneficiaries which Oxfam GB supports on an annual basis¹¹⁵.

The Inquiry recognises the intent by trustees to address the issue of under reporting by beneficiaries. It has seen some evidence of efforts to address this particular matter since 2011, including women to women sessions when visiting programmes, and more recently in 2018 improving the whistle blowing hotline by making it independent and available in five languages, so that allegations of sexual misconduct can be reported confidentially. Oxfam GB has had a whistle blowing hotline since 2011, but its assessment is that this new external service is now more visible to staff, volunteers and the communities it comes into contact with. However, more needs to be done if the intent is to be realised, and there are a range of measures and practices other INGOs and charities working overseas use to build trust in communities and amongst staff and encourage reporting of issues of concern.

¹¹³ <https://publications.parliament.uk/pa/cm201719/cmselect/cmintdev/840/84002.htm>

¹¹⁴ This is covered in the IDC report and the evidence provided to the IDC, and is therefore not repeated in this inquiry report.

¹¹⁵ The charity's annual report for 2017/18 records that Oxfam GB directly assisted 10.7 million people through its humanitarian work.

Overall the Inquiry found limited evidence between 2015 and 2018 of proactive or strategic initiatives by Oxfam GB to address the issue of under reporting amongst beneficiaries and limited evidence of monitoring to assess the effectiveness of such actions that did take place.

Relevant Independent Review Team recommendation on patterns, themes and profile analysis of identified incidents and Oxfam GB's status report on implementation¹¹⁶

Table 8 summarising recommendation and implementation status in respect of beneficiary protection/awareness

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
47	That Oxfam GB should build further on the work of its Protection Advisors in enhancing the awareness of beneficiaries in the context of their understanding of safeguarding and their rights to protection from abuse and exploitation. This work should be led by The Global Safeguarding Team, with support from the proposed 'Designated Safeguarding Leads' (Safeguarding Focal Points), Regional Designated Officers and Protection Teams where in operation.	Focal Points, training has taken place. Oxfam have recruited three Global Humanitarian Safeguarding Advisors within the Global Humanitarian Team to provide specialist advice and support in their Humanitarian response has commenced to improve beneficiaries protection/ safeguarding	Ongoing

¹¹⁶ Two recommendations related to the Independent Review Team's analysis of patterns, themes and profiles of incidents (in respect of gender balance and performance management) and Oxfam GB's response are shown in the HR Section.

viii) The disclosure of other safeguarding incidents and allegations from 2011 to 2018 (excluding Haiti)

The independent review examined safeguarding incidents, allegations and complaints reported to Oxfam GB from 2011 (excluding Haiti and the Philippines incidents referred to above) to March 2018, alongside the work of the Commission's statutory inquiry team. The purpose of this was to assess whether or not:

- *"all relevant matters had been reported as Serious Incident Reports (RSIs) to the Commission*
- *all matters involving conduct which may give rise to a criminal offence had been reported to law enforcement or other respective agencies*
- *the circumstances of the notifiable incidents have been fully disclosed to the Charity Commission and;*
- *the charity has adequately and accurately disclosed information about these matters to statutory funders and other principal donors."*¹¹⁷

Serious Incident Reporting – RSIs

Since 2007 charities and their trustees have been subject to the requirements of the Serious Incident Reporting ('RSI') regime. Although some of the detail of what has been required to be reported has been updated over the years, the principle is the same. The regime requires charities with an income of over £25,000¹¹⁸ to report serious incidents to the Commission - what happened, how the charity is dealing with it, including confirmation that it has reported appropriate matters to the police, and/or other agencies as required.

The requirements: certification of disclosure in Oxfam GB's annual return declaration 2011 – 2017 and the Commission's guidance on RSIs

Disclosures and certification on RSIs in the Commission's annual returns

All charities are required to submit each year under section 169 of the Charities Act 2011¹¹⁹ an annual return, with the information specified by the Commission in regulations.

The Inquiry reviewed the annual returns submitted by Oxfam GB from 2011 to 2017 (the 2018 return not being due yet). Throughout the period reviewed by the Inquiry it has been a requirement to certify or confirm whether all serious incidents for the period relevant to the annual return have been disclosed to the Commission.

For example, the five annual returns for 2011 to 2015 each contained a reminder on serious incident reporting, including the following statement:

"LEGAL OBLIGATION

As part of the charity's Annual Return, trustees must confirm that there are no serious incidents or other matters which they should have brought to the attention of the Commission and have not done so already. Failure to do so will be regarded as a breach of legal requirements."

Each of the five annual returns from 2011 to 2015 also include a formal declaration at the end certifying amongst other things:

"that the trustees were satisfied that there were no serious incidents or other matters which they should have brought to the attention of the Commission and had not done so already".

The mechanisms for certifying or confirming whether all serious incidents had been disclosed to the Commission varied for 2016 and 2017. The 2016 return contained drop down boxes for yes/no answers to two questions relating to RSIs:

"Have there been any serious incidents as listed above which have occurred since your last Annual Return?"

¹¹⁷ Extract from the terms of reference for the independent review

¹¹⁸ For charities under £25,000 income, serious incident reporting is good practice

¹¹⁹ And prior to that under s48 of the Charities Act 1993 as varied by the Charities Act 2006.

“Have all of these incidents been reported to the Charity Commission?”

The person submitting the annual return was reminded prior to making an accuracy and truthfulness declaration at the end that *“Before you complete the declaration and submit the annual return, you should check the content and accuracy of the information you have provided”*.

The declaration completed by a person submitting the 2016 annual return on behalf of a charity stated: *“By submitting this form I certify that the information I have provided herein is correct to the best of my knowledge and has been brought to the attention of all the trustees.”*

The 2017 return reverted to the principle of requiring a declaration or certification that all serious incidents for the period relevant to the annual return had been submitted to the Commission. It contained a reminder on serious incidents including the following statement:

“If your charity’s income is over £25,000, make sure that you have reported all serious incidents that should have been reported to the Commission before you submit the annual return. This is because you will, as part of the annual return, be required to make a declaration confirming there are no serious incidents or other matters that the trustees should have brought to the Commission’s attention and have not done so already.”

The declaration at the end of the 2017 annual return included the following wording:

*“By submitting this form I certify that the information I have provided herein is correct to the best of my knowledge and has been brought to the attention of all the trustees.
I further confirm that there are no serious incidents or other matters which they should have brought to the Commission’s attention and have not done so already.”*

- The annual reporting and certification obligation is a legal requirement for the charity trustees of all registered charities with a gross income of over £25,000. Accordingly, if charity trustees fail to report a serious incident, they will be in breach of their duty not to provide false or misleading information to the Commission, which is a criminal offence. Guidance on RSIs

Guidance on what to report and when has always been in existence, since the introduction of the RSI regime. This guidance has been published on the Commission’s website for the period reviewed by the Inquiry. It has been updated and changed from time to time as the requirements changed. The guidance explained to all charities what was expected of them in respect of reporting to the Commission. It included guidance on what constituted a serious incident, the actions expected of a charity if criminality was suspected, the provision of confidential or sensitive information and also good reporting practice. It makes clear that the responsibility for reporting serious incidents to the Commission rests with the charity’s trustees, even if they delegate work to others.

The Commission’s guidance is clear that as a matter of good practice serious incidents should be reported as soon as possible. In any event, the Commission’s guidance and annual return form makes clear that all serious incidents must be disclosed prior to or at the submission of a charity’s annual return and the completion of the declaration confirming this has happened.

The earliest relevant guidance for the reference period of this inquiry dates to July 2010¹²⁰. Further updates to this guidance have been issued by the Commission in September 2012¹²¹, December 2013¹²², September 2014¹²³, September 2017¹²⁴ and the current version issued in October 2018¹²⁵.

Serious incidents in a safeguarding context were primarily focused on significant risk to a charity’s beneficiaries in the various guidance editions from 2010 to 2017. The 2018 guidance broadened this to

¹²⁰

https://webarchive.nationalarchives.gov.uk/20110709210741/http://www.charitycommission.gov.uk/Our_regulatory_activity/Reporting_g_issues/rsinotes.aspx

¹²¹ <https://webarchive.nationalarchives.gov.uk/20121030235903/http://www.charitycommission.gov.uk/Library/rsinotes.pdf>

¹²² <https://webarchive.nationalarchives.gov.uk/20140102211444/https://www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/guidance-for-trustees/>

¹²³ <https://webarchive.nationalarchives.gov.uk/20141209212821/https://www.gov.uk/how-to-report-a-serious-incident-in-your-charity>

¹²⁴ <https://webarchive.nationalarchives.gov.uk/20180309104320/https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

¹²⁵ <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity#history>

include harm to a charity's beneficiaries, staff, volunteers or others who come into contact with a charity through its work.

Illustrative safeguarding issues provided in the 2010 to 2017 guidance which the Commission regarded as reportable serious incidents included:

- suspicions, allegations or incidents of abuse or mistreatment of beneficiaries
- a charity which does not have a policy for safeguarding its vulnerable beneficiaries (eg children and young people, people with disabilities and the elderly/old people)
- a charity which has no vetting procedure to ensure that a trustee or member of staff is eligible to act in the position he or she is being appointed to
- a charity which has been subject to a criminal investigation, or an investigation by another regulator or agency on a safeguarding matter; or sanctions have been imposed or concerns raised by another regulator or agency on a safeguarding matter; and
- safeguarding related incidents or allegations which give cause to believe that actual or suspected criminal activity may have occurred

The Commission is not prescriptive in the information that should be submitted when reporting a serious incident. However, the Commission's guidance from 2010 to 2017 stated:

"When you report a serious incident to us, you should provide enough information to help us decide what, if any, action is appropriate. We need to understand what has happened, the nature of the risk and we are looking for assurance that you are handling the incident properly. If you are able to provide us with this information when first reporting the serious incident, it is less likely that we will need to ask you further questions. For any incident, it would be helpful to tell us:

- *whether the incident has happened or whether there have been serious allegations or suspicions that it has happened*
- *when the incident happened and who was involved, including their position in the charity*
- *if this person is still involved with the charity*
- *the effect of the incident on the charity or its beneficiaries or both*
- *what action, if any, has been taken since the incident*
- *if there has been any publicity about the incident*
- *if the charity has conducted its own inquiry or investigation into the incident and what was the outcome*
- *if the police, another regulator or law enforcement or government agency is involved, the name of the agency and what action it has taken, if any. Where relevant, provide us with the reference number*
- *confirmation that the trustees have reported the incident to their local Safeguarding Board if it involves abuse or welfare concerns about vulnerable beneficiaries*
- *whether the charity has any policies or procedures that apply to the incident in question, confirming they were followed, and if not why. If it is the first time you submit a report, or there have been substantive changes since a previous submission to the Commission, you may need to explain your procedures and/or send us a copy of your policy*
- *whether as a result the trustees have determined that current policies or procedures need to be revised, or new ones put in place if they do not already exist"*

The Commission's guidance recognises that it may be helpful for certain charities, in particular larger ones, to file periodic reports of multiple incidents. However, the various editions of the RSI guidance state that a charity should contact us first to agree on the arrangements in advance. In the absence of such an agreement, the Commission expects charities to file their serious incident reports individually.

Analysis of safeguarding serious incident disclosures to the Commission and annual return declarations by Oxfam GB

Limitations in Oxfam GB's record keeping of some safeguarding incidents or allegations meant that the Independent Review Team could not be provided with all supporting records for safeguarding incidents or allegations handled by Oxfam GB between January 2011 and March 2018. This is dealt with further in the

section of the report titled 'Oxfam GB's handling of safeguarding incidents and allegations – practice and policies'.

Notwithstanding these records management issues, the Independent Review Team were able to analyse 245¹²⁶ safeguarding cases or incidents handled by Oxfam GB between 2011 and March 2018. The Inquiry is satisfied that this is a substantial sample which provides a wide breadth in the nature and volume of incidents and allegations handled by Oxfam GB over this period from which to draw findings and themed results.

The Independent Review Team assessed that 35 out of 50 safeguarding incidents which they examined and which occurred between 1 January 2011 and 31 December 2014¹²⁷ met the criteria at the time for serious incident reporting to the Commission. The independent review found that none of these incidents were reported contemporaneously to the Commission in accordance with good practice at the time. There was one exception to this according to Commission records¹²⁸.

Regulatory engagement with Oxfam GB took place in 2015 when the Commission contacted Oxfam GB, following concerns raised in June 2015 about Oxfam GB's approach to safeguarding, including that safeguarding serious incidents were being under-reported to the Commission. As part of that regulatory engagement Oxfam GB, in response, supplied in September 2015 a redacted version of its then safeguarding incidents' register ('the 2015 register'). The register is an internal spreadsheet that has been used, both then and now, by Oxfam GB to log and track reports of relevant incidents, not all of which were reportable as serious incidents.

The 2015 register provided basic information concerning 122 safeguarding incidents which appeared to primarily cover incidents from 2012 to 2015¹²⁹. The covering correspondence sent to the Commission with the 2015 register by Oxfam GB acknowledged that some of these incidents on the register "should probably" have been reported as serious incidents and stated that the Commission could request further details of these if required. The Commission did not request any further information about individual cases in response to the information supplied as part of its engagement at the time. The 2015 register was provided to the Commission to provide an overview of the range and nature of safeguarding incidents which Oxfam GB's Global Safeguarding Team had handled over the period as part of a discussion with Oxfam GB staff including a dialogue on what constituted a "serious" or reportable incident related to sexual exploitation, abuse or safeguarding.

The 2015 register was not submitted by Oxfam GB as a serious incident report or multiple filing report. The Commission's records show that the 2015 register was not, in the Commission's view quite reasonably, treated or logged by the Commission at the time as a separate serious incident report or multiple filing report. At that time, Oxfam GB did not have agreed arrangements in place for bulk reporting of serious incidents, but they had enquired about doing so. However, in any event, the practice and custom since 2016 until February 2018 had been for Oxfam GB to make individual reports.

The independent review found, as part of its own review, that there was insufficient detail in the register to comply with the serious incident reporting regime's requirements as set out in the Commission's guidance on reporting serious incidents.

The independent review found that no further serious safeguarding incidents were reported - either individually or in a multiple report submission - by Oxfam GB to the Commission until 8 February 2018. At that point the Chair of Oxfam GB, writing on behalf of the trustees, provided "*a periodic serious incident report for 'safeguarding' cases in the year 1 April 2016 – 31 March 2017*". Two further individual safeguarding incidents were also notified by Oxfam GB, and in total these reports covered 36 safeguarding

¹²⁶ 129 related to Oxfam GB's UK Division and Trading Arm and 83 related to Oxfam GB EA countries. The remaining 33 cases involved incidents tenuously linked to Oxfam GB via PAs or incidents involving staff and volunteers that had no relationship to their employment with the charity. This latter group were excluded from analysis of potential criminality and disclosure to law enforcement and other relevant agencies.

¹²⁷ This excludes Haiti which is dealt with in an earlier section of the report

¹²⁸ Records confirm that in August 2016 Oxfam GB's team reported first by telephone to a Commission officer on a sensitive staffing incident overseas in an Executing Affiliate and then followed up.

¹²⁹ 10 incidents contained no date and a further 50 contained a month but no year. The remaining full dated incidents ranged from 5 March 2012 to 8 September 2015.

incidents. The Independent Review Team noted that *“Whilst this represented a significant improvement in the quality of information provided, these reports fell outside the timeline expected for such notifications”*.

In summary, the Independent Review Team assessed that 146 out of 245 safeguarding cases or incidents handled by Oxfam GB between January 2011 and March 2018 met the Commission’s criteria at the time for serious incident reporting. It considered that only the most recent 36 safeguarding RSIs made by Oxfam GB in February 2018 were sufficient in respect of content, albeit outside of expected timelines.

The Inquiry established that an Oxfam GB member of staff had completed the declaration in the charity’s annual returns on behalf of Oxfam GB and its trustees for each year from 2011 to 2017, confirming that all serious incidents for that financial year had been brought to the Commission’s attention.

The development of serious incident reporting within Oxfam GB

Oxfam GB told the Inquiry that prior to 2012 no formal policy existed within Oxfam GB on serious incident reporting to the Commission. The approach taken by Oxfam GB up to this point was to utilise existing internal reporting systems. For example, Oxfam GB had fraud, security, data protection, terrorist financing, and health and safety policies in place with incidents being reported to relevant ‘policy leads’. Formal individual serious incident reports were generated based on informal networking between the team responsible within Oxfam GB for reporting RSIs to the Commission and the relevant policy leads within the charity.

Following the updated RSI guidance issued in July 2010, Oxfam GB’s management recognised that a higher profile and awareness on RSI reporting to the Commission was required within Oxfam GB. As a result a draft incident reporting policy was produced in December 2011, which addressed issues of setting thresholds for serious reportable incidents in line with the Commission’s guidance and the coordination of incident reporting. This was created in consultation with Oxfam GB’s policy leads and other key internal charity stakeholders. This draft policy was presented to the Trustee Audit and Finance Group in June 2012 and approved by the former trustees in July 2012.

Following adoption of the policy, an incident management working group involving policy leads was convened to review options for better coordination of incident management across Oxfam GB and to look at how to capture data. The working group considered the creation of an online system as a one stop shop for reporting, to simplify the process for policy leads, and this resulted in the creation of an online portal for Oxfam GB staff on which all relevant policies and reporting standards were contained.

From February 2013, a standard template was created within Oxfam GB for the RSI lead in Oxfam GB to use to report incidents to the Commission, which reflected the questions asked of trustees in the Commission’s guidance (referred to above in this report). Until this point, RSIs had been submitted in the forms of emails sent to the Commission’s designated RSI email address and copied to the Commission’s Large Charities Unit, which was then in existence.

Oxfam GB advised the Inquiry that this new reporting regime was instituted with the intention of ensuring that the Commission was receiving relevant and consistent information.

Oxfam GB’s incident reporting policy was further revised in 2014 and 2017, in accordance with its three-year policy review cycle. The latter policy update extended the serious incident reporting to the Commission to a schedule of reporting to all external regulators and to host governments.

In response to detailed conversations with the Commission during the regulatory compliance case in 2017, the reporting thresholds for safeguarding were reviewed and a more detailed classification of what did and did not constitute a reportable incident was created by Oxfam GB. Oxfam GB advised the Commission that this was based on the template provided in the Commission’s revised guidance published in September 2017.

Since March 2018, safeguarding serious incidents have been reported to the Trustees’ Safeguarding Group, which is an interim governance committee headed by the chair of trustees. This now oversees the reporting of serious incidents to the Commission.

The Commission updated its serious incident reporting guidance in October 2018. This was prompted by the work of the Commission's interim task force which conducted a detailed review of safeguarding serious incidents submitted to the Commission since April 2014.

Further engagement took place between the Commission and Oxfam GB following this guidance update, lessons learnt from the Inquiry and the Independent Review Team's work and recommendations. This included a meeting on 13 September 2018 to discuss the future requirements any charity must meet in order to use multiple reporting and to advise on further amendments to Oxfam GB's RSI policy. This has resulted in Oxfam GB implementing further changes to its incident reporting policy and procedures and assurance mechanisms to ensure compliance with the Commission's guidance and expectations. These changes were formally approved by the trustees in November 2018.

The Inquiry has taken into account Oxfam GB's prompt and regular reporting to the Commission on other types of incidents, including on frauds and financial matters. However, the Inquiry is critical of Oxfam GB, in the same way it is of other charities, for not promptly reporting all the safeguarding related incidents it should have done. It will not regard this, in itself, as mismanagement in this case. However, the lack of systematic assurance internally at trustee and senior executive levels to ensure RSI reporting was complied with is of concern, given that the annual return statement submitted by the charity each year confirms that all reportable serious incidents have been submitted. As is the apparent lack of trustee or senior executive oversight or other effective assurance mechanisms internally in Oxfam GB to identify these issues at an earlier stage and ensure that matters which should have been reported were reported. As a result, it is not clear that the trustees could be satisfied that they were adequately managing the wider risks to the charity and were unable to use external reporting requirements to identify potential weaknesses in their overall control framework, including assurance that they complied with their duties and responsibilities under charity law. In the Inquiry's view this contributed to the mismanagement in the administration of the charity identified elsewhere in this report.

Relevant recommendations from the Independent Review Team on serious incident reporting to the Commission and Oxfam GB's status report on implementation

The Independent Review Team have made 4 relevant recommendations on serious incident reporting to the Commission.

Table 9 summarising recommendations and implementation status in respect of serious incident reporting to the Commission

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
3	If further information comes to light that indicates one or more of the registered incidents (where no file was provided) meet appropriate Charity Commission SIR criteria, the case must be reported to the Charity Commission without delay.	Complete	
4	Oxfam GB should implement a defined process to strengthen its compliance with safeguarding SIR reporting to the Charity Commission. This process should provide: <ul style="list-style-type: none"> • clarity about how and when cases should be escalated to senior managers in Oxfam GB for immediate decisions to be taken on SIR reporting. • direction that Oxfam GB should undertake to report particularly serious or significant incidents immediately, with quarterly reporting for other cases. • a defined frequency of reporting of SIR activity to include an analysis of trends, themes and patterns to Oxfam GB trustees to strengthen their oversight on these highly significant cases. 	Interim internal process in place and approved by Charity Commission. Further development of the case management system planned to systemize process.	Q2 2019
24	The current trustees should engage with the Charity Commission to ensure that their current understanding of Serious Incident Reporting (SIR) expectations are accurate and ensure that their systems are sufficient to meet those needs.	Complete	
25	In relation to future SIR notifications, the responsible trustee(s) should seek feedback from the Charity Commission and ask that they confirm all incidents forwarded to them have been received. The feedback should also prompt the charity commission to inform them if further information or clarification is required.	Complete	

The remaining serious incidents referred to above identified by the independent review as needing to have been reported have now been reported to the Commission as RSIs. The Inquiry is satisfied that the charity has put in place improved assurance and internal oversight mechanisms to ensure Oxfam GB and its trustees comply with the Commission's guidance on reporting serious incidents to the regulator. Oxfam GB needs to ensure that an appropriate level of focus and priority on the robustness of its assurance mechanisms in this area continues into the future.

Reporting to law enforcement or other respective agencies

Regulatory expectations for reporting potential criminality to law enforcement and other statutory agencies

Where criminality is suspected, charities are expected to act responsibly and take action to report it to the authorities. In some circumstances when dealing with children and adults at risk, a charity may be obliged to report an allegation or concern to the relevant statutory agency. Even where no legal obligation exists, the Commission expects charities to refer relevant matters to statutory agencies to ensure they are acting responsibly to protect people at serious risk of harm. (See also the section below titled '*Regulatory expectations in the UK on reporting safeguarding incidents or allegations and the role of the Local Authority Designated Officer*' in this report.)

The Commission's guidance has clearly set our regulatory expectation that a charity should report crime, or suspected crime to the police in the UK and obtain a crime reference number. In addition, the Commission's guidance from 2010 until September 2017 stated "*In some cases you must do so, as the more serious the crime, the more difficult it is to see how trustees could discharge their duties to act in the best interests of the charity and their duty of care to protect the charity, its assets and beneficiaries.*"

Where an incident takes place overseas, incidents should usually be reported to local law enforcement authorities and/or safeguarding organisations overseas, in the location where the incident and suspected offence has taken place.

There will be some occasions where reporting to the police and law enforcement authorities overseas may not be possible. There may be issues with victim consent which may be a legal requirement to reporting in some countries and/or the need to consider that in doing so it may endanger the life or safety of the victim. In some cases this might also apply to the alleged offender. Charities need to consider these carefully and assess the risks, including the risk of harm to others if the matter is not reported, to decide what action to take in these cases.

A charity will be expected to be able to explain why a case or incident has not been reported and show that that is a reasonable and justified decision in the circumstances.

We are also conscious that charities need to be sensitive to, and take account of, the different laws and international cultures, including the risk of harm to the victim. In some countries depending on the incident, there may be a real risk of harm or criminality for the victim for cultural reasons (for example in situations of pregnancy outside of marriage, prostitution or sex with teenagers or of people of the same sex). In other cases the victim may not consent or there might be real risk of human rights abuses in that legal system, or of corruption or of individual perpetrator protection in the local judiciary, or a likely risk of community justice or vigilante action. The Inquiry also heard evidence that one of the biggest challenges encountered in getting consent to reporting referrals to local authorities at field level was that often the victim were refugees or displaced minorities who particularly did not trust local authorities or the criminal justice system to uphold or protect their rights.

In cases where a charity has decided not to report incidents to the local authorities, it will be for the charity to explain why a decision not reporting is a reasonable and justified decision in the circumstances of each case – and whether it stands up to external scrutiny. The importance of good and systematic record keeping requirements is underlined particularly when a charity decides not to refer such matters to the relevant law enforcement or statutory agencies.

The Independent Review Team's analysis of Oxfam GB's disclosures to law enforcement and other statutory agencies

The Independent Review Team in its analysis of the charity's safeguarding cases or incidents examined the extent to which matters involving conduct which may give rise to a criminal offence or other referable matters had been reported to law enforcement or other relevant agencies¹³⁰.

UK cases

The Independent Review Team assessed 129 case files involving Oxfam GB and the trading arm. It considered that *"51 cases between 2011 and 2018 may give rise to a criminal offence in the UK, 28 of which were reported to the police or other appropriate statutory authority. In 12 cases it was clear from the case files that the victim either did not wish to pursue a case or make a report to police. In 11 cases*

¹³⁰ The terms of reference (ToR) for the independent review included the review of all safeguarding incidents, allegations, complaints, reports or cases for the period 2011 to present – excluding the known Haiti 2011 and Philippines 2013 cases – in order to provide assurance that:

- a) matters involving conduct which may give rise to a criminal offence either domestically or internationally, have been reported to law enforcement or other respective agencies; and
- b) the circumstances of the notifiable incident have been fully disclosed to the Commission and
 - i. where required by law and subject to the consent of the victim where reasonably required, to other UK statutory agencies; and
 - ii. in other countries, where the victim agrees and there are no reasonable human rights concerns, to the relevant statutory agencies.

The independent review acknowledged that *"a different emphasis on each phrase could be applied and a strict legal criteria considered. However in the context of the review the word 'may' is the focus of the ToR and reflects circumstances whereby a lay person might reasonably consider reporting to or seeking advice from an appropriate agency"*.

involving potential crimes, these had not been reported to or advice sought from relevant statutory agencies. The Review has provided Oxfam GB with advice on how to respond to these cases.”

Examples of potential criminality which the Independent Review Team identified in the unreported cases include indecent assault, harassment and voyeurism.

Overseas cases

The Independent Review Team analysed 83 overseas safeguarding incidents or allegations and found that there were 31 cases where the files do not enable clear conclusions to be reached about whether there were potential crimes which should have been reported to statutory authorities but which were not.

Examples of potential criminality which the Independent Review Team identified in the unreported cases include indecent assault, harassment, common assault of a child and procuring a sex worker.

The review confirmed that no UK citizens were identified in these cases. This is relevant as sometimes, even though the incident takes place overseas, for certain crimes, where they involve a British national or someone with residency in the UK, this may give rise to extra territorial jurisdiction of UK policing¹³¹. Therefore, even if a decision is made not to report to the local police authorities in country, it may nevertheless be reportable and/or of interest to UK policing.

The Independent Review Team has advised Oxfam GB that *“Whilst recognising the added complexity of EA countries, failing to report a crime in the context of Oxfam GB’s role and the expectations set out in the Charity Commissions guidelines, however well intentioned, is a potentially serious issue. If there are credible concerns that reporting might impact upon the safety of a victim, advice must be sought, and a balanced, evidence-based judgement made and recorded”*.

In evidence provided to the Inquiry, Oxfam GB’s former Head of Safeguarding from 2012 to 2015 was keen to stress that the police were always informed of any allegations relating to the abuse of a child in the UK, and also that it was not surprising that there was not identifiable evidence of a report due to the record keeping system, lack of resources and pressure the team were under with increasing demand.

The Inquiry also separately heard evidence that it was difficult to convince leadership of the complexity of information sharing amongst different agencies, including local authority, police and DBS. However, this, together with the nature and number of incidents that needed managing, oversight and handling advice also underlined the need for a specialist safeguarding team, including specialists with field experience.

The Inquiry is particularly concerned about the finding of the independent review that it cannot be evidenced from the files whether potential crimes which should have been reported to statutory authorities were reported and the absence of records to justify decisions not to disclose such incidents or allegations, and is critical of the charity in this regard.

The Commission considers that the failure to ensure effective assurance mechanisms were in place to identify these issues at an earlier stage was mismanagement in the administration of the charity.

¹³¹ In cases where a person has committed or potentially committed a child sexual abuse/exploitation offence overseas, involving a British national or a person with a claim to UK residency, the UK authorities may have an interest even though it is overseas. The reason for this is that the National Crime Agency has some extra territorial jurisdiction to bring prosecutions in the UK in certain circumstances. This is under the Sexual Offences Act 2003; where section 72 of that Act allows a UK national or a UK resident to be charged in the UK for certain sex offences, usually involving a child committed overseas, where they constitute an offence in the country where the act took place, and are an offence in England and Wales. NCA advice is that reporting to the NCA should normally follow on from the matter being reported locally in the country where the offence allegedly took place. Exceptions to this would be where charities have taken the decision based on risk not to report to the local country authorities, for the reasons outlined above. In these circumstances, they should report to the NCA, making it clear that the matter could not be reported to local law enforcement in country and why.

Oxfam GB's engagement with other relevant statutory agencies in UK safeguarding incidents or allegations

Regulatory expectations in the UK on reporting safeguarding incidents or allegations and the role of the Local Authority Designated Officer ('LADO')

All charities must comply with the general law. There are additional legal obligations on certain charities to comply with the relevant legislation and statutory guidance in respect of children and adults at risk. Even where a charity, such as Oxfam GB, does not fall within the specific organisations listed in the guidance, there is a regulatory expectation that it will comply with the statutory guidance which aims to protect children and adults from harm as a matter of good practice in relevant cases. This includes reporting certain types of safeguarding incidents involving children or adults which occur in the UK to the relevant local authority or statutory agency^{132&133}.

This is relevant and important as the public expect charities to adhere to high standards in how they go about their activities and in safeguarding children and adults at risk from harm. In addition, the fact that a charity is going beyond legal minimum standards and following good practice can often support the view that trustees are meeting their trustee duties in acting in the best interests of a charity and taking reasonable steps to ensure that they are actively managing and protecting the charity, and people who come into contact with it, from undue risks.

The role of the LADO in England is set out in HM Government guidance produced by the Department for Education titled "Working Together to Safeguard Children (2018)", in Chapter 2 Paragraph 4, and is governed by a local authority's duties under section 11 of the Children Act 2004. This guidance outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self-employed.

The LADO should be contacted immediately in respect of all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed a child
- possibly committed a criminal offence against or related to a child or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services; and/or
- consideration by an employer of disciplinary action in respect of the individual

The LADO is responsible for:

- providing advice, information and guidance to employers and voluntary organisations around allegations and concerns regarding paid and unpaid workers
- managing and overseeing individual cases from all partner agencies
- ensuring the child's voice is heard and that they are safeguarded; and
- ensuring there is a consistent, fair and thorough process for all adults working with children and young people against whom an allegation is made
 - monitoring the progress of cases to ensure they are dealt with as quickly as possible;
 - recommending a referral and chairing the strategy meeting in cases where the allegation requires investigation by police and/or social care.

¹³² *For Children & Young People:* In England - [Working Together to Safeguard Children 2018](#) / In Wales - [All Wales Child Protection Procedures](#) / In Scotland – [National Guidance for Child Protection Scotland](#) / In N Ireland – [Co-operating to Safeguard Children & Young People in Northern Ireland](#).

¹³³ *For Adults:* In England - [The Care Act 2014](#) / In Wales - [The Social Services and Well-Being \(Wales\) Act 2014 and Social Care Wales](#) / In Scotland – [The Adult Support & Protection Act \(Scotland\) 2007](#) / In N Ireland - [Adult Safeguarding: Prevention and Protection in Partnership key documents \(2015\)](#)

The LADO is involved from the initial phase of the allegation through to the conclusion of the case. The LADO is available to discuss any concerns and to assist in deciding whether an organisation should make a referral and/or take any immediate management action to protect a child.

The Independent Review Team assessment of Oxfam GB's engagement with relevant statutory agencies in UK cases, in particular for shops operated by its Trading Arm

The Independent Review Team assessed cases in the UK to gauge the extent of referral and engagement with UK statutory agencies as part of Oxfam GB, and the Trading Arm's, handling and response to potential safeguarding concerns.

"This is particularly relevant for Oxfam GB's TA [ie its shops] and UK operations, where work brings them into contact with children and young people. In such circumstances contact should always be made with a LADO.

"Within email trails in relevant files there is occasional reference to the possibility of a case being forwarded to the LADO. The Review's screening process of UK based cases assessed that 76 out of 129 met the criteria for a LADO referral. Only one of these can be confirmed as having been referred to a LADO."

16 of these incidents assessed by the Independent Review Team involved persons aged under 18 years. The 60 other incidents did not involve children but the individual worked with under 18 year olds and the review team assessed the individual's behaviour indicated that in their view, and specialist skills and expertise in this area, they may pose a risk of harm to children and therefore met the statutory guidance referral criteria. The Independent Review Team therefore considered that all these cases should be referred to the relevant LADO as they judged that the individual could pose a risk to children. Determining whether someone may pose a risk is a matter of judgement in each case based on the facts and factors of each incident and individual and different people may take a different view at the margins. However, the sizeable number of cases which were not referred appears to indicate that there may be systematic weaknesses in the decision making and/or processes for considering these matters within Oxfam GB.

The prudent thing to do is to report such incidents which appear to meet the referral criteria to the relevant LADO and take advice from them, irrespective of whether the LADO agrees with the assessment that the matter is a referable/reportable incident. If the LADO assesses there is no risk, then the charity has that assurance on record and the charity will be discharging its duties to take reasonable steps to manage the risks and act in the best interest of the charity. In some cases, they may advise the right agency is the police and/or Disclosure and Barring Service. By not reporting in those cases - and in the absence of records of the reasons why - it is not possible to conclude the charity discharged their duties and met the standards expected of a charity of this nature and size. The Inquiry is particularly concerned about this finding.

Recommendations have been made by the Independent Review Team to address this and to improve early engagement with UK LADOs on relevant cases.

Relevant recommendations from the Independent Review Team in respect of disclosures to law enforcement and relevant agencies on past cases and Oxfam GB's status report on implementation

The Independent Review Team has made 4 recommendations in this area

Table 10 summarising recommendations and implementation status in respect of disclosures to statutory agencies on past cases

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
5	UK case files: After assessment and appropriate consideration of the wishes of any victims, Oxfam GB must refer all remaining unreported cases to the appropriate police service and relevant UK statutory agencies and thereafter notify the Charity Commission of the outcome.	Complete	
7	EA case files: After appropriate consideration of the wishes of any victims, and except in cases whereby reporting might jeopardise the safety of a victim, all previously unreported suspected crimes must be referred to the local police service and / or other relevant agencies as appropriate. Once such reporting is complete Oxfam GB should notify the Charity Commission of the outcome.	Complete	
9	Oxfam GB should engage with the appropriate Oxfam Affiliate or Partner to ascertain whether the known cases identified and shared with the review, have been reported to the police or other relevant agencies within their territorial areas of responsibility.	Complete	
16	All partial and complete SoC identities relating to potential crimes that have been unreported in the UK and EA must be provided to the police in the area where the alleged crime was committed (considering relevant Human Rights issues as necessary).	Complete	

Oxfam GB has reported to the Commission that it has now actioned these recommendations:

- Notwithstanding Oxfam GB has expressed concern to the Inquiry about Ineqe's approach to assessing when a referral to a LADO should be considered and made, it has notified the relevant LADO of relevant non-recent cases identified by the Independent Review Team as reportable for which no record exists of previous notification¹³⁴.
- Oxfam GB has also:
 - taken more action to establish formal general links with local LADOs
 - rolled out training with a local LADO to Oxfam GB's HR Business Partners
 - tasked Oxfam GB's new Director of Safeguarding with work to oversee the development of a specific referral document for Oxfam GB HR Business Partners, and endorsed by a LADO, to assist Oxfam GB decision making in what to and what not to report to LADOs in the future.
- Oxfam GB has contacted identifiable and locatable victims in relevant cases to ascertain their wishes and consent to now reporting those incidents which should have been reported previously to law enforcement and other agencies but were not, as well as where appropriate establishing further detail concerning the status of each incident. Oxfam GB has advised the Commission it has reported all relevant historical cases where it is not clear to the appropriate law enforcement agency.

The disclosure of information to statutory funders and other donors

Oxfam GB advised both the Commission and the Independent Review Team that it was unable to locate any records of the information previously disclosed to statutory funders in the UK, including DFID, due to the nature of their legacy systems.

The Inquiry therefore agreed in the circumstances that the Independent Review Team should review a sample of four recent donor reports to statutory funders. The Independent Review Team assessed that: *"Each of these were found to be comprehensive, focused and evidence based and, in the opinion of the Review met the needs expected for such reporting. Oxfam GB has now developed a comprehensive Reporting Misconduct Standard Operating Procedure (SOP) which the Review recognises as good practice."*

¹³⁴ As at 22 April 2019, 40 cases had been referred to the relevant LADO; 11 cases had been tracked down and now need reporting, and work continues on the others. Of the 40 incidents reported to LADOs so far 28 have generated advice or responses from the LADOs that the referrals do not fall within the LADO's scope. Some of the LADOs' responses or reasoning, as reported by Oxfam, are of some concern to the Inquiry and further clarification on these particular referrals will be sought by the Commission. However, in many cases where the LADO advised they have no further role, they have nevertheless provided advice on what other agencies should be/have been informed and confirmed the incident raises safeguarding issues.

ix) Safeguarding risk management in Oxfam GB's shops

Overview

Oxfam GB's Trading Arm operates over 600 retail shops around the UK to generate funds for the charity. The shops are operated by around 1200 employees and over 22,000, mainly adult, volunteers. Around 10% of the volunteer base comprises young persons aged under 18 years old. Oxfam GB told the Inquiry that it views its shop activities as important, not only for generating income for Oxfam GB's wider charitable purposes, but also for providing an opportunity to prevent and relieve poverty in the UK. Oxfam GB also informed the Inquiry that, in common with other charity shops, they have a high turnover rate for volunteers (recruiting between 8500-10000 new volunteers every year – i.e. between 38.6 and 45% of its volunteer base per annum). Oxfam GB reported to the Inquiry that staff turnover amongst its shop management is around 23%.

Oxfam GB also accepts volunteers who are subject to a community service order (CSO) or who are offenders transitioning from prison. It is recognised generally that volunteering enables ex-offenders to participate in positive activity, build confidence, rehabilitate and can be part of a package of resettlement support.

Oxfam GB informed the Inquiry that it was important to them corporately as a way of supporting a vulnerable group at risk of moving into poverty. Also, as *“Oxfam's value of inclusiveness is central to its Volunteering Policy: working with ex-offenders, with all appropriate safeguards in place, is one way by which Oxfam lives that value.”*

Oxfam GB informed the Inquiry that the Trading Division has operating structures, culture and personnel which are linked to, but separate from, the remainder of Oxfam GB. This is because of the distinctly different work and operating environments and that safeguarding within Trading Division has for several years been focused on continuous learning and improvement. They explained that since 2011, the Deputy Director of Trading (HR & Risk) has led and managed safeguarding for the Trading Division, working with the relevant Heads of Global Safeguarding to ensure that the Trading Division staff had skills and resources to manage the risks.

The Inquiry also noted TAFG's intent and concern as early as 2015 that *“Oxfam needed to be 110% satisfied with the safeguarding structure around the shops”* and discussing with the then senior executive how, it was not just whether the control framework adequately reflected the regulatory environment, but more importantly whether practice operated within the control framework. TAFG's concern was that there was a danger that looking at the fine print of regulation might mean missing larger risks of poor practice in the way Oxfam GB worked.

The Inquiry was informed that since 2014, the Trading HR Business Partners (HRBPs) have supported safeguarding and dealt with any allegations or concerns. There are 8 HRBP roles - all regionally based, close to Area Managers and Shops. The HRBPs are the Trading Safeguarding Focal points and, as such, the first port of call for managers, staff and volunteers with safeguarding concerns. In 2015 the Deputy Director recognised that the number of allegations being referred to the HRBPs was increasing and decided, in consultation with the Director of Trading, to recruit a full-time designated safeguarding advisor for the Trading Division to advise and work alongside the HRBPs. The first Trading safeguarding advisor was appointed in December 2015, with experience in strategic and operational leadership for child protection and vulnerable adults for law enforcement. The Inquiry was informed that the Trading safeguarding advisors and HRBPs had never in the past complained of lack of resourcing to undertake all the necessary reactive and proactive work. However, since February 2018 resources have been stretched as a consequence of increased safeguarding awareness and activity across the shop network which will need to be reviewed regularly to continue to provide sufficient resources and capacity.

A safeguarding risk assessment for Trading was developed in 2016 to help guide Trading's plans for the future and a safeguarding self-assessment toolkit. The risk assessment report concluded:

“Trading has clearly made safeguarding a high priority and made a lot of progress in the last twelve months, the next steps are to build on this foundation..... [including] specific tasks that will fill many of the ...gaps”

In response, they made a plan to review and expand the vetting process and deliver safeguarding awareness training to every shop manager and deputy; and investigation training for area managers and HRBPs, along with “train the trainer” training for HRBPs. This was repeated in 2017.

Oxfam GB is actively involved in considering how appropriate vetting for volunteers in shops is achieved as well as how to support rehabilitation of offenders and responsibly and lawfully manage the risks arising as part of wider discussions with other charities and the relevant agencies. Oxfam GB told the Inquiry *“as far as we are aware, we are the only large charity retail organisation actively exploring how to enable basic DBS checks for all volunteers”*.

The Independent Review Team also highlighted additional challenges for Oxfam GB in managing the risks of undisclosed registered sex offenders (RSOs) working in volunteer roles in some of the UK shops, particularly where this would mean they were volunteering alongside other volunteers, referred to above, who were under 18 years old or adults who may be regarded as at higher risk of harm. Oxfam GB is unable, by law, to routinely seek the type of criminal record check that would reveal such offences from a DBS check for the vast majority of its volunteering roles in its UK shops. The practical implication of this is that it hinders its ability to easily identify these situations and assess the specific risks in individual cases where it is not notified by the individual or otherwise unaware of this.

The minutes of historic TAFG record the update reported that *“95% of shop managers had now been DBS checked which was a significant achievement by Trading. It was acknowledged, however, that this needed to go beyond shop managers to include key volunteers and other staff. This was important as it would enable Oxfam to be protected should a case become public. The regulatory and reputational risks were higher in Trading due to the high profile of this issue in the UK.”*

In 2018 safeguarding resources were increased by the appointment of 2 administrators: one post to deal with the increased work around enhanced DBS checks for paid staff and lead volunteers; the other role to deal with the centralisation of references for volunteers.

In terms of oversight and scrutiny, Oxfam GB have confirmed that safeguarding reports given to the Trading Trustee Group meetings were verbal and were not minuted. The staff leading on this confirmed that, at the request of the Lead Trustee for Trading, a safeguarding update has been and remains a standing item on the agenda for every six-monthly meeting:

“The updates include but go beyond the nature and number of reported incidents – covering more strategic matters such as plans to raise awareness and improve reporting levels and discussions around training and DBS checking policy. However, we acknowledge that until 2018 Trading safeguarding was not reporting to trustees in a systematic way on strategic...matters nor against any... KPIs.”

The Inquiry was informed by Oxfam GB that there are now audit mechanisms in place for its Trading Arm. They explained that the Trading Internal Audit Team now comprises one paid manager and 30 volunteer auditors, each with background in audit or compliance. The 2019 ‘audit guide for managers’ template was made available to the Inquiry. The Inquiry was informed that Oxfam GB’s Trading Division’s aim is to audit each shop every two years. The internal audit covers a variety of areas including banking processes, health & safety, safeguarding, GDPR, security and shop operations with all questions carrying the same weight. Oxfam GB operates a traffic light system for audit reports. Stores which do not comply with more than 30 items on the audit questionnaire are rated as red or high risk. A red/high risk rated store is subject to an audit every 6 months until it improves. Oxfam GB gave evidence that in 2017/18, 345 audits were completed and in 2018/19, this was 300 across 285 shops. Oxfam GB informed the Inquiry that an annual report of the audits of shops is provided to TAFG.

Matters arising from internal audits

While the Inquiry has seen evidence of a proactive and developing approach to risk management in Oxfam GB's shops, in particular since 2016, there are some matters arising from the internal audits which concern the Commission:

Overdue audits/audit completion rates

Although Oxfam GB has an aspiration to internally audit each shop once every two years, there are currently 161 shops (approx. 27% of the network) which are overdue an audit and 50 shops which are currently without an allocated auditor. The annual internal audit report for 2018/19 notes that *"Over the last number of years several of the volunteer auditors have dropped shops to reduce their workload due to age/health reasons. This scattering of shops has made recruitment difficult due to the distance between sites"*.

The Inquiry requires Oxfam GB to review and address this matter to ensure that it has in place an adequately resourced internal audit programme which can provide the trustees with appropriate and timely assurance on risk management in Oxfam GB's shops.

Shop volunteer worker risk assessments

Oxfam GB's Trading Division policy is to risk assess *"all volunteers, not just CSO volunteers, children and adults at risk"*. The Inquiry considers that these risk assessments are an important measure given the results of the Independent Review Team's work which assessed that at least 80% of safeguarding allegations and incidents in Oxfam GB's shops involve volunteers¹³⁵.

The Inquiry requested information from Oxfam GB's internal audit work on shop volunteer workers risk assessment forms. The information provided shows that 9.7% of shops audited in 2018/19 were marked down for not having the required documents in place/incomplete documents on file. Although this is an improvement on the 2017/18 results (13.9% of audited shops were non-compliant) the non-compliance rate is a cause for concern for the Inquiry since it indicates that potentially around 60 stores are not adequately complying with Oxfam GB's risk assessment policy.

Although the Inquiry accepts that it may not be possible to obtain 100% compliance, it requires Oxfam GB to review this matter and consider what further reasonable steps it can take to improve compliance in this area.

Tolerances for non-compliance and risk weighting

At present compliance with each audit question carries equal weight. However, it is the Inquiry's view that the organisational risk arising from non-compliance can vary from question to question and that the current approach will not necessarily identify higher risk thematic areas, such as shop volunteer worker risk assessments, which require management attention and/or trustee scrutiny. As such it is the Inquiry's view that Oxfam GB should review its approach to tolerance levels for non-compliance for individual questions or areas. A revised or weighted approach to non-compliance may also alter those stores which are flagged as red or high risk.

Red/High risk stores

The Inquiry recognises that there will always be a proportion of stores with some compliance and performance issues in an estate of over 600 shops. The Inquiry also notes the reduction in red audits from 60 in 2017/18 to 25 in 2018/19. However, of some concern to the Inquiry is that a small core of 12 stores with compliance issues which have between them received 34 consecutive red audits in 2018/19. A similar pattern arose in 2017/18.

¹³⁵ The independent review assessed from a sample of from 65 safeguarding allegations and incidents recorded in the Trading Arm, that 80% (52) of the subjects of concern were volunteers.

The Inquiry requires Oxfam GB to review the mechanisms and frequency by which the Trading Arm management are held to account for their audit reports and for the delivery of effective action plans to remedy poor compliance.

Independent Review Team's findings

The Independent Review Team assessed the approach taken to managing safeguarding risk in the shops of Oxfam GB's Trading Arm in the context of the results of its casework audit.

"Oxfam GB's Trading Arm (TA) is the most 'recognisable' in the sense that its safeguarding functions mirror what would be seen in many other UK based operations. The eight regional Business Partners (HR trained professionals) provide a good framework to support the many staff and volunteers working in Oxfam GB's shops across the UK. Whilst this team needs to strengthen its engagement with UK wide LADO arrangements, it is delivering responsive and valued support." [2.58 Page 24] The independent review also reported *"In terms of the investigative process..... the Review did see evidence of tangible improvements, especially in the Trading Arm, where casework was assessed by the Review as being higher in quality."*

At the time of the review, the Independent Review Team identified 12 individuals transitioning from prison and 57 serving community sentences who were volunteering in Oxfam GB's UK stores. The review established seven individuals serving community sentences that had not been subject to a risk assessment in three shops, in accordance with Oxfam GB's policy. *"The reasons for this failure ranged from it being 'in the process', to 'Management (in one shop) didn't know it was a requirement' and a change of personnel in charge of this duty"*.

This is clearly of concern to the Inquiry although it appreciates and accepts that there will always be some occasions in any organisation where by human error or oversight some aspects of procedure or policy might not have been strictly adhered to in a particular case. However, these should be minor deviations, and/or isolated human error incidents where in any event the audit, quality and assurance systems and/or management oversight should be able to identify these promptly and provide a safe and constructive environment to ensure they are improved upon and learnt from for the future.

Oxfam GB gave evidence to the Inquiry in May 2019 that they had already identified and were dealing with issues in one of the shops.

Through its analysis of Oxfam's GB's safeguarding case files the Independent Review Team identified nine undisclosed (or suspected undisclosed) RSOs who had undertaken volunteering in Oxfam GB's shops¹³⁶. The status or suspected status of these individuals was not identified prior to their engagement as volunteers and only became apparent during their tenure as a volunteer, and was not connected to any known offending within Oxfam GB.

The Independent Review Team found that *"when the status/suspected status was discovered, they generally had their offer to volunteer withdrawn. However, on occasions, shop managers/staff appeared to have known about the previous offending and had allowed the risk to continue. Some of the practice involving these cases demonstrates a clear lack of understanding of safeguarding and it is reasonable to have expected Oxfam GB to have engaged with the police or other appropriate statutory agency.... In the experience of the Review, most organisations engaging a large unvetted workforce will encounter the same or similar problems in terms of people who are unsuitable to work with the vulnerable. The key issue is not that such people and the risks they represent exist, it is how the risk is identified and mitigated by appropriate recruitment, vetting and aftercare."* [2.107-110 page 34]

Oxfam GB provided evidence to the Inquiry that they have had 9 instances of undisclosed RSOs in a seven period and that there were 2 instances when the shop management or staff appeared to have known about the RSO. In both of these cases Oxfam GB state that the *"invitation to volunteer was withdrawn as soon as senior management became aware of the RSO status"*.

Oxfam GB also stressed to the Inquiry that to date none of the safeguarding incidents or allegations which had been dealt with by the Trading Arm involved CSOs or undisclosed RSOs.

¹³⁶ Six of these cases were from 2017, the other 3 cases were from 2016 or older.

The Independent Review Team have made several recommendations to strengthen the approach to risk management in shops which are outlined in the next section.

Relevant Independent Review Team recommendations on risk management in shops and Oxfam GB's status report on implementation

The Independent Review Team has made 4 recommendations in this area.

Table 11 summarising recommendations and implementation status in respect of risk management in shops

Ineqe		Oxfam GB	
No.	Recommendation	Reported Status	Completion Timescales
70	Oxfam GB should ensure that they have a non-negotiable rule in all shops that no-one under 18 can work in the shop unless there is an adult supervisor on duty who has appropriate level of DBS check in accordance with relevant legislation. If for any reason this is not possible the child must be sent home even if it means a shop has to be closed.	Complete	To be tested through verification and assurance work
71	Oxfam GB should strengthen their policy regarding suspected Registered Sex Offenders (RSO) volunteering in stores which facilitate work experience for children and vulnerable adults. Such policy should include advice and information about appropriate pathways for reporting. This should not prohibit them, if they so wish from supporting other employment and rehabilitation opportunities in other areas of their business. Training for TA managers and lead volunteers should be consider to reinforce the application of this policy.	Complete	To be tested through verification and assurance work
72	Volunteers in the Trading Arm should undergo DBS/PVG checking to the highest level that is lawful, according to their role within the Trading Arm and that Oxfam GB is entitled to seek. For those in qualifying roles a standard or enhanced DBS check must be sought.	Complete	To be tested through verification and assurance work
73	Oxfam GB should ensure the consistent application of its policy to risk assess volunteers who are engaged via Community Service Orders.	Complete	To be tested through verification and assurance work

Oxfam GB have taken further steps to strengthen this area and have reported to the Inquiry that they have now addressed all the Independent Review Team's recommendations. They undertook a further review of all CSOs themselves, checked all risk assessments were on file in shops or these risk assessments were completed and held by the Probation Service, and in 2019 issued updated guidance for area managers and shop managers on dealing with CSOs and offenders. The new assurance steps include that the probation service must in all cases consider an individual suitable for working in a customer facing environment.

The Inquiry considers it imperative that the trustees ensure that there are appropriate measures in place to provide them with assurance of compliance in this area going forward in particular in respect of volunteer risk management. This, and the effectiveness of the revised assurance mechanisms, will be tested as part of the Commission's monitoring and follow up work to the Inquiry.

Conclusions and wider lessons

Conclusions

No charity is more important than the people it serves or the mission it pursues.

The charity's governance and culture with regard to safeguarding has repeatedly fallen below standards expected and failed to meet promises made. Whilst it is clear that after the events in Haiti in 2011, the trustees voiced their commitment to prioritise safeguarding, decisions on safeguarding made between 2012 and 2017 meant resourcing and capabilities did not adequately match the risks faced by the charity. The charity's actions were not sufficient to implement the strategic level improvements they themselves identified and committed to as necessary. These decisions and the lack of resource put undue pressure on the Oxfam GB safeguarding team, who raised their concerns with the senior executive and trustees at the time. As late as 2017, promises that the resources for safeguarding would be increased were not delivered.

Oxfam had a responsibility to provide a safe environment for its beneficiaries, staff and other charity workers in the delivery of its overseas work and here in the UK. It did not always do that. This is evident in what happened in Haiti in 2011. A culture of tolerating poor behaviour existed in Oxfam in Haiti at the time. There were early warning signs of this from 2010; ultimately some individuals took advantage both of the charity's presence in Haiti and the culture of poor accountability that existed.

Oxfam GB's approach to reporting to donors, agencies and the Charity Commission as its regulator was not as good as it should have been. The Inquiry concludes that Oxfam GB's initial reporting of Haiti should have been more full and frank – the current leadership of Oxfam GB agrees. Oxfam GB have explained why this happened and have accepted the criticism and learning on this. The Inquiry is also critical of how the charity presented the resignation of the Country Director at the time.

The events in Haiti in 2010/11 and concerns about how they were handled have become a focal point for the resulting damage to public trust and confidence in the charity and other charities over the last year. The then trustees and executive did take time to reflect on lessons learnt from the events of Haiti in 2011 and put actions in place to address these. However, the Inquiry is critical of aspects of Oxfam GB's handling of those incidents and other allegations at the time. The combination of these incidents and the way in which Oxfam GB reported and dealt with them undoubtedly damaged Oxfam's reputation as a major aid charity and the confidence its beneficiaries, staff and volunteers and public need to have in it. Neither the actions of those people involved in the events in Haiti nor the harm done can be justified or minimised by reference to the vital humanitarian relief work of Oxfam.

Ultimately Oxfam GB's culture and response on safeguarding matters throughout the period from 2011 to 2017 fell short of expectations and the commitments made:

- safeguarding was not ignored by the trustees, but neither the resources committed nor the executive's implementation was enough to constitute an adequate organisational response
- the importance of responsible behaviours and conduct was not embedded in part of its daily activities across the organisation and its work and people
- this led to a workforce that was not empowered or confident enough to challenge poor behaviours
- nor did the workforce have the necessary confidence in management and systems for reporting concerns
- the risk to, and impact on, the victims appeared to take second place at times and was not taken seriously enough; victims, whistle blowers and those staff who tried to raise concerns were let down.

At the beginning of the Inquiry, Oxfam GB's Chair provided an unequivocal commitment to the Charity Commission that Oxfam GB, its staff and trustees would co-operate fully with the Inquiry, and they have done so; she also committed to resolving the issues faced by the charity to restore public trust and confidence in Oxfam GB and enable the critical work of the charity to continue.

The Charity Commission has given an official warning to Oxfam GB as a sanction for past failings. The Inquiry concludes and recognises that the charity, through its leadership, has made significant progress to improve weaknesses in its safeguarding since 2017 and during the period of this Inquiry. Significant further

cultural and systemic change is required to address fully the failings and weaknesses identified by the Inquiry so the Charity Commission has issued a regulatory direction to provide continued public assurance that the outstanding actions necessary will be implemented.

Some of the issues highlighted in the inquiry are not confined to Oxfam GB, as other reports and events over the last year demonstrate. Charities now need to ensure they learn the lessons from these findings. Keeping people safe is an integral part of their front line operations. It is not an added extra.

Wider lessons

Trustees are collectively responsible for their charity and ultimately accountable for everything done by the charity and those representing the charity. Trustees must actively understand the risks to their charity and make sure those risks are properly managed; the higher the risk, the greater the expectation and the more oversight is needed. In a large and complex charity it is normal for the executive to have significant decision making authority – but the trustees must still be willing and able to hold the executive to account.

Protecting people and safeguarding responsibilities should be a governance priority for all charities. As part of fulfilling their trustee duties, trustees must take reasonable steps to protect people, who come into contact with their charity, from harm. Protecting people from harm is not an overhead to be minimised, it is a fundamental and integral part of operating as a charity for the public benefit.

Operating internationally, across multiple legal jurisdictions and cultural contexts and in the midst of humanitarian crisis, is a profoundly complex and difficult endeavour and lives depend on the work of UK charities and the thousands of charity workers and volunteers across the world. Public expectations of charities operating in this space are high precisely because of the critical importance of this work. Failure to take reasonable steps to protect people cannot be excused by the difficult context a charity is working in, nor can incidents of harm be justified in relation to the importance of the cause.

Effective trustee boards lead by example, setting and owning the charity's values, setting the standard and modelling behaviours that reflect those values, and requiring anyone representing the charity to reflect its values positively. An effective culture of keeping people safe identifies, deters and tackles behaviours which minimise or ignore harm to people and cover up or downplay failures. Failures to protect people from harm should be identified and lessons learned and there should be full and frank disclosure, including to regulators. There should be clear consequences for anyone whose conduct falls short of what is required regardless of how senior they are.

Raising concerns often takes courage, and those who do so deserve to be taken seriously and treated with respect and sensitivity. It should be clear how to raise concerns in a charity, there should be a proper process for listening to and assessing concerns raised by a whistle blower, and whistle blowers should be told what has happened as a result of their report.

Dealing properly with incidents of harm to people, reporting them, and ensuring lessons are learned and acted on will protect the reputation of a charity in the long term; it means that donors, stakeholders and the wider public can be confident that the charity operates with integrity and delivers on its charitable purpose. Focusing on avoiding negative or critical media coverage when incidents have happened will not fulfil the trustees' duty to protect a charity's reputation, nor serve the shared responsibility to uphold the reputation of charity as a whole.

Charities must never lose sight of why they exist and must demonstrate how their charitable purpose drives everything they do, and most especially how they respond when things go wrong.

Regulatory action

On 7 June 2019 the Commission exercised its legal powers and issued an official warning under section 75A of the Charities Act 2011 on the grounds there has been some areas of mismanagement in relation to Haiti and its safeguarding governance prior to 2018. The Commission considered using the power was appropriate and proportionate to promote compliance and assist with repairing public trust and confidence. The action will give public assurance the charity was being held to account for past failings, corporately and collectively and also assist in giving confidence to current and potential donors and funders that there has been sanction for previous failings where the charity has fallen short on safeguarding.

On 10 June 2019 the Commission exercised its legal powers and made an order under section 84 of the Charities Act 2011 directing the trustees to take action expedient in the interests of the charity to give continued public assurance that the outstanding actions to implement the recommendations made by the Independent Review and related matters will be carried out.

The order directed the trustees to take actions including to submit an action plan for the Commission's approval by 30 June 2019 which sets out the steps by which it will, acting in the best interests of the charity, implement the outstanding actions relating to 1) recommendations and other actions required by the Commission related to safeguarding risk management and assurance matters in respect of Oxfam's UK shops, and 2) other matters arising from the final report recommendations and findings of the Independent Commission on Sexual Misconduct, Accountability and Culture. Further, to then implement those actions by the specific, agreed dates for each one, provide written progress updates until the completion of the work and provide assistance to the follow-up verification work directed, supervised or undertaken by the Commission.

In closing the inquiry the Commission provided general regulatory advice and guidance under section 15(2) of the act in relation to trustee duties on safeguarding and trustee duties.

Oxfam GB's response

In February 2018, Oxfam GB issued a statement, which is still on its website at the date of this report that said:

"You will have seen reports of the sexual misconduct of some former Oxfam employees in Haiti in 2011 and in Chad in 2006. We are so sorry for the appalling behaviour that happened in our name. We are an organisation that fights for women's rights, and that makes this disgraceful behaviour particularly hard to bear. We want you to know we're doing everything in our power to help stamp out abuse, and we'll be keeping this page updated with information as we continue this vital work."

The current Chair, Caroline Thomson, issued a further statement that said that *"things have to change and we will learn from these mistakes"*.

The current Chair and the 2013 CEO signed a joint letter dated 17 February 2018 to Oxfam's supporters and volunteers. In a statement on Oxfam GB's website the Chair apologised for the sexual misconduct of some former Oxfam staff in Haiti in 2011 and in Chad in 2006. They also apologised to the people of Haiti and Chad, who they confirm *"had a right to expect the very best of us"*.

Oxfam GB's 2017-18 annual report, published in October 2018, included a statement from then Chief Executive Mark Goldring that: *"From 2011, we began to make improvements to our safeguarding practices but it is a matter of deep personal regret that we did not go far enough fast enough. There are no excuses. Since February, we have embarked on a process of deeper transformation."*

In 2019, the current Chair wrote to the Chair of the Charity Commission apologising on behalf of Oxfam for all the failings identified by the work of the Inquiry and explaining that the Council continue to feel a sense of shame that the behaviour in Haiti in 2011 happened in the organisation. The current Chair said that she is particularly sorry that Oxfam did not in 2011 investigate adequately the allegations of 18 July 2011 that minors were being sexually abused by Oxfam employees, nor report them to the Commission or law enforcement at the time, stating: *"Today, such a serious allegation would be dealt with very differently"*. With the agreement of the Charity Commission, Oxfam referred the allegations to the law enforcement agencies during the course of this Inquiry.

The current Chair apologised that in 2011 Oxfam had allowed the then Country Director to resign without investigating and reporting matters that came to their attention before and immediately after he resigned – particularly for allowing him to have a *"phased and dignified exit"*. The current Chair further apologised that prior to 2018 Oxfam had not fully complied with the Commission's serious incident reporting regime in relation to safeguarding incidents, due to control and oversight weaknesses, and that Oxfam's safeguarding case records and management were inadequate meaning record-keeping and effective oversight were hampered.

In 2019, giving the keynote speech to the NCVO annual conference, the new and current CEO of Oxfam GB promised to address the power abuses that the High Level Independent Commission on Sexual Misconduct, Accountability and Culture Change at Oxfam had identified as a key factor in enabling abuse.

*"The cause of our **safeguarding** failures lay not only in faulty procedures or policies, but in an institutional culture that privileged and protected certain people and practices."*

"The changes we need to make at Oxfam are both systemic and cultural. They include our policies and practices..... But they also include our attitudes and behaviours. We need to make a concerted, explicit effort to deconstruct the power inequities that are all too easily built into, and perpetuated by, institutions like ours."

The current Chair has also assured the Commission of Oxfam's continued focus on learning and improving, noting that Oxfam sees the Commission's Inquiry report as being an important step in its journey of improvement and of rebuilding trust with Oxfam's key stakeholders.

Oxfam GB has overhauled its processes for reporting serious incidents to the Charity. Oxfam GB has accepted all 79 recommendations from the Ineqe Independent Review. The trustees of Oxfam GB are actively monitoring their implementation and have reported to the Commission that 59 recommendations had been implemented as of 31 May 2019.

Annex 1: The RSI from Oxfam GB to the Charity Commission and Response

From: REDACTED
Sent: 25/08/2011
To: REDACTED
Subject: Oxfam - Serious incident in Haiti

To whom it may concern,

This is to inform you of a serious incident which has occurred in our Haiti programme. The incident was initially reported to Oxfam in July and involved accusations of serious misconduct by Oxfam staff. The incident has been subject to an internal investigation. I have delayed reporting this until our investigation concluded that a serious incident had occurred and we were clear as to the nature and extent of the incident.

As a result of this investigation 9 members of staff have been subject to disciplinary procedures. Some of these staff have been dismissed for gross misconduct. The cases of misconduct relate to inappropriate sexual behaviour, bullying, harassment and intimidation of employees. I am pleased to report that there have been no allegations, or evidence, of any abuse of beneficiaries or any instances of fraud or financial malpractice. Following the completion of the investigation we will carry out a thorough lessons learned review to minimise the risk of future incidents of this nature.

Further to our initial statement to the media earlier this month, which simply stated that an incident had occurred and was being investigated (see attached statement), we are planning to issue a second statement that provides more information in early September when the investigation and resulting disciplinary processes have been concluded. We do not expect that this statement will go into any detail about the nature of the misconduct so the information provided to you about the nature of the investigation should remain confidential. Please let me know if this is likely to cause any difficulties for you.

We will notify the Charity Commission prior to the issue of this second statement.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

NAME REDACTED

Text and Recorded Date that the Charity Commission hold on file:

30/8/2011

Dear **REDACTED**

Thank you for your email advising us of the serious incident that occurred in your Haiti programme. I note that the misconduct described is confidential.

As Oxfam has taken appropriate action following the incident we have no regulatory concerns. I have noted the press statement for our records. I look forward to receiving a copy of the second press statement to be released in September.

Thank you again for bringing this matter to our attention.

Kind regards

NAME REDACTED
Large Charities Division
Charity Commission

Oxfam announces internal investigation into misconduct by staff in Haiti

August 5th, 2011 at 5.51 pm.

(Port au Prince) - Oxfam has launched an internal investigation into allegations of misconduct against a small number of Oxfam Great Britain staff in Haiti. Staff members have been suspended pending the outcome of the investigation, which is expected to be completed by September.

Oxfam GB Chief Executive Barbara Stocking said, "Oxfam never tolerates misconduct by our aid workers. We will take forceful and immediate action pending the outcome of the investigation.

"We will continue our work with poor communities and be accountable to those who need assistance in Haiti," Stocking said.

Contact: [NAME REDACTED] in the UK on +44[REDACTED] or [EMAIL REDACTED] or [NAME REDACTED] in Haiti on [NAME REDACTED] or [EMAIL REDACTED]

Notes to Editors:

1. Oxfam has been working in Haiti since 1978. Oxfam helped approximately 700,000 people during the first phase of the humanitarian response to the 2010 earthquake and has assisted more than 500,000 Haitians through its cholera response programme. Oxfam is engaged in Haiti in long-term development programmes, helping to improve Haitian people's livelihoods and build the capacity of local civil society.
2. Oxfam is an organisation of integrity with strong principles of governance, transparency and accountability. Oxfam GB published its first annual accountability report in 2007. All reports are available on <http://www.oxfam.org.uk/resources/accounts/#accountability>
3. Oxfam GB has adopted the standards of both the Global Reporting Initiative (GRI), the International Non-Governmental Organisations (INGO) Accountability Charter, and is a member of the Humanitarian Accountability Partnership.

ENDS///

Annex 2: CODE OF CONDUCT – OXFAM GB

INTRODUCTION

As an Oxfam GB staff member, you are required to abide by the organisation's policies and procedures, the terms and conditions of your employment (as outlined in your employment contract), and to ensure your conduct is in keeping with the organisation's beliefs, values and aims.

The aim of this Code of Conduct is to give you guidance regarding the key issues that you need to be aware of as an Oxfam GB staff member, and the standards by which you may need to behave in certain circumstances. The Code applies to all Oxfam GB staff, regardless of location, and in accepting appointment, you undertake to discharge your duties and to regulate your conduct in line with the requirements of this Code. The Code is designed for your guidance and protection, although a breach may result in disciplinary action (including dismissal in some instances) and, in some cases, may lead to criminal prosecution.

Whilst recognising that local laws and cultures differ considerably from one country to another, Oxfam GB is a British based International NGO, and therefore the Code of Conduct is based on European and International Legal standards, as well as being written to reflect the organisation's fundamental beliefs and values (as outlined below), to support its mission to work with others to overcome poverty and suffering and its commitment to ensuring that staff members avoid using possible unequal power relationships for their own benefit.

OXFAM GB – MISSION, BELIEFS AND VALUES

Oxfam GB's Purpose - To work with others to overcome poverty and suffering.

Oxfam GB's Beliefs - The lives of all human beings are of equal value.

In a world rich in resources, poverty is an injustice, which must be overcome.

Poverty makes people more vulnerable to conflict and natural calamity; much of this suffering can be prevented and must be relieved.

People's vulnerability to poverty and suffering is increased by unequal power relations based on, for example, gender, race, class, caste and disability; women who make up the majority of the world's poor are especially disadvantaged.

Working together we can build a just and safer world, in which people take control over their own lives and enjoy their basic rights.

To overcome poverty and suffering involves changing unjust policies and practices, nationally and internationally, as well as working closely with people in poverty.

Oxfam GB's Diversity - Oxfam GB recognises that our beliefs on equality are also relevant to our ways of working. They relate to the way that we treat, work with and value those who are different from ourselves. We recognise that those who are different from ourselves should be treated with respect, have something positive to offer and have an equal right to access resources and opportunities.

Oxfam GB's Anti-Harassment aims and beliefs in the dignity of all people, and undermining to its

Policy vision of equal opportunities. Consequently, Oxfam GB will not tolerate the harassment of staff, volunteers, contractors, partner organisations, beneficiaries or any others.

CODE OF CONDUCT - STANDARDS

As a staff member of Oxfam GB, I will:

1. Be responsible for the use of information and resources to which I have access by reason of my employment with Oxfam GB.

- I will ensure that I use Oxfam GB information, funds and resources entrusted to me in a responsible manner and account for all money and property, following the appropriate policy and procedural requirements. Resources and property include

Oxfam GB vehicles

Telephones, photocopiers, fax machines and stationery

Other office equipment or equipment/resources belonging to Oxfam GB

Computers including the use of email, internet and intranet

Oxfam GB accommodation (including Oxfam housing in international locations)

2. Ensure the safety, health and welfare of all Oxfam GB staff members, volunteers and contractors.

- I will adhere to all legal and organisational health and safety requirements in force at the location of my work.

- I will comply with any local security guidelines and be pro-active in informing management of any necessary changes to such guidelines.

- I will behave in such a way as to avoid any unnecessary risk to the safety, health and welfare of myself and others, including partner organisations and beneficiaries.

3. Ensure that my personal and professional conduct is, and is seen to be, of the highest standards and in keeping with Oxfam GB's beliefs, values and aims.

- I will treat all people fairly and with respect and dignity.

- When working in an international context or travelling internationally on behalf of Oxfam GB, I will observe all local laws and be sensitive to local customs.

- I will not work under the influence of alcohol or use, or be in possession of, illegal substances on Oxfam GB premises or accommodation.

- I will seek to ensure that my sexual conduct does not bring Oxfam GB into any ill repute and does not impact on or undermine my ability to undertake the role for which I am employed.

- I will not enter into commercial sex transactions with beneficiaries. For the purpose of this Code of Conduct a transaction is classed as any exchange of money, goods, services or favours with any other person.

4. Perform my duties and conduct my private life in a manner that avoids possible conflicts of interest with the work of Oxfam GB and my work as a staff member of the organisation.

- I will declare any financial, personal, family (or close intimate relationship) interest in matters of official business which may impact on the work of Oxfam GB— e.g. contract for goods/services, employment or promotion within Oxfam GB, partner organisations, civil authorities, beneficiary groups.

- I will behave in a manner that does not undermine national or international perceptions of Oxfam GB's impartiality.

- I will seek permission before agreeing to being nominated as a prospective candidate or another official role for any political party.

- I will not accept any additional employment or consultancy work outside of Oxfam GB without prior permission from management.

- I will not accept significant gifts or any remuneration from governments, beneficiaries, donors, suppliers and other persons, which have been offered to me as a result of my employment with Oxfam GB.

- I will not abuse my position as an Oxfam GB staff member by requesting any service or favour from others in return for assistance by Oxfam GB.

5. Avoid involvement in any criminal activities, activities that contravene human rights or those that compromise the work of Oxfam GB.

- I will contribute to combating all forms of illegal activities.

- I will notify Oxfam GB of any unspent criminal convictions or charges prior to employment.

- I will also notify the organisation if I face any criminal charges during my employment.

- I will not engage in sexual behaviour with children under the age of 18, regardless of local custom.

- I will not abuse or exploit children under the age of 18 in any way and will report any such behaviour of others to my line management.

6. Refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or exploitation.

- I will fully abide with the requirements of Oxfam GB's equal opportunities, diversity and anti-harassment policies.
- I will never engage in any exploitative, abusive or corrupt relationships.

I have read carefully and understand the Oxfam GB Code of Conduct and hereby agree to abide by its requirements and commit to upholding the standards of conduct required to support Oxfam GB's aims, values and beliefs.

Name

Signature

Date

APPLICATION OF THE CODE OF CONDUCT

The Code of Conduct is intended to serve as a guide for all Oxfam GB staff in making decisions in their professional lives and, at times, in their private lives. By following this Code of Conduct, it is intended that all staff will contribute to strengthening the professionalism and impact of the work of Oxfam GB.

The Code of Conduct forms part of the terms and conditions of employment of all staff. Further information and detail on specific aspects of this Code can also be found in Behaviour at Work in Oxfam GB's Policies and Procedures.

1. All staff will be given a copy of this Code of Conduct and be required to familiarise themselves with its requirements, by reading and discussing the Code with their manager or colleagues.
2. All staff will be required to confirm this by signing their agreement to the Code of Conduct and by keeping a copy. A further copy of the signed agreement will be kept on the staff member's personal file.
3. Further information on the provisions within the Code can be found in Oxfam GB's policies, procedures and guidelines. If needed, staff can also seek further clarification from their manager or a member of the Human Resources team.
4. For staff relocating to another country of work, guidance will also be given in relation to local specific customs and legal requirements, in order to inform the behaviour that they will be expected to adopt.
5. Further guidance and information will also be distributed to each office and work place and may also be found in related documents (e.g. Local Security Guidelines).
6. Managers have a responsibility to ensure that all staff, including newly recruited staff, are provided with a copy of the Code of Conduct, understand its provisions clearly, and sign their agreements to its terms.
7. Managers also have a particular responsibility to uphold the standards of conduct and to set an example.
8. In the recruitment and selection of staff, managers should seek to ensure that candidates selected support the beliefs and values of Oxfam GB and do not have a work history that contravenes the requirements of this Code.
9. Any staff member who has concerns about the behaviour of another staff member should raise these with the appropriate line manager. Any concerns will be treated with urgency, consideration and discretion.
10. Any breaches to the requirements of this Code of Conduct will be subject to investigation and possible disciplinary action in line with Oxfam GB's Disciplinary procedure.

KEY RELATED DOCUMENTS

Behaviour at Work Policy	Dealing with Problems at Work Policy
Health and Safety Policies	Electronic Mail Usage
Anti-Harassment Policy	Information Systems Security Policy
Disciplinary and Grievance Procedures	Internet Usage
Expenses Policy and Financial Procedures	Intranet Usage
Gender and Development Policy	Child Protection Policy
Disclosure of Malpractice in the Workplace	Vehicles Policy
Security Policy and Local Security guidelines	
Employment Practice in the Protection and Prevention of Abuse of Vulnerable Groups	

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