



**Making People Safer**

**Oxfam GB**  
**Independent Safeguarding Review**

**2018**

**Learn | Lead | Empower**

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## Chair's Note

Under the Terms of Reference, the Independent Reviewer has final editorial control of the final Phase 1 review report, rather than the Chair. Nevertheless, the Chair was tasked with ensuring three matters under the Terms of Reference, and her position on each of them is as follows.

First, the Chair was asked to “*ensure that the Independent Review is sufficiently robust and independent*”. I have no reason to doubt that the Independent Review was independent of Oxfam GB. There was robust challenge to the information with which the Review was provided by Oxfam GB, and to the individuals at Oxfam GB with whom the Review engaged.

Secondly, the Chair was asked to “*ensure that the final Phase 1 review report has been produced in compliance with the principles of natural justice and fairness; in particular any individual who may be subject to significant criticism in the report should be given an opportunity in advance to comment on the report's conclusions*”. I am satisfied that all individuals who may be subject to significant criticism in the report were given an opportunity in advance to comment on the report's conclusions.

Thirdly, the Chair was asked “*to ensure that the findings of fact and expressions of opinion in the final Phase 1 review report are justified on the available evidence, are reached taking into account all relevant matters into account and disregarding all irrelevant matters, are reasonable and are adequately reasoned*”. There is one aspect of the report, as set out in the Executive Summary, which in my opinion falls short of this requirement.

Insofar as the report makes findings in relation to Oxfam GB's safeguarding arrangements generally prior to 2017 (as distinct from its reporting to the Charity Commission and statutory funders in the UK, and its internal investigation and disciplinary processes), it exceeds the scope of the Terms of Reference.

## **Independent Reviewer's Response**

With regards to exceeding the Terms of Reference, as highlighted in the final paragraph of the Chair's Note, I must respectfully differ. In my opinion, this approach is covered by the scope of the Terms of Reference and was necessary to reflect on previous leadership, management and practice in order to benchmark, place in context and measure progress.

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## Acknowledgement

The Independent Reviewer wishes to thank everyone at Oxfam GB for their constructive engagement and support during what has been a complex review. Nearly two thousand individuals from across the charity's geographic footprint participated in our online survey, with many current and former members of staff either e-mailing, writing or speaking to us directly after our staff briefings.

The team leading the review greatly appreciated the assistance of those in Oxfam GB who managed the coordination and supply of thousands of documents and to those who provided support to our fieldwork and site visits. These included over fifty interview and feedback sessions, as well as one to one interviews with key personnel in the UK, Rwanda and Tanzania.

The Independent Reviewer also wishes to put on record his thanks to the Charity Commission and in particular Kate Gallafent QC, the Independent Chair, whose insight, challenge and support has been invaluable.

Finally, it would be remiss not to acknowledge the critical insight provided by Helen Evans, a previous Head of Global Safeguarding and the former CEO Mark Goldring. Mark's humility, compassion and commitment to learn from what had happened was unquestionable.

## **The Independent Chair**

Kate Gallafent QC was appointed as independent Chair by the Charity Commission in March 2018.

## **The Independent Reviewer**

Jim Gamble QPM is a former Chief Police Officer and was the founding Chief Executive of the Child Exploitation and Online Protection (CEOP) Centre. He is currently the CEO of the Ineqe Safeguarding Group and the Independent Chair of both the City and Hackney and the London Borough of Bromley Safeguarding Children Boards.

He was the UK ACPO<sup>1</sup> lead for child abuse investigation, internet safety and countering child trafficking. He was a co-author on the UK's first Domestic Homicide Review<sup>2</sup> and in 2010 was appointed by the then Home Secretary to lead the initial scoping review of the investigation into the disappearance of Madeleine McCann. More recently, in 2016 he led a wide-ranging safeguarding review of an NHS Trust and has commissioned and overseen a number of contemporary Serious Case Reviews.

## **Review Panel**

Given the complex nature of this task, the Independent Reviewer has relied on a Review Team and Quality Assurance and Ethics Panel with over 250 years combined experience. Their multi-agency involvement spans safeguarding, charity, public sector and criminal justice practice from the front-line to senior leadership roles. (See Appendix C for details).

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<sup>1</sup> Association of Chief Police Officers

<sup>2</sup> <https://aafda.org.uk/wp-content/uploads/2015/07/Pemberton-Homicide-Review-2008.pdf>

## 1. INTRODUCTION

1.1 On 12 February 2018 the Charity Commission (the independent regulator of charities in England and Wales) opened a statutory inquiry into Oxfam GB. This was initiated as a consequence of alleged misconduct by staff working in Haiti and the Commission's concerns that Oxfam GB '*...may not have fully and frankly disclosed material details about the allegations at the time in 2011, its handling of the incidents since, and the impact that these have both had on public trust and confidence*'.<sup>3</sup>

1.2 At this time, Oxfam GB also sought to engage an independent review of its current safeguarding provision (the Review). Following consultation with the Charity Commission, it was agreed that this work would be subject to the supervision of the statutory inquiry. The Review commenced on the 26<sup>th</sup> March 2018.

1.3 Set against an agreed methodology and focused Terms of Reference (ToR) (*Appendix A*), the Review was tasked to:

Review the sufficiency of Oxfam GB's current safeguarding arrangements (including leadership and culture) in meeting the charity's obligations both domestically and internationally to its beneficiaries, staff and other charity workers, with specific regard to:

- the charity's safeguarding strategy (including the sufficiency of the charity's prevention, deterrence, training and awareness measures);
- governance;
- HR policies and practice;
- organisation, management, resources;
- systems and processes; and
- the sufficiency of, and progress to date in implementing, the 2017 Action Plan and current safeguarding improvement plans.

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<sup>3</sup> <https://www.gov.uk/government/news/charity-commission-opens-statutory-inquiry-into-oxfam-and-sets-out-steps-to-improve-safeguarding-in-the-charity-sector>

Review the management of a sample of historic safeguarding incidents, complaints, allegations, reports or cases (Safeguarding Cases) for the period 2011 to present - excluding the known cases arising in relation to Haiti in 2011 and the Philippines in 2013<sup>4</sup> to:

- assess the integrity and sufficiency of Oxfam GB's internal investigation and disciplinary processes;
- assess the adequacy of Oxfam GB's provision of information in respect of safeguarding cases to other aid agencies, both on a proactive and reactive (such as when asked for a reference) basis.

Review all safeguarding incidents, allegations, complaints, reports or cases for the period 2011 to present – excluding the known Haiti 2011 and Philippines 2013 cases – providing assurance that:

- all relevant matters which meet the Commission's Serious Incident Report (SIR) criteria applicable at the time have been reported as SIRs to the Commission;
- 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
- the circumstances of the notifiable incident have been fully disclosed to the Commission and
  - where required by law and subject to the consent of the victim where reasonably required, to other UK statutory agencies; and
  - in other countries, where the victim agrees and there are no reasonable human rights concerns, to the relevant statutory agencies.
- the charity has adequately and accurately disclosed information about these matters to statutory funders in the UK, to the level requested or required by them, and has also provided extensive information to other principal donors.

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<sup>4</sup> The "known cases" are (i) the Haiti cases subject to the Oxfam GB Investigation Report of approx. August 2011 which Oxfam GB published in March 2018 and (ii) the alleged Philippines incident reported in the Evening Standard on 15 February 2018.

Each of the areas set out above will be benchmarked against the applicable law, good practice and Oxfam GB's obligations as a charity at the relevant time.

Make recommendations where appropriate or necessary to the trustees and the Commission on relevant matters including but not limited to:

- any remedial actions required to address issues with the handling or reporting of past safeguarding incidents, allegations, reports or cases; and
- future safeguarding arrangements for the charity, to include an action/improvement plan with a recommended timeline for priority actions.

## **The Review's Definition of Safeguarding**

1.4 The definition of safeguarding within the ToR is wide and extends beyond that explicitly covered by the statutory framework and guidance for children and vulnerable adults in the UK. It includes specific reference to Prevention of Sexual Exploitation and Abuse (PSEA) and preventing harm to beneficiaries, as well as staff and others who come into contact with the charity.

1.5 For the purposes of the Review, 'safeguarding' has the meaning set out in the Charity 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'*.

## The Review's Approach to Benchmarking

1.6 In line with the specific requirements of the ToR, each of the areas for consideration by the Review has been benchmarked against the applicable law, good practice and Oxfam GB's obligations as a charity at the relevant time (the benchmark).

1.7 The Review has sought to do this based, in particular, on guidance from the Charity Commission<sup>5</sup> and pertinent statutory<sup>6 7</sup> and non-statutory guidance<sup>8 9 10</sup>, as well as the various underlying statutory regimes. Where appropriate, relevant evidence from within the Review's time period has also been used to contextualise and benchmark progress.<sup>11</sup>

1.8 With regards to the Review's findings and recommendations, where it has been found that Oxfam GB has not met the benchmark, this has been made clear, with the associated narrative identifying what Oxfam GB *must* do in order to remedy the position.

1.9 The Review also makes a number of recommendations in relation to Oxfam GB where it already meets the benchmark, but in the Review's professional opinion further improvements *should* be made in order to meet best practice or even higher.

1.10 Ultimately, the issue for any charity is whether its trustees have fulfilled their duty to take reasonable steps to assess and manage risks to the charity's activities, beneficiaries, property, work or reputation. The Review hopes that its recommendations for further improvement will assist the trustees in demonstrating

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<sup>5</sup> [Charity Commission Reporting Serious Incidents Guidance, 2010](#), [Charity Commission Reporting Serious Incidents Guidance, 2012](#), [Charity Commission Reporting Serious Incidents Guidance, 2013](#), Charity Commission of England & Wales – Charities – How to Protect Children & Adults at Risk 2013 (updated March 2018)

<sup>6</sup> [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.](#)

<sup>7</sup> For example - [What to do if you're worried a child is being abused – advice for practitioners \(2015\)](#)

<sup>8</sup> [Charity Governance Code](#)

<sup>9</sup> Inter-Agency Standing Committee Minimum Operating Standards (IASC) for UN and non-UN personnel 2013 & 2016

<sup>10</sup> CHS Alliance on humanitarian organisations receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff

<sup>11</sup> ToR paragraphs 7 and 8 have also required a review of the management of a sample of casefiles and all safeguarding incidents, allegations, complaints, reports or cases for the period 2011 and 2018 (excluding the known Haiti 2011 and Philippines 2013 cases)

they have not merely taken reasonable steps to do so but have sought to make Oxfam GB's approach to safeguarding the very best that it can be.

1.11 In terms of comparisons against other aid charities, the absence of any evidence base for performance across the sector makes this approach inherently difficult.

1.12 Despite this challenge, Oxfam GB's safeguarding arrangements have previously been considered as demonstrating 'best practice'. This acknowledgement was highlighted by Professor Dyan Mazurana and Affiliated Student Phoebe Donnelly of Tufts University in their research on sexual assaults against humanitarian and development aid workers.<sup>12</sup> The 'best practice' quote within this paper has been referenced many times by Oxfam GB during this Review. However, the statement, from what is an insightful paper needs to be considered in the context of the scope of the research undertaken and the ToR of this Review.

1.13 When interviewed, Professor Mazurana stated; "...when we were looking for any kind of best practice, we were asking...who do you think out there is doing a good job on this? Who do you think at least has got the right policies in place and you hear that there is some movement forward? And Oxfam GB came up repeatedly, now a couple [of] other agencies were named, big international agencies, and when we contacted them, they said oh absolutely not, do not put us as best practice, what we are doing is abysmal, we're so far behind".

1.14 Professor Mazurana acknowledged the fact that her work did not have the opportunities created by this Review to look at individual cases and how processes work in practice. It is exactly for this reason; the lack of any detailed evidence of safeguarding quality across the aid sector, that using other charities as a benchmark would be superficial and could not be considered useful.

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<sup>12</sup> Mazurana, D. and Donnelly, P. (2017). Stop the Sexual Assault against Humanitarian and Development Aid Workers. Somerville USA: Feinstein International Centre.<http://fic.tufts.edu/publication-item/stop-sexual-assault-against-aid-workers/>

1.15 The Review equally acknowledges that safeguarding in the context of Oxfam GB's overseas operations is a complex area and it is not always easy to identify what constitutes good practice in the aid sector at any particular time. It can also be argued that this complexity makes it unreasonable to expect the charity to work to UK standards everywhere.

1.16 However, the Review believes that this is exactly what Oxfam GB should, whenever possible, *aspire* to do. Indeed, apart from practice that conflicts with local law, the charity should endeavour to apply UK standards for safeguarding people, regardless of the geography or context within which it operates. As a set of parameters against which to model good practice, the law and guidance in the UK provide a strong framework upon which to build.

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## 2. EXECUTIVE SUMMARY & RECOMMENDATIONS

2.1 Given the level of detail contained within this report, the Executive Summary has been purposefully written to provide the reader with a brief synopsis of the key issues examined by the Review.

### **Review of Safeguarding Incidents, Allegations and Complaints**

2.2 The Terms of Reference (ToR) required a review of all safeguarding incidents, allegations and complaints reported to Oxfam GB within a defined time period. To undertake this task, the Review was provided with a copy of Oxfam GB's '*Safeguarding Register*' (used to track incoming cases) and a number of case files. The Review found this register to be inadequate in respect of its data quality and management.

2.3 Furthermore, many of the historic case files submitted to the Review were bundles of paper and printed email trails, often including duplicates. They lacked meaningful structure and could not always be cross referenced or related to the register. Indeed, a significant number of entries in the register had no accompanying paperwork and 18 case files were not listed within it. The Review has been unable to establish if all cases have been dealt with effectively and whether potential victims have been appropriately protected and supported.

2.4 During the final drafting and fact checking period of the Review, additional files were located by Oxfam GB. These were dip sampled and found to reflect the same issues identified above.

2.5 Prior to the commencement of the Review Oxfam GB had recognised the aforementioned failings and invested in a new electronic management system. This positive step should help improve case recording and tracking in future.

## Serious Incident Reports to the Charity Commission

2.6 It could be argued that Oxfam GB's first safeguarding Serious Incident Report (SIR) submission (relevant to the Review's ToR<sup>13</sup>) was made to the Charity Commission in 2015. This document was a copy of the then safeguarding register. It collated headline information concerning 122 safeguarding incidents covering the preceding four years. However, supposing the timing of this submission had been consistent with guidance, which it was not, the detail within it could not be described as sufficient as it did not always include even the most basic of information.<sup>14</sup>

2.7 In February 2018, Oxfam GB submitted a consolidated SIR submission to the Charity Commission. This report covered the year 2016/17. Two further safeguarding incidents were also notified by Oxfam GB's legal team. In total, these reports covered 36 safeguarding incidents. Whilst this represented a significant improvement in the quality of information provided, the reports fell outside the timeline expected for such notifications. Oxfam GB's most recent SIR submissions, in June and August 2018, provides further evidence of the charity's ongoing progress in this area. At the time of writing Oxfam GB have reported all known incidents assessed by the Review as requiring a Serious Incident Report to the Charity Commission.

## Reporting to law enforcement or other relevant agencies

2.8 The Review also examined whether matters involving conduct which *may* give rise to a criminal offence had been reported to law enforcement or other relevant agencies. The Review assessed 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<sup>15</sup> cases, the Review found no evidence that these had been reported to or advice sought from

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<sup>13</sup> The single SIR submitted in 2011 relating to the Haiti incident falls outside the Review's ToR.

<sup>14</sup> 10 cases have no date whatsoever and 49 reference a month but no year. (paragraph 3.62)

<sup>15</sup> The 11 cases involving potential crimes relate to the following period of time; 2 incidents took place in 2013, 1 in 2014, 3 in 2015, 3 in 2016 and 2 in 2017.

relevant statutory agencies. Three of these cases<sup>16</sup> involved children and arose in 2016 and 2017<sup>17</sup>. The Review has provided Oxfam GB with advice on how to respond to these unreported cases. At the time of writing, the charity has made good progress in identifying potential victims and ascertaining their wishes regarding reporting, as well as establishing further detail concerning the status of each incident. During this ongoing process, no additional evidence has been identified to confirm any of these 11 cases had previously been reported.

2.9 The Review also assessed that 46 cases may give rise to a criminal offence in Executing Affiliate (EA) countries, three of which were confirmed as being reported. In 12 cases, it was clear from the files that the victim did not wish to pursue the matter or make a report to the police.

2.10 There were 31<sup>18</sup> 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.

2.11 It has not been possible to reach clear conclusions about reporting. This is because most of Oxfam GB's files do not record decision-making regarding whether or not to report to statutory authorities; as they should have done. Furthermore, in EA countries, the law, culture and traditional approaches to the administration of criminal justice can vary. It is therefore acknowledged that it can be more difficult to establish whether some acts are in fact crimes and whether it is safe for the victim (or the subject of complaint) to report them. Notwithstanding this potential ambiguity, except for those cases where exceptional circumstances<sup>19</sup> applied, some of the allegations should have been reported to, or advice sought from an appropriate statutory agency at the time. In the opinion of the Review, it is not for Oxfam GB to judge whether or not a crime has been committed. The Review has therefore recommended that Oxfam GB

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<sup>16</sup> Two cases involved inappropriate behaviour towards children and the third inappropriate behaviour by a child volunteer.

<sup>17</sup> The former Head of Global Safeguarding employed between April 2012 and January 2015 assured the Review that she "reported (to the police) all UK cases involving allegations in respect of children".

<sup>18</sup> Of the 31 EA cases, 3 took place in 2012, 2 in 2013, 6 in 2014, 7 in 2015, 4 in 2016, 6 in 2017 and 3 in 2018.

<sup>19</sup> Exceptional circumstances relate to cases where there are human rights concerns for an individual or fears that the safety of the victim might be jeopardised by local reporting.

immediately review and risk assess those cases and either report to, or seek advice from the police, statutory authorities or other agencies as appropriate. Written assurance should then be provided to the Charity Commission that this has been done.

2.12 Of the 33 case files tenuously linked to Oxfam GB and falling within the category of 'Other',<sup>20</sup> ten were assessed as involving conduct that may give rise to a criminal offence. Of these cases, two were reported to the appropriate authorities. One victim withdrew their complaint and seven<sup>21</sup> potential crimes were unreported.

2.13 In some cases, and for very legitimate reasons, the victim may not wish to pursue or continue with a complaint and it is absolutely right that the victim's wishes are considered and ordinarily prioritised. However, there will be cases, especially relating to the young and vulnerable, where a decision not to report shouldn't be made in isolation of other agencies.

2.14 In the UK, support and advice is available from the Local Authority or police service. However, EA countries undoubtedly represent a more challenging environment. Whilst there is some evidence of consideration of the wider issues and legal advice being sought in a few cases, this approach needs to be further enhanced and uniformly applied.

### **Disclosure of information to statutory funders and other donors**

2.15 The Review found there that there was no express or, in the opinion of the Review, implicit requirement in the DFID contracts examined to disclose safeguarding matters. The charity advised the Review that due to the nature of their legacy systems, it was unable to locate any records of the information previously disclosed to statutory funders in the UK, including DFID.

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<sup>20</sup> Other includes incidents that are not directly linked to Oxfam GB, including those arising at the private residences of employees/individuals and by SoCs that are not affiliated with Oxfam GB in any capacity known to the Review.

<sup>21</sup> Of the 7 Other cases, 1 took place in 2012, 1 in 2015, 2 in 2016 and 3 in 2017.

2.16 The Review examined four recent donor reports. Each of these were found to be comprehensive, focused and evidence based. In the opinion of the Review each met the needs expected for such reporting. Oxfam GB has now developed comprehensive *Reporting Misconduct Standard Operating Procedures* (SOP) which the Review recognises as good practice.

### **Offending Profiles, Trends and Patterns**

2.17 The Review analysed 245 incidents from 2011-2018. Of these, 146 incidents were assessed as needing SIRs. Of the 146, 107 incidents have been assessed as conduct which may give rise to a criminal offence.

2.18 Within the 146 cases assessed as requiring a SIR across the UK, TA, EA and 'Other' divisions, 27 related to incidents where the alleged victim was under 18 years old. 16 incidents related to victims that were beneficiaries and 11 related to vulnerable adults. In 51 cases, the alleged victim was a member of Oxfam GB staff, 10 victims were adult volunteers and 18 involved victims who were third parties.<sup>22</sup> In a number of cases there was no identified victim.<sup>23</sup>

2.19 The most common allegations contained a sexual element. Unsurprisingly, the vast majority of victims were female and the majority of subjects of concern (SoC) were male.

2.20 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. Of the 21 potential crimes involving child victims within the UK, TA and EA, 16 cases relate to Oxfam GB's TA division.

2.21 Whilst under-reporting of safeguarding concerns is an issue across Oxfam GB's

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<sup>22</sup> This relates to those incidents within UK, TA, EA and Other divisions. In this instance, "other" relates to incidents tenuously linked to Oxfam GB via PAs or incidents involving staff and volunteers that had no relationship to their employment with the charity.

<sup>23</sup> Some cases do not directly relate to individual victims but to instances that fall within the reporting criteria that should have initiated an SIR, for example cases involving suspected sex offenders working in shops.

footprint, it is most prevalent in EA countries where only 6.5% of the cases examined by the Review were confirmed as having been reported to the police or relevant statutory body. There was also a higher percentage of unreported incidents where the conduct disclosed may have given rise to a criminal offence and a greater proportion of victims not wanting to progress matters further (26.1%).

## **Historic Safeguarding Incident Investigation**

2.22 Four cases were subject to an in-depth audit by the Review. These ‘*deep dives*’ were selected by the Independent Reviewer and agreed with the Charity Commission. Whilst reflecting more recent improvement, a number of practice issues were seen to frequently repeat in both the deep dives and the general review of case files.

2.23 In terms of the investigative process, planning was weak and recorded management oversight was variable. Overall, the quality of case files and case recording was poor. Terms of Reference for investigations were erratic and it was often difficult to identify what policies were being considered or applied. The use of phone and Skype to conduct interviews was also noted as impinging on investigation sufficiency, as was the failure to engage relevant agencies. Despite these issues, the Review did see improvements in investigative practice, particularly in Oxfam GB’s Trading Arm.

2.24 In the context of Oxfam GB’s provision of information to other aid agencies, case files demonstrated little evidence of any systematic approach to this. Outcomes were inconsistently recorded and there was little evidence that the wider safeguarding implications of offending behaviour were being robustly pursued. Often, it appeared that decision making and operational interest by Oxfam GB ended at the point an employment contract or an offer to volunteer was terminated.

2.25 The Review recovered information relating to the identity of 123 Subjects of Concern.<sup>24</sup> Oxfam GB was able to identify 73 of these individuals as Oxfam GB

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<sup>24</sup>A person against whom an allegation was made was classified as a Subject of Concern (SoC). This classification should not be read as implying guilt.

employees or volunteers (27 in the UK, 44 in EA countries and two in Partner Affiliate (PA) countries).

2.26 Oxfam GB was able to confirm that it had sought a reference from 24 SoCs at the time of their recruitment. This should not be taken as an indication that no reference was sought by Oxfam GB in the other cases, but rather that the nature of its legacy information systems and devolved geographic footprint is such that historic records cannot be easily recovered. Indeed, feedback collected from the shop and staff surveys provides reassurance in this regard, demonstrating that Oxfam GB normally seeks and follows up on references at the time of recruitment.

2.27 Post-employment, there is little evidence of safeguarding concerns being shared with other aid agencies. However, the Review identifies challenges in this regard, including the possibility that Oxfam GB could be exposed to legal challenge were it to proactively share information without reasonable justification. The Review also acknowledges its ability to provide true, accurate and fair details following a legitimate request for a reference.

2.28 This is a complex cross-sector issue although 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’.

## **Current Safeguarding Arrangements**

### **Leadership**

2.29 Given the significant and competing demands that need to be prioritised in such a large organisation, it is critical that the senior leadership team and Council maintain a direct and frequent line of sight on safeguarding. They have the responsibility to

create the conditions that both influence and impose the right safeguarding culture.

2.30 Oxfam GB is improving in this regard and it is clear that safeguarding now has a much sharper focus. However, the current management responsibility for safeguarding is spread too wide and too thin to deliver optimum practice.

2.31 To improve Oxfam GB's safeguarding capability, a new safeguarding operating model should be implemented. The proposed model is set out in Appendix D. It includes a range of recommendations that if agreed, will involve the creation of a number of new safeguarding posts and the reconfiguration and re-focusing of others.

## **Culture**

2.32 Despite the difficulties recently faced, the Review sensed no shift in the commitment of staff and volunteers to their overall mission. However, the allegations emerging from the media and subsequent interventions by government and the Charity Commission have understandably undermined the confidence of some staff.

2.33 Oxfam GB need to adopt a stronger culture of compliance with its own safeguarding policies and procedures. Where wrong-doing is identified and where this warrants action, this needs to be fair, consistent and swift. The Review welcomes the fact that Oxfam GB are encouraging people to speak out and that the new 2018 misconduct procedure emphasises that any future investigations will carry on in absentia.

## **Governance**

2.34 Whilst the Charity Commission maintains regulatory oversight it does not provide the periodic style inspections experienced by many public sector organisations. As a consequence, trustees are entirely reliant on their own internal assurance mechanisms. Providing the appropriate level of training and support to trustees, and in particular the Chair and Lead Trustee, is therefore critical.

2.35 Oxfam GB has a clear vision as set out in its Strategic Plan 2013-19. Put simply, its aim is to end the injustice of poverty and this forms the bedrock of Oxfam GB's mission. Critically the organisational purpose must be set in and reflective of the context of safeguarding.

2.36 However, the Review formed the opinion that not everyone in Oxfam GB had fully understood the inherent relationship between safeguarding and the '*environment*' in which the charity operates. Some maintained that given Oxfam GB is an aid sector charity, safeguarding is somehow not a core feature within its organisational purpose. The Review fundamentally disagrees. Indeed, this misunderstanding fails to recognise that all of Oxfam GB's business involves safeguarding people. If the charity's purpose is to be achieved it should adopt a '*safeguarding first*' approach in all of its activities. This ethos needs to be reflected from the top down.

2.37 Leadership in the context of governance requires trustees to set the 'tone' for the charity. This positive and influential approach is unlikely to be achieved without trustees ensuring that they hear from the front-line. The Chair of the Council understands this and has held a range of events to facilitate candid exchanges.

2.38 Moving forward the challenge for trustees will be to ensure that they maintain line of sight on safeguarding. To do so, they must actively ensure that their directions, policies and systems are properly and consistently applied. This requires them to challenge the actions of staff, one another and the leadership team.

2.39 Whilst the Trustee Safeguarding Group (TSG) is applying more scrutiny of the SIR process, they need to ensure that their understanding of what is required for SIR notifications complies with the Charity Commission guidelines.

2.40 Within Oxfam GB, there are a number of mechanisms in place through which trustees exercise oversight. Whilst the structures appear to be working well, the principle issue is the lack of quality safeguarding information being presented. Without any specific safeguarding expertise at either Council, TSG or the leadership team

level, trustees may be unable to adequately interpret and challenge what they are being told.

2.41 Whilst the Review has identified evidence of some good practice, the failings identified indicate that the arrangements in place failed to ensure that the charity had sufficient grip on the oversight of safeguarding, including the recording and reporting of safeguarding incidents and SIR notifications. The Review recommends the creation of an independent Safeguarding Committee, that whilst sitting within Oxfam GB's overall governance structure will provide an enhanced and transparent level of professional scrutiny.

### **Safeguarding Strategy**

2.42 Oxfam GB's most recent safeguarding strategy covers a three-year period from 2018 to 2021. It was approved by the TSG in May 2018 and has been fully endorsed by the Council. Oxfam GB has recognised that further updates are required.

2.43 Due to the short amount of time this strategy has been in existence, the analysis of its sufficiency has been somewhat restricted to content as opposed to the impact it has delivered. Notwithstanding this, the Review has already seen evidence of an improved focus in respect of its implementation. There is no drift and actions are progressing at pace. Eight of the 50 actions set out within the strategy were complete at the time of its approval.

2.44 Overall, the Review considers the structure of this strategy to be sufficient. However, there is scope for Oxfam GB to improve the methodology it uses to inform its strategy development.

### **The 2017 Action Plan**

2.45 The plan set out activities designed to cover four key '*Desired Outcomes*' with a target completion date of March 2018. Whilst the Review covers the progress made against each of the four 'desired outcomes' of the plan, this has been superseded with

the development of Oxfam GB's new strategy.

## **Organisation, Management and Resources**

2.46 The Global Safeguarding Team is the centrepiece of the charity's safeguarding arrangements and forms the hub through which all safeguarding activity is managed. The Review has been impressed by the dedication and effort of the staff within this team, including those more recently recruited to help manage the surge in demand.

2.47 Oxfam GB's investment in this dedicated resource is without doubt a positive step in the right direction. However, the Review considers there to be an issue with the breadth and depth of the team's current remit. Historically this has resulted in staff being unable to comprehensively deal with other safeguarding responsibilities that require prioritisation.

2.48 Oxfam GB has no role to investigate safeguarding concerns other than in the context of their duties as an employer and its responsibilities for volunteers. Whilst the review acknowledges the best intent of Oxfam GB in its desire to tackle safeguarding in its broadest sense, this has led to the team's capacity being limited. This in turn has impacted on their ability to effectively delivery what is arguably its key function; ensuring that a strong safeguarding focus is maintained across the organisation, at all times and in all places.

2.49 The Global Safeguarding Team should remain 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.

2.50 Within EA countries, Safeguarding Focal Points (SFP) have been appointed as a local safeguarding resource. The recruitment process for these roles is inconsistent insofar as the Country Director or Leadership Team (CLT) can nominate someone or staff can be asked to elect their SFP.

2.51 SFPs are a good extension to the safeguarding network, although limited with what seems to be a rather arbitrary 5% of their time allocated to this issue. Having said that, the Review sees this as a very useful first step in developing the infrastructure to address safeguarding needs in a local context.

2.52 The Review recommends that the title of this role should be changed to Designated Safeguarding Lead (DSL) in line with the proposed safeguarding model. This naming convention aligns with similar roles in the UK and is a term that will be easily recognisable in statutory and non-statutory organisations including those operating internationally.

2.53 The DSL in EA countries will take lead responsibility for safeguarding children and vulnerable adults within their respective country teams/areas of responsibility. A Deputy DSL should also be appointed in each workplace. Both should be known by and be accessible to all staff and volunteers within their area of responsibility. The Review has formed the opinion that in order to improve future practice the DSL and Deputy DSL should receive Safeguarding Level 3 training.

2.54 To compensate for the scaling back of the investigation role of the Global Safeguarding Team and to ensure DSL arrangements are properly supported, the Review also recommends the creation of Regional Designated Officers (RDOs).

2.55 RDO accountability would feed through the EA Divisional Manager and the Director of Safeguarding. Decision making would by-pass in country staff with whom a conflict of interest could arise due to personal or professional relationships (such as Country Directors and/or HR Managers).

2.56 The RDO would coordinate and chair all initial management meetings in the aftermath of a safeguarding complaint against anyone connected with the delivery of Oxfam GB's program of work, including contracted staff. They may also undertake investigations.

2.57 The RDO would also be responsible for EA DSL and Deputy DSL training and support, whilst also developing specific courses for Country Directors and their senior leadership teams.

2.58 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.

2.59 The Review recommends that DSLs and Deputy DSL roles are introduced into each shop. This will strengthen both accountability and the in-house skill-set of TA staff and volunteers. The DSL would have a direct line to support and advice from the TA Divisional Safeguarding Manager.

## **Policy**

2.60 The Review examined a range of different policies, analysing them in the context of their credibility and relevance to Oxfam GB's safeguarding responsibilities and practice. Oxfam GB had already undertaken work to update its policies prior to the commencement of this Review.

2.61 Oxfam GB has improved its Safeguarding Children Policy, which is now in line with the expectations set out by the Charity Commission. In the Review's opinion, this should be further strengthened to reflect contemporary best practice, covering the overarching accountability for safeguarding, expectations of staff or volunteers who have concerns, and by including references to legislation and statutory guidance (both national and international). It should also provide clear contact details through which further advice can be sought including children's services, police, health, the LADO, the Child Exploitation and Online Protection (CEOP) Centre for e-Safety concerns and NSPCC helplines.

2.62 The Protection from Sexual Exploitation and Abuse (PSEA) Policy is clear in defining and accepting the ‘*inherent risk*’ that can arise from some staff and volunteers exploiting their positions of power for personal gain and sets out a range of expectations and the actions that will be taken in consequence of a breach. Addressing issues similar to those highlighted in the Safeguarding Children Policy would further strengthen this policy.

2.63 The Safeguarding Adults Policy follows a similar structure to the children’s policy. This helpfully illustrates a consistency in approach by Oxfam GB, without compromising the need to explain the clear differences in how this policy should be applied.

2.64 The Review has identified a number of strengths in the policy. Areas for improvement are also identified, including the need for clearer emphasis on the description of appropriate legislation, links to the Oxfordshire Safeguarding Adults Board<sup>25</sup> and more detail explaining the context of engaging adults at risk for volunteers.

2.65 Oxfam GB’s most recent Code of Conduct for Employees is structured against the six core standards and values that Oxfam GB seeks to promote and makes appropriate references to a range of expectations about employee behaviour.

2.66 In the opinion of the Review, the code should be further strengthened through emphasis being placed on a duty to report and how and where to access advice. However, the key area to be addressed in this policy relates to the following paragraph; ‘*Whilst observing the requirements of the Code of Conduct, I will also be sensitive to, and respectful of, local customs and culture, even if the norms and values in that cultural context differ from the Code of Conduct*’.

2.67 Local customs and culture in some jurisdictions can present safeguarding risks to both children and adults. This can include abuse facilitated by faith, belief and

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<sup>25</sup> Oxfam GB’s HQ is based in Oxford

traditional practices, for example Female Genital Mutilation (FGM), so-called Honour Based Violence or Forced Marriage. Such behaviours clearly differ from the intent set out in the code and yet, the manner in which this paragraph is constructed, unintentionally suggests that Oxfam GB employees merely need to be sensitive and respectful to such abuse. This position should be clarified by Oxfam GB and amendments made as part of the next policy revision.

2.68 The Code of Conduct for non-Oxfam GB Employees is structured against the same six core standards and values described in the Code of Conduct for Employees and as such, the comments set out above apply.

2.69 The Disclosure of Malpractice in the Workplace (Whistleblowing) Policy is clear in describing the types of malpractice for which it should be initiated and includes appropriate references to examples of safeguarding children, vulnerable adults and beneficiaries.

2.70 The Anti-Bullying and Harassment Policy sets out appropriate principles and provides relevant guidelines and procedures. Whilst deemed broadly sufficient, the Review considers that there are two areas of the policy that should be strengthened.

2.71 Firstly, a clear reference to the legal position relating to harassment in the UK, ensuring staff and volunteers understand the potential legal consequences (outside of any actions by Oxfam GB).

2.72 Secondly, whilst referencing the use of Information Technology, this aspect should be strengthened within the policy. This is particularly relevant in the context of the growth in cyberbullying and the increased opportunities for perpetrators to access, control and harass their victims.

2.73 The Recruitment Policy 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.

2.74 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.

2.75 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.

2.76 In the Review’s opinion, Oxfam GB’s interpretation of the requirements for reporting to statutory authorities should also be refined. Whilst accepting there will be scenarios where responsibility needs to be taken by the charity for reporting concerns (even in the absence of consent from the victim/survivor to do so) Oxfam GB defines such circumstances as: *‘If someone’s life is in danger or the matter relates in any way to a child or adult at risk’*. Given the case work the Review has examined, this should be broadened to include circumstances that *‘indicate a potential risk of harm to an individual or others in the future’*.

## **Practice**

2.77 In December 2017, The Charity Commission published a review it had undertaken into Oxfam GB’s safeguarding arrangements.<sup>26</sup> Broadly, this Review concurs with the Charity Commission’s findings, although whilst identifying elements

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<sup>26</sup> [Oxfam – case report – The Charity Commission Dec 2017](#)

of good practice (particularly in more recent cases from 2016 onwards), concerns about overall quality and effectiveness remain. The following analysis of the key elements of safeguarding practice should be read in the context of the Global Safeguarding Team's capacity at the relevant time. In 2012, Oxfam GB's first Head of Global Safeguarding was a 0.6 Full Time Equivalent (FTE). By 2017, capacity had increased with the team expanding to 3 FTE posts. At the commencement of the Review in 2018, this number had more than doubled (including temporary staff brought in to manage the surge in demand).

## **Identifying & Reporting**

2.78 The fallout from the media coverage of Haiti may have further damaged confidence levels in Oxfam GB beneficiaries. Low levels of reporting are not a new phenomenon and this has been a recognised feature in the aid sector for many years. The Review acknowledges some of the factors seen during the examination of case files, which exacerbate under reporting.

2.79 From the 245 cases examined by the Review only 14 related to the abuse of beneficiaries.<sup>27</sup> Oxfam GB needs to focus its efforts to rebuild trust and enhance levels of awareness. In order to do so it should maximise its existing capacity, particularly with those staff working in the Global Humanitarian Teams and staff involved in Safe Programming and Protection Programming activities.

2.80 It is fair to say that there is evidence that Oxfam GB's ability to identify exploitation and abuse is improving. This can be seen in the increased reporting since 2011, alongside the Review's specific testing of knowledge during surveys and the field visits undertaken to Tanzania and Rwanda. The use of an Independent Confidential Hotline recently introduced by Oxfam GB should also make it easier for staff and volunteers to report their concerns. Callers can remain anonymous and the system provides multi-lingual reporting.

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<sup>27</sup> This relates to the UK, TA and EA divisions only.

## Thresholds

2.81 The Global Safeguarding Team has not operated with the benefit of a defined set of criteria or ‘thresholds’ to help determine what cases they should be involved with and what cases need to be re-directed to other services (either internal or external). The impact of this is that the team deal with a range of different enquiries and have no consistent guidance to help them make decisions and provide a rationale for how their workload is prioritised. In the opinion of the Review this has contributed to the significant pressure that this team has experienced.

## Investigation

2.82 Oxfam GB is neither the police nor a lead agency in the context of adult and child protection. So, whilst Oxfam GB has a dedicated resource that undertakes ‘safeguarding investigations’, it is important to understand that the basis for this practice is fundamentally aligned to its disciplinary procedure and its responsibilities as an employer. Investigations by statutory authorities will always take primacy and the activity by Oxfam GB should always be closely coordinated so as not to compromise these in any way.

2.83 This does not diminish the importance of Oxfam GB’s role. Indeed, where burdens of proof are too high to result in criminal action, employer led investigations can often be the last line of defence in protecting people from those who pose a risk of harm to others.

2.84 Regardless of the status of any particular investigation, relevant staff need to have appropriate skillsets and training. 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, via Skype or by 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.

2.85 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.

2.86 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.

### **Allegations against staff and volunteers in the UK**

2.87 Referral and engagement with UK statutory agencies should form a key part of Oxfam GB's safeguarding response when concerns arise about a professional or volunteer working with children or young people.<sup>28</sup>

2.88 This is particularly relevant for Oxfam GB's TA and UK operations. In such circumstances contact should always be made with a Local Authority's Designated Officer (ordinarily known as a LADO).

2.89 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.

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<sup>28</sup> In the case of Adults at Risk a referral should be made to the Local Authority Safeguarding Adults team.

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## **The Disciplinary Processes**

2.90 Cases examined by the Review 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.

2.91 Many of the files lacked clarity and consistency in recording the outcome of disciplinary hearings or even a note that a recommendation for disciplinary action had been followed. New guidance has been incorporated into Oxfam GB policy to ensure this does not happen in future.

2.92 Moving forward Oxfam GB will face other challenges, not least of which will be the transition into 'One Oxfam'. In order to build on the progress it has made, the charity should retain jurisdiction over its employees and volunteers irrespective of where they are deployed.

## **Case Recording & Case Files**

2.93 Historic practice in respect of case recording and the maintenance of coherent case files is an area of significant weakness. Oxfam GB has responded to this recognised deficit and is implementing a case tracking and management system. 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.

## **Quality Assurance**

2.94 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 and reviews in place (i.e. via the MEAL process<sup>29</sup>), a more sophisticated approach should be developed. This will help Oxfam GB gain sufficient line of sight on the quality of practice.

## **Engagement – Local Arrangements**

2.95 In terms of practice, there is no evidence that Oxfam GB has consistently engaged with local arrangements that support multi-agency practice in respect of safeguarding adults and children. The adoption of the new safeguarding model will see specialist advice from agencies such as the police, Adult Services and Children’s Social Care embedded within the proposed Independent Safeguarding Committee.

## **Safer Recruitment**

2.96 The Review focused on how Oxfam GB attract, select and verify new staff and volunteers in the context of its approach to safer recruitment.

2.97 With regards to attracting people to the charity, its commitment to safeguarding is evident within recent on-line 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.

2.98 With regards to selection, 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.

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<sup>29</sup> Monitoring, Evaluation, Accountability and Learning

2.99 For the verification stage of recruitment, the Review examined Oxfam GB's practice in respect of seeking references and vetting.

## **References**

2.100 Oxfam GB's current policy and guidance sets out a range of minimum standards for the reference process that are considered by the Review to be broadly sufficient. However, the guidance for internal candidates states that only one reference is required from their current line manager. Safeguarding extends beyond the initial phase of someone joining an organisation and given the range of cases involving people in positions of trust abusing that position and managers failing to act, the referencing process should not be diluted from the process applied to new recruits.

## **Criminal Record Checks**

2.101 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). Outside the UK, whilst Oxfam GB advises that local checking services should be used, the charity should also prescribe use of the International Child Protection Certificate (ICPC).

2.102 In Oxfam GB's shops, 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 children and/or vulnerable adults are present. Evidence was seen by the Review where the absence of vetted staff resulted in children being prohibited from volunteering at such times.

2.103 The Review identified 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.

2.104 The Review fully supports calls to change the legislation in this area, as it

believes this could be helpful to Oxfam GB for two reasons. Firstly, from 65 safeguarding incidents recorded in the Trading Arm, 80% (52) of the SoCs were volunteers. From a safeguarding perspective, the absence of checks meant that Oxfam GB appointed these individuals without being fully sighted on their history.

2.105 Secondly, the examination of case files revealed nine cases, involving volunteers identified in Oxfam GB's safeguarding records as Registered Sex Offenders (RSO). The status/suspected status of these individuals was not identified pre-employment and only became apparent during their tenure, with the exception of a volunteer for the festival team who was rejected prior to deployment.

2.106 For the vast majority of volunteering roles, Oxfam GB is unable to lawfully seek the type of criminal record check that would reveal such offences. This hinders its ability to prevent such individuals working for the charity and by the nature of its work, to be in contact with vulnerable people. This is a matter for government.

### **Registered Sex Offenders volunteering in shops**

2.107 In reference to the nine suspected RSOs, none were known to be involved in offending in any of Oxfam GB's premises. They were not subject to any form of DBS check. Furthermore, if they were sex offenders who were only subject to standard notification requirements<sup>30</sup> they would not have had to declare their status when applying for the role.

2.108 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.

2.109 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.

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<sup>30</sup> <https://www.legislation.gov.uk/ukpga/2003/42/part/2/crossheading/notification-requirements>

2.110 The case files made available to the Review covered a period of seven years, although six of the cases refer to 2017 and one to 2016. In three cases, information about the individual of concern was shared with the police<sup>31</sup> or another appropriate agency. In the six cases where information had not been shared, five were found to be volunteering in Oxfam GB TA shops and one was a prospective volunteer in the Oxfam Festival Team.

2.111 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.

### **Supporting Community Service (Sentences) Volunteers in Oxfam GB Shops**

2.112 Having a conviction should not automatically bar someone from working with Oxfam GB and credit should be given to the charity for the work they do supporting people with previous convictions on their rehabilitation and reintegration back into employment. Oxfam GB recognise the potential for risk and it has a policy that a risk assessment is carried out before a CSO is allowed to volunteer. This policy must be consistently applied.

### **Safeguarding Induction & Training**

2.113 Induction is an essential part of ‘on-boarding’ for any new recruits to familiarise them with an organisation’s policies and procedures. For Oxfam GB, delivering a consistent induction process that sets the right ‘tone’ is fundamental to creating the right culture in which safeguarding practice can thrive. Feedback from the Review’s staff survey indicates that such consistency has yet to be achieved.

2.114 Moving forward Oxfam GB’s intention is to develop a mandatory e-learning

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<sup>31</sup> In one case the police contacted the Oxfam GB shop to inform them of their concern.

module for all staff. This is a positive and important step forward. However, bespoke induction at the most senior levels of the organisation is also of critical importance. The new approach to induction should be implemented at pace.

2.115 The delivery of safeguarding training across Oxfam GB has been inadequate to meet the needs of the organisation. High quality safeguarding training is essential for any organisation that works with vulnerable people and is the foundation of strong safeguarding practice. For Oxfam GB, a training offer that comprehensively covers the needs of both children and adults will help ensure its staff and volunteers are appropriately skilled, competent and confident in carrying out their safeguarding responsibilities. Course content needs to be flexible enough to maintain a clear focus on the local context in which Oxfam GB operates as this will ultimately help make everyone safer.

2.116 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.

2.117 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.

2.118 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 Head of Global 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.

2.119 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.

## **Conclusion**

2.120 Throughout the Review's engagement, it has been mindful of the need to avoid hindsight bias and in line with this approach, it has kept its focus on learning and improvement. The Review has not been undertaken to apportion blame, especially with regards to those well-intentioned individuals in the front-line, many of whom did the best they could, with the resources they had, in the circumstances they faced.

2.121 That said, as evidenced in the charity's case files, the Review is clear that Oxfam GB's safeguarding arrangements have historically been inadequate. While elements of good practice were seen in some case files, there has not been consistent delivery of basic standards and the management of some cases may have exposed people to an unnecessary risk of harm. There has been poor compliance with relevant guidance, including statutory guidance, and insufficient investment.

2.122 Moving forward, the Review has seen a real appetite to improve. There is emerging evidence of better practice, casework management, policy development, timely SIR submissions and investment in personnel. However, to ensure long term improvement Oxfam GB needs to sustain and deliver the systematic change that it has begun. The charity should continue to welcome the challenge that a new approach can bring, demonstrate a better grip at the top and drive forward identified areas of improvement. It can use this opportunity to move beyond rhetoric and paper action plans. Beneficiaries, volunteers, staff and donors all need to see and feel the

difference.

2.123 There has been no evidence of an organisational attempt to cover up past failings.

## Recommendations

**R1:** Standard Operating Procedures (SOPs) should be developed to ensure appropriate management and oversight of information relating to 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 within any safeguarding investigation.

**R2:** 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.

**R3:** 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.

**R4:** Oxfam GB should implement a defined process to strengthen its compliance with safeguarding SIR reporting to the Charity Commission. This process should provide;

- 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 Oxfam GB trustees (including an analysis of trends, themes and patterns) to strengthen their oversight on these highly significant cases.

**R5:** 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.

**R6:** 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 Head of Global 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.

**R7:** 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.

**R8:** 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:

- 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 Country Director, the final decision should be agreed and authorised by the Director of Safeguarding (or equivalent) and reported to the Chair of Safeguarding Committee.
- Such reports should be shared with the Charity Commission.

**R9:** 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.

**R10:** 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:

- 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 Country Director, the final decision should be agreed and authorised by the Director of Safeguarding (or equivalent) and reported to the Chair of Safeguarding Committee.
- Such reports should be shared with the Charity Commission if requested.

**R11:** 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.

**R12:** 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.

**R13** In order to achieve consistency in the formulation of ToR 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.

**R14:** For Case 5, 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 SoC's resignation/termination and the reason for conflicting records. The outcome should be shared with the Head of Global Safeguarding and the Lead Trustee who should consider what further actions may be appropriate, including notifying the Charity Commission.

**R15:** 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.

**R16:** 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). This should be done as part of compliance with Recommendations R5, R6, R7 and R8.

**R17:** That Trustees, the Oxfam GB leadership team and all senior managers (as appropriate) should, as a priority, where possible, receive accredited safeguarding training that ensures clarity on the following:

- 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 based on its own training needs analysis.

**R18:** 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.

**R19:** Oxfam GB should agree to work in collaboration to develop the new proposed safeguarding operations model outlined in Appendix D.

**R20:** In order to strengthen its safeguarding capability, Oxfam GB should establish the following roles:

- 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). 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).

**R21:** Oxfam GB should amend its policy to facilitate the appointment of independent investigators for cases involving individuals in positions of power, influence and authority (where their influence in Oxfam GB might compromise an objective and fair investigation).

**R22:** The TSG or new Safeguarding Committee (Appendix D) should bi-annually review the findings of safeguarding audits. The auditing process should have clear terms of reference and identify trends, themes and patterns relating to SoC and victim profiles, 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.

**R23:** To support trustees to develop the skills, abilities and experience required to be effective in their role, Oxfam GB should:

- Explore shadowing opportunities with relevant in-sector and/or external bodies with inspection / peer review experience in safeguarding.
- Design and implement a safeguarding personal development portfolio for each trustee aimed at identifying areas relevant to their role in Oxfam GB.
- Introduce a routine briefing cycle on related safeguarding trends, themes and patterns in Oxfam GB. The suggested time frame is quarterly to the TSG / Safeguarding Committee and annually to the Council.

**R24:** The current trustees should engage with the Charity Commission to ensure that their understanding of Serious Incident Reporting (SIR) requirements are accurate and that Oxfam GB's systems are sufficient to meet those needs.

**R25:** In relation to future SIR notifications, the responsible trustee(s) should seek feedback from the Charity Commission and ask that it confirms all incidents forwarded have been received. The feedback should also prompt the Charity Commission to inform Oxfam GB if further information or clarification is required.

**R26:** The trustees should 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
- Report to the Charity Commission and
- Discharge their other duties and responsibilities.

**R27:** 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.

**R28:** That the 2018-21 safeguarding strategy should be amended to include the following:

- 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.

**R29:** 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:

- The Plan should be SMART with all actions being Specific, Measurable, Achievable, Realistic and Timely.
- This plan will be monitored by the Trustee Safeguarding Group (TSG)/Safeguarding Committee. Progress will be reported to the Council bi-annually.

**R30:** In respect of the 2017 Action Plan, the wording of desired outcome 1 should change to the following:

*Oxfam's values, code of conduct and expected behaviours have been embedded within our senior programme leadership.*

**R31:** 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:

- Leadership of Oxfam GB's 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.

**R32:** 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).

**R33:** That Oxfam GB 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 HR.

**R34:** Oxfam GB should:

- Consider renaming Safeguarding Focal Points (SFP) as Designated Safeguarding Leads (DSL).
- Review and amend the DSL (SFP) job description – removing the prescription of a percentage of time being allocated to safeguarding and setting out the expected deliverables in respect of training, casework, advice and guidance.
- Appoint Deputy DSLs that can provide appropriate expertise and cover in the absence of the DSL.
- Ensure all DSL's receive mandatory safeguarding training (Level 3) to enable them to effectively discharge their duties.

**R35:** The Review recommends that Oxfam GB should rapidly engage other cross-agency forums to explore opportunities to develop the role of the RDO 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.

**R36:** 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.

**R37:** Oxfam GB should revise its Safeguarding Children Policy as follows:

For all staff:

- The 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.

Additional changes for staff based in the UK:

- More explicit reference should be made to the CEO and Chair of Trustees retaining the overarching accountability for child safeguarding in Oxfam GB.
- Strengthen relevant reference to legislation and statutory guidance.

**R38:** 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:

- 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.

Additional changes for staff based in the UK:

- 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 readily available via Oxfordshire's Safeguarding Adults Board website.

**R39:** That Oxfam GB's Code of Conduct be revised as follows:

- 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 observe.
- The code should include an explicit reference about the behavior expected of employees in identifying and reporting any safeguarding concerns in line with the relevant Oxfam GB 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;
  - 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.

**R40:** 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.

**R41:** Oxfam GB should revise the definition on bullying to include more detail in respect of cyberbullying.

**R42:** 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.

**R43:** 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.

**R44:** 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:

- A generic statement within every job description involving contact or work with children, vulnerable adults or beneficiaries outlining the organisational expectation of the post-holder regarding safeguarding. For example:

*“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”*

- 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 / or 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.

**R45:** 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.

**R46:** Oxfam GB's interpretation of the requirements for reporting safeguarding cases to statutory authorities as set out in its PSEA Policy, currently includes the following definition of those circumstances where such reporting should take place:

*'If someone's life is in danger or the matter relates in any way to a child or adult at risk.'*

This should be broadened to include circumstances that *'indicate a potential risk of harm to an individual or others in the future'*.

**R47:** 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 they are in operation.

**R48:** Given staff turnover, Oxfam GB should develop appropriate succession planning measures for new Designated Safeguarding Leads (Safeguarding Focal Points).

**R49:** Procedures should prescribe that in safeguarding cases, investigators and decision makers should seek early advice from the Global Safeguarding Team.

**R50:** 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 interpreters should be independent from the investigation, save in those cases where the SoC or witness is fluent in the language of the investigator.

In some cases (for example in remote locations) where the only resource for interpretation is the Safeguarding Focal Point (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 should be recorded.

**R51:** The preferred method of conducting interviews, particularly with SoCs or vulnerable witnesses 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).

**R52:** 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 Head of Global Safeguarding, Head of HR or equivalent.

**R53:** Relevant operational protocols should be adapted to include authorisation for interviews intended to be carried out by any means other than face to face. Protocols should not inhibit such an approach, but require evidence of the rationale for the decision and authority to proceed. As a minimum, the following should be included:

- 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 the Head of Global Safeguarding or if a misconduct case, the relevant 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.

**R54:** Immediate training should be provided to key personnel in both the Global Safeguarding Team and Trading Arm (Business Partners and Shop Managers) on the process relating to LADO and the management of allegations against staff and volunteers.

**R55:** 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.

**R56:** 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).

**R57:** 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).

**R58:** Procedures in respect of safeguarding investigations should prescribe that in cases where there is a police investigation, irrespective of the outcome, the Head of Global Safeguarding should 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).

**R59:** 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'.

**R60:** 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 Head of Global 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.

**R61:** 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.

**R62:** Key Oxfam GB safeguarding personnel should receive bespoke training on case recording in the context of safeguarding concerns.

**R63:** 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.

**R64:** 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.

**R65:** 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.

**R66:** 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.

**R67:** 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.

**R68:** Oxfam GB should consider applying the requirement for job applicants to supply two references to internal candidates, as they do for other candidates.

**R69:** Oxfam GB should include the regular use of the International Child Protection Certificate (ICPC) as part of its recruitment process overseas.

**R70:** 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 a DBS vetted adult supervisor on duty. If for any reason this is not possible the child must be sent home even if it means a shop has to be closed.

**R71:** 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 considered to reinforce the application of this policy.

**R72:** 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.

**R73:** Oxfam GB should ensure the consistent application of its policy to risk assess volunteers who are engaged via Community Service Orders.

**R74:** 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.

**R75:** 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.

**R76:** 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.

**R77:** 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.

Trustees and the leadership team should attend the accredited day session safeguarding training mandated for other managers within Oxfam GB.

**R78:** 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.

**R79:** 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:

- 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.

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### 3. OXFAM GB CONTEXT & IMPACT

3.1 The recent negative focus on Oxfam GB is very different from the proud history of its origins. Founded in 1942, *Oxfam* is an abbreviation of the *Oxford Committee for Famine Relief*. This committee comprised a group of concerned citizens, including Quakers, academics and social activists, who campaigned during WWII to get supplies through an allied blockade to starving men, women and children in Greece. Over the years that followed, Oxfam grew into one of the biggest of the UK's charities, breaking much new ground on the way.

3.2 In 1949, it hired its first employee Joe Mitty MBE, to operate the Oxfam shop on Broad Street in Oxford. It partnered with the Beatles in 1963, in what must be one of the very first fundraising concerts and went on to build a global humanitarian network employing over nine thousand people, nearly three thousand of whom are part of Oxfam GB. The Broad Street shop became the foundation upon which over six hundred others would be built, supported by a dedicated staff group and 22,000 volunteers. In 2016/17 the shops alone generated a net profit of nearly £18 million.

3.3 Today the charity is registered in England and Wales (No 202918), and Scotland (SC039042) and forms part of what is now known as Oxfam International (OI).

3.4 Oxfam International is registered as a charity in the Netherlands. It heads up a global confederation of 19 non-governmental organisations (NGOs) (hereafter termed Affiliates). Oxfam GB is the oldest and largest Affiliate.

3.5 The Affiliates differ in size, but all share a single Strategic Plan: '*The Power of People against Poverty*'. Within that Plan, each Affiliate may choose strategic areas and themes on which to focus. Oxfam GB's current focus is on water and sanitation, women, work and inequality.

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## Oxfam Structure

3.6 The Oxfam confederation is currently undertaking a restructuring program and moving to what is known as the '*One Oxfam*' model. The process is due to be completed by 2020. It is already streamlining working practices and differentiates Affiliates according to whether they are designated as the Executing, or a Partner Affiliate in the particular country of operation.

### Oxfam GB Structure

3.7 From an operational perspective, Oxfam GB can most easily be understood when viewed as three divisions; *Oxfam GB UK (UK Division)*, *Oxfam GB Trading Arm (TA)* and *Oxfam GB as Executing Affiliate (EA)*. Oxfam GB is an Executing Affiliate in 27 countries where it also acts as a Partner Affiliate. It operates in an additional eight countries as a Partner Affiliate only.

### Oxfam GB Council

3.8 Oxfam GB is governed by a board of trustees known as the 'Council'. The members of the Council are all volunteers who bring a variety of skills and experience to the role, often giving up one or two days a week to direct and oversee the work of the charity. The Charities Act 2011 defines charity trustees as '*the persons having the general control and management of the administration of a charity*'.

### Oxfam GB UK Division

3.9 Oxfam GB's UK division, headquartered in Oxford, England, provides the administrative backbone for the organisation and supports the global infrastructure across its entire territorial area of responsibility. It is home to about 1000 Oxfam GB staff and provides the anchor for its policy development and advocacy functions. It is also the hub for its leadership and safeguarding team and hosts Oxfam International's Global Humanitarian Team who are responsible for beneficiary protection. It provides a number of volunteering opportunities in office roles, at fundraising events and via

internships.

### **Oxfam GB Trading Arm**

3.10 Oxfam GB Trading Arm (TA) operates a sophisticated infrastructure including an online shop and warehouses to support its six hundred plus shops, their staff and volunteers. They raise millions to fight poverty around the world.<sup>32</sup> According to Oxfam GB figures, its charity shops and other trading activities, such as ethically sourced goods and e-commerce sales, generated turnover of £90 million in the year 2016/17.

### **Oxfam GB Executing Affiliates**

3.11 In each country of operation there is one Executing Affiliate (EA). The EA is the legally registered entity, responsible for in-country staff and donor contracts. EAs are also responsible for business support services for example HR, logistics, finance and IT.

3.12 The EA operates *in-country* under the line management of an OI Country Director. Where permitted under local law, the Country Director has a dual contract of employment with both OI and with Oxfam GB as the EA.

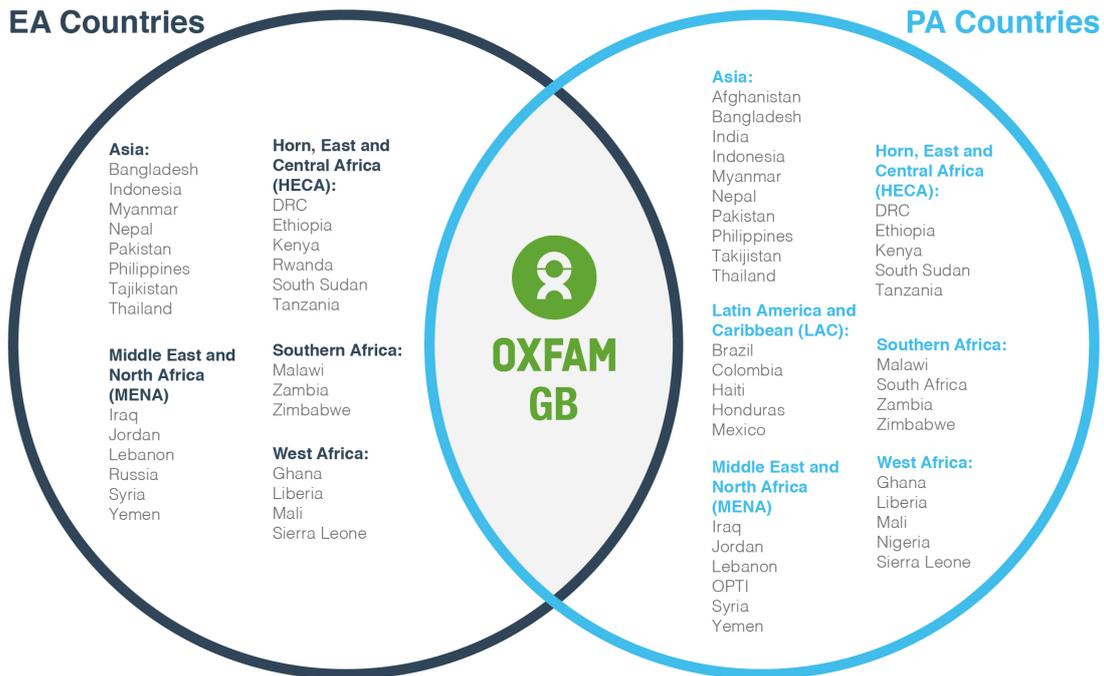
### **Partner Affiliate**

3.13 Each Affiliate contributes a part of its unrestricted funds to a global fund (Collective Resource Allocation: CRA). This means that all Affiliates contribute to all country programmes. Affiliates 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 (PA) function.

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<sup>32</sup> [Oxfam Shops](#)

## Oxfam GB International Operational Structure



3.14 Oxfam GB operates as an EA in 27 countries across five regions (Asia, HECA, MENA, Southern Africa and West Africa) and as a PA in those 27 countries, plus an additional eight – a total of 35 countries. Oxfam GB’s offer to its PA countries was themed around the charity’s focus on water, women, work and inequality and was accepted by those countries which felt that it aligned with their programme, strategy and ambition.

### Context

3.15 Understanding the context in which Oxfam GB works has been a key component to the Review. It has provided evidence of the very real challenges that the charity’s workforce encounter on a daily basis.

3.16 Staff live locally (many are nationals of the country in which they work) and therefore experience the impact of the full range of local themes and risks.

3.17 Many can be living and working in environments during, or in the immediate

aftermath of political and or military conflict. The Country Risk Assessment<sup>33</sup> (CRA), assesses 160 countries based on the macroeconomic, financial and political data gathered on the country. It provides an assessment of a country's financial and corporate influence and stability. Just under half (13) of EA countries are categorised as being at very high to extreme risk. Extreme risk is prevalent in Iraq, Syria, Yemen and Zimbabwe, where there is currently war or civil unrest.

3.18 In some countries the threat of terrorism is never far away. The Global Terrorism Index<sup>34</sup> assessed that in 2017, 70.4% (19) of the 27 EA countries were within the 50% of countries most impacted by terrorism. Iraq had the highest impact of terrorism of all 163 countries assessed. Syria, Pakistan and Yemen were also classified as high risk.

3.19 They can also live and work in areas devastated by natural disaster with virtually no infrastructure in place or amongst communities suffering extreme and long-term poverty (e.g. Ethiopia and South Sudan are amongst the poorest countries in the world and in 37% of EA countries over 50% of citizens live in poverty).<sup>35</sup>

3.20 Such conditions can incubate and promote corruption. Therefore, it is unsurprising that this is widespread in many of the geographic areas within which Oxfam GB is based. 29.6% of EA counties are rated as having a serious problem on the Corruption Perception Index<sup>36</sup> (CPI).

3.21 Add to these factors the levels of intolerance prevalent for alternate life styles and markedly different views on gender and diversity within some local cultures (where deep rooted patriarchal structures and cultures define gender norms and power relations within society) and you begin to develop an insight into the environments within which Oxfam GB work.

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<sup>33</sup> [Country Risk Assessment](#)

<sup>34</sup> [Global Terrorism Index](#)

<sup>35</sup> The Multidimensional Poverty Index (MPI) is used for developing countries. Range is from 0 -1. The closer a score is to 1, the poorer the country.

<sup>36</sup> The Corruption Perception Index (CPI) is applied. The CPI scores and ranks corruption for 180 countries (0 = highly corrupt to 100 = clean).

## Impact

3.22 In the reporting period covering 2016/17, Oxfam GB responded to 35<sup>37</sup> humanitarian emergencies and supported 11.6 million people worldwide. To quantify its level of impact and the difference it has made, the following facts are salient. This volume of work, however, comes at a cost. £303.5 million in the year 2016/17.



In Sierra Leone, Oxfam successfully campaigned to secure **free health care** for mothers and children under 5.

Oxfam work to **reduce the impact of global warming** and 85,000 people benefitted from projects responding to the effects of climate change 2016/17.



In 2015/16 Oxfam provided **5.4 million people** with access to clean water.

Approximately 350,000 people were helped to earn a **better living standard** via improving crops, goods and services.



As well as building and equipping schools, Oxfam help train teachers to allow more **girls to be educated**.

Approximately **500,000 women** increase their ownership of land and assets.



Approximately 1 million men and women were assisted in their **campaign against gender based violence**.

<sup>37</sup> [Oxfam Annual Report \(p. 8\) Oxfam Emergency Response](#) noting that 'at any given time teams are responding to an average of 25 emergencies worldwide'

In 2015/16 Oxfam supported 390,000 women who are now aware of their rights and their ability to stand up for them. In 2013, 166,000 women in Pakistan were able to **vote for the first time** as a consequence of an Oxfam initiative.



Oxfam improve access to **food for local communities** as well as helping local procedures negotiate better prices for their goods (approx. 160,000 in 2016/2017).

## Oxfam GB Trading Arm

3.23 The positive impact that Oxfam GB can have goes further than the high-profile interventions and support provided in EA countries. The benefits associated with its Trading Arm reach well beyond the significant financial contribution it makes. Critically, Oxfam GB's shops are part of the very fabric of the communities where they are located. Alongside offering very practical, low cost clothing, toys and household items,<sup>38</sup> the high street charity shops also play a much less obvious but hugely important civic role.

3.24 In many communities where they are located, they create and support opportunities for people as young as fourteen<sup>39</sup> to gain valuable life experience and to participate in specific accredited schemes.<sup>40</sup>

3.25 They also actively encourage those with special needs and support vulnerable adults to participate in meaningful employment. Such positions offer experience in the workplace, as well as an opportunity to help make a difference in the lives of others.<sup>41</sup>

3.26 Volunteering opportunities are diverse and range from those available within

<sup>38</sup> <https://www.oxfam.org.uk/donate/donate-goods/what-you-can-donate>

<sup>39</sup> with the consent of a parent or guardian

<sup>40</sup> As part of this commitment Oxfam enables young people to complete their volunteering section on either the Bronze, Silver or Gold Duke of Edinburgh scheme and supports internships from foreign language schools.

<sup>41</sup> <https://www.oxfam.org.uk/get-involved/volunteer-with-us>

the shops to the larger warehouse facilities.

3.27 Volunteering has been found to enhance the development of young people who have been regarded as vulnerable due to their status in care or as young care leavers.<sup>42</sup> Young care leavers have been found to have made, '*substantial gains particularly in social capital, personal resilience and identity capital*', following a *volunteering opportunity*'.<sup>43</sup> Further longitudinal research found that volunteering can also have a positive impact on school completion.<sup>44</sup>

3.28 Oxfam GB also accepts volunteers who are subject to a community service order or who are transitioning from custody. Such arrangements are mutually beneficial. The charity gains more volunteers to help its efforts and offers those re-integrating into the local community an opportunity that '*...enables people to participate in positive and purposeful diversionary activity, improving integration, building a sense of belonging and involvement and developing a resilience to turn their back on the past*'.<sup>45</sup>

3.29 Whilst this example is not directly taken from Oxfam GB, it is worthy of note that recidivism in such cases is lower compared to those who have not engaged in such volunteering programmes. Less than 5% of those who were assisted by and volunteered through the charity *Step Together* reoffended.

3.30 Education and employment have long been regarded as two of the most influential factors in desistance amongst ex-prisoners and as such, assist in the long-term rehabilitation of offenders.<sup>46</sup> The Chair of the Council is absolutely adamant that this practice should continue as it is a very important part of what Oxfam GB does, but equally recognised the need to ensure it is always done safely.

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<sup>42</sup> [Webb et al 2017](#)

<sup>43</sup> [Webb et al \(2017, p. 889\)](#)

<sup>44</sup> [Moorfoot et al 2015](#)

<sup>45</sup> [Step Together \(2018\)](#)

<sup>46</sup> [Sue Ryder 2008, Moore et al 2018](#)

## Environmental Benefits: Wastesaver

3.31 In 1974 Oxfam GB became the first national charity to develop its own recycling facility. Wastesaver,<sup>47</sup> based in Batley, West Yorkshire, uses clothes donated to, but not used in Oxfam GB shops, including large scale corporate donations.

3.32 30% of the clothing is sold to a social enterprise in Senegal, '*Frip Ethique*', with past profits being used to fund livelihood programmes in Senegal and elsewhere in West Africa.<sup>48</sup>

3.33 More specifically, up to two hundred small traders currently buy stock from Frip Ethique, whose workforce is mainly comprised of women and who in turn support extended families.

3.34 Clothing that is no longer wearable is sold as industrial cleaning cloth or broken down to be used in mattress fillings or carpet underlay. Any items that cannot be reused or recycled are sent to a green energy plant to produce energy.<sup>49</sup>

Wastesaver at a glance:

- 12,000 tonnes of material are brought to Wastesaver every year.
- 0% goes to landfill.
- 630 Oxfam shops are supported by Wastesaver.
- 85 staff are employed by Wastesaver.

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<sup>47</sup>Wastesaver Oxfam 2018

<sup>48</sup> [Frip Ethique Oxfam](#)

<sup>49</sup>Wastesaver

## Summary

3.35 Oxfam GB's impact is far reaching. It makes a real difference to people's lives both through the work it does globally to end poverty and initiatives such as the Trading Arm volunteering opportunities.

3.36 Many of the initiatives and benefits highlighted above carry risks. Those risks often come down to the people employed, those allowed to volunteer and the vulnerable communities with whom they are permitted to engage. Policing, education, social care and many other sectors are no different. The key is how any organisation manages and mitigates the risks they will inevitably face.

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## 4. SAFEGUARDING INCIDENTS, ALLEGATIONS & COMPLAINTS

4.1 The ToR required a review of all safeguarding incidents, allegations and complaints reported to Oxfam GB from 2011 to the commencement of the Review. The purpose of this has been to assess whether or not:

- a) all relevant matters have been reported as Serious Incident Reports (SIRs) to the Charity Commission;
- b) all matters involving conduct which may give rise to a criminal offence have been reported to law enforcement or other respective agencies;
- c) the circumstances of the notifiable incidents have been fully disclosed to the Charity Commission and;
- d) the charity has adequately and accurately disclosed information about these matters to statutory funders and other principal donors.

4.2 Prior to setting out the Review's findings, it is important to highlight the challenges faced regarding the quality of information available and the difficulty in determining the exact number of cases falling within the time period under review. This has arisen due to two issues:

- the mechanism used by Oxfam GB to record incoming work, known as '*The Safeguarding Register*' and;
- inadequacies with and inconsistencies within their recording system for case management and information retention.

### **The Safeguarding Register**

4.3 Oxfam GB's Safeguarding Register (the register), is a simple spreadsheet, that has been used by the Global Safeguarding Team to log and track reports of relevant incidents. At the commencement of the Review, the register contained 373 accurate entries relevant to the Review's ToR (four duplicates were removed by the Review from the original 377 on the list).

4.4 The Review was told that the register was never intended to provide a detailed insight or analysis of individual cases. It is therefore unsurprising that even when the columns were fully completed,<sup>50</sup> which they rarely were, the information of itself was insufficient to facilitate a full understanding of the nature of the incident, progress made, or required actions and outcomes.

4.5 Whilst a register can be a useful tool to record basic case details and monitor progress, it is contingent upon the accurate and timely inputting of data. Equally important is the management of updates, the frequency of oversight and effective quality assurance to ensure that information is reliable. In the context of these features, Oxfam GB's register was considered by the Review to be inadequate. In terms of the usefulness and credibility of the charity's future electronic case management system, the following recommendation is made.

**R1:** Standard Operating Procedures (SOPs) should be developed to ensure appropriate management 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 within any safeguarding investigation.

## Case Files

4.6 Supporting paperwork was only available during the investigation phase of the Review for 227<sup>51</sup> entries on the register. The Review was therefore limited in its focus to these case files and 18 others that had no reference in the register. In total, 245 case files were subject to analysis and can be broken down into the following areas:

- 16 related to Oxfam GB's UK Division
- 113 related to Oxfam GB's Trading Arm

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<sup>50</sup> Over a period of time columns were added and a range of different individuals added information as they saw fit.

<sup>51</sup> This number has varied throughout the Review due to duplicate papers, linked files and the discovery by Oxfam GB of other case files late into the review.

- 83 related to Oxfam GB EA Countries
- 33 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.<sup>52</sup>

4.7 For ease of reference, the report refers to case files. However, many of the historic files comprised bundles of paper and printed email trails. They often included duplicates and were lacking in terms of indexing, meaningful structure, analysis, clear recommendations or informed outcomes. To further complicate the review process, the referencing system was insufficient on the grounds that papers could not always be cross referenced or easily related to the register.

4.8 Oxfam GB previously recognised the risks arising from their methods of tracking and recording cases and has recently invested in a new electronic management system to address this deficit.

4.9 Whilst this positive development should improve practice moving forward, it does not mitigate the serious concerns identified in respect of Oxfam GB's historic failing to properly manage such critical and highly sensitive information. Whilst there is no criticism of its management of personal data, the fact that a significant number of register entries have no accompanying paperwork and 18 case files cannot be linked to the register is extremely worrying.

4.10 During the final fact checking period of the Review, additional files were located by Oxfam GB. These were dip sampled and found to reflect the same issues identified above. Of the 80 register entries with no file, Oxfam GB acknowledge that 26 are missing. In respect of the remaining 54 they contend that no file was required because of the nature of the case or the fact that it had been passed (in a small number of cases to police). The Review does not agree with this position.

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<sup>52</sup> These totals include those that required SIRs and those that didn't. From this point onwards in the report, we focus on only those incidents that required SIRs.

4.11 The Review has formed the opinion that this late submission and the fact that so many files are missing, simply reinforces concerns about the haphazard nature of Oxfam GB's historic approach to case management.

4.12 The legacy impact of this failure is difficult to estimate. It has not been possible to establish whether all of these cases have been dealt with effectively, related SIRs completed and whether potential victims have been appropriately protected.

**R2:** 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.

**R3:** 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.

## Serious Incident Reports to the Charity Commission

4.13 The Review was required to assess whether all relevant matters have been reported as Serious Incident Reports (SIRs) to the Charity Commission and that the circumstances of these incidents have been fully disclosed.

### SIR Guidance

4.14 Throughout the Review Oxfam GB and their representatives have been eager to reinforce the fact that there is no ‘legal obligation’ to file SIRs and that Reporting Serious Incident (RSI) guidance is non-binding. However, given the authority<sup>53</sup> and role<sup>54</sup> of the Charity Commission in England and Wales (and that of the Office of the Scottish Charity Regulator<sup>55</sup>), the Review considers that adherence to their guidelines is the foundation upon which good practice in this area should be measured. Furthermore, there is a clear and unambiguous statutory requirement<sup>56</sup> for Oxfam GB to make annual returns, within which the Review would expect SIRs to be included.

4.15 Pursuant to such ‘non-binding’ guidance, charities in England and Wales have had a responsibility to notify the Charity Commission of serious incidents since 2007.<sup>57</sup> Incidents within the scope of the ToR have been considered against the relevant Charity Commission guidance applicable at the time.

### Guidance on SIRs - 2010

4.16 The earliest relevant SIR guidance is the 2010<sup>58</sup> update on ‘*Reporting Serious Incidents for Trustees*’. Whilst this document introduced a number of changes in tone<sup>59</sup> and detail, expectations regarding reporting, remained largely the same as the

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<sup>53</sup> <https://data.gov.uk/publisher/charity-commission-for-england-and-wales>

<sup>54</sup> <https://www.gov.uk/government/organisations/charity-commission/about#responsibilities>

<sup>55</sup> <https://www.oscr.org.uk/managing-a-charity/notifiable-events>

<sup>56</sup> <https://www.gov.uk/guidance/prepare-a-charity-annual-return#what-a-charity-annual-return-includes>

<sup>57</sup> Reporting Serious Incidents (RSI). A summary of developments of RSI guidance relevant to safeguarding; Nick Mott 22022018

<sup>58</sup> [Charity Commission Reporting Serious Incidents Guidance, 2010 \(Page.3\)](#)

<sup>59</sup> Reporting Serious Incidents (RSI). A summary of developments of RSI guidance relevant to safeguarding; Nick Mott 22022018

2009 iteration. The key issues covered in the 2010 guidance are listed below, with any repetition in subsequent iterations (up to September 2017) noted as appropriate. The following paragraphs highlight the key statements and themes contained within the guidance:

## General Guidance

4.17 Information relating to the Independent Safeguarding Authority (ISA) and the Vetting and Barring Scheme (since disbanded).

## Duty of Trustees

4.18 Specific advice that safeguarding beneficiaries is a key trustee responsibility.

*'Reporting serious incidents demonstrates to us [Charity Commission] that you have identified a risk to the charity and that you are taking appropriate action to deal with it. This is very important because safeguarding the assets of the charity and the charity's beneficiaries are key trustee responsibilities'.*

This advice is identical in the 2012<sup>60</sup> and 2013<sup>61</sup> guidance for trustees.

4.19 A change from describing *'best practice'* to *'good practice'* when reporting serious incidents to the Charity Commission.

*'As a matter of good practice, any serious incident that has resulted or could result in a significant loss of funds, or significant risk to a charity's property, work, beneficiaries or reputation should be reported to us [Charity Commission] immediately, not just on completion of the annual return'.*

This advice is identical in the 2012<sup>62</sup> and 2013<sup>63</sup> guidance for trustees.

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<sup>60</sup> [Charity Commission Reporting Serious Incidents Guidance, 2012 \(Page.2\)](#)

<sup>61</sup> [Charity Commission Reporting Serious Incidents Guidance, 2013 \(Page. 2\)](#)

<sup>62</sup> [Charity Commission Reporting Serious Incidents Guidance, 2012 \(Page.2\)](#)

<sup>63</sup> [Charity Commission Reporting Serious Incidents Guidance, 2013 \(Page. 2\)](#)

## Criminal Activity

4.20 Specific advice detailing the basis and timing of SIR reporting relating to criminal activity.

*'You should inform us [Charity Commission] of any actual or suspected criminal activity within or involving the charity as soon as possible after the incident. You must do so where an individual may have committed an offence that calls into question their suitability to be involved in or connected to a charity, whether as a trustee, member of staff or volunteer'.*

*'You should report crime or suspected crime to the police and obtain a crime reference number'.<sup>64</sup>*

4.21 This advice is identical in the 2012<sup>65</sup> and 2013<sup>66</sup> guidance for trustees.

## Guidance on the Timeliness of Reporting

4.22 Guidance relating to the exercising of judgement in respect of fact finding following an allegation/suspicion and the timing of a SIR.

*'It is common sense that trustees will need some time to gather information to establish the facts following an allegation or incident before reporting to us [Charity Commission] but we [Charity Commission] 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 judgement in the circumstances. When an incident is very serious we [Charity Commission] would expect this to be reported to us [Charity Commission] immediately'.<sup>67</sup>*

*'If you are unsure whether an incident is serious or significant, we recommend you*

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<sup>64</sup> [Charity Commission Reporting Serious Incidents Guidance, 2010 \(Page.4\)](#)

<sup>65</sup> [Charity Commission Reporting Serious Incidents Guidance, 2012 \(Page.2\)](#)

<sup>66</sup> [Charity Commission Reporting Serious Incidents Guidance, 2013 \(Page. 2\)](#)

<sup>67</sup> [Charity Commission Reporting Serious Incidents Guidance, 2010 \(Page.5\)](#)

*report it to us anyway’.*

4.23 The 2012<sup>68</sup> and 2013<sup>69</sup> guidance on when to report a serious incident is identical.

### **Suspensions, allegations and incidents of abuse or mistreatment of vulnerable beneficiaries.**

- Guidance setting out the definitions on when a SIR should be made in the context of vulnerable beneficiaries.

*‘You should report 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 in connection 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’.*<sup>70</sup>

4.24 The above guidance on what to report as a serious incident is echoed in both the 2012<sup>71</sup> and 2013<sup>72</sup> Charity Commission guidance documents.

## **Reporting**

4.25 The guidance makes clear that as well as reporting to the Charity Commission,

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<sup>68</sup> [Charity Commission Serious Incident Reporting Guidelines 2012 \(Page.5\)](#)

<sup>69</sup> [Charity Commission Serious Incident Reporting Guidelines 2013 \(Page.5\)](#)

<sup>70</sup> Charity Commission Serious Incident Report Guidelines 2010 (Page.11)

<sup>71</sup> Charity Commission Serious Incident Report Guidelines 2012 (Page.12) difference in wording - 'by someone connected with your charity'

<sup>72</sup> Charity Commission Serious Incident Report Guidelines 2013 (Page.12) difference in wording -'by someone connected with your charity'

charities should also notify the police, local authority and / or relevant statutory agency responsible for dealing with such incidents.

4.26 The advice found within the 2010<sup>73</sup> Charity Commission Guidelines regarding reporting is echoed in both the 2012<sup>74</sup> and 2013<sup>75</sup> guidelines.

4.27 It also provided links to guidance issued by the Department for Education on safeguarding children and the Department of Health on safeguarding vulnerable adults.

4.28 The final paragraph, on the last page of the guidance reinforces the ability to seek advice and guidance from the Charity Commission:

*'If you have any concerns or questions about what to report or how we will handle information you provide, the best way to contact us is by email at [RSI@charitycommission.gsi.gov.uk](mailto:RSI@charitycommission.gsi.gov.uk)'.*<sup>76</sup>

4.29 The above guidance and contact information for the Charity Commission is duplicated in both the 2012<sup>77</sup> and 2013<sup>78</sup> *Reporting Serious Incidents Guidance* documents.

### **Updated Guidance on SIRs 2012, 2013 and 2017**

4.30 Whilst there were updates in 2012<sup>79</sup> and 2013, no significant changes were made beyond information concerning the Disclosure and Barring Service (DBS). In the 2013 update, an additional focus was provided on safeguarding policies.

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<sup>73</sup> Charity Commission Reporting Serious Incidents Guidance 2010 (Page.11)

<sup>74</sup> Charity Commission Reporting Serious Incidents Guidelines 2012 (Page.12) new addition - 'local authority and/or relevant regulator or statutory agency'

<sup>75</sup> Charity Commission Reporting Serious Incidents Guidelines 2013 (Page.12) addition - 'local authority and/or relevant regulator or statutory agency'

<sup>76</sup> [Charity Commission Reporting Serious Incidents Guidance 2010 \(Page.15\)](#)

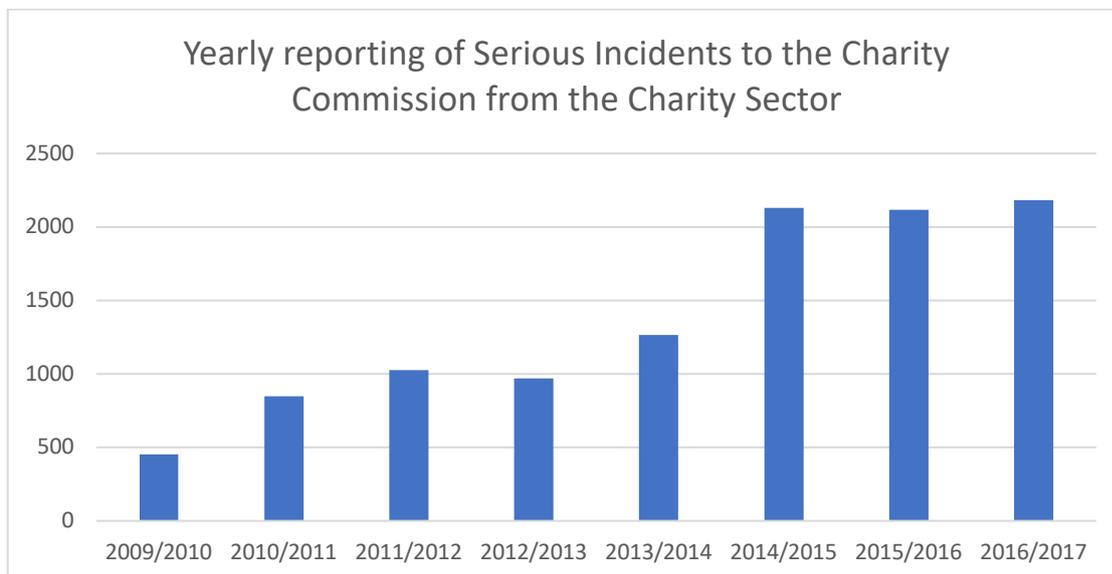
<sup>77</sup> [Charity Commission Reporting Serious Incidents Guidance 2012 \(Page.17\)](#)

<sup>78</sup> [Charity Commission Reporting Serious Incidents Guidance 2013 \(Page.17\)](#)

<sup>79</sup> [http://webarchive.nationalarchives.gov.uk/20121030213849/http://www.charitycommission.gov.uk/our\\_regulatory\\_activity/reporting\\_issues/rsinotes.aspx](http://webarchive.nationalarchives.gov.uk/20121030213849/http://www.charitycommission.gov.uk/our_regulatory_activity/reporting_issues/rsinotes.aspx) and [http://webarchive.nationalarchives.gov.uk/20121213165824/http://www.charitycommission.gov.uk/Our\\_regulatory\\_activity/Reporting\\_issues/rsinotes.aspx#d](http://webarchive.nationalarchives.gov.uk/20121213165824/http://www.charitycommission.gov.uk/Our_regulatory_activity/Reporting_issues/rsinotes.aspx#d)

4.31 Major additions, providing greater clarity on a number of issues, were made in September 2017. These included, but were not limited to, defining safeguarding as ‘protecting children from abuse and neglect’, changing the phrase ‘vulnerable beneficiaries’ to ‘adults at risk’, providing examples of incidents to report, whistleblowing and strengthened advice on the importance of carrying out DBS checks. Guidance was further reinforced by the December 2017 publication of the Charity Commission’s ‘Strategy for dealing with Safeguarding Issues in Charities’.

4.32 Whilst this Review is focused on Oxfam GB, it is important to place its compliance with SIR notifications in the context of the wider charity sector. From an examination of the Charity Commission's annual reports and publications, it is reasonable to suggest that the sector as a whole has been slow to meet the expectations regarding SIR notifications set out in Charity Commission guidelines. In 2009/10, only 451 serious incidents were reported to the Charity Commission from 163,000 charities. Whilst this has increased over subsequent years (see graph below),<sup>80</sup> it is reasonable to conclude that consistent reporting of SIRs remains an ongoing challenge for the Charity Commission.

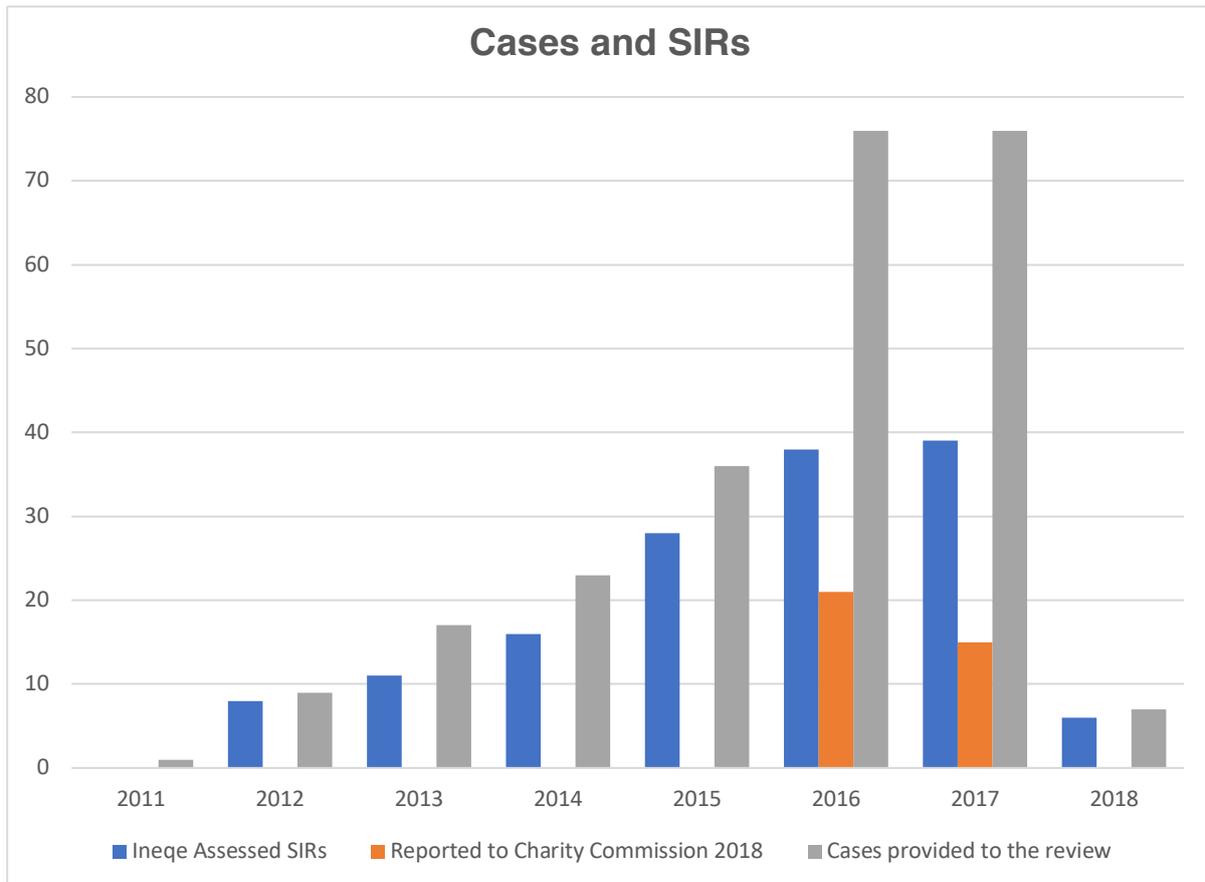


<sup>80</sup> There is a discrepancy between two official sources relating to the 2013/14 figures. These documents are: <https://www.gov.uk/government/news/charities-reminded-to-report-serious-incidents> and [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/455047/Tackling\\_abuse\\_and\\_mismanagement\\_2013](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/455047/Tackling_abuse_and_mismanagement_2013).

## SIR Submissions by Oxfam GB

4.33 From the 245 case files analysed, the Review assessed that 146 met the criteria for a Safeguarding SIR.<sup>81</sup> All of these should have been notified to the Charity Commission consistent with its guidance at the relevant time. Over the time period the Review has focused upon (2011 – March 2018), it has established that 36 Safeguarding SIRs made by Oxfam GB were sufficient in respect of content (if outside expected timelines). The Review is unable to make a judgement on the register entries where no accompanying paperwork was made available during the fieldwork<sup>82</sup> phase of the Review. However, at the time of writing Oxfam GB has reported all known incidents assessed by the Review as requiring a Serious Incident Report to the Charity Commission.

4.34 A detailed breakdown of Oxfam GB’s engagement on these matters with the Charity Commission is set out in the graph below.



<sup>81</sup> Safeguarding SIRs are incidents relating to safeguarding issues as defined in paragraph 1.7

<sup>82</sup> General field work and research was completed in June/July 2018.

4.35 Oxfam GB's first report on Safeguarding SIRs (relevant to this Review's ToR<sup>83</sup>) was made to the Charity Commission in 2015. It is referred to as the '*2015 consolidated document*'. This was, in essence, a copy of the then safeguarding register.

### **The 2015 Consolidated Document**

4.36 The 2015 consolidated document collated headline information about 122<sup>84</sup> safeguarding incidents dealt with by Oxfam GB over the preceding years. The first dated incident is recorded as 5<sup>th</sup> March 2012 and the last recorded as the 8<sup>th</sup> September 2015.

4.37 It is important to note that even if the timing of this report had been consistent with Charity Commission guidance, which it was not, the lack of detail within it was such that it provided no Safeguarding SIR submission that met guidance expectations. Indeed, Oxfam GB did not always include even the most basic information, such as the full dates on which each of the incidents were alleged to have taken place. Ten cases have no date whatsoever and 49 reference a month but no year.

4.38 During the Review, Oxfam GB highlighted that the Charity Commission does not set out express guidance on the content, length or format of serious incident reports and the Review acknowledges that it would be helpful if they did. That said, under the section titled '*Questions we might ask*', present in Charity Commission guidelines since 2010 the following prompts are provided;

*'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*

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<sup>83</sup> The single SIR submitted in 2011 relating to the Haiti incident falls outside the Review's ToRs.

<sup>84</sup> In 58 incidents no associated paperwork/case files were available.

*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 crime reference number.*
- Confirmation that the trustees have reported the incident to their local Safeguarding Board if the incident involves incidents 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'.*

4.39 There is no evidence that these guidelines were ever considered by Oxfam GB in respect of the 2015 consolidated document. However, it is fair to note that when

submitted, it was accompanied by a covering email<sup>85</sup> stating, “*We will be happy to provide more information about any of these cases should you require it*”. Furthermore, Oxfam GB acknowledged, “*Some of these should probably have been reported as serious incidents to the Commission and were not, for which my apologies*”.

4.40 Notwithstanding the aforementioned admission and the fact that the Charity Commission do not confirm acceptance of SIRs, no evidence has been seen by the Review that the Charity Commission responded to, or prompted Oxfam GB for any additional information.

### **The 2016/2017 SIR Submission**

4.41 The Review is unaware of any further Safeguarding SIRs being reported by Oxfam GB until a further submission containing 34 SIRs was made to the Charity Commission in February 2018. This was also a consolidated report and covered incidents occurring between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017. In the same year, the charity’s legal team also sent a separate report containing two safeguarding related incidents.

4.42 Whilst this submission undoubtedly represents an improvement in the quality of information (compared to the 2015 consolidated document), it was far from timely, having been made nearly one year after the end of the reporting period. Charity Commission guidance states that reports should be made ‘*as soon as is reasonably possible*’.

4.43 The submission of a further report by Oxfam GB, covering the period April 2017 to February 2018, was made in June 2018. This supports the Review’s findings that Oxfam GB is improving in terms of both its focus and compliance with SIR notifications.

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<sup>85</sup> 2015 covering email from Oxfam GB to Charity Commission

**R4:** Oxfam GB should implement a defined process to strengthen its compliance with Safeguarding SIR reporting to the Charity Commission. This process should provide;

- 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 Oxfam GB trustees (including an analysis of trends, themes and patterns) to strengthen their oversight on these highly significant cases.

## Reporting to law enforcement or other relevant agencies

4.44 The Review has examined whether matters involving conduct which may give rise to a criminal offence have been reported to law enforcement or other relevant agencies. In undertaking this task, the Review has taken account of the criteria<sup>86</sup> in place between 2010 and September 2017. This criterion uses the following language; *‘any actual or suspected criminal activity’*, *‘crime or suspected crime’* and *‘grounds to suspect’*. The Review considered each of these thresholds<sup>87</sup> and came to the view that the word *‘may’* (as applied in the Review’s ToR) was sufficient when considering the need to report to the police or other appropriate statutory agencies.

4.45 It is important to note that the criteria above does not require a crime to be

<sup>86</sup> Reference the 2010, 2012, and 2013 guidance documents. Charity Commission Reporting Serious Incidents Guidance 2010 [http://webarchive.nationalarchives.gov.uk/20110709210741/http://www.charitycommission.gov.uk/Our\\_regulatory\\_activity/Reporting\\_issues/rsinotes.aspx](http://webarchive.nationalarchives.gov.uk/20110709210741/http://www.charitycommission.gov.uk/Our_regulatory_activity/Reporting_issues/rsinotes.aspx)

Charity Commission Reporting Serious Incidents Guidance 2012

<http://webarchive.nationalarchives.gov.uk/20121030235903/http://www.charitycommission.gov.uk/Library/rsinotes.pdf>

Charity Commission Reporting Serious Incidents Guidance 2013

<http://webarchive.nationalarchives.gov.uk/20140102211444/https://www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/guidance-for-trustees/>

<sup>87</sup> The Review acknowledges 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.

proven and in some cases an appropriate investigation at the time may have established that there was in fact no crime committed.

4.46 The Review also noted the Charity Commission’s guidance that states (as well as reporting to the Charity Commission) ‘charities should also notify the police, local authority and or relevant statutory agency responsible for dealing with such incidents’.

## **UK Case Files**

4.47 The Review assessed<sup>88</sup> that in 51 of the 129 case files involving Oxfam GB UK and Oxfam GB TA, that the conduct involved may have given rise to a criminal offence in the UK.<sup>89</sup> Only 28 of these cases were confirmed as having been reported to the police or other appropriate statutory authority. In 12 cases the files either made it clear or implied that the victim either did not wish to take the matter further or make a report to the police.<sup>90</sup>

4.48 The remaining 11<sup>91</sup> cases relate to potential crimes<sup>92</sup> where there is no evidence that these have been reported. Three of these cases<sup>93</sup> involved children and arose in 2016 and 2017.<sup>94</sup> In line with Charity Commission guidance, all of these cases should have led to the engagement of the police and/or other statutory authorities.

4.49 The Review has provided Oxfam GB with an outline of the circumstances and recommendations regarding how the question of potential criminality might be addressed in these unreported cases. At the time of writing, the charity has made good progress identifying potential victims, ascertaining their wishes about reporting

<sup>88</sup>A number of the cases assessed as potentially giving rise to a crime are disputed. For example, in one case the police determined there was no substance to the allegation.

<sup>89</sup> This includes the UK Division and the TA Division

<sup>90</sup> This number includes only those incidents that required a Serious Incident Report

<sup>91</sup> The 11 cases involving potential crimes relate to the following period of time; 2 incidents took place in 2013, 1 in 2014, 3 in 2015, 3 in 2016 and 2 in 2017.

<sup>92</sup> Unreported potential crime is the classification given to a case assessed as being conduct that may amount to a crime where there is no evidence in the file or associated material that the case has been reported to or advice sought from the appropriate authorities (including the police).

<sup>93</sup> Two cases involved inappropriate behaviour towards children and the third inappropriate behaviour by a child volunteer.

<sup>94</sup> The former Head of Global Safeguarding employed between April 2012 and January 2015 assured the Review that she “reported (to the police) all UK cases involving allegations in respect of children”.

and assessing the viability and necessity of engaging relevant agencies. During this ongoing process, no additional evidence has been identified to confirm any of these 11 cases had previously been reported. The Review will revisit progress during the evaluation stage of its work.

**R5:** 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.

## **EA Case Files**

4.50 The Review also assessed that in 46 of the 83 EA cases examined, the conduct of those involved may have constituted a criminal offence in their respective jurisdictions. Only three of these cases can be confirmed as having been reported. In 12 cases the victim either did not wish to pursue the case or make a report to the police. There were 31<sup>95</sup> 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 were not. It is not possible to reach clear conclusions about potential criminality and reporting because most of Oxfam GB's files don't record decision-making around whether or not to report to statutory authorities – as Oxfam GB staff should have done.

4.51 In EA countries, the law, culture and traditional approaches to the administration of criminal justice can vary.<sup>96</sup> It is therefore acknowledged that it is likely to be more difficult to determine whether some acts may constitute a crime or not.

4.52 Indeed, there are a number of unreported cases where it is reasonable to

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<sup>95</sup> Unreported potential crimes is the classification given to a case assessed as involving conduct that may amount to a crime where there is no evidence in the file or associated material that the case has been reported to the appropriate authorities (including the police).

<sup>96</sup>See context section paragraphs no. 2.14 – 2.20

suggest that Oxfam GB may not have been clear as to whether the alleged conduct amounted to a crime in that particular jurisdiction. However, it is not for Oxfam GB to judge whether or not a crime has been committed.

4.53 Notwithstanding this potential ambiguity (and some exceptional circumstances where human rights concerns for an individual or fears for a victim's safety might inhibit local reporting), the allegations were such that they should have been reported/referred or advice sought from the appropriate statutory agency in the jurisdiction where they occurred. These agencies are best placed to make a judgement about the status of an allegation.

4.54 In one of the 31 unreported cases Oxfam GB has stated that the case was not reported because it related to prostitution. The rationale provided was that in the particular jurisdiction only the prostitute would have been guilty of an offence, rather than the staff member alleged to have been using prostitutes. This example highlights the real dilemma Oxfam GB face. As a victim centric organisation getting the balance right in such cases can be difficult. However, there are several issues that arise from this example.

4.55 The first is that the rationale for the decision was not recorded at the time. The second is that the SoC may well have continued this behaviour, have moved to other Aid sector organisations and might still be working in one now.

4.56 Finally, it is an offence in the jurisdiction where this case took place to engage a prostitute who has been trafficked.<sup>97</sup> You cannot establish whether such an individual has been trafficked or what local law enforcement may or may not do without consulting either them, or other national or local authorities where the offence took place.

4.57 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

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<sup>97</sup> In this jurisdiction several prosecutions for this offence have been successfully achieved between 2011 and 2015.

Commissions guidelines, however well intentioned, is a 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.

4.58 This should include evidence of all measures taken to mitigate any future risk to the individual(s) and/or the organisation, and the steps taken to escalate concerns and agree actions, which should be signed off by senior management. Such comprehensive detailed records have not been found.

4.59 The Review provided details of the respective cases to Oxfam GB and at the time of writing, the charity has made good progress in assessing the viability and necessity of follow up with relevant agencies. The Review will support this work in phase two and report progress at the evaluation stage of its work.

**R6:** 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 Head of Global 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.

### Extra-Territorial Legislations

4.60 No UK citizens were identified in the 83 EA case files made available to the Review. However it is worthy of note that where a UK National commits an offence in a foreign country, the jurisdiction for dealing with this ordinarily lies in that country, unless a statute gives jurisdiction to try the offence in the UK. Where a statute gives such jurisdiction, the extent of it depends on whether the offender is a UK National or a UK Resident.

4.61 The decision to undertake an extra-territorial prosecution rests with the UK

prosecuting authorities on receiving a report and liaising with relevant overseas law enforcement.

4.62 Extra-territorial legislation is a useful tool to deal with UK nationals who commit crimes abroad.

**R7:** 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.

**R8:** 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:

- 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 Country Director, the final decision should be agreed and authorised by the Director of Safeguarding (or equivalent) and reported to the Chair of Safeguarding Committee.
- Such reports should be shared with the Charity Commission.

## Other Case Files

4.63 Of the 33 case files tenuously linked to Oxfam GB falling within the category of ‘Other,’<sup>98</sup> 10 were assessed as involving conduct that may give rise to a criminal offence.

4.64 Of these cases, two were reported to the appropriate authorities. One victim withdrew their complaint and seven potential crimes were unreported. The unreported cases cover territorial areas of responsibility that do not fall within Oxfam GB’s Executing Affiliates, UK Division or UK Trading Arm. In some cases, Oxfam GB staff are victims and in others SoCs. In all cases, an Oxfam GB case file exists. It is not

<sup>98</sup> Other includes incidents that are not directly linked to Oxfam GB, including those arising at the private residences of employees/individuals and by SoCs that are not affiliated with Oxfam GB in any capacity known to the Review.

clear in any of the papers whether or not appropriate authorities within the jurisdictions concerned were informed.

**R9:** 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.

### **Victims who did not wish to report**

4.65 Oxfam GB is committed to being a victim centric organisation where the victims and survivors wishes are paramount. In recent years, Oxfam GB's Global Safeguarding Team has achieved some success in building the confidence of victims to encourage and empower them to come forward,<sup>99</sup> report and follow through with investigations.

4.66 In some cases, and for very legitimate reasons, the victim may not wish to pursue or continue with a complaint and it is absolutely right that the victim's wishes are considered and ordinarily prioritised. However, there may be cases, especially related to the young and vulnerable, where a decision not to report should not be made by Oxfam GB in isolation of other agencies, such as social care and in some instances the police.

4.67 For example, in one UK case where a vulnerable adult was behaving inappropriately with a child volunteer, the parents of the victim indicated that they did not want to take the matter further. Good practice<sup>100</sup> should have involved Oxfam GB engaging children's social care and/or the police. This would have allowed for any potential risk to be considered in its widest possible context, with statutory agencies being able to consider the safeguarding issues beyond those which had occurred with the child involved.

<sup>99</sup> [http://fic.tufts.edu/assets/SAAW-report\\_5-23.pdf](http://fic.tufts.edu/assets/SAAW-report_5-23.pdf) (Pg. 53)

<sup>100</sup> <https://www.gov.uk/report-child-abuse>

4.68 This does not mean that a criminal case would have progressed without the consent of the victim. It would however, have ensured that issues of relevance to the child, vulnerable adult, or SoC (that were unknown to Oxfam GB staff, but potentially known to other agencies) were fully considered and balanced.

4.69 In the earlier version of Oxfam GB's Prevention of Sexual Exploitation and Abuse (PSEA) policy, this issue was not explicitly dealt with. However, the 2018 version informs good practice in this regard. If followed, defined practice will prevent a reoccurrence of such an approach in the future.

4.70 Establishing the victim's true wishes can be a complex task. In one case, a file states that the staff member assumed the victim did not want to proceed and in another it was established that a victim had been intimidated so that they would not report.

4.71 In refugee and Internally Displaced Persons (IDP) cases there can be added layers of complexity. In one EA case, a beneficiary was sexually harassed by a staff member and the victim's parent begged their daughter not to report the incident to anyone in fear that their family would be sent back to their country of origin. A different family member ultimately reported the incident to Oxfam GB.

4.72 In some cases, offenders may be prolific, and their behaviour can impact and represent a significant risk to others. In the absence of a complaint it is difficult to hold alleged offenders to account and thereby manage the risk they may represent.

4.73 In the UK, these issues can be more effectively addressed by seeking support and advice from the Local Authority or police service. However, EA countries undoubtedly represent a more challenging environment. There is some evidence of consideration of the wider issues and indeed legal advice being sought in a few of the EA case files. This approach needs to be further enhanced and uniformly applied in such cases.

**R10:** 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:

- 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 Country Director, the final decision should be agreed and authorised by the Director of Safeguarding (or equivalent) and reported to the Chair of Safeguarding Committee.
- Such reports should be shared with the Charity Commission if requested.

## **Disclosure of information to statutory funders in the UK and other principle donors**

4.74 The Review examined whether Oxfam GB has adequately and accurately disclosed information to statutory funders and other principal donors. To inform its assessment, the Review examined documents relating to ‘*Accountable Grant Agreements*’ with the Department for International Development (DFID).

4.75 These documents place significant requirements on Oxfam GB concerning financial propriety in the context of procurement processes, misappropriation and

fraud, malpractice, auditing and the management of unspent funds. No specific safeguarding issues are addressed, or conditions imposed requiring Oxfam GB to disclose information relating to safeguarding incidents, allegations or complaints.

4.76 A paragraph of some relevance states; *‘That if any changes occur which, in DFID’s opinion, impair significantly the development value of the project, DIFD and Oxfam GB will consult at the earliest opportunity on measures to resolve the problem and identify possible courses of action’.*

4.77 Whilst it could be argued that a wider interpretation of this statement might include safeguarding, its lack of explicit reference and the overall tone of the document (focussing on value) means it would be unlikely to ever be interpreted as such.

4.78 The Review found there that there was no express or, in the opinion of the Review, implicit requirement in the DFID contracts examined to disclose safeguarding matters. Further the charity advised the Review that due to the nature of their legacy systems, it was unable to locate any records of the information previously disclosed to statutory funders in the UK, including DFID. The Review did, however, examine four recent<sup>101</sup> donor reports. These reports were made to a statutory donor, principle donors and a major institutional donor.

4.79 The reports address allegations made in the specific countries funded by the individual donors. They provide an accurate insight into the issues including the types of allegations made, the results and outcomes of investigations and whether reporting requirements to appropriate authorities have been met.

4.80 They also address project specific improvement plans, including immediate remedial action at both strategic and operational levels and are supported by comprehensive documentary evidence.

4.81 Oxfam GB has recently developed and published new Reporting Misconduct

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<sup>101</sup> Four Donor reports completed in 2018 were examined by the Review.

Standard Operating Procedures (SOPs). These provide comprehensive guidance and a reporting template to deal with such matters in the future. Oxfam GB has written to all EA Country Directors informing them that this policy is now in effect and has provided a number of online training sessions to support its implementation.

4.82 The Review has considered and reviewed the SOPs and recognises this approach as good practice.

## Offending Profiles, Trends and Patterns

4.83 A number of key themes are identified from the data analysis of the 245 case files.

4.84 Across all divisions, the data evidences that the vast majority of victims are female whilst the majority of SoCs are male. The gender divide reflected in this Review is consistent with academic research<sup>102</sup> surrounding criminal activity both more broadly and specifically, within aid agencies.<sup>103</sup> Mazurana and Donnelly (2017), in their review of sexual harassment and assault against aid workers, note that within aid agencies the vast majority of victims are women and perpetrators are men, often within a position of power or trust.<sup>104</sup>

4.85 A further correlation with the findings of this Review and those of Mazurana and Donnelly (2017) is illustrated in respect of the sexual nature of the incident type. Such findings are consistent with other academic literature, noting that sex offences are typically committed by men and are perpetrated against women.<sup>105</sup>

4.86 The most common safeguarding incidents involving vulnerable adults<sup>106</sup> were

<sup>102</sup> 'Throughout history, for all societies, all groups, and nearly every crime in category, males offend more than females. The correlation between gender and the likelihood of criminal involvement is quite remarkable...'  
Steffensmeier and Schwartz<sup>102</sup> (2007,p.593). Ref Steffensmeier, D. and Schwartz, J. (2007) 'Gender and Crime' in Greene, J. R. (editor), *The Encyclopedia of Police Science* (Third Edition), New York: Taylor and Francis LTD, pp. 593 - 597

<sup>103</sup> Mazurana, D. and Donnelly, P. (2017). *Stop the Sexual Assault against Humanitarian and Development Aid Workers*. Somerville USA: Feinstein International Centre, pp.1 - 65.

<sup>104</sup> Mazurana and Donnelly (2017, p.2).

<sup>105</sup> Meloy, M. L. (2006) *Sex Offences and the men who commit them: An Assessment of Sex Offenders on Probation*, Northeastern University Press: USA.

<sup>106</sup> No vulnerable adults were identified as volunteering within the UK or EA Division case files examined by the Review.

that of indecent assault (4) and common assault (2). Additional recorded episodes included another sexual offence (1), voyeurism (1) and financial crime (1).

4.87 For children, the most common incidents related to indecent assault (7) and harassment (4). Also featuring in the victim profile were offences relating to rape (3), common assault (2), stalking (2), distribution of drugs and alcohol to a minor (1), distribution of indecent images of a child (1) and indecent exposure (1). In the vast majority of cases reported to Oxfam GB<sup>107</sup> involving child victims, incidents arose in the context of the charity's TA operations (16 out of 21 cases between 2011 and 2018). This may, in part, be due to the frequency with which SoCs come into contact with children in Oxfam GB's shops. In comparison to the identification of child victims in EA countries, it is also likely to be influenced by the overall safeguarding system operating in the UK, leading to heightened awareness and a greater confidence in reporting to statutory authorities.

4.88 Indeed, when considering all victims, only 6.5% of cases in the EA division were identified as having been reported to the police or relevant statutory bodies. There was a higher percentage (93.5%) of unreported incidents where the conduct disclosed may give rise to criminal offences (when compared with UK and TA divisions) and a greater proportion of victims who did not wish to progress matters further (27.9%), (when compared with the UK division only). In Oxfam GB UK, 11 potential criminal incidents identified by the Review were not reported to nor advice sought from the police or other statutory agencies. In EA countries, there were 31 similar cases identified.

4.89 Of these cases, there were 21 incidents of harassment, three of indecent assault, three of rape, one of indecent exposure, one of common assault and two financial crimes which involved elements of harassment. Within those, 16 victims were staff members, eight were beneficiaries, one was an adult volunteer, four have been identified as 'other',<sup>108</sup> one victim was unknown (victim was a volunteer but age and

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<sup>107</sup> These cases relate to those incidents that may give rise to a criminal offence.

<sup>108</sup> Those who fall under the 'other' category are those who are not related to Oxfam, such as family members or partners of Oxfam GB staff and volunteers, as well as those where the relationship to Oxfam or details that would make the victim or SoC role clear, is unknown.

gender is unknown) and in one case there was no victim.

4.90 Given the most common allegations contain a sexual element, this lack of reporting is particularly concerning. This high-level data supports the range of findings set out in this Review in respect of improved awareness raising, training, policy and practice.

4.91 Between 2011 and 2018, the most common incident type involving beneficiaries in EA countries was harassment (8). This was followed by rape (2), indecent exposure (1) and common assault (1).

4.92 Whilst beneficiaries feature in the EA victim profile, over half of victims in this category were Oxfam GB's own staff members, with the majority being female. The largest number of SoCs within the EA are also staff members, the majority of whom are male.

4.93 The correlation with the Review's recommendations set out in respect of safer recruitment is clear and aptly reinforced by Mazurana and Donnelly (2017), who whilst talking about the aid sector in general stated "*....irony, indeed the hypocrisy, that the very agencies that promote gender equality, human rights, and women's and girl's rights, have staff that are guilty of degrading and violating these same standards within their own operations*".

**R11:** 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.

**R12:** 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.

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## 5. HISTORIC SAFEGUARDING INCIDENT INVESTIGATION

5.1 Paragraphs 7, 7.1 and 7.2 of the ToR focus upon the review of a sample of historic safeguarding cases for the period 2011 to the start of the Review. This sample excluded the known cases arising in relation to Haiti in 2011 and the Philippines in 2013. The purpose of this particular review of cases has been twofold:

- To assess the integrity and sufficiency of Oxfam GB's internal investigation and disciplinary processes.
- To assess the adequacy of Oxfam GB's provision of information in respect of safeguarding cases to other aid agencies, both on a proactive and reactive (such as when asked for a reference) basis.

5.2 The review process involved an in-depth examination of 28 initial cases from which a screening tool was developed. This tool was then used to assess a further 217 case files, from which four were selected and subject to a further in-depth audit (deep dive). These cases were selected through criteria set by the Independent Reviewer and agreed with the Charity Commission.

5.3 The following case summaries provide a synopsis of the Review's analysis of the deep dives. Information has been necessarily summarised in order to protect the anonymity of those involved. It is important to note that the Review's findings have been extrapolated from both the deep dives and the general review of the case files. Relevant findings have also been cross-referenced to other sections of the report.

### Case 1

5.4 This case involved an allegation of a serious sexual assault of one staff member by another (the SoC). It involved more than one organisation within Oxfam's confederation.

5.5 The matter was reported to the police and a criminal investigation commenced.

The SoC was arrested and released on police bail. Key staff in the charity continued to liaise closely with the police throughout their investigation. Following its completion, the Crown Prosecution Service (CPS) decided there was insufficient evidence for a prosecution.

5.6 The subsequent investigation by Oxfam resulted in the SoC being found not culpable. No disciplinary sanctions were issued.

5.7 Oxfam GB's Global Safeguarding Team was involved from the outset and effectively identified a number of pertinent issues, including the need to immediately provide support to the alleged victim. Oxfam GB's response was entirely appropriate in this regard as was their positive consideration of the impact and support required by the wider workforce.

5.8 The allegation was taken seriously by Oxfam GB and the matter was notified to the Charity Commission as a SIR. However, whilst the file evidences that numerous meetings took place immediately following the disclosure, it is not clear who was in overall control of the case and important decisions were delayed as a result.

5.9 For example, the SoC's managers were not immediately advised of the allegations and he was not suspended until five days after his arrest. Furthermore, despite well-structured ToR for the investigation being drafted by Oxfam GB, differences of opinion in respect of which part of Oxfam held jurisdiction for this work, created delays.

5.10 The complexity created by more than one organisation within the Oxfam confederation being involved was not resolved swiftly and there is little evidence of collaborative working in this regard. The rationale and decision making that led to Oxfam GB not taking the lead is absent from the file, despite the fact that there were clear soundings from senior staff that it should be the lead partner. At the very least, the Review would have expected a joint enquiry.

5.11 At the time this incident occurred, no clearly defined procedure had been established for dealing with complaints of this nature. The issue of jurisdiction is something that Oxfam will need to address as they move towards their aim of '*One Oxfam*'. Procedural guidance will need to improve, support and direct future responses.

5.12 It will also need to improve how information is shared across organisations to ensure that relevant files are detailed and comprehensively reflect the actions undertaken. In this case, the Oxfam GB file is missing key information. For example, there are few details covering the SoC's suspension, as such, it is impossible to comment on the quality of any mitigating action put into place to protect others whilst the internal investigation was ongoing.

5.13 Other documentation provided to the Review lists various meetings and conversations, but these contain insufficient detail and few actions or decisions. There is no evidence that these are contemporaneous records.

## **Case 2**

5.14 This case involved a complaint made by a number of staff against a manager (the SoC). It involved allegations of bullying, inappropriate touching, indecent comments (about young women and girls) and threats of dismissal.

5.15 The initial report was submitted by a manager directly to the SoC's supervisor. It was then forwarded to HR before being passed to the Head of Global Safeguarding. Whilst the first manager could have directly referred to the Global Safeguarding Team, there was no identified delay. At the outset, it is important to recognise that complainants were able to identify the safeguarding risks posed by the SoC and felt confident to report their concerns.

5.16 The seriousness of the allegations were clearly recognised, as was the need for investigation. Positively, senior HR and national managers are identified as part of

the decision-making process early on. The SoC was suspended almost immediately. This was appropriate considering the nature and number of complaints. Planning was also proactive. ToR were drawn up and an investigative team was selected. Templated questions were drafted for the interviews of the SoC and all witnesses. The matter was notified to the Charity Commission as a SIR.

5.17 Whilst the preparation by Oxfam GB was prompt and thorough, its investigation was initiated too soon. Indeed, in light of the allegations regarding the SoC having a sexual interest in young girls, there should have been a referral to the Local Authority Designated Officer (LADO). This would have allowed for the engagement of appropriate statutory agencies, including the police and Children's Social Care. Thresholds may have been met for these agencies to investigate and/or they may have had further intelligence to inform any safeguarding risk assessment.

5.18 During Oxfam GB's investigation, none of the interviews held were face to face despite all parties being located in the UK. These were conducted by phone or Skype, including that of the SoC.

5.19 The outcome of the investigation was a recommendation for disciplinary action against the SoC, which was appropriate given the evidence. This was progressed at pace and completed within one month of the initial report. The SoC was dismissed but there is no record on file detailing the formal outcome of the disciplinary action taken.

5.20 Overall, the case file had no structure and there were many iterations of the documents and much duplication. Some were without dates which made it difficult to follow the progress of the investigation. The final report, however, was comprehensive and contained detailed recommendations for action.

5.21 It is noted on the file that consideration would be given to a report to the Disclosure and Barring Service. It is not clear if this was carried through. Furthermore, whilst the details disclosed indicate that the SoC may have committed criminal

offences, it does not appear that any consideration was given to advising the complainants of their right to report directly to the police.

### **Case 3**

5.22 An allegation was made that a member of staff (the SoC) was sexually harassing other staff in an EA country. Concerns were also raised about the SoC's behaviour towards young female beneficiaries.

5.23 The immediate response of the Global Safeguarding Team was to contact the complainant and the SoC's line manager to clarify the allegations. At this point, an investigation was planned, ToR were set out and interview questions were drafted for both the complainants and the SoC. The case was notified to the Charity Commission as a SIR.

5.24 The SoC's actions may have amounted to a crime under local law and this should have been considered in terms of whether a report to the local police was required prior to Oxfam GB initiating its own investigation (with due consideration being given to relevant human rights issues). There is no evidence on file that it was.

5.25 Interviews as part of Oxfam GB's investigation were subsequently carried out via Skype, including the interview with the SoC who needed an interpreter. The investigation team used one of their own employees to act as an interpreter. Due to the sensitive nature of the allegation access to an independent interpreter would have been preferable.

5.26 The case file includes records of calls and meetings, as well as lists of actions and dates. Full minutes were not recorded and there is little detail of conversations or decisions. There are however, details of all interviews on file and they provide a comprehensive picture of the allegations.

5.27 The file also contains six iterations of the final investigation report. There is

some disagreement about the evidence and final recommendations, which varied between these versions.

5.28 The investigation upheld the complaints made by staff. However the investigators did not attempt to interview any of the beneficiaries. Furthermore, even though the allegations concerning the beneficiaries were partly upheld by the investigation, no specific action was recommended in this respect.

5.29 The report did suggest that safeguarding training be delivered for all staff and the file indicates that training took place. The final outcome of this case was that the SoC was not retained and was allowed to leave Oxfam GB without a disciplinary hearing being held.

5.30 This is considered a significant weakness in the context of Oxfam GB failing to properly mitigate any potential risks that the SoC could pose in the future and hindering their ability to provide accurate information to any future employer.

## **Case 4**

5.31 This case involved an Oxfam GB volunteer (the SoC) who informed his line manager that he had been arrested and bailed by the police. The alleged offence related to the possession of indecent images. The line manager escalated the disclosure to their manager and a referral was made to the Global Safeguarding Team.

5.32 The SoC, however, was not immediately suspended. The manager's reasoning for this decision was that the SoC had been honest with Oxfam GB about his arrest. The manager was also reassured that the SoC would be fully supervised at all times. Considering the wider risks involved and the potential impact on the reputation of Oxfam GB, advice on this issue from the Global Safeguarding Team was clear. The SoC was subsequently suspended. The case was referred to the Charity Commission as a SIR.

5.33 Despite the Global Safeguarding Team applying better grip to this case, there is no evidence that consideration was given to referring the case to the relevant LADO. Given the SoC occupied a role that brought him into contact with members of the public and other volunteers, including children and young people, this should have been actioned.

5.34 The case file and case recording was poor. The suspension report was recorded on a Health and Safety form and categorised as an issue with 'security'. The seven alternative boxes did not include an option for 'safeguarding'. There was no consistent structure to the file, which consisted of a number of emails, two letters and the Health and Safety Incident Report Form.

5.35 The key facts of the case are contained within the emails, but only insofar as they refer to the police intervention. There is a subsequent note that the SoC had '*no case to answer*', although no detail as to who had made this decision and on what grounds. There is no evidence that anyone in Oxfam GB had sought direct confirmation from the police.

5.36 The SoC was subsequently found to have no case to answer but the manager decided to let him go because of issues not related to his arrest.

## **The Integrity & Sufficiency of Internal Investigation and Disciplinary Processes**

5.37 Whilst Oxfam GB has been able to demonstrate more recent improvement, the case files evidence a number of practice issues that are seen to frequently repeat in both the deep dives and the general review of the case files.

5.38 Overall, the quality of case files and case recording is poor. Files have no structure and it has been difficult, and in some cases, impossible to follow the progression of the reviewed cases. They generally fail to provide accurate, current, comprehensive and concise information about the cases and as such, fail to provide

evidence of adherence to practice standards such as those contained within the CHS Alliance guidance referenced in the section on benchmarking.

5.39 They similarly fail to provide easy access to a chronology of events and activity, planning processes, the reason for any decision made and outcomes. These factors negatively impact on both the sufficiency and integrity of Oxfam GB's investigation and disciplinary processes as follows:

- Cases files do not provide a coherent framework for the efficient assessment of risk, effective planning, actions required, and their periodic review as necessary.
- Case files do not support and inform standard setting/quality assurance and performance audit.
- Case files do not support individuals accessing important information about their employment with Oxfam GB consistent with any relevant policies on disclosure as part of a subject access request.
- Case files do not provide an accountability framework for the actions taken by staff.
- Case files do not enable the transmission of information pertinent to risk both in and outside of Oxfam GB as appropriate.

5.40 In terms of the investigative process, planning was often poor and recorded management oversight was variable. Despite this, 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.

5.41 ToR for investigations were often erratic. Some were detailed and sufficient but in the majority of cases, these were either absent or inadequate. It was also difficult to identify what policies were being considered during the investigation and how these were being applied in the context of analysis and decision making.

**R13:** In order to achieve consistency in the formulation of ToR 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 DSLs, RDOs and relevant decision makers.

5.42 The integrity of investigations was further impinged by the failure to regularly use independent interpreters<sup>109</sup> and conducting interviews of SoCs and witnesses by phone and/or Skype, which inhibits the ability of the interviewer to build rapport and undermines their ability to supervise the environment from which the interviewee is responding.

5.43 In many cases, there was an evident lack of consideration given to engaging other agencies. For example, there were a number of cases where Oxfam GB failed to consider engaging a LADO (for allegations against staff/volunteers working with children and young people in the UK) and a similar failure to either engage or consider engaging statutory agencies in EA countries. In the context of UK cases, statutory guidance in respect of how different agencies are expected to work together is not new. The case files seen reflect how such statutory guidance has not been sufficiently embedded into the day to day safeguarding practice in Oxfam GB.

5.44 The use of independent legal advice in respect of certain cases was identified as a positive and the Review did note examples of improving practice. Further findings in the context of Oxfam GB's investigation and disciplinary processes are set out under the Practice section of this report.

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<sup>109</sup> Achieving Best Evidence (ABE) Interview Procedure –Race, Gender, Culture and Ethnic Background, 2.80, 2.106

## The Adequacy of Information Sharing with other Aid Agencies

5.45 In the context of Oxfam GB's provision of information to other aid agencies, case files demonstrated little evidence of any systematic approach to this. Outcomes were inconsistently recorded and there was little evidence that the wider safeguarding implications of offending behaviour were being robustly considered or pursued.

5.46 Often, it appeared that decision making and operational interest by Oxfam GB ended at the point an employment contract or offer to volunteer was terminated.

5.47 From its analysis of cases, the Review recovered information relating to the identity of 123 SoCs.<sup>110</sup> This included 113 full names and 10 partial names that had been recorded.

5.48 Oxfam GB was able to identify 73 of these individuals as Oxfam GB employees or volunteers (27 in the UK, 44 in EA countries and two in PA countries).

5.49 Post-employment, the Review found no documented evidence of safeguarding concerns being shared by Oxfam GB with other aid agencies and (except in one case), references or information being sought from or provided by the charity.

5.50 Fourteen SoCs against whom allegations had been made in the UK were linked to potential crimes that had been unreported to the police or relevant authorities. One individual was identified as currently working / volunteering with Oxfam GB. For the 13 other SoCs who no longer work for Oxfam GB, the charity was unable to confirm whether a reference was either sought or supplied following their exit from the organisation.

5.51 Twenty two SoCs against whom allegations had been made in EA countries

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<sup>110</sup> An allegation in a case file resulted in the Review classifying those against whom the complaint or accusation was made as a Subject of Concern (SoC). This should not be construed as definitive proof of criminal activity or misconduct. Some within the SoC category were cleared of any wrong-doing, others held to account and a number left the organisation without matters being formally concluded.

were linked to potential crimes that had been unreported to the police or relevant authorities. Two SoCs are currently working in some capacity for Oxfam GB. In many instances, Oxfam GB has not been able to locate information concerning a SoC within EA countries due to the variability in how information is stored and secured globally.

5.52 Of the 20 EA SoCs who have left Oxfam GB, one is known to have sought and been provided with a reference. From the information the Review examined, it appears that this individual was being investigated for safeguarding issues but that their employment was terminated for '*performance related*' issues. Reference requests for this SoC were subsequently made via two different aid agencies (potential future employers). In one instance, an email response from Oxfam GB only confirms that the SoC worked for the charity over a particular period in a specific role. There is no information detailing the outcome of the other reference request.

5.53 The Review notes the possibility that Oxfam GB could be exposed to legal challenge were it to proactively share information without reasonable justification. However, it also acknowledges the charity's ability to provide true, accurate and fair details following a legitimate request for a reference. In one case, the difficulties for the charity in providing all relevant information in such a manner were clearly self-imposed. Indeed, failing to robustly conclude the safeguarding investigation was likely to have raised a level of uncertainty about what, if any information could be included.

5.54 Having said that, the Review is aware of case law set out in Jackson v Liverpool City Council [2011] EWCA Civ 1068, 15 June 2011. This suggests that Oxfam GB still has the ability to refer to un-investigated allegations within any reference, as long as this is done in a measured and unprejudiced way.

5.55 The merits of each case will need to be carefully considered. In practice, if a member of staff or volunteer left in such circumstances, the charity could disclose these issues within a reference, but would need to make clear there had been no investigation and that no assumptions could be made as to what the possible outcome of such investigations would have been.

5.56 This is a complex cross-sector issue although better practice is clearly developing within Oxfam GB, reflected in the implementation of its new electronic management system and procedures on reporting misconduct (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’. The new system requires that all references are requested and submitted via accredited referees nominated by HR Directors. All requests for references are made through one centralised email address and then forwarded onto the accredited referees. The benefits of this new system are clear and should support better practice in future.

5.57 The following recommendations are made in respect of the identified cases and the need to ensure potential risks arising from future employment are considered at the earliest possible stage.

**R14:** For Case 5, 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 Head of Global Safeguarding and the Lead Trustee who should consider what further actions may be appropriate, including notifying the Charity Commission.

**R15:** 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.

**R16:** 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). This should be done as part of compliance with Recommendations R5, R6, R7 and R8.

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## 6. CURRENT SAFEGUARDING ARRANGEMENTS

6.1 Paragraph 6 of the ToR focus upon the sufficiency of Oxfam GB's current safeguarding arrangements. The following sections include an analysis of the key areas within which issues relating to systems and processes are embedded.

- Leadership
- Culture
- Governance
- Oxfam GB's Safeguarding Strategy
- The 2017 Action Plan
- Organisation, Management, Resources
- Policy
- Practice

## 7. LEADERSHIP

7.1 Whilst safeguarding is one priority for Oxfam GB, it is not its only one. Given the significant and competing demands that must be prioritised in such a large organisation, it is critical that the senior leadership team and Council maintain a direct and frequent line of sight on safeguarding. They must be able to reassure themselves that the decisions they make and the safeguarding policies they agree in their respective roles are being reflected in practice.

7.2 Above all, this group of the most senior individuals in Oxfam GB need to lead by example, ensuring that their approach to safeguarding is visible, informed and sets the right tone for the charity. They have the responsibility to create the conditions that both influence and impose the right safeguarding culture.

7.3 In the opinion of the Review Oxfam GB is improving in this regard and it is clear that safeguarding now has a much sharper focus. Whilst positive, this has to be placed in the context of the current media attention, concerning Haiti (2011) and the missed opportunities following early warnings emanating from their own assessment of underreporting and lack of safeguarding capacity in 2014<sup>111</sup> and 2015.<sup>112</sup>

7.4 The former Head of Global Safeguarding<sup>113</sup> had raised with senior leaders, the issue of capacity, the scale of the problem and the danger that under-reporting was hiding the true level of the challenge they faced. To his credit the outgoing CEO has acknowledged this and in respect of some aspects of Oxfam GB's progress stated: *"the work didn't progress at the time. It was wrong. We should have pushed it farther and faster"*.<sup>114</sup>

7.5 The Review has been impressed by the transparency and commitment of the current trustees and senior managers interviewed during our engagement. Despite

<sup>111</sup> Briefing Paper: Sexual Exploitation & Abuse Concerns arising from the HECA region: Annual Safeguarding Report 2013/14, Risks and Risk

<sup>112</sup> Safeguarding Steering Group Quarterly Report January 2015, Trends and Risks

<sup>113</sup> Along with those who provided feedback in the workshops, those who informed the numerous briefing papers that highlighted under reporting, issues with capacity and the need for investment.

<sup>114</sup> Mark Goldring's statement at the International Development Committee; Timestamp 10:36:42

high levels of anxiety in the behaviour of some, the distinct impression gained was that the key individuals who needed to listen were listening hard and prepared to honestly reflect on the past, learn and improve.

7.6 The Chair of the Council in particular has shown her willingness to grip the issues at hand. She is now chairing the Trustee Safeguarding Group (as an interim measure) and regular safeguarding reports are being presented to trustees for their scrutiny. This evidences in part how the Chair is providing the strong leadership required at this critical juncture for Oxfam GB.

7.7 Similar reassurance is evident in the approach of other senior managers with whom the Review has engaged. The recently appointed Head of the Global Safeguarding Team is a highly experienced safeguarding professional. Whilst only in post for a short time, she is making a difference and has developed a rapid understanding of strengths and areas for improvement. The Review is confident in her ability to strengthen both focus and practice.<sup>115</sup>

7.8 The Director of People and Deputy Trading Director (People and Risk) are also considered highly competent and strongly committed to helping Oxfam GB drive change. Both have acknowledged failings in the past and welcome the opportunity to be part of the improvement journey.

7.9 However, whilst many continue to support the organisation, for some, their confidence in Oxfam GB's leadership has been shaken. Whilst the surveys,<sup>116</sup> interviews and workshops captured many positive comments, residual concerns were also expressed about failings in accountability and the prospects for change.

7.10 Whilst the positive views are encouraging, it is likely that negative perceptions will only change when the workforce can both see and feel improvements gaining traction.

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<sup>115</sup> This individual left the interim post in January 2019. A Director of Safeguarding has since been appointed.

<sup>116</sup> Over 200 confidential comments were made by survey respondents alone. The split between positive and negative comments was relatively even.

7.11 Trustees and the senior leadership team must prioritise their individual understanding of safeguarding and their collective responsibilities. This in itself can be challenging given the world of safeguarding is complex, often confusing and always changing. As such, Oxfam GB should ensure that all its Trustees, the senior leadership team and senior managers receive where possible appropriate and proportionate accredited safeguarding training.<sup>117</sup>

**R17:** That Trustees, the Oxfam GB leadership team and all senior managers (as appropriate) should, as a priority, where possible, receive accredited safeguarding training that ensures clarity on the following:

- 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 based on its own training needs analysis.

7.12 Leadership is an essential component of effective safeguarding and as such cannot simply rest with the most senior people in Oxfam GB. Leadership in the sense of good safeguarding practice is for everyone, regardless of their job description it is essential that everyone takes personal responsibility.

7.13 To help drive such 'distributed leadership' across Oxfam GB, there needs to be continuing investment in greater capacity and staff with the experience, skills and abilities.

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<sup>117</sup> By accredited training we mean training delivered by a local authority, other statutory safeguarding agency or a recognised CPD package.

**R18:** 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.

7.14 It is the considered opinion of the Review that the current management responsibility for safeguarding is spread too wide and too thin to deliver optimum practice at both a strategic and operational level. There are simply too few qualified staff to manage and mitigate the safeguarding risks we now know Oxfam GB face across their territorial area of responsibility.

7.15 The Head of Global Safeguarding acknowledges this stretch. Despite being of high calibre,<sup>118</sup> it is difficult to see how being responsible for detailed operational practice and strategic oversight will work. The demands of this role are increasing in terms of investigations, training delivery and other operational functions. The immediacy of tactical delivery will nearly always take priority and strategic focus by default will suffer.

7.16 To improve Oxfam GB's safeguarding capability, a new safeguarding operating model should be implemented in line with the following proposals. The full model is set out in Appendix D, incorporating a range of recommendations relating to governance, leadership, organisation, management and resources.

7.17 The new safeguarding operating model is not something which can or should be imposed. The concept is intentionally described in high-level strategic terms, with its development and implementation always being envisaged as a more collaborative approach in phase two of the Review's engagement with Oxfam GB. The following and associated recommendations are made to provide the foundations and lay the pathway to a radically different, more transparent and effective way of working.

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<sup>118</sup> The organisation's Interim Head of Global Safeguarding has spent over 20 years working within safeguarding within the NHS, local authorities and the defence sector. She is experienced at chairing strategic multi agency safeguarding boards and is currently a safeguarding non-executive director and an Independent Chair for a safeguarding board. She also has experience of safeguarding children who are overseas.

## **Director of Safeguarding**

7.18 A new leadership team position should be created and designated as the Director of Safeguarding. As a member of the senior leadership team, the Director of Safeguarding will be accountable for safeguarding activity across all territorial areas of responsibility covered by Oxfam GB. This role will routinely provide informed oversight and challenge at the most senior level of the organisation. It will also improve focus and accountability for strategy, without impacting on day to day practice requirements.

7.19 The creation of this role provides a strategic opportunity to bring together those functions focused on making people safer. This person's responsibilities should include safeguarding children and at-risk adults, beneficiary protection and PSEA.

## **Divisional Safeguarding Managers**

7.20 Each of the divisions within Oxfam GB should have a designated safeguarding manager. These three roles will report to the Director of Safeguarding. They will maintain overall accountability for newly defined 'Designated Safeguarding Leads' (DSLs) operating within Oxfam GB UK, Oxfam GB TA and Oxfam GB EA (DSLs should replace the role of existing Focal Points in each project across the 27 Oxfam GB EA countries).

7.21 Divisional Safeguarding Managers will be responsible for the oversight, training, development and support of DSLs. For Oxfam GB EA, an additional role of '*Regional Designated Officer*' should be created. RDOs will be managed directly by the EA Divisional Safeguarding Manager.

## Safeguarding Operations Manager

7.22 A Safeguarding Operations Manager will be responsible for oversight, training, development and support of the Global Safeguarding Team.

**R19:** Oxfam GB should agree to work in collaboration to develop the new proposed safeguarding operations model outlined in Appendix D.

**R20:** In order to strengthen its safeguarding capability, Oxfam GB should establish the following roles:

- 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). 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).

## 8. CULTURE

8.1 The overarching culture in Oxfam GB is unsurprisingly one that is firmly aligned to helping people. Its system of shared values, assumptions and beliefs are intrinsically geared towards its global aspiration to eradicate poverty. This is clearly set out in the charity's strategic plan.<sup>119</sup>

*'Oxfam's vision is a just world without poverty: a world in which people can influence decisions that affect their lives, enjoy their rights, and assume their responsibilities as full citizens of a world in which all human beings are valued and treated equally'.*

8.2 When engaging with staff and volunteers, it was clear how their underlying behaviours were being translated into positive outcomes for the vulnerable. Whilst recognising and not wishing to diminish the significance of leadership at all levels, it was clear that the unselfish and 'go-do' attitude of front-line staff and volunteers remains central to all that is positive about the charity's culture.

8.3 Despite the difficulties recently faced, the Review sensed no shift in the commitment of staff and volunteers to their overall mission. They remain proud to be associated with Oxfam GB, they believe in what they are doing and want the charity to become much stronger and much safer than ever before.

8.4 However, the allegations emerging from the media coverage and subsequent interventions by government and the Charity Commission have understandably undermined the confidence of some staff. Whilst many staff reflected on the positives, a recurring theme within surveys and interviews demonstrated a negative perception with regard to leadership and accountability. This is reflected in Oxfam GB's own PULSE Staff Survey which evidenced a decline in positive agreement about the effectiveness of the leadership team and a reduction in confidence with HR.

8.5 The importance of organisational culture and its impact, particularly in the

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<sup>119</sup> [The Power of People against Poverty. Oxfam Strategic Plan 2013-19](#)

context of safeguarding, should not be underestimated. This appears to have been well understood by Oxfam GB and evidenced in their strategy development over the time period of this review. Their success at driving the right culture has however been limited.

8.6 As the Charity Commission noted following their review of Oxfam in 2017:<sup>120</sup>

*‘There clearly have been incidents of behaviour that did not meet the organisation’s culture and values and which have brought into question how confident trustees could be in the charity’s wider people management systems...we concluded there is further work for the charity to do to in respect of HR culture, and the overall governance and management of safeguarding in the charity’.*

8.7 As a consequence of this finding, Oxfam GB commissioned an externally led review by Jim Thompson, a consultant whose area of expertise involves Human Resources and organisational change. Its overarching intent was to make recommendations for improving how senior programme staff were being *‘recruited, trained and managed and supported in a way to ensure that they live the organisation’s values, as well as complying with all relevant laws’*. Charity Commission 2017.

8.8 More specifically, it considered the various stages of the senior programme leadership lifecycle to *‘understand where the risks exist which may facilitate the abuse of power for those in positions of authority at country level which in turn may put Oxfam volunteers, staff and beneficiaries at risk of sexual harassment, exploitation or abuse’*.<sup>121</sup> These concerns are directly reflected in the behaviours evident in the analysis of the metadata from the examination of the 245 case files highlighted earlier in this report.

8.9 Thompson’s interim report was completed in March and his final report submitted in June 2018. His recommendations are clear, and many have been

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<sup>120</sup> Charity Commission – Oxfam Case report 2017

<sup>121</sup> The Thompson Report 2018

mirrored in the findings of this Review. The Review concurs with his specific conclusions and the priority that he afforded to two general 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.

8.10 The Thompson report highlights what he describes as a '*culture of tolerance*', in respect of Oxfam GB failing to hold people to account, insofar as alleged misconduct investigations stop when SoCs leave the organisation. Whether it is a culture of tolerance or simply a lack of understanding and or training, such practice is evident in the cases seen by this Review.

## **Case Studies**

8.11 A deputy shop manager made inappropriate sexualised comments to a 16-year-old volunteer but resigned before disciplinary proceedings could take place.

8.12 An allegation of sexual exploitation was made by a female against her male Head of Office. The matter was investigated but the Head of Office resigned with no disciplinary outcome.

8.13 A member of staff made allegations against a Country Director of inappropriate touching and discrimination against multiple females, including herself. Other staff members made further allegations that the people that appointed him knew and protected him. The SoC resigned, and no further action was taken.

8.14 The pattern of alleged offending within the case files examined by the Review identified a clear theme related to SoC holding positions of power (19.2% of SoCs). When those in authority are perceived to be unaccountable for their actions distrust is

a natural consequence within the wider workforce.

8.15 This was reflected in the written submission to the review by the Unite Union:

*‘Despite revelations in the press since February 2018 there has only been one resignation of a senior staff member. Members feel Oxfam is not holding people to account for their actions and, going forward, it will be a challenge for Oxfam to prove that even senior staff are not protected’.*

8.16 Oxfam GB’s response in improving how people are held to account requires urgent action. This should focus on strengthening safeguarding structures, improving models for independently led investigations and the delivery of comprehensive training.

8.17 Significantly, it must also include developing a stronger culture of compliance with the charity’s own safeguarding policies and procedures. Where wrong-doing is identified and where this warrants action, this needs to be fair, consistent and swift.

8.18 To this end, the Review acknowledges and welcomes the fact that the 2018 Misconduct/Gross Misconduct Procedure now emphasises 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’.*

8.19 Equally significant to the theme of culture and accountability is Oxfam GB’s complex organisational arrangements. Thompson comments on this aspect noting the *‘ambiguity around where accountability actually sits and how this manifests itself day to day’.*

8.20 Whilst it is clear that Oxfam GB has previously referenced and attempted to address the necessity for clearer accountability, there is little evidence that this has been achieved. In this respect the Review embraces the remaining recommendations of the Thompson Reports and encourages Oxfam GB to assimilate them into their

overarching action plan.

**R21:** Oxfam GB should amend its 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.

**R22:** The TSG or new Safeguarding Committee (Appendix D) should bi-annually review the findings of safeguarding audits. The auditing process should have clear terms of reference and identify trends, themes and patterns relating to SoC and victim profiles, 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.

## 9. GOVERNANCE

*‘Good governance in charities is fundamental to their success. It enables and supports a charity’s compliance with the law and relevant regulations. It also promotes a culture where everything works towards fulfilling the charity’s vision’.* Charity Governance Code, 2017.<sup>122</sup>

9.1 Effective governance arrangements, as described above, are essential for the proper direction and control of any organisation. In the context of safeguarding, they are non-negotiable. The Charity Commission describes the importance of governance and its supporting systems as follows:

*‘It’s vital that charities get their heads around governance. Following good governance practices, not just paying lip service but really understanding and applying them, could have averted many of the bad headlines of the last two years. It’s more than ticking the boxes. It’s about attitudes and culture, whether a charity puts its values into practice. It’s about how trustees make decisions and how well they understand what’s going on. We have seen the consequences of failing to do that’.*<sup>123</sup>

9.2 To structure the analysis of Oxfam GB’s governance arrangements for safeguarding, this has been set against a range of defined criteria. This criterion forms the framework for the Charity Governance Code and is promoted by the Charity Commission as a *‘practical tool to help charities and their trustees develop high standards of governance’*.<sup>124</sup> It covers:

- Foundation: the trustee role and charity context
- Organisational Purpose
- Leadership
- Integrity
- Decision-making, risk and control

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<sup>122</sup> [Charity Governance Code](#)

<sup>123</sup> Charity Commission Blog 13 July 2017 - The new Charity Governance Code – Essential reading for all trustees

<sup>124</sup> [Charity Commission for England & Wales – Publication Scheme](#)

- Board Effectiveness
- Diversity
- Openness & Accountability

9.3 Where relevant, the Review also refers to an external report on Oxfam GB's safeguarding governance authored by Andrew Purkis. This report was commissioned by the charity and completed in March 2018. The trustees have prudently held the recommendations so that they can consider them in the context of this safeguarding review.

### **The Trustee Role and Charity Context**

9.4 Oxfam GB's trustees are responsible in law for the charity, its assets and activities. Combined, they form Oxfam GB's 'Council of Trustees'. The Council is the overarching governing body.

9.5 Including the Chair, there are twelve Oxfam GB trustees in place to discharge their duties on behalf of the charity. Appointment to these roles is ordinarily based on an individual's commitment to Oxfam GB's vision alongside their experience and skills. These attributes help them undertake the range of tasks associated with the trusteeship of a large and complex charity. Whilst addressed elsewhere in this report, it is important to acknowledge that this time consuming and challenging role is undertaken on a voluntary basis.

9.6 In the context of safeguarding, ensuring its effectiveness is one of the most important of trustee duties. The Charity Commission reinforces this as requiring trustees to:

*'Take reasonable steps to safeguard beneficiaries and to protect them from abuse. An incident of abuse or mistreatment can include neglect. Trustees should also, where appropriate, promote the well-being and welfare of the charity beneficiaries. Additionally, trustees must take reasonable steps to protect staff, volunteers and those*

*connected with the activities of the charity, from harm. A charity should be a safe and trusted environment’.*<sup>125</sup>

9.7 The Charity Commission has since supplemented this advice with specific safeguarding guidance for charity trustees.<sup>126</sup> This document, published in December 2017 and updated in August 2018, emphasizes the importance of robust governance and the consequences for trustees if failing in their duties.

9.8 Oxfam GB’s structural foundation and the number of trustees should be sufficiently robust to support the necessary improvements required in respect of safeguarding. The trustees comprise a group of highly experienced people who will undoubtedly understand, now more than ever, the importance of their role. The Purkis report<sup>127</sup> states:

*‘I have no doubt, having talked to them at length, that Oxfam GB’s Trustees are well aware of their responsibilities. I have been impressed by the forcefulness with which they express their commitment to the duty of care to all employees and volunteers, and to ensuring that a charity that is motivated by the elimination of injustice and poverty should never end up harming or abusing the very people it exists to support’.*

9.9 However, whilst the Review has no reason to doubt their allegiance and enthusiasm for the charity’s cause, it is essential that they concentrate on the role they can play in driving improvement and maintaining better practice. This can begin by developing a firmer grip on safeguarding policy and practice and a clear line of sight on impact and outcomes on the front-line.

9.10 Expressing commitment, meeting every so often and receiving reports is not going to be sufficient to keep people safe. Trustees need to improve their understanding of safeguarding so that they can be more effective in testing the efficacy of Oxfam GB’s performance.

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<sup>125</sup> Charity Commission of England & Wales – Charities – How to Protect Children & Adults at Risk 2013 (updated March 2018)

<sup>126</sup> [The Charity Commission - Safeguarding duties for charity trustees](#)

<sup>127</sup> The Purkis Report 2018

9.11 To help guide trustees, the Charity Commission sets out the following key duties for Trustees:<sup>128</sup>

- Act with reasonable care and skill
- Manage your charity's resources responsibly
- Act in your charity's best interest
- Comply with your charity's governing document and the law
- Ensure your charity is carrying out its purposes for the public benefit
- Ensure your charity is accountable

9.12 The guidance makes it clear that in order to carry out these duties, trustees need to be able to:

*'Identify the critical issues - the charity's purposes and plans, its solvency, its resilience and quality of governance - and to be able to review these at regular intervals'.*

9.13 The consequences of inaction in this regard can be serious. For example, in a case involving allegations of child abuse at Grail Trust India (GTI),<sup>129</sup> a report by the Charity Commission concluded that:

*'There were serious governance failures in the charity due to the trustees lack of proper oversight in relation to safeguarding measures and their failure to identify or report the allegation to the police or the Commission as a serious incident'.*

9.14 The Review recognises the significant level of expectations placed on trustees and the scale of responsibilities that currently sit with them. These include Oxfam GB's restructuring and other threats that might arise in respect of finance, fundraising or fraud. Whilst the implementation of operational matters is the responsibility of the senior leadership team, the trustees should have mechanisms in place to audit and evidence that the strategies and policies they set are properly implemented. Providing

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<sup>128</sup> The essential trustee: what you need to know, what you need to do (CC3) – 3<sup>rd</sup> May 2018

<sup>129</sup> Charity Commission – Inquiry Report. The Grail Trust published 28<sup>th</sup> March 2017

the appropriate level of training and support to trustees, and in particular the Chair and Lead Trustee, is therefore critical.

9.15 Whilst the Charity Commission maintains regulatory oversight it does not provide the periodic style inspections experienced by many public sector organisations. These drive better practice and provide external expert reassurance. In the absence of such inspections, it is important to recognise that the trustees are entirely reliant on their own internal assurance mechanisms.

9.16 As such, the Council should seek to introduce new mechanisms that can support them with this task. Relevant recommendations are set out below, with others included in the sections on '*Board Effectiveness*' and '*Quality Assurance*'.

**R23:** To support trustees to develop the skills, abilities and experience required to be effective in their role, Oxfam GB should:

- Explore shadowing opportunities with relevant in-sector and/or external bodies with inspection / peer review experience in safeguarding.
- Design and implement a safeguarding personal development portfolio for each trustee aimed at identifying areas relevant to their role in Oxfam GB.
- Introduce a routine briefing cycle on related safeguarding trends, themes and patterns in Oxfam GB. The suggested time frame is quarterly to the TSG / Safeguarding Committee and annually to the Council.

## Organisational Purpose

*'Charities exist to fulfil their charitable purposes. Trustees have a responsibility to understand the environment in which the charity is operating and to lead the charity in fulfilling its purposes as effectively as possible with the resources available. To do otherwise would be failing beneficiaries, funders and supporters. The board's core role is a focus on strategy, performance and assurance'.* Charity Governance Code

9.17 Oxfam GB has a clear vision as set out in its Strategic Plan 2013-19, *The Power of People against Poverty*. Put simply, its aim is to end the injustice of poverty and this forms the bedrock of Oxfam GB's mission.

9.18 Trustees have taken steps to improve performance in respect of safeguarding, most notably since the appointment of a lead trustee for safeguarding in 2015, and whilst historically safeguarding had not comprehensively featured in annual reports, by 2016/17 they had dedicated an entire section to safeguarding.

9.19 However, the review formed the opinion that not everyone in Oxfam GB had fully understood the inherent relationship between safeguarding and the 'environment' in which the charity operates. Some maintained that given Oxfam GB is an aid sector charity, safeguarding is somehow not a core feature within its organisational purpose. The Review fundamentally disagrees.

9.20 Indeed, this misunderstanding is reflected in the review conducted by Purkis, as articulated in his recommendation concerning the skill sets required for a trustee:

*'Because Oxfam does not specialise in work with children or vulnerable adults, I do not recommend that a specialist safeguarding expert (in the narrower sense of the word) is a requirement as a Trustee, or even necessarily (though this is an option to be considered) as an outside member of any new People Committee. It is sufficient for the Committee and Council to include someone with broad HR experience.'*

9.21 The above position, whilst representing a cost-effective approach, fails to appreciate the diverse and specialist skills required. It also fails to understand that you cannot simply compartmentalise safeguarding and deal with it as a secondary issue to aid delivery. The two are inextricably linked due to their common thread – the vulnerability of people.

9.22 The current Head of Global Safeguarding, on a recent visit to a refugee camp,

advised the Review that the vast majority she engaged with were vulnerable women and children. There were over 54,000 Burundian refugees in Mahama Refugee Camp in Rwanda and according to the Centers for Disease Control and Prevention almost half of the refugees at the camp are children.<sup>130</sup>

9.23 The connection between aid and safeguarding is also evidenced in the work of the Global Humanitarian Team as part of its Safe Programming function. The following example demonstrates why safeguarding knowledge and hence requisite expertise is an essential feature in all of Oxfam GB's work.

*“So, we are doing the emergency sanitation (building latrines in a refugee camp)... we have to bring in day labourers from the local community who are mainly young men and let's say it's about 5-600 young men coming in to a camp ...clearly there is a risk of PSEA by bringing in a very large number of young men into a camp where there are many woman and children. So, the key tools for safe programming is on-going risk analysis, identifying risks and identifying mitigating measures and getting those signed off and agreed by managers”.* Oxfam GB Protection Team Staff Member

9.24 Whilst there is a strong sense of organisational purpose, the trustees need to ensure that they always consider the relationship between the functions they engage (whether in high street shops or refugee camps in EA countries) and the need to adopt a safeguarding-first ethos.

## **Leadership in the Context of Governance**

*‘Strong and effective leadership helps the charity adopt an appropriate strategy for effectively delivering its aims. It also sets the tone for the charity, including its vision, values and reputation’.* Charity Governance Code 2017

9.25 Leadership in the context of governance requires trustees to set the ‘tone’ for the charity. This positive and influential approach is unlikely to be achieved without

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<sup>130</sup> [https://www.cdc.gov/globalhealth/countries/rwanda/stories/mahama\\_refugee\\_camp.html](https://www.cdc.gov/globalhealth/countries/rwanda/stories/mahama_refugee_camp.html)

trustees ensuring that they fully understand their safeguarding responsibilities and the importance of hearing from the front-line.

9.26 The Chair of the Council clearly understands this and has one-to-one monthly meetings with the Head of Global Safeguarding, who also retains an open line to the Chair to escalate concerns. In addition, the Chair has introduced a weekly ‘brown bag’ lunch with staff who attend a one-hour informal lunch, where they can engage in candid exchanges. There have been more than 15 such events to date.

## **Integrity**

*‘Trustees, and the board members collectively, have ultimate responsibility for the charity’s funds and assets, including its reputation. Trustees should maintain the respect of beneficiaries, other stakeholders and the public by behaving with integrity, even where difficult or unpopular decisions are required. Not doing this, risks bringing the charity and its work into disrepute’.* Charity Governance Code

9.27 Integrity is not just about getting things done or doing things right. It is also about how you respond when things go wrong. A number of people, due to the senior positions they held, have accepted responsibility for the historic failings. To her credit, when resigning in February 2018, Penny Lawrence, Deputy CEO stated, “As programme director at the time, I am ashamed that this happened on my watch and I take full responsibility”.<sup>131</sup>

9.28 More recently the former Chief Executive Mark Goldring, when announcing he was standing down,<sup>132</sup> stated that “Oxfam’s recovery and renewal would be best led by someone bringing fresh energy and vision”. In meetings with him, he was reflective and honest about the mistakes made. He was also absolutely forthright in his commitment to ensure that lessons are learned, and that practice improves.

9.29 From the evidence we have seen, it is clear that the current chair is developing

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<sup>131</sup> <https://www.oxfam.org.uk/media-centre/press-releases/2018/02/oxfam-announces-resignation-of-deputy-chief-executive>

<sup>132</sup> <https://www.oxfam.org.uk/media-centre/press-releases/2018/05/oxfam-chief-executive-to-step-down>

a deep understanding of safeguarding and is committed to driving forward at pace the improvements required.

## **Decision-making, risk and control**

*'The Board is ultimately responsible for the decisions and actions of the charity, but it cannot and should not do everything. The board may be required by statute or the charity's governing document to make certain decisions but, beyond this, it needs to decide which other matters it will make decisions about and which it can and will delegate'.* Charity Governance Code

9.30 In the context of decision-making, risk and control, Oxfam GB trustees are required to identify and assess risks and opportunities for the charity. They should consider how best to deal with them and the action required. The scope of these risks covers the breadth of Oxfam GB's activities, including safeguarding.

9.31 The challenge for the trustees is to ensure that they maintain sufficient line of sight of safeguarding within the organisation. To do so, trustees must actively seek to ensure that their directions, policies and systems are properly, fully and consistently applied. This requires them to challenge the actions of staff, one another and the leadership team.

9.32 Trustees have delegated responsibility for the collation of 'risk' information and its management to the Trustee Audit & Finance Group (TAFG). They use what they describe as a conventional approach to risk, that is led and coordinated by internal audit, an inspection function that sits under the Head of Risk and Assurance.<sup>133</sup>

9.33 Since 2014, a number of different models have been used to identify and capture risk within Oxfam GB. These have had varying levels of success. In March 2018, the leadership team identified;

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<sup>133</sup> Internal Audit is a process of inspections that examine various functions and risks across a business. They are used to drive continuous improvement.

*‘Our review has also revealed numerous examples where teams are managing risk well, but there is no way of collating and reporting these practices to give LT (leadership team), Trustee Audit and Finance Group (TAFG) or Council oversight’.<sup>134</sup>*

9.34 If senior managers and trustees in particular are not properly sighted on risks and safeguarding incident reporting, it is hard to see how they can be assured that relevant and accurate reports are being made to the Charity Commission.

9.35 In an effort to improve this, the Trustees Safeguarding Group has made it clear that they will now approve all SIRs before they go to the Charity Commission. However, monthly approvals will not meet with the Charity Commission’s stated guidance SIRs of reporting *‘an actual or alleged incident promptly. This means as soon as is reasonably possible after it happens, or immediately after your charity becomes aware of it’.*

9.36 The current trustees also need to ensure that their understanding of what is expected for SIR reporting complies with the Charity Commission guidelines and in the future, they should seek feedback from the Commission each time they make a submission to confirm that the reports have in fact been accepted.

**R24:** The current trustees should engage with the Charity Commission to ensure that their understanding of Serious Incident Reporting (SIR) requirements are accurate and that Oxfam GB’s systems are sufficient to meet those needs.

**R25:** In relation to future SIR notifications, the responsible trustee(s) should seek feedback from the Charity Commission and ask that it confirms all incidents forwarded have been received. The feedback should also prompt the Charity Commission to inform Oxfam GB if further information or clarification is required.

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<sup>134</sup> Leadership Team Meeting Paper Item 6 Paper 3 dated 12<sup>th</sup> March 2018

## Board Effectiveness

*‘The board has a key impact on whether a charity thrives. The tone the board sets through its leadership, behaviour, culture and overall performance is critical to the charity’s success. It is important to have a rigorous approach to trustee recruitment, performance and development, and to the board’s conduct. In an effective team, board members feel it is safe to suggest, question and challenge ideas and address, rather than avoid, difficult topics’.* Charity Governance Code

9.37 Within Oxfam GB, there are a number of mechanisms in place through which trustees exercise oversight on the quality and effectiveness of a range of issues. Most of this activity is facilitated through formal committees and reported to the Council. In this sense, the effectiveness of the Council is not only dependent upon the calibre of its members, but inextricably linked to the efficacy of the structures that report into it. Existing committees include:

- The Trustee Audit and Finance Group (TAFG)
- The Recruitment & Development Group (RADG)
- The Fundraising Committee
- The Remuneration Committee

9.38 Since February 2018, this structure has been supplemented by a Trustee Safeguarding Group (TSG). This group is led by the Chair of the Council.

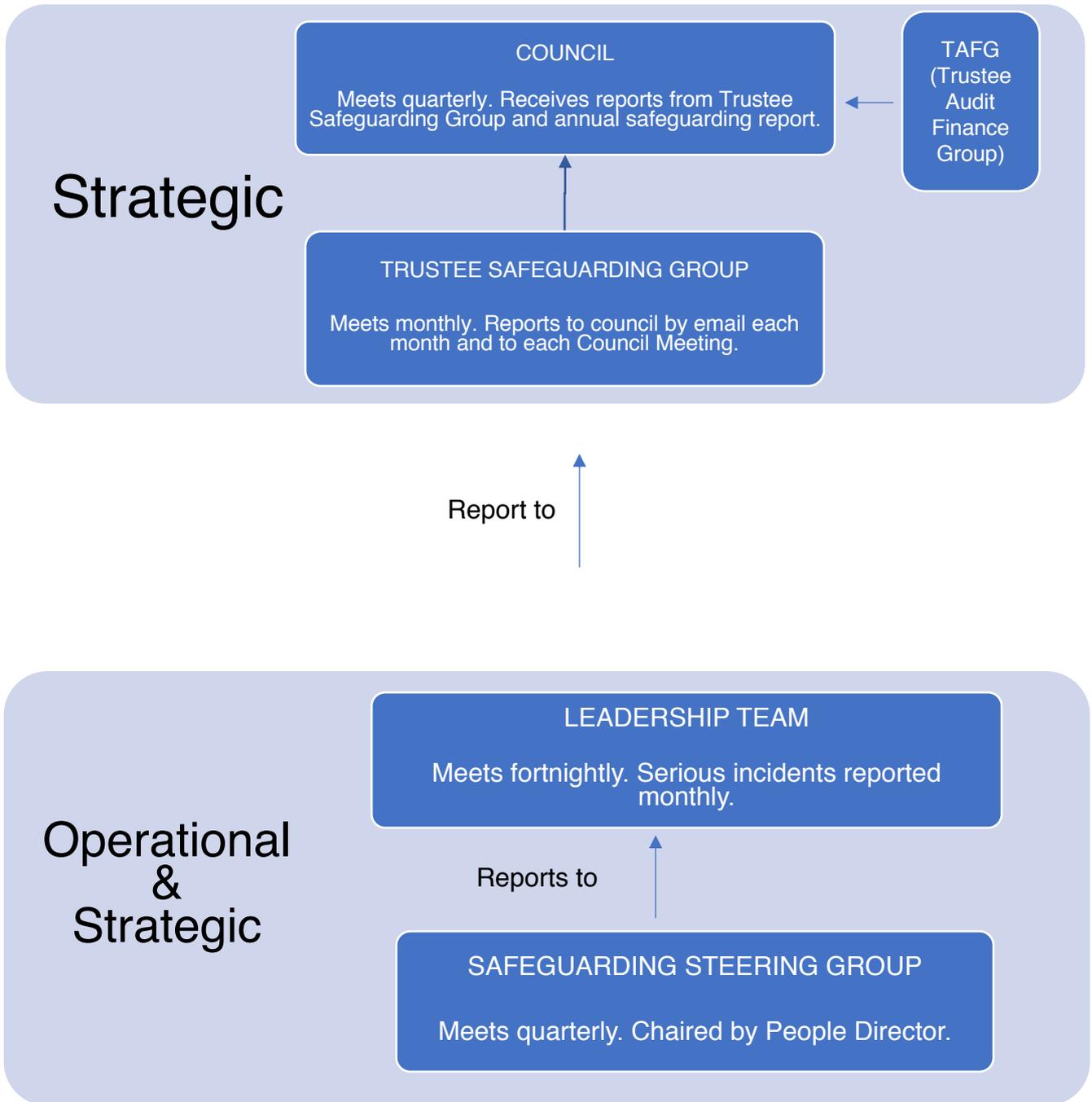
9.39 The Chair of the Council has described the TSG as a necessary interim step, with more permanent arrangements pending the outcome of this Review.

9.40 The TSG is informed on a monthly basis about safeguarding progress and identified serious incidents by Oxfam GB’s leadership team (which meets every fortnight). It meets monthly and submits update reports to Council members each month. Formal reports are also submitted as part of the Council’s quarterly meeting schedule. In terms of defined processes to ensure the Council is kept abreast of key

safeguarding issues, this level of reporting is deemed appropriate.

9.41 At management level a Safeguarding Steering Group, chaired by the People Director, meets quarterly. It feeds into the leadership team and brings together the Head of Internal Audit, the Head of People and Communications, the Director International Finance and IS, the Deputy Director of Finance, Director or senior representative from the International Programme Team, Head of HR, the Head of Audit, Counter Fraud and Safeguarding Coordinator and the Head of Global Safeguarding, who herself attends the TSG.

## Oxfam GB Organisational Structure



9.42 However, as noted by Purkis in his review of previous reports “...*the quantity of reporting to the Trustees and senior management was not consistently matched by its quality. Many of the reports I have reviewed from recent years gave a series of numbers of cases being investigated from different parts of the organisation, as an update on the previous quarter or six months, plus news of staff comings and goings, which any Trustee would find hard to interpret as an indication of how well the charity was doing*”.

9.43 Based on the documentation examined, the Review concurs with the analysis by Purkis. This is similarly supported by the fact that even the collation of the most basic data has been frustrated through ineffective mechanisms for recording and an absence of any coherent case tracking/management system.

9.44 Combined with a lack of specific safeguarding expertise at either Council, TSG or the leadership team level, trustees will be unable to adequately interpret and challenge what they are being told. This concern is exacerbated through there being no internal quality assurance framework.

9.45 This poor quality and untested information has the potential to directly impact on the trustees in the context of their legal responsibilities. An example of this is seen through the number of SIRs that weren't passed to the Charity Commission despite meeting the criteria. It is outside the scope of this review to investigate how much scrutiny and challenge was being exercised by the Council historically. However, it would appear from Oxfam GB's failure to report appropriate serious incidents, that the system was failing.

9.46 To a degree, this is accepted by Oxfam GB. In interview, the Vice-Chair of the Council referred to improvements in the quality of information received and overall progress. He did, however add that there remains a residual concern that even though the trustees 'push', they (and trustees elsewhere) must be vigilant to ensure they are being provided with full and accurate information. This concern was echoed by the Chair of the trustees, who identified it as one of the biggest challenges.

9.47 This presents ongoing questions for the Council in terms of how it receives sufficient reassurance, how it receives detailed information and in the context of SIRs, how it knows that all incidents have been properly investigated and reported to the Charity Commission.

9.48 In respect of information processing and management, the recent implementation of a case management system is intended to help address this. At the very least, the provision to trustees of accurate information should help in their oversight of quantitative performance.

9.49 Of course, data exported from any system is only as good as the data put into it. Oxfam GB will need to ensure there are proper controls in place for authorisation and cleansing.

**R26:** The trustees should 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
- Report to the Charity Commission and
- Discharge their other duties and responsibilities.

9.50 With regards to the broader issues of reassurance, Purkis addresses this point in respect of defining where safeguarding should feature within the Council's committee structure to strengthen its visibility.

*'Trustees should consider (as also recommended in my wider governance review) the possibility of beefing up the role of the current Remuneration Committee to take on a wider People Committee remit. Such a Committee would benefit from a Trustee with a strong background in HR, which at present is a skills gap on Council. This Committee would be responsible for oversight of the full range of (closely related) safeguarding, wider HR, security and health and safety issues. The People Director, who is also Chair of the Safeguarding Steering Group, would be a key adviser to this*

*Committee'. (Rec 3)*

9.51 The Review does not see how this recommendation will adequately strengthen the safeguarding profile and application across the organisation. Firstly, to suggest that someone with a pure HR background would have sufficient knowledge of safeguarding to bring about the systematic and cultural change being addressed by Oxfam GB, fails to acknowledge the benefits that a senior professional safeguarding specialist would bring to this role.

9.52 Secondly, the Review is not convinced that a Remuneration Committee is the most effective place to drive this. Purkis's suggestion was explored during the Review's interview of the Vice Chair of the Trustees, who similarly felt that this Committee (which he Chairs) was not the answer and that trustees would go down another route and create a wider 'People Committee'. This was reiterated by both the Chair and the People Director. The Review disagrees with this approach too.

9.53 Whilst the Review has identified evidence of some good practice, failings identified in this Review indicate that Oxfam GB's safeguarding arrangements were not as robust as they could have been. These arrangements failed to ensure that the organisation had sufficient grip on the oversight of safeguarding, including the recording and reporting of safeguarding incidents. Simply creating another committee that is made up of the same or similar people won't necessarily address the fundamental challenges that Oxfam GB continues to face. They need to take a much more radical approach.

9.54 A potential solution for this lies in the creation of an independent Safeguarding Committee, that whilst sitting within Oxfam GB's overall governance structure would provide an enhanced level of scrutiny of practice. This would allow Oxfam GB to routinely expose itself to independent expert advice, professional curiosity and informed challenge. It would provide additional reassurance to the Council that internal tensions were not restricting transparency, whether intentional or not.

9.55 Whilst retaining accountability, trustees would not be appointed chair. This role would be held by someone with significant safeguarding experience with no connection to Oxfam GB.

9.56 Oxfam GB membership would comprise:

- The Director of Safeguarding
- The Divisional Managers (x3)
- The Lead Trustee

9.57 Membership would also include safeguarding professionals from outside of the charity.

- Representative from LA Children's Services (LADO) – specialist in the management of allegations against staff.
- Representative from LA Adult Services.
- Representatives from Local Safeguarding Children Arrangements / Boards and Safeguarding Adults Board.
- A Senior Police Officer with significant safeguarding experience.
- External lead advisor on Violence against Women and Girls and abuse linked to faith belief and harmful practices.
- A minimum of two Lay Members (members of the public).

9.58 The Safeguarding Committee would be responsible for independently overseeing the effectiveness of Oxfam GB's safeguarding strategy, policy and practice. This would involve insight via the implementation of a robust learning and improvement framework.

9.59 Auditing, self-assessment, case reviews, staff and user engagement and comprehensive performance monitoring would all be introduced as part of this model.

9.60 The committee would be driven by a fixed agenda and forward plan to ensure

focus and timely consideration of key issues. The Chair of the Safeguarding Committee would report to Council in line with its quarterly cycle.

## **Diversity**

*‘Diversity, in the widest sense, is essential for boards to stay informed and responsive and to navigate the fast-paced and complex changes facing the voluntary sector. Boards whose trustees have different backgrounds and experience are more likely to encourage debate and to make better decisions.*

*The term ‘diversity’ includes the nine protected characteristics of the Equality Act 2010 as well as different backgrounds, life experiences, career paths and diversity of thought. Boards should try to recruit people who think in different ways, as well as those who have different backgrounds’.* Charity Governance Code

9.61 Diversity is evident across all aspects of Oxfam GB, from the staff it employs, the people who volunteer in its shops to its trustees. Indeed, its organisational purpose includes its desire *‘to promote human rights, equality and diversity’*.

9.62 The Chair of the Trustees has acknowledged the importance of assessing the skills and experience that trustees have and whether there are any gaps.<sup>135</sup> She has already conducted appraisals with each of the trustees (in January 2018) and recognises that a skills audit should be carried out regularly. The Chair of RADG conducted a skills audit, in liaison with the Chair and the Governance Advisor during September and October 2018. As some of the current trustees will be retiring, this provides an opportunity to consider the makeup of the Board.

## **Openness & Accountability**

*‘The public’s trust that a charity is delivering public benefit is fundamental to its reputation and success, and by extension, the success of the wider sector. Making*

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<sup>135</sup> Charity Commission, The Essential Trustee: what you need to know, what you need to do. 3rd May 2018

*accountability real, through genuine and open two-way communication that celebrates successes and demonstrates willingness to learn from mistakes, helps to build this trust and confidence and earn legitimacy*'. Charity Governance Code

9.63 Transparency is an aspiration in all that Oxfam GB do, indeed their Annual Report 2016/17 reiterates their commitment to *'transparency on allegations of sexual exploitation and abuse perpetrated by Oxfam staff and partners'*. To achieve this goal, it needs to remain focused on the impact of any safeguarding deficit.

9.64 The effectiveness of the safeguarding governance structure is still being developed by Oxfam GB, particularly in respect of the move by Oxfam International to create 'One Oxfam', whereby all activities taking place in a country are managed by a single Affiliate. At present whilst Oxfam GB is responsible for the staff in the 27 EA countries it operates within, the Country Director is not line managed by, or directly accountable to them.<sup>136</sup>

9.65 From a governance perspective, whilst this approach streamlines the system and appears to provide clearly defined areas of responsibility, accountability is potentially undermined as the Country Director in each location is an employee, not of the Executing Affiliate (as all staff are) but of Oxfam International. Indeed, the Safeguarding Steering Group has also identified issues with this structure.<sup>137</sup>

9.66 Adopting the proposed Safeguarding Committee structure outlined above, with an independent safeguarding professional as chair and external safeguarding professionals as members will provide credible challenge and transparent reassurance regarding safeguarding practice.

9.67 In summary, whilst the current trustees bring a wide spectrum of skills and experience to the Council, they need to recognise that safeguarding is a specialism that requires a specific set of skills and experience. Moreover, to be effective, there

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<sup>136</sup> Except where local law permits dual contracts.

<sup>137</sup> At present, the Country Directors act as chairs of the stakeholder management groups that scrutinise and direct on case management and investigations

must be a robust and distinct safeguarding structure with the capacity to deal effectively with the whole spectrum of safeguarding duties.

9.68 Trustees have a duty to ensure that these are in place and must satisfy themselves that they are effective. This has been an evidenced area of weakness in the past. Whilst the Chair is now driving this agenda forward, the Review's proposals for a new safeguarding structure will provide trustees with an improved framework to discharge their safeguarding responsibilities. This will help reassure stakeholders, the public and beneficiaries to whom they owe a duty of care.

9.69 This, of course is only one, albeit extremely important advance, which needs to be supported by real challenge, oversight and engagement. Moving forward, the trustees must maintain their grip on safeguarding in the same way they do for other important aspects of their responsibilities.

## 10. SAFEGUARDING STRATEGY

10.1 Paragraph 6 of the ToR require the Review to focus upon Oxfam GB's current safeguarding arrangements in the context of its strategy, including the sufficiency of the charity's prevention, deterrence, training and awareness measures.

10.2 Oxfam GB's most recent safeguarding strategy covers a three-year period from 2018 to 2021. It was approved by the Trustee Safeguarding Group in May 2018 and has been fully endorsed by the Council. Given the recommendations arising from both this review and other contemporary developments (i.e. DFID's enhanced due diligence requirements), Oxfam GB has rightly recognised that further updates are required.

10.3 Due to the short amount of time this strategy has been in existence, the analysis of its sufficiency has been somewhat restricted to content as opposed to the impact it has delivered. Notwithstanding this, the Review has already seen evidence of an improved focus in respect of its implementation. There is no drift and actions are progressing at pace. Eight of the 59 actions set out within the strategy were complete at the time of its approval.

10.4 In constructing this strategy, Oxfam GB undertook a self-assessment to help it identify priority areas upon which to concentrate. This process was used to develop Oxfam GB's previous safeguarding strategy and is based upon its Security Risk Management System.<sup>138</sup> This system was first used by Oxfam GB during a security review in October 2010. It examines a number of defined criteria, specified in the 2018-21 strategy as follows:

*'There are eight key elements of an effective safeguarding strategy: governance and accountability; policy; management; information and knowledge management; plans and procedures; learning and development; resourcing (HR and finance); and monitoring and evaluation. Together these contribute to building a culture in which*

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<sup>138</sup>The Risk Management System model applied to Oxfam Gb's safeguarding work was adapted from original unpublished research by Christopher Finucane in 2010 (humanitarianpolicy.org).

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*safeguarding is embedded and all representatives of Oxfam behave in line with our values’.*

10.5 In 2012, the self-assessment for the 2012-14 strategy was appropriately transparent and provided a measured benchmark of the work that was required. Oxfam GB only judged that its policies were strong with the other seven areas upon which the strategy was structured ranging from weak to moderate.

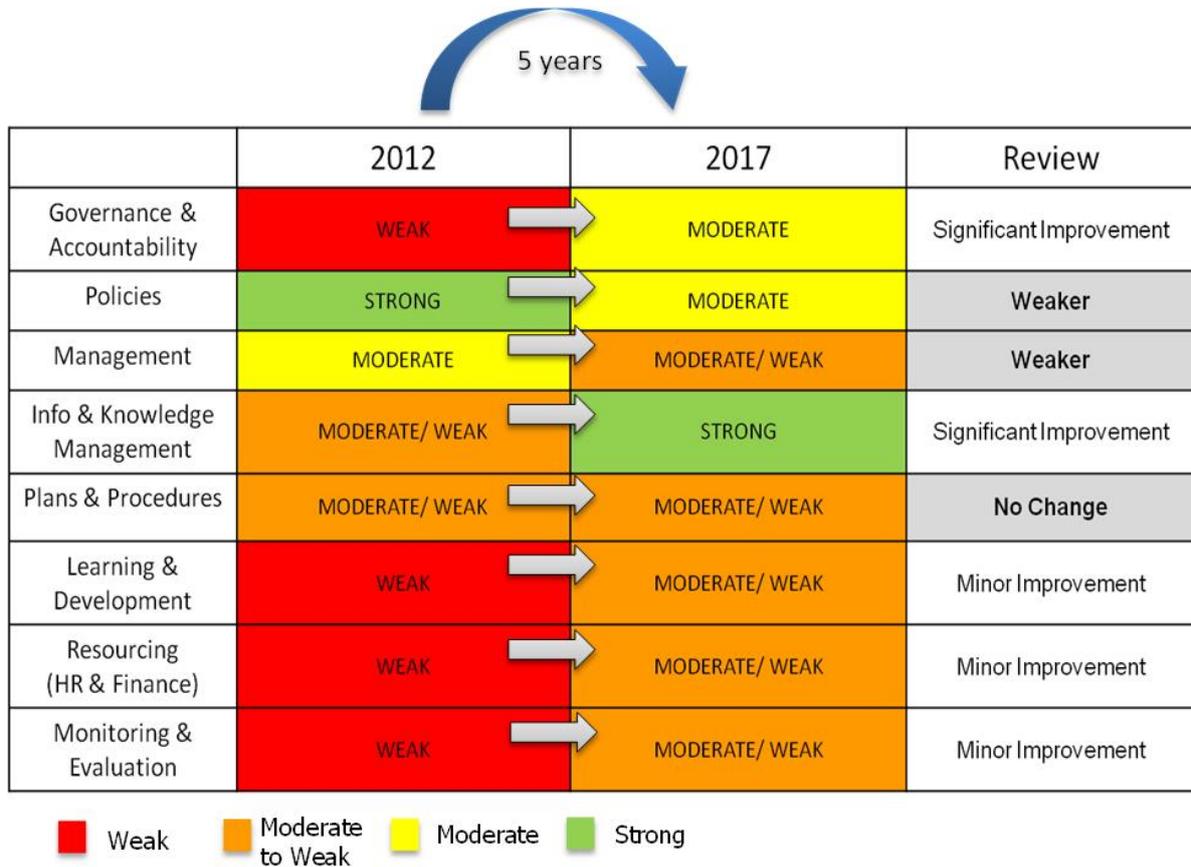
10.6 In 2017, Oxfam GB repeated this process, comparing itself against the 2012 position and the impact of its 2012-14 safeguarding strategy. This assessment identified that progress was being made and this was particularly strong in its Trading Division. Oxfam GB’s conclusion at this time was that none of the eight elements of ‘an effective safeguarding strategy’ were weak.

10.7 During its regulatory engagement in late 2017, the Charity Commission advised Oxfam GB that their self-assessment was too optimistic. The Review concurs that this judgment was accurate.

10.8 As an example, despite Oxfam GB advising it had ‘rolled over’ the plan from the 2012-14 strategy, there was no evidence of any ongoing monitoring. This in itself would suggest concerns in respect of the effectiveness of Oxfam GB’s oversight and governance of safeguarding arrangements. Furthermore, the poor compliance in reporting serious incidents to the Charity Commission, together with the deficits in case recording further illustrate the existence of areas of weakness.

10.9 A more recent ‘light-touch’ self-assessment has also been completed by Oxfam GB. This has identified significant improvements in two of the eight criteria (governance & accountability and information & knowledge management), minor improvements in three, no change in one and two areas (policies and management) that have deteriorated. This assessment and its comparison to those undertaken in 2012 and 2017 is included in the 2018-21 strategy. It is important to note at this stage that Oxfam GB has made progress in a number of areas since this review. For

example, despite rating policies as being ‘weaker’, significant effort by Oxfam GB has resulted in the complete revision, publication and circulation of a number of key safeguarding policies.



10.10 In terms of the 2018-21 strategy’s content, this clearly sets out Oxfam GB’s safeguarding vision, its purpose and a brief overview of progress. These sections are helpful in placing the strategy in the context of the work that has gone before in addition to how it will be used to drive forward assurances provided to a range of different stakeholders.

10.11 The strategy also sets out Oxfam GB’s aims, a description of what it is planning to do in respect of defined actions and how it will judge success. A grid provides the structure for the action plan itself (structured against Oxfam GB’s ‘eight key elements of a safeguarding strategy’). There is also a table setting out nine Key Performance Indicators.

10.12 Overall, the Review consider the structure of this strategy to be sufficient. Oxfam GB has taken an evidence-based approach to its development and whilst there are some areas of duplication (i.e. the section on the strategy's purpose and its aims could be combined), it provides a solid framework upon which the charity can take a systematic approach to improvement.

10.13 However, there is scope for Oxfam GB to improve the methodology it uses to inform its strategy development. Indeed, in the absence of proper checks and balances, self-assessments on their own are inherently biased towards the positive. They risk providing an over optimistic view on status and as such, can fail to identify the real issues requiring focus.

10.14 This was evidenced during the Charity Commission's recent review of Oxfam GB in 2017. Priority areas identified by Oxfam GB as requiring attention were management, learning and development and plans and procedures. Issues identified by the Charity Commission were governance, management oversight and HR culture.

10.15 It is positive that Oxfam GB has already recognised the need to review its Safeguarding Risk Management approach and that this attracts a specific action within the 2018-21 strategy. The review of this process should align with the Review's proposals for the implementation of a *Learning and Improvement Framework* set out under the Practice Section of this report.

10.16 Developing and embedding this framework will provide an improved mechanism for strategy development, it will improve risk identification and it will help in the development of mitigating actions. It will also provide a more robust set of tools upon which Oxfam GB can judge its success beyond the Key Performance Indicators (KPIs) detailed within the 2018-21 strategy.

**R27:** 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.

### **Prevention and Deterrence Measures in the Safeguarding Strategy 2018-21**

10.17 In considering the sufficiency of the 2018-21 strategy in the context of its prevention and deterrence measures, there are a range of appropriate actions reinforcing these issues.

10.18 Primarily, these relate to Oxfam GB's approach to safer recruitment and the actions being taken to prevent and deter people who are unsuitable to work with vulnerable people. For example, the strategy sets out a requirement for all recruitment practices to be reviewed (including fast track recruitment) to ensure that:

- Safeguarding is a mandatory part of the interview.
- Appropriate assessments of culture, values, people management and risk management skills are carried out.
- Full rigour is applied in taking up references.
- DBS checks and World Check are carried out for all lead volunteers in shops and for all relevant senior country programme positions where any contact with vulnerable people is a possibility.

10.19 In conjunction with Oxfam GB's work in raising awareness of its Code of Conduct and the explicit guidance set out in its revised PSEA policy, these measures are considered both targeted and robust.

10.20 A further aspect of the recruitment process that is included as part of the 2018-2021 strategy relates to the taking up of references. This is an essential part of the recruitment process and one that Oxfam GB has rightly identified as needing

improvement. In response to this issue, Oxfam GB has reviewed and updated processes for requesting and supplying references and ensuring that the last employer is included in both internal and external references. This is entirely appropriate in the context of the charity strengthening its safeguarding arrangements.

10.21 Furthermore, Oxfam GB is reviewing the process for requesting criminal record checks in all countries and has committed to working with INTERPOL on this issue. Again, in terms of setting a framework that provides robust vetting, this is entirely relevant and reflects a clear sufficiency of the 2018-2021 strategy in this regard.

10.22 Another good example demonstrating Oxfam GB's commitment to prevention and deterrence is identified in its planned work to review reporting mechanisms for any cases where a crime may have taken place to the relevant prosecuting authorities. Embedding this as consistent practice and avoiding scenarios like those arising in the Haiti incident will further reinforce Oxfam GB's zero tolerance to abusive and exploitative behaviour.

### **Training in the Safeguarding Strategy 2018-21**

10.23 In terms of the 2018-2021 strategy's sufficiency in respect of safeguarding training, a defined focus is set out under the action plan heading of Learning and Development. This includes the following three actions:

- Put in place mandatory safeguarding training for new and existing staff to ensure that they are clear about the behaviour we expect and their obligations to report any offending behaviour. (No staff member will be confirmed in post until they have attended safeguarding training).
- Create and ensure completion of mandatory, role appropriate safeguarding training for all those in senior management roles.
- Deliver in country safeguarding training for ten highest risk countries.

10.24 These actions do not, in the Review's opinion, adequately cover the

requirements for improvement in this area. Indeed, whilst training delivery and attendance are clearly relevant to effective safeguarding practice, the Review has identified that these are not the only aspects requiring Oxfam GB's attention.

10.25 For the purpose of the 2018-2021 strategy, the following recommendations are made to align with these findings.

**R28:** That the 2018-21 safeguarding strategy should be amended to include the following:

- 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.

### **Awareness Raising in the Safeguarding Strategy 2018-2021**

10.26 With regards to the sufficiency of awareness raising in the 2018-2021 strategy, there are a range of associated actions that are aligned to improving this aspect of Oxfam GB's safeguarding arrangements. These are considered to be comprehensive in that they are appropriately detailed and cover the full range of Oxfam GB's operations. Relevant examples identified in the strategy include:

- *Ensure safeguarding is incorporated within our Safe Programming Principles, and that they are distributed and understood.*
- *Update user-friendly guidelines to accompany our PSEA, Safeguarding Adults and Safeguarding Children policies.*
- *Ensure that all signed off policies are made available to all members of staff, volunteers, partners, contractors and relevant others.*
- *Complete Safeguarding Focal Point Handbook and Communication Strategy for the next 18 months.*

- *Support existing and new Focal Points to prepare Safeguarding Plans for all OXFAM GB EA countries and global/UK programmes.*
- *Review all recruitment and induction materials to ensure that all new staff and volunteers are made aware of Oxfam's safeguarding policies and procedures, and their roles and responsibilities.*
- *Carry out a launch of the new safeguarding policies and materials, ensuring that all staff, volunteers and relevant others are aware of the new processes and requirements.*
- *Review and update all safeguarding communications used in our shops.*
- *Review and update all induction training, in collaboration with OI, to ensure that it serves to inculcate Oxfam's values and culture and ensure full and meaningful engagement with Oxfam's code of conduct.*
- *Ensure review of current safeguarding guides is included in mandatory induction processes.*

10.27 Oxfam GB has made swift progress against a number of these actions. For example:

- In June 2018, the Global Humanitarian Team (GHT) commenced a consultant-led review of its Protection Strategy for EA operations. Part of this review will focus upon Safe Programming (and its link with safeguarding / PSEA) and part on Protection Programming (and how Oxfam GB work with partners and support local leadership, community-based protection, links to advocacy and campaigning).
- Two new dedicated safeguarding Humanitarian Support Personnel positions have been created in the GHT and plans are being considered for safeguarding workshops to be held with teams during scale up for crisis relief.
- Oxfam GB has revised key safeguarding policies, circulated these across its workforce and made them publicly available.
- All of Oxfam GB's staff will have been made aware of and received training on the charity's code of conduct by the end of August 2018.

10.28 One important aspect of awareness raising relates to Oxfam GB's induction process with staff and volunteers. Oxfam GB has rightly identified this as a priority area for improvement within its strategy. Associated recommendations in this regard are set out under the Practice Section of this report.

## **Summary**

10.29 The delivery of high quality safeguarding practice doesn't just happen on its own. It takes strong leadership, hard work and an unswerving focus on the needs of people who might be vulnerable. It also requires ambition that is matched by resource.

10.30 Whilst the importance of these aspects cannot be overstated, it is ultimately the translation of leadership intent into tangible outcomes that makes the difference.

10.31 Equally relevant is the process through which such outcomes are identified and achieved. Indeed, the successful development and maintenance of any safeguarding system needs to be driven by robust strategic thinking. This develops a coherent understanding of the issues requiring focus, it defines priorities and ultimately sets these out in a written strategy that makes clear what needs to be done, by whom and by when.

10.32 Strategic thinking in respect of safeguarding shouldn't, however, end with the publication of a document, the conclusion of an initiative or the completion of an action plan. It is essential that leaders recognise their commitment to safeguarding can never be short-term, it needs to be prioritised and improvement activity should never stop. For those that do, they will simply fall behind and the vulnerable may suffer.

10.33 It is for this reason that despite the current safeguarding strategy being coherent in structure and capturing a range of salient actions, the key issue will be the leadership, drive and determination to transpose the strategy into more effective practice.

10.34 The most relevant evidence supporting this position is to be found in the quality of some of the casework reviewed. Whilst evidence of some improvement, this is where strategy should have been making the most difference. It can also be seen in the fact that a number of similar actions set out in the 2012-2014 strategy are broadly similar to those referenced in the most recent version (see below). Safeguarding has been allowed to drift.

	2012-2014	2018-2021
<b>Governance &amp; Accountability</b>		
<b>Steering Group</b>	Re-invigorate Safeguarding Steering Group proposed by the former Global Safeguarding Coordinator (terms of reference written but first meeting not held).	Clarify role and membership of Safeguarding Steering Group to ensure it provides leadership.
<b>Policy</b>		
<b>Pending Policy Updates</b>	Update and simplify Oxfam GB's PSEA and Child Protection and Vulnerable Adult Policies (currently out of date).	Complete the review and updating of Oxfam GB's three core safeguarding policies (PSEA, Vulnerable Adults and Vulnerable Children), for consideration by Council.
<b>Review of HR Policies</b>	Identify review dates for relevant HR policies (e.g. Recruitment) and engage in consultation process ensuring safeguarding considerations are taken in to account.	Ensure relevant HR policies and reviewed, ensuring that OXFAM GB's policies align with those of the confederation.
<b>Management</b>		

<b>User friendly guides for policies</b>	Produce simple user guides to accompany relevant policies (e.g. Recruitment).	Update user-friendly guidelines to accompany all policies.
<b>Responsibilities for Safeguarding</b>	Clarify Country Director responsibilities for safeguarding incidents and widely communicate.	Update all middle and senior managers on their accountability and responsibility for managing safeguarding policy and practice.
<b>Plans &amp; Procedures</b>		
<b>Focal Points</b>	Work through Safeguarding Focal Points to develop country specific implementation plans. Message to "keep it simple" with 3 top priorities. Focal Points to report on progress made to their Country Management Teams every 6-12 months.	Support existing and new Focal points to prepare Safeguarding Plans for all OXFAM GB EA countries and global/UK programmes.
<b>Monitoring &amp; Evaluation</b>		
<b>Performance Indicators</b>	Performance indicators to be identified based on minimum standards.	Introduce and monitor performance across Safeguarding KPIs.
<b>Reporting</b>	Annual progress report to be submitted to TAFG.	Review reporting schedule to LT and TAFG (frequency and tools).

10.35 The Review is also concerned that Oxfam GB’s approach to strategic planning is at risk of becoming confused and congested. For example, Oxfam GB’s response

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to safeguarding now involves the monitoring of the following:

- The Safeguarding Strategy 2018-2021.
- The Ten-Point Action Plan / eight-point work streams.
- The monitoring of the interim recommendations from Ineqe (and the reports contained within this report).
- The requirements of DFID.
- The recommendations from the International Development Committee published in July 2018.
- The recommendations that will arise from the Charity Commission on completion of their statutory inquiry.
- There is also the 2017 Action Plan that given the above is largely redundant.

10.36 There is a risk that Oxfam GB will simply fail to keep up with the demands of so many drivers. Activity runs the risk of being duplicated and piecemeal. There is therefore the need to produce one coherent safeguarding strategy and one consistent, jargon-free action plan.

10.37 This should be developed at the point the Charity Commission's statutory inquiry has completed. The strategy and plan should aim to unite and organise the various work streams. This consolidation needs to be underpinned by a clear operational planning with targets and timeframes that can be monitored by KPIs, driven by workforce practice and supported by clear policies and procedures.

**R29:** 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:

- The Plan should be SMART with all actions being Specific, Measurable, Achievable, Realistic and Timely.
- This plan will be monitored by the Trustee Safeguarding Group (TSG)/Safeguarding Committee. Progress will be reported to the Council bi-annually.

## 11. THE 2017 ACTION PLAN

11.1 The ToR (Paragraph 6 (f)) set out the requirement to have specific regard to *'the sufficiency of, and progress to date in implementing, the 2017 Action Plan and current safeguarding improvement plans'*. The Charity Commission's statutory inquiry will also include scrutiny and review of its progress.

11.2 Following engagement with The Charity Commission in late 2017, Oxfam GB developed an action plan to address the findings from its review. It was developed to focus on those areas that were assessed as *'not consistently meeting expected standards'*.

11.3 The aim of the 2017 Action Plan was to take a systematic approach to:

- *Reviewing and where appropriate improving, the way in which Oxfam beneficiaries or others who come into contact with the charity do not, as a result come to harm.*
- *Ensuring that there is effective support for those affected by exploitation or abuse within or by the Oxfam workforce (or the workforce of overseas partners or contractors).*

11.4 The plan set out activities designed to cover four key *'Desired Outcomes'* with a target completion date of March 2018.

11.5 **DESIRED OUTCOME 1:** Oxfam (and in particular Oxfam GB trustees) can be confident that the organisation is doing all that it can to embed Oxfam GB's values, code of conduct and expected behaviours within our senior programme leadership. This outcome has yet to be met.

11.6 Oxfam GB initially responded to this outcome by commissioning a separate review to identify in detail the required actions. This review was authored by Jim Thompson, whose area of expertise involves Human Resources and organisational

culture change.

11.7 His final report was delivered to Oxfam GB's Head of Governance on 20 June 2018 making a number of recommendations about how Oxfam GB should improve in this context. Recommendations have been made in respect of the following:

- Vetting and Referencing of Candidates
- The Recruitment Process
- The Induction Process
- Training
- Performance Management
- Oversight
- Accountability

11.8 The Thompson report has been reviewed separately and this Review concurs with his overall findings. The detail of the relevant analysis is primarily set out under the Leadership, Culture and Governance sections of this report, although further commentary is provided in the respective sections covering Safer Recruitment, Induction and Training.

11.9 Of broader significance, however, is the lack of aspiration in respect of this outcome itself. Oxfam GB should not be merely seeking confidence that it is doing all it can to embed these issues, it needs to make sure that they are. At the point Thompson's recommendations are taken forward, this outcome needs to better reflect Oxfam GB's intent. The wording should reflect that the senior programme leadership have embedded Oxfam GB's values, Code of Conduct and expected behaviours. This should be the benchmark to be tested – not the charity's confidence that it has done all it can to make this happen.

**R30:** In respect of the 2017 Action Plan, the wording of Desired Outcome 1 should change to the following:

*Oxfam's values, code of conduct and expected behaviours have been embedded within our senior programme leadership.*

11.10 **DESIRED OUTCOME 2:** Oxfam GB Trustees and the Charity Commission have confidence that the Trustees, Council Committees and advisors, and senior management have clear sight of appropriate levels of information, action and accountability related to safeguarding. This outcome has been partially met.

11.11 It is right to acknowledge that the delay in fully meeting this outcome may, in part, be due to the imposition of the statutory inquiry, in so far as Oxfam GB has paused some activity whilst awaiting its outcome and recommendations.

11.12 It was initially responded to by Oxfam GB through the commissioning of an independent report by Andrew Purkis. The Purkis report is analysed as part of the Leadership, Culture and Governance section of this report. There are aspects of his report that the Review disagrees with.

11.13 General progress has, however, been made in strengthening Oxfam GB's oversight and scrutiny functions as follows:

- Oxfam GB has established a monthly Trustee Safeguarding Group.
- The Ten Point Action Plan has been transformed into eight workstreams and is gaining traction.
- A safeguarding progress report has been developed, which is risk rated and used by trustees to monitor progress. Within this report is a target for the trustees to monitor performance across KPIs. This specific target is currently off track.

- The Ineqe interim recommendations have also been received by Oxfam GB and are currently being implemented and monitored by trustees.

11.14 **DESIRED OUTCOME 3:** Effective structures and staffing are in place in Oxfam GB to promote safeguarding and ensure proportionate, effective and efficient safeguarding provision including ensuring that policy, training and operational activities are properly resourced and managed, with robust internal and external reporting systems. This outcome has been partially met.

11.15 There is clearly more work to do to ensure total compliance and embedded high quality safeguarding practice. Oxfam GB's Safeguarding Strategy 2018-2021 is the overarching driver for this outcome within which the areas of structure and staffing are both addressed.

11.16 In respect of effective structures, the Review believes that Oxfam GB's current structures could be improved to better ensure proportionate, effective and efficient safeguarding provision. Recommendations for change are set out within proposals for a future Oxfam GB Safeguarding Operating Model.

11.17 In terms of Oxfam GB's response to ensure effective staffing is in place, this is addressed in the Organisation, Management and Resource section of this report. Relevant progress has included:

- The appointment of a new Head of Global Safeguarding. The post-holder is experienced and started with Oxfam GB in May 2018. The role is interim for one year in order to provide Oxfam GB with the flexibility to respond to the recommendations arising from the range of reviews and inquiries into Oxfam GB and the aid sector.
- The recruitment of extra safeguarding staff to address the surge of casework and extra work resulting from adverse publicity.
- The appointment to OI of an Associate Director for Safeguarding and Culture to coordinate the eight safeguarding workstreams.

- A Head of Regulatory Compliance was appointed to oversee the recording, monitoring and reporting of safeguarding matters - including the reporting of trends, issues and allegations about senior staff and compliance of external reporting obligations.

11.18 Defined actions that were scheduled for completion between December 2017 and March 2018 included:

- a. Bringing a revised PSEA, Vulnerable Adults and Children Policies and implementation plan to Council for approval. (This has been completed. See Policies and Procedures for update).
- b. Improve case management practice ahead of and then participate in the selection and launching of a new case management system. (This has been completed. See Case Recording & Case Management for update).
- c. Renew the capacity and structure of the safeguarding team to include, capacity for strategy, training, investigations and reporting. (This action is partially complete. Additional staff have been recruited. The structure of the team going forward is addressed within 'The Global Safeguarding Team' section of this report).
- d. Decide how safeguarding is best managed and to whom it should report to. (This action is partially complete. In terms of reporting, systems are not yet fully ratified. Historically the safeguarding team were reporting to the internal audit team, the rationale being that they were independent of the rest of the organisation. This meant that there was no management oversight by anyone with safeguarding knowledge and experience. The safeguarding team has since been moved back to the HR department. There is some historical mistrust of the HR department and this was evidenced by some staff feedback in the focus group who voiced concerns about this move).<sup>139</sup>

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<sup>139</sup> Feedback from staff focus group at Oxfam GB HQ (19/06/18)

- e. The management arrangements for safeguarding are addressed within the proposal for a new Oxfam GB Safeguarding Operating Model.
- f. Develop and seek council approval of an updated safeguarding strategy to include monitoring and reporting of progress against that strategy. (This action is complete. A revised Safeguarding Strategy 2018-2021 has been approved by the Trustee Safeguarding Group. It has been formally approved by Council. Oxfam GB has committed to updating its strategy and associated plan based on the findings of this review and the statutory inquiry by the Charity Commission. See Safeguarding Strategy for update).
- g. Ensure appropriate linkages on management, support and accountability of Safeguarding at all levels to link into governance. (This action is not complete. The Purkis report was intended to assist in this regard, although the Review considers the respective recommendations are insufficient to properly address this issue. See 'Leadership, Governance and Culture').
- h. Clarify role and membership of the Safeguarding Steering Group to ensure that it provides leadership and learning at strategic and operational levels. (This action is incomplete. Membership of the Safeguarding Steering Group has still not been confirmed as this was awaiting the appointment of the new Head of Global Safeguarding. The group have met once in February 2018. Whilst this was not completed within the timescales the SSG did meet in May 2018 at which point membership was reviewed and agreed. Further meetings have been scheduled for October 2018 and January 2019).
- i. Consider whether linkages between safeguarding and other risks require any change to management oversight. (Oversight of 'safeguarding and risks' is addressed within the Leadership, Governance and Culture section of this report. Recommendations for strengthening this align with the proposal for a new Safeguarding Operating Model).

- j. Consider any other suggestions from staff and interested parties for improving practice in respect of safeguarding and linked issues. (This action has been partially completed. Open staff meetings have continued to be facilitated but with a declining interest. This is likely to be attributable to other priorities and the impact of work on potential redundancies. It is important that Oxfam GB continue with a regular offer of staff engagement).

11.19 **DESIRED OUTCOME 4:** Oxfam GB has effectively contributed to Oxfam International's development of strong safeguarding policy and practice in preparation for the transfer of OI of agreed activities relating to programme safeguarding. This outcome has been partially met.

11.20 The following progress has been made:

- The appointment to OI of an Associate Director for Safeguarding and Culture to coordinate the eight safeguarding workstreams.
- The ten-point action plan and resulting eight workstreams now cover the whole of Oxfam. One of the workstreams is safeguarding.
- The interim recommendations from Ineqe are being used to drive prioritisation of the most urgent work that Oxfam GB needs to focus on.
- According to the Safeguarding Progress Report to the Safeguarding Trustees dated 22<sup>nd</sup> June 2018, there had been some initial discussion to scope reporting obligations. The plan is to compare information with lawyers in other INGOs and define the reporting scope.
- It has been identified that there will be a need to engage donor reporting staff and public engagement staff on Freedom of Information rules. The deadline for completion of this piece of work was 29<sup>th</sup> June 2018. At the time of writing it

was coded as Amber and as being off track.

- Mapping of global level safeguarding initiatives within the sector concluded in July 2018. Discussions continue with the Steering Committee for Humanitarian Response (SCHR) and the UN to establish accrediting and passporting processes. This work is on track to complete by March 2019.
- Work is reported to be progressing according to OI project structure. Oxfam GB is contributing to all projects, as well as Oxfam GB specific actions.
- The Culture workstream has broadened its membership with a diverse group of 40 volunteers. A Workplace group “Living Our Values Everyday (LOVE)” has been set up as a first step to organise and deliver workstream commitments. The work stream Terms of Reference is going to be finalised by the end of June 2018. It is considered to be on track for completion by April 2020.

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## 12. ORGANISATION, MANAGEMENT & RESOURCES

12.1 The following narrative sets out analysis and findings in respect of the sufficiency of Oxfam GB's organisation, management and resourcing of its safeguarding functions.

### **The Global Safeguarding Team**

12.2 The Global Safeguarding Team is located at Oxfam GB's headquarters in Oxford. It is the centrepiece of the charity's safeguarding arrangements and forms the hub through which all safeguarding activity is managed. The Review has been impressed by the dedication and effort of the staff within this team, including those more recently recruited to help manage the surge in demand.

12.3 It has undoubtedly been a difficult time for the team, but the Review sees their experience as both a solid platform and an essential ingredient in helping Oxfam GB build the stronger safeguarding framework that it needs.

12.4 Oxfam GB's investment in this dedicated resource is without doubt a positive step in the right direction. However, the Review considers there to be an issue with the breadth and depth of the team's current remit. This has resulted in staff being unable to comprehensively deal with other safeguarding responsibilities that require prioritisation.

12.5 To explain further, Oxfam GB is no different to any other organisation that operates alongside existing statutory bodies (whether in the UK or overseas). It retains responsibilities to provide advice, raise awareness, identify, and report safeguarding concerns and cooperate with relevant authorities consistent with relevant policy (and where this does not compromise the safety of the alleged victim). It has no role to investigate safeguarding concerns other than in the context of their duties as an employer and their responsibilities for volunteers. In many other organisations, this function would simply be dealt with by their respective HR Departments. In Oxfam GB, the vast majority, if not all of this activity falls on the

Global Safeguarding Team.

12.6 In part, this is due to Oxfam GB's definition of safeguarding covering such extensive criteria. For example, the Review saw a number of case files containing referrals relating to members of staff being subject to threats from members of the public. Undoubtedly, in the context of Oxfam GB's duty of care to its employees, these are situations requiring immediate support. They are not, however, cases requiring support from specialist safeguarding professionals. Further pressure is also created on the team through their current role in managing investigations abroad.

12.7 Whilst the review acknowledges the best intent of Oxfam GB in their desire to tackle safeguarding in its broadest sense, this has, in the Review's opinion led to the team's capacity being limited. This has impacted on their ability to effectively support Oxfam GB with what is arguably its key function - ensuring that a strong safeguarding focus is maintained in Oxfam GB at all times and in all places. Indeed, the following aspects that are traditionally seen as key responsibilities for safeguarding teams do not have the expected visibility in the Global Safeguarding Team's workload:

- 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).
- 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.

12.8 The Global Safeguarding Team should still operate as 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. Where required, the team should coordinate engagement from Oxfam GB UK and Oxfam GB TA with the Local Authority Designated Officers when appropriate. The team will help ‘coordinate’ specialist support for misconduct investigations occurring in the aftermath of an incident, issue or complaint.

12.9 The manager of the Global Safeguarding Team will be responsible for RDOs and provide direct support to them regarding referrals that relate to safeguarding issues and any associated investigation activity. This will provide an independent chain of command distinct from the operational staff on the ground.

12.10 Where required, the team will deploy to EA countries to assist in any investigations as necessary.

**R31:** 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:

- 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.

**R32:** 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).

**R33:** That Oxfam GB 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 HR.

### **Oxfam GB EA – Safeguarding Focal Points / Designated Safeguarding Leads**

12.11 Within EA countries, Safeguarding Focal Points have been appointed as a local safeguarding resource. The recruitment process for these roles is inconsistent. The review understands that the Country Director or Leadership Team (CLT) can nominate someone or staff can be asked to elect their Focal Points. The latter process will allow staff to nominate someone they can trust and hopefully this will help to encourage reporting. Historically, dependent on the size of the office there has been the opportunity to appoint two Focal Points, one male and one female. Oxfam GB has subsequently agreed to this arrangement in each location. The role of the Focal Point has been defined by Oxfam GB as follows:

*‘To support the Safeguarding Team to prevent and respond to sexual exploitation and abuse by receiving concerns and forwarding these to the team, raising awareness and promoting best practice’.*

12.12 The post holder's key responsibilities are:

- Commit approximately 5% of time to this role (i.e. 1 working day per month).
- Sensitively receive complaints and refer all of them to the Safeguarding Team within 24 hours.
- Collaborate with the Safeguarding Team to promote best practice, prevention and awareness in programmes.
- Work closely with the Country Director (or other CLT members) and the Safeguarding Team to shape a Country Safeguarding Strategy.

- Work with the Safeguarding Team to acknowledge complaints and to provide or facilitate first-line support to complainants and survivors throughout the process.
- Work with the Safeguarding Team and other relevant stakeholders (e.g. Staff representatives, MEAL and Protection Teams) to develop and maintain accessible reporting mechanisms.
- Use approved Oxfam GB Safeguarding resources to conduct annual awareness raising workshops with all staff, and where possible partners and beneficiaries (where appropriate and in conjunction with others).
- Make use of the official Safeguarding Posters in all offices in your programme
- Where needed, make use of the monthly Safeguarding “Skype Drop-In” sessions, Quarterly Safeguarding Focal Point Webinars, the Safeguarding Box Account and Facebook pages.
- Where appropriate provide support in partnership with the Safeguarding Team during investigations.
- At least biannually (ideally quarterly) report back to the CLT on our progress against the Country Safeguarding Strategy, capturing and sharing lessons learnt where possible.

12.13 The Review accepts this is a good extension to the safeguarding network, although with what seems to be a rather arbitrary allocation of only 5% of their time for safeguarding, their impact is likely to be limited. Having said that, the Review sees this as a very useful first step in developing the infrastructure to address local safeguarding needs.

12.14 However, the Review recommends that consideration should be given to changing the title of this role to Designated Safeguarding Lead (DSL). This naming convention aligns with similar roles in the UK and is a term that will be easily recognisable in statutory and non-statutory organisations including those operating internationally.<sup>140</sup>

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<sup>140</sup> <https://www.refugeesupport.eu/about/> (operating around Europe), <http://www.oncallafrica.org.uk/wp-content/uploads/2018/07/On-Call-Africa-Safeguarding-and-Child-Protection-Policy.pdf> (Operating in Zambia), <http://www.vmminternational.org/2034-2/> East Africa and Asia

12.15 Furthermore, it will help Oxfam GB develop a consistent resource (see recommendations for Oxfam GB UK and Oxfam GB TA which similarly recommend DSL appointments) and safeguarding language across its entire operations.

12.16 The SFP/DSL in EA countries will take lead responsibility for safeguarding children and vulnerable adults within their respective country teams/areas of responsibility. A Deputy DSL should also be appointed in each workplace. Both the DSL and Deputy DSL should be known by, and accessible to all staff and volunteers within their area of responsibility.

12.17 The DSL and Deputy DSL should receive specialist training to help them know what to look for and what to do if they identify a potential safeguarding issue, or one is brought to their attention.

12.18 Their training should be updated every other year or as and when necessary if new law, regulations, guidance, policy or practice is developed and adopted. The Review has formed the opinion that in order to improve future practice the DSL and Deputy DSL should receive Safeguarding Level 3 training.

12.19 The DSL can be a member of the workplace team. They should ideally be a staff member and have line management responsibility. The DSL role will supplement but not replace their other duties. That is not to say the DSL role should be diminished or minimised. It should in fact take precedence over any other task. Their training and frequent liaison with the Global Safeguarding Team should be mandated. Responsibilities will include:

- Working with the Global Safeguarding Team to ensure the work place environment is safe and that good safeguarding practice is promoted and supported.
- Unless in exceptional circumstances, be the single point of contact on safeguarding matters for the Global Safeguarding Team.

- Support the Global Safeguarding Team when engaging and or maintaining communication and support with the LADO (For Oxfam GB UK and Oxfam GB TA) or RDO (for Oxfam GB EA).
- Provide support, advice and safeguarding awareness training for other staff in their workplace. This should include mandatory safeguarding induction training.

**R34:** Oxfam GB should:

- 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 DSLs receive mandatory safeguarding training (Level 3) to enable them to effectively discharge their duties.

**Oxfam GB EA - Regional Designated Officers**

12.20 To compensate the recommendations for scaling back the investigation role of the Global Safeguarding Team and to ensure DSL arrangements are properly supported, the Review also recommends the creation of Regional Designated Officers (RDOs). The RDO position would be fundamentally independent of EA offices and projects.

12.21 They would be responsible for coordinating and undertaking investigations, liaison, training and safeguarding support across their geographic area of responsibility.

**R35:** At the outset, the Review recommends that Oxfam GB should rapidly engage 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.

12.22 RDOs would take regional responsibility to coordinate and undertake safeguarding investigations. Their number will be based on the local intelligence in respect of concerns, demographics and geography.

12.23 The RDO would be supported and line managed independently from in-country operations by the Safeguarding Operations Manager in the Global Safeguarding Team.

12.24 Accountability would feed through to the EA Divisional Manager and the Director of Safeguarding. Decision making would by-pass in country staff with whom a conflict of interest could arise due to personal or professional relationships (such as Country Directors and/or HR Managers). This would be done in the context of securing best outcomes and actions from any safeguarding investigations.

12.25 The RDO would operate along similar lines to Local Authority Designated Officers (LADOs), with the added responsibility of undertaking investigations. LADOs operate within the UK, are defined within statutory guidance and are dedicated roles employed by Local Authorities. The primary responsibility of a LADO is to coordinate the safeguarding response when allegations are made or concerns raised about people working or volunteering with children.

12.26 This model could be adapted to strengthen Oxfam GB’s safeguarding arrangements, with a fundamentally independent decision maker coordinating and undertaking any subsequent investigation.

12.27 Receiving support from the Global Safeguarding Team, RDOs would lead on coordinating investigations as follows:

### **Managing Allegations in EA Countries**

12.28 The RDO would coordinate and chair all initial management meetings in the aftermath of a safeguarding complaint against anyone connected with the delivery of Oxfam GBs program of work, including contracted staff.

12.29 The RDO would consider the nature of the allegation and invite the appropriate professionals to participate in the management meeting.

12.30 At the meeting related intelligence would be shared and a recommendation made regarding 'next steps'. The focus would be maintained on ensuring the alleged victim/survivors safety alongside the wider safeguarding implications of the potential threat. This would include:

- Distinguishing between a safeguarding incident, a crime and or misconduct issues.
- Classification of allegations (safeguarding incident/crime/misconduct) and agreeing primacy regarding investigation response.
- In liaison with their Divisional Safeguarding Manager agreeing how specialist support could best be provided to the victim/survivor, the HR investigation team or any other specialist involved in the case.

### **RDO Training Role**

12.31 The RDO would also be responsible for EA DSL and Deputy DSL training and support. It is the role of the RDO, working with the EA Divisional Safeguarding Manager and the Director of Safeguarding to ensure:

- Contextually appropriate safeguarding induction and routine training is

delivered. This to include an understanding of PSEA and wider safeguarding issues.

- At a minimum the training should include credible scenario-based examples and ensure that the workforce is alert to signs and indicators of abuse. It should also cover reporting pathways to the RDO and whistle blowing facility 'independent' of the in-country management.
- Specialist training should be developed for Country Directors and their senior leadership teams. Their knowledge should be tested against scenario-based case studies.

## **Oxfam GB TA**

12.32 The Oxfam GB TA division is the most 'recognisable' in the sense that its safeguarding functions mirror what would be seen in many other UK based operations. The Trading Arm benefits from focused and experienced leadership, together with a dedicated Trading Safeguarding Advisor role.

12.33 With the additional support from eight regional Business Partners (HR trained professionals), there is a good framework in place to support the many staff and volunteers working in Oxfam's shops across the UK. This support helps coordinate and undertake employer led investigations. As such, there is no need for an equivalent RDO role in the context of trading.

12.34 Whilst this team needs to strengthen its engagement with UK wide LADO arrangements (see practice section for recommendation), it is delivering responsive and valued support.

12.35 In the context of Oxfam GB's shops, based on the analysis of cases and responses to the staff surveys, benefit could be accrued from appointing Designated Safeguarding Leads and Deputy DSL in each. This would strengthen both accountability and the in-house skill-set of TA staff. The DSL will have a direct line to support and advice from the TA Divisional Safeguarding Manager.

## 13. POLICY

13.1 The ToR, paragraph 6 (c) focus upon the sufficiency of Oxfam GB's current safeguarding arrangements in the context of its policies and practice.

13.2 The Review examined a number of different policies, analysing them in the context of their credibility and relevance to Oxfam GBs safeguarding responsibilities and practice.

13.3 At the outset it is important to emphasise that Oxfam GB had already undertaken work to update its policies prior to the commencement of this Review. Whilst safeguarding isn't a paper exercise, robust policy informs robust practice and as such, these form an essential component of Oxfam GB's safeguarding arrangements. Their usefulness (if properly constructed) should not be underestimated, particularly in the context of supporting significant numbers of staff and volunteers, for whom safeguarding will be one priority amongst many.

13.4 It is also important to highlight the improved clarity set out within the most recent iterations. There is absolute clarity about their applicability worldwide, except in those countries where the policy contravenes local legislation. Policy is explicit that in these situations that local legislation must be followed with guidance being provided from the Safeguarding Team and the People Director. Oxfam GB is equally clear that their policy applies in the event that it is more stringent than local legislation.

### **Safeguarding Children Policy**

13.5 The most recent iteration of the Safeguarding Children Policy, dated May 2018, was approved by trustees in April 2018. A review date is scheduled in 2019.

13.6 In July 2014, the Charity Commission for England and Wales published a policy paper<sup>141</sup> relating to safeguarding children and young people. This paper sets out a

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<sup>141</sup> [Policy Paper – Safeguarding Children and Young People – 14 July 2014](#)

range of minimum expectations and standards with which charities should comply. It is explicit in advising how, by law, trustees of charities working with children and other vulnerable groups must promote their welfare and protect them from harm.

13.7 Whilst this policy paper itself needs to be updated (i.e. it refers to the statutory guidance *Working Together to Safeguard Children 2013*, as opposed to the more recent version<sup>142</sup>), it sets out key guidance for charities, including that relating to the development of a child protection policy. Such advice is also readily available from the National Society for the Prevention of Cruelty to Children (NSPCC)<sup>143</sup> and relevant to the location of Oxfam GB's headquarters in Oxford, Oxfordshire Safeguarding Children Board.<sup>144</sup>

13.8 The Charity Commission's guidance sets out a number of 'essential inclusions' for a child protection policy and many of these are included in the most recent version seen by the Review:

- The policy includes an explicit statement about the welfare of the child being paramount.
- No child or group of children must be treated any less favourably than others in being able to access services which meet their particular needs.
- The policy explicitly defines how all children have the right to protection from abuse.
- The policy indicates it has been approved and endorsed by the board of trustees.
- The policy is clear that it is applicable to all of those working for Oxfam GB, both in the UK and in EA countries.
- Whilst the policy is not explicit in defining that children and their parents will be made aware of the policy, it is clear that Oxfam GB managers have a responsibility for its promotion.

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<sup>142</sup> [Working Together to Safeguard Children 2015](#) (superseded by *Working Together 2018* published on 4 July 2018)

<sup>143</sup> [Writing a Child Protection Policy - NSPCC](#)

<sup>144</sup> [Oxfordshire LSCB Safeguarding Policy Checklist](#)

- The policy is clear that all concerns, and allegations of abuse will be taken seriously.
- There is a commitment to safer recruitment, selection and vetting.
- Reference to principles, legislation and guidance that underpin the policy is evident, but insufficiently described.
- The timescale for review is specified (March 2019).
- There is reference to linked policies, but from a child safeguarding perspective, these are insufficient to capture the range of expected policies and procedures that should be readily available to Oxfam GB staff and volunteers.

13.9 Oxfam GB has clearly improved its Safeguarding Children Policy, and this is now in line with the expectations set out by the Charity Commission. The document is proportionate in length and includes a range of relevant topics within its contents. Having said that, in the opinion of the Review, there are a number of areas through which this document should be further strengthened to reflect contemporary best practice.

13.10 The policy should be much more explicit in respect of the overarching accountability for safeguarding in Oxfam GB. Whilst the Review agrees that safeguarding is everyone's responsibility, placing accountability for this with all of Oxfam GB's Directors and the Council of Trustees fails to reflect existing practice and runs the risk of making it no one's responsibility. Indeed, the Review would not expect any disagreement from either Oxfam GB's Chief Executive or Chair of Trustees that it is they who provide the leadership on behalf of the organisation. It is these roles that are ultimately accountable in this regard and this fact should be reflected within the policy.

13.11 Furthermore, whilst Oxfam GB provides clarity in terms of its principles, it should strengthen its 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 and bring these sections closer to the start of the document.

13.12 The policy should be strengthened in the context of its credibility through relevant reference to legislation and statutory guidance (both national and international). Relevant references should be clear in the policy to both ‘Working Together to Safeguard Children’ 2018 and ‘What to do if you’re worried a child is being abused’ 2015.<sup>145</sup>

13.13 Oxfam GB should also ensure the policy provides clear contact details through which further advice can be sought. These contacts are set out in the Charity Commission’s policy paper as including ‘*children’s services, police, health, the Local Authority Designated Officer (LADO), Child Exploitation Online Protection Centre (CEOP) for e-Safety concerns and NSPCC helplines*’.

13.14 Associated policies should also be developed beyond the links set out in this document. For example, safeguarding children in the context of their access to technology and use of social media and the appropriate use of social media by staff and volunteers are complex issues that require policy development in their own right. In the context of some of the countries where Oxfam GB operates, detailed policy and procedural guidance on issues relating to Female Genital Mutilation and so called Honour Based Violence would, as examples, also be expected.

**R36:** 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.

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<sup>145</sup> What to do if you’re worried a child is being abused’ 2018

**R37:** Oxfam GB should revise its Safeguarding Children Policy as follows:

For all staff:

- The 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.

Additional changes for staff based in the UK:

- More explicit reference should be made to the CEO and Chair of Trustees retaining the overarching accountability for child safeguarding in Oxfam GB.
- Strengthen relevant reference to legislation and statutory guidance.

## **Protection from Sexual Exploitation and Abuse (PSEA) Policy**

13.15 The most recent iteration of the PSEA Policy is dated May 2018 and has been formally approved by Oxfam GB Trustees. A review date is scheduled for March 2019.

13.16 Issues similar to those highlighted in the Safeguarding Children Policy are also present in the PSEA Policy. For example, more explicit reference should be made to those senior leaders retaining overarching accountability and the process for making a complaint should be brought closer to the start of the document.

13.17 The policy is clear in defining and accepting the '*inherent risk*' that can arise from some staff and volunteers exploiting their positions of power for personal gain and sets out a range of expectations for behaviour.

13.18 In this sense, the narrative within the PSEA policy is entirely appropriate in

setting clear and firm boundaries on what behaviour will not be tolerated by Oxfam GB and the actions that will be taken in consequence. This is essential, particularly in those environments where culture, values and traditions may result in a difference of opinion about what is acceptable behaviour or not.

13.19 The policy also sets out the procedure to be followed when complaints are made. Overall, it is robust and meets the standards for policy development as set out by the IASC in its guidelines for implementing the minimum PSEA operating standards in 2013 and 2016.

### **Safeguarding Adults Policy**

13.20 The most recent iteration of the Safeguarding Adults Policy is dated May 2018 and has been formally approved by Trustees. A review date is scheduled in 2019.

13.21 The issues identified as part of the review into the Child Safeguarding Policy are broadly relevant to the Safeguarding Adults policy. The document itself follows a similar structure to the children's document. This helpfully illustrates a consistency in approach by Oxfam GB, without compromising the need to explain the clear differences in how this policy should be applied.

13.22 The Review has identified the following strengths and areas for development:

- The Safeguarding Adults policy positively includes an explicit statement that all concerns, and allegations of abuse will be taken seriously. As with the children's policy, it would be strengthened with more explicit reference to the CEO and Chair of Trustees retaining the overarching accountability for adult safeguarding in Oxfam GB.
- It positively sets out the relevance of the application of the Mental Capacity Act 2015 within the section on Safeguarding.
- Whilst definitions are clear, it is uncertain why the policy links to Nottinghamshire District Councils and Borough for these. This section would

also be strengthened with defined references to extremism, modern day slavery and abuse as a result of faith, belief and harmful practices.

- Furthermore, whilst appropriate to provide a link to Home Office guidance on Domestic Violence and Abuse, the Local Government Association and the Association of Directors of Adults Services have produced specific guidance dealing with adult safeguarding and domestic abuse. This is a more relevant document to reference.
- The policy sets out how to raise a complaint or concern, but this 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.
- Reference to principles, legislation and guidance that underpin the policy is evident, but insufficiently described. Highlighting the legislation and guidance relevant to the safeguarding of vulnerable adults is also considered necessary. This information is readily available via Oxfordshire's Safeguarding Adults Board website.
- There is a commitment to safer recruitment, selection and vetting.
- The timescales for review are specified (March 2019).
- The policy indicates it has been approved and endorsed by the board of trustees.
- The policy is clear in that it is applicable to all of those working for Oxfam GB, both in the UK and in EA countries.
- It is good practice to reference engaging adults at risk as volunteers. However, the Review considers that more detail explaining the context of such volunteering e.g., where this might take place and in what context, would be helpful.

**R38:** 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:

- 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.

Additional changes for staff based in the UK:

- 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 readily available via Oxfordshire's Safeguarding Adults Board website.

## Other Related Policies

13.23 The Review also examined a number of related policies linked with Oxfam GB's safeguarding arrangements. These included:

- The Code of Conduct for Oxfam GB Employees

- The Code of Conduct for Non-Oxfam GB Employees
- Disclosure of Malpractice in the Workplace (Whistleblowing) Policy
- Anti-Bullying & Harassment Policy
- Recruitment Policy

### **Code of Conduct for Oxfam Employees**

13.24 Oxfam GB's most recent Code of Conduct for employees is dated October 2017. It is publicly available on [Oxfam GB's website](#) and is two pages long. It is structured against six core standards and values that Oxfam GB seeks to promote. The content of this code makes appropriate reference to a range of expectations about employee behaviour.

13.25 In the context of safeguarding, the code is explicit in defining the inherent power imbalance arising out of its work with beneficiaries and others. It sets a clear tone for employees to ensure that their behaviour is not in any way exploitative, abusive or corrupt. It also appropriately references the need for employees to disclose any criminal charges or convictions. Consequences of any breach are set out including clear reference to disciplinary action (including dismissal) and the potential for criminal prosecution.

13.26 Whilst the code is broadly appropriate, the Review believes it should be further improved as set out in the following recommendation.

**R39:** That Oxfam GB's Code of Conduct be revised as follows:

- 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 observe.
- The code should include an explicit reference about the behavior expected of employees in identifying and reporting any safeguarding concerns in line with the relevant Oxfam GB 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;
  - 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.

13.27 One important aspect of the code that requires change relates to the following paragraph:

*'Whilst observing the requirements of the Code of Conduct, I will also be sensitive to, and respectful of, local customs and culture, even if the norms and values in that cultural context differ from the Code of Conduct'.*

13.28 Local customs and culture can also present safeguarding risks to both children and adults. Examples of this can be seen in some countries where faith, belief and

traditional practices involve Female Genital Mutilation, so called Honour Based Violence or Forced Marriage. Such behaviours clearly differ from the intent set out in the code and yet, the manner in which this paragraph is constructed, unintentionally suggests that Oxfam GB employees merely need to be sensitive and respectful to such abuse.

**R40:** 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.

### **Code of Conduct for Non-Oxfam GB Employees**

13.29 Oxfam GB's most recent Code of Conduct for non-employees is dated November 2017. It is publicly available on [Oxfam GB's website](#) and is two pages long. It is structured against the same six core standards and values described in the Code of Conduct for Employees and as such the recommendations set out above equally apply.

### **Disclosure of Malpractice in the Workplace (Whistleblowing) Policy**

13.30 Oxfam GB's most recent Disclosure of Malpractice in the Workplace (Whistleblowing) Policy is dated November 2016. It is publicly available on [Oxfam GB's website](#) and has a review date for November 2019.

13.31 The policy is clear in describing the types of malpractice for which this policy should be initiated and includes clear reference to examples of safeguarding children, vulnerable adults and beneficiaries. It is clear in describing the type of information needed when making a report and specifies the 24 hour timescale expected when relating to a safeguarding matter.

## Anti-Bullying & Harassment Policy

13.32 Oxfam GB's Anti-Bullying and Harassment Policy is dated June 2017 with a renewal date scheduled for June 2020. It sets out appropriate principles and provides both guidelines and procedures in how to respond. Whilst deemed broadly sufficient, the Review believes there are two areas where Oxfam GB should strengthen this policy.

13.33 Firstly, there should be clear reference to the legal position relating to harassment in the UK. Whilst acknowledging the applicability of this policy across a variety of jurisdictions; ensuring staff and volunteers understand potential legal consequences (outside of any actions by Oxfam GB) is essential.

13.34 For example, harassment is unlawful in the UK. In this context, managers or supervisors who fail to take steps to prevent harassment or investigate complaints could be held liable for their actions, as will the employee who has committed the act of harassment. In the UK, there is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

13.35 Under the Prevention of Harassment Act 1997,<sup>146</sup> harassment can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. The perpetrator of such acts is liable to criminal prosecution and if found guilty may face a prison sentence between six<sup>147</sup> months and five<sup>148</sup> years depending on the nature of the offence. It is important to note that employees who suffer harassment may call in the police. In the case of harassment from fellow employees or harassment by third parties, those found guilty, face fines or periods of imprisonment of up to two years and employers could be held vicariously liable.<sup>149</sup>

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<sup>146</sup> <https://www.cps.gov.uk/legal-guidance/stalking-and-harassment>

<sup>147</sup> Harassment (section 2): a summary only offence, carrying a maximum of six months' imprisonment and/or a level 5 fine;

<sup>148</sup> Fear of violence (section 4): an either way offence, carrying a maximum of five years' imprisonment and/or a fine on indictment

<sup>149</sup> Under the Protection from Harassment Act 1997 an employer could be vicariously liable for harassment suffered by workers in the course of their employment irrespective of whether or not they have been discriminated against – *Majowski v Guys And St Thomas's NHS Trust*

13.36 Secondly, whilst referencing the use of Information Technology, this aspect should be strengthened within the policy. This is particularly relevant in the context of the growth in cyberbullying and the potential for perpetrators to access, harass and control their victims 24/7.

**R41:** Oxfam GB should revise the definition on bullying to include more detail in respect of cyberbullying.

**R42:** 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.

## Recruitment Policy

13.37 Oxfam GB's most recent recruitment policy is dated June 2017 with a renewal data set for June 2020. In the context of safeguarding, whilst the policy covers elements of this, it lacks sufficient emphasis.

13.38 Neither the policy statement nor the principles described as underpinning the recruitment and selection process in Oxfam GB mention safeguarding at all. It is not until the 5<sup>th</sup> and 6<sup>th</sup> pages of the document that such reference is made where the policy notes recruiting people who will be working with children, vulnerable adults and the beneficiaries of their programmes.

**R43:** 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.

13.39 The guidance does provide some good advice on questions to ask at interview and stresses the need for DBS checks (in the UK) and using local checking services (i.e. Police checks) overseas. The policy is further supported by recent process guidance (April 2018) that sets out the steps required when providing or requesting references.

13.40 However, the policy and more importantly, practice could be significantly strengthened in Oxfam GB by the development and acceptance of a range of minimum standards for safer recruitment. Such standards could be embedded within the recruitment policy and provide additional clarity of expectation to both Oxfam GB and to those organisations commissioned or contacted on their behalf. These standards would be simple to apply and quality assure.

**R44:** 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:

- A generic statement within every job description involving contact or work with children, vulnerable adults or beneficiaries outlining the organisational expectation of the post-holder regarding safeguarding. For example:

*“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”*

- 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 / or 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.

## Safeguarding Procedures

13.41 Whilst there is evidence of revised policies being developed by Oxfam GB, there is little evidence of supporting procedure to guide practice. Procedures that are in place and seen by the Review take the form of a flowchart.

13.42 The current procedure 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 practice.

13.43 Whilst it is understood that legislation will differ, the expectations set out under UK law are robust and act as a good benchmark regardless of the country of operation. This is particularly the case in terms of the expectations to swiftly pass on concerns to statutory authorities.

13.44 In Oxfam GB's current procedure, it includes the option for Oxfam GB to hold a case conference following a report being received by them. The outcomes of this case conference are set out as including:

- Allocating Roles
- Risks Assessed and Mitigation Plan agreed
- Decision made on whether to investigate or gather more facts before making a decision
- Terms of Reference agreed

13.45 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. Whilst this requirement has been referenced in Oxfam GB's updated policies, this omission is significant and seriously undermines the effectiveness of the procedures. Indeed, this gap was reflected in the case audits with numerous examples being seen where authorities that should have been engaged weren't alerted.

13.46 Whilst there is nothing inherently wrong about Oxfam GB staff holding discussions to share information and plan for potential action, this cannot be undertaken in isolation to other agencies that might have a statutory duty to respond and nor should it delay action.

13.47 At the very least, Oxfam GB should be making no decision about their investigation role until statutory agencies have confirmed their intentions to engage from a criminal justice perspective or otherwise.

13.48 With regards to the procedure allowing Oxfam GB 72 hours to hold a ‘case conference’ and decide on action, this builds in unnecessary delay that could potentially heighten risk to vulnerable people. This timescale is likely to have arisen from a directive from the UN Secretary-General Ban Ki-Moon, who mandated the establishment of *‘immediate response teams’* to gather evidence within 72 hours of a sexual misconduct allegation. In respect of Oxfam GB’s procedures, the Review believes this has been extrapolated incorrectly to cover its response to all safeguarding incidents.

13.49 Indeed, in respect of children, UK government guidance<sup>150</sup> specifies that *‘If, at any time, you believe that a child may be a child in need, or that a child is being harmed or is likely to be, you should refer immediately to local authority children’s social care’*.

13.50 This expectation has recently been reinforced in the revised statutory guidance, Working Together 2018.

*‘Anyone who has concerns about a child’s welfare should make a referral to local authority children’s social care and should do so immediately if there is a concern that the child is suffering significant harm or is likely to do so’.*<sup>151</sup>

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<sup>150</sup> [What to do if you are worried a child is being abused](#) – HM Government 2015

<sup>151</sup> Working Together 2018 para 17, page 17

13.51 In respect of vulnerable adults, there are no set definitive timescales for each element of the safeguarding process; however, local timescales are ordinarily indicated to promote best practice and ensure the broad principles underpinning the safeguarding adult agenda are adhered to.

**R45:** 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.

13.52 With regards to the defined procedure for handling safeguarding concerns, the Review also considers that Oxfam GB’s interpretation of the requirements for reporting to statutory authorities should be sharpened. For example, in the PSEA policy, Oxfam GB specify:

*‘Our approach will always be to comply with reporting obligations under local law, as long as we have the victim’s consent to do so. If someone’s life is in danger or the matter relates in any way to a child or adult at risk, then some decisions may have to be taken by Oxfam (for example, to contact the Police). This recognises that the principle of being survivor led must be balanced against risk and protection of vulnerable groups in every instance. If the victim/survivor is a child or adult at risk, then decisions about their welfare may have to be made by others. However, as far as is possible and appropriate they will be engaged in the conversation about their own welfare’.*

13.53 It is positive that Oxfam GB has accepted there will be scenarios where responsibility needs to be taken by the charity for reporting concerns even in the absence of consent from the victim/survivor to do so. Oxfam GB define such circumstances where they might do this as follows: *‘If someone’s life is in danger or the matter relates in any way to a child or adult at risk’.*

13.54 This should be broadened to also include circumstances that could *‘indicate a*

*potential risk of harm to an individual or others in the future*'. This would clarify the flexibility that Oxfam GB should always retain when deciding if reports without consent should be made.

**R46:** Oxfam GB's interpretation of the requirements for reporting safeguarding cases to statutory authorities as set out in its PSEA Policy, currently includes the following definition of those circumstances where such reporting should take place:

*'If someone's life is in danger or the matter relates in any way to a child or adult at risk.'*

This should be broadened to include circumstances that *'indicate a potential risk of harm to an individual or others in the future'*.

13.55 Supporting this position, one case seen by the Review related to an adult male volunteer working in one of Oxfam GB's shops. This male was alleged to have held a small mirror under the curtains of a fitting room to watch a woman who was undressing to try on some clothes.

13.56 When considering whether to report the matter to the police, Oxfam GB asked the woman whether this was something she wanted to do. She did not and Oxfam GB subsequently dealt with this issue as an HR matter and withdrew the offer to volunteer from this individual. No further action was taken.

13.57 In terms of Oxfam GB's approach, this case neither indicated someone's life was in danger nor that the adult was at any continuing risk. Seen against the most up-to date policy, the response is therefore consistent. However, by solely relying on the victim's consent to report to the police, the wider safeguarding implications and the opportunities to intervene in those were missed.

13.58 Indeed, the deviant nature of the volunteers alleged behaviour, the fact that this may very well have been a crime and the strong likelihood that such behaviour was unlikely to have been isolated incident, were all sufficient factors that should have prompted Oxfam GB to report this matter to the police themselves, rather than placing the responsibility for that decision on the alleged victim.

## **Accessibility**

13.59 Contemporaneous and well written policies won't impact on practice if they can't be found. To ensure their use is hardwired into the DNA of Oxfam GB, they need to be easy to access. In the context of current arrangements, awareness of where policies can be located, and the perception of their availability is variable.

13.60 Oxfam GB hosts a number of key safeguarding policies on its website, on a 'plans, reports and policies' page and on their staff Intranet.

13.61 In Oxfam GB's shops, when staff and volunteers were asked whether they knew where to locate policies relevant to their role, only 63.5% of volunteers somewhat agreed or strongly agreed.

13.62 A higher degree of confidence was expressed by other roles, with 80% of senior volunteers somewhat agreeing or strongly agreeing, 94.8% of line managers and 95.1% of staff members feeling the same.

13.63 71.7% of volunteers, 71.5% of senior volunteers, 82.6% of line managers and 84.7% of staff members either agreed or strongly agreed that policies were easily accessible, 12.8% of volunteers and 14.3% of senior volunteers *disagreed or strongly disagreed* that these documents were easily accessible.

13.64 For those Oxfam GB working in the UK, only 20% of volunteers strongly agreed that they knew where to locate relevant policies, however, 80% somewhat agreed. 93.4% of line managers and 91.4% of staff members reporting that they somewhat

agreed or strongly agreed that they knew where to find policies if they needed to. In terms of whether policies were easy to access, 88.9% of line managers and 84% of staff members either somewhat agreed or strongly agreed.

13.65 For Oxfam GB staff and volunteers working overseas, 89.5% of line managers either somewhat agreed or strongly agreed that they knew where to locate the policies, with 96.1% of staff feeling the same. 76.6% of line managers and 83.6% of staff somewhat or strongly agreed that policies were easy to access.

13.66 It should be noted that these figures were drawn from the Ineqe Independent Survey, which analysed data collected from staff and volunteers within the UK, TA and EA sectors. These figures represent the views and opinions of those who responded to the survey, rather than the total number of staff.

13.67 In terms of location and ease of access, Oxfam GB's transparent publishing of its safeguarding policies on its website is the most effective method. This is particularly the case given Oxfam GB's global footprint.

## 14. PRACTICE

14.1 In 2017, The Charity Commission engaged Oxfam GB to review its safeguarding arrangements. This intervention arose following a number of allegations about both recent and non-recent safeguarding incidents and resulted in the Oxfam GB 2017 Action Plan.

14.2 In December 2017, the Commission set out its findings in a published case report.<sup>152</sup> This report concluded that Oxfam GB *‘demonstrates elements of good practice in its safeguarding management and how it responds to allegations, but that there is further work for the charity to do around HR culture, and the overall governance and management of safeguarding in the charity’*.

14.3 Broadly, the Review concurs with the findings of the Charity Commission, although in respect of Oxfam GB’s practice in responding to allegations, there is less optimism. Whilst identifying elements of good practice (particularly in more recent cases from 2016 onwards), concerns about overall quality and effectiveness remain. The Review’s analysis of the key elements of safeguarding practice is set out below. It should be read in the context of the Global Safeguarding Team’s capacity at the relevant time. In 2012, Oxfam GB’s first Head of Global Safeguarding was a 0.6 Full Time Equivalent (FTE). By 2017, capacity had increased with the team expanding to 3 FTE posts. At the commencement of the Review in 2018, this number had more than doubled (including temporary staff brought in to manage the surge in demand).

### Identifying & Reporting

14.4 It is difficult to establish an expected level for the identification and reporting of abuse and exploitation. This is largely due to the charity’s geographic footprint, the lack of available benchmarking data and the complexity of the local contexts in which Oxfam GB delivers aid. Having said that, the overwhelming strength of evidence, as reflected by the International Development Committee,<sup>153</sup> points towards reporting

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<sup>152</sup> [Oxfam – case report – The Charity Commission Dec 2017](#)

<sup>153</sup> [Improving reporting – The International Development Committee 2018](#)

levels across the entire sector not nearly being enough. When considering why this may be the case, it is necessary to consider two distinct areas.

14.5 Firstly, whether victims of exploitation or abuse have sufficient confidence to make such reports and secondly, the effectiveness of Oxfam GB's staff and volunteers in identifying potential victims and reporting concerns in line with existing policies and procedures.

14.6 In respect of victim confidence, where that victim is a beneficiary of aid, there is a strong evidence base that this is far too low. This is not a new phenomenon and has been a recognised feature in the aid sector for many years. It was analysed in depth in the 2008 Save the Children report,<sup>154</sup> authored by Corrina Csáky, who concluded there was chronic under-reporting by those in receipt of aid.

14.7 Our own analysis of Oxfam GB case files reinforces this conclusion. From the 245 cases examined by the Review only 14 related to the abuse of beneficiaries.

14.8 The fallout from the media coverage of Haiti may have damaged confidence levels in Oxfam GB beneficiaries even further. In this sense, the charity needs to move quickly and firmly establish a position whereby trust is restored; with beneficiaries fully understanding their right to report any abuse and exploitation that they (or others) might be suffering. Beyond this, Oxfam GB need to ensure that beneficiaries are proactively encouraged to report and that once done, they experience effective action that ensures their ongoing support and protection.

14.9 The Review acknowledges that this is easier said than done, with factors exacerbating under reporting being difficult to shift. Whether it be the inherent power imbalance that exists between victim and abuser or the fact that some victims might fear the removal of aid; empowering beneficiaries to report, whilst a challenge, is a necessary priority that needs to be tackled by Oxfam GB at pace.

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<sup>154</sup> [http://www1.rfi.fr/actuen/articles/101/article\\_519.asp](http://www1.rfi.fr/actuen/articles/101/article_519.asp)

14.10 Indeed, the need to encourage reports of wrong-doing and proactively seek out concerns should be one of the primary objectives of Oxfam GB's strategy going forward. Oxfam GB need to create the right conditions to enable this to happen through commensurate investment.

14.11 It should also ensure it is maximising its existing capacity wherever possible, particularly with those staff working in the Global Humanitarian Teams. Whilst noting Oxfam GB has commissioned a consultant-led review of its Protection Strategy, the Review considers that this resource should be included as part of any development in beneficiary awareness raising going forward.

14.12 In the context of both its Safe Programming and Protection Programming activities and the experience of its existing staff members, where teams are in the field (currently in 18 countries), this resource should be harnessed to support defined awareness raising programmes, alongside their continuing engagement in scaling up safeguarding training when responding to countries in crisis.

14.13 Consistent with the recommendations in respect of the role and function of the Global Safeguarding Team, this resource, alongside its network of 'Designated Safeguarding Leads' (Focal Points) and 'Regional Designated Officers', will be well placed to take the lead on improving this aspect of practice.

**R47:** 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 they are in operation.

14.14 With regards to the effectiveness of staff and volunteers identifying exploitation and abuse, there is evidence that this is improving. This can be seen in the increased

reporting since 2011, alongside the Review's specific testing of knowledge and the field visits undertaken to Tanzania and Rwanda.

14.15 The testing of knowledge was facilitated through the survey of 952 staff and volunteers. Within this survey, a range of questions were asked about specific safeguarding scenarios.<sup>155</sup>

14.16 In Oxfam GB's shops, the correct recognition of this as a safeguarding issue was high. 94.9% of volunteers, 100% of senior volunteers, 98.9% of line managers and 98.4% of staff identified this situation as representing a risk.

14.17 For Oxfam GB staff working in the UK, responses also demonstrated a good awareness of safeguarding with 100% of volunteers, 95.3% of line managers and 98.3% of staff members correctly interpreting the scenario. Overseas, the vast majority of respondents (92%) also strongly agreed that safeguarding was a factor.

14.18 Given the sample size of the survey, the Review is confident that the results are significant, although despite the positive outcome, Oxfam GB cannot be complacent. Its 'fluid' workforce means that knowledge levels are likely to fluctuate significantly in the future. As such, without consistent induction and training, a real risk remains that effectiveness in identifying exploitation and abuse will be hindered. These aspects (and associated recommendations) need to be properly gripped by the charity to mitigate the risk of this occurring.

14.19 Furthermore, despite being able to identify concerns, the survey results illustrated less confidence that staff or volunteers would actually report these. This is worrying. For example, only 53.8% of volunteers working in Oxfam GB's shops strongly agreed that they felt confident to report the matter. 65.5% of staff members working in the UK and 64.8% working overseas felt the same.

14.20 These results bring into sharp focus the amount of work required by Oxfam GB

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<sup>155</sup> These scenarios were based on a composite of cases.

to strengthen the confidence of their workforce in making a report whenever they might be concerned.

14.21 The use of an Independent Confidential Hotline is one initiative recently introduced by Oxfam GB that should make it easier for staff and volunteers to report their concerns. This system enables the reporting of non-urgent issues via phone or online, both in the UK and overseas. Callers have the option to remain anonymous and the system provides multi-lingual reporting in English, French, Spanish and Arabic.

14.22 The Global Safeguarding Team, also have a role in this regard. Alongside seeking to raise the confidence levels of beneficiaries, there also needs to be effort applied with their colleagues both in the UK and those in other countries in the context of improved training and ongoing access to support and advice.

14.23 In terms of the process for reporting, Oxfam GB has made progress in addressing this through the introduction of a standard safeguarding form for all referrals. The files, both historic and contemporary, evidence the use of this form. It helps capture the key information pertinent to judging risk and where one isn't immediately sent, this is proactively followed up by The Global Safeguarding Team. This is good practice.

14.24 Case files audited also demonstrate that reports to the Global Safeguarding Team are ordinarily made in a timely way and that support for staff and volunteers in making a referral is available.

14.25 In the Trading Division, regional Business Partners and a Trading Safeguarding Advisor role provides a good level of support for staff (ordinarily shop managers). In the Global Safeguarding Team, the necessary resource exists to deliver a similar function; also advising staff and volunteers on matters of concern. Focal Points are also in place to deliver a similar function in EA countries.

14.26 Oxfam GB's investment in Focal Points is commendable, but their effectiveness is likely to be compromised if an arbitrary approach is taken to the allocation of staff to this role. The knowledge, skills and experience of these staff (as well as their continuing development and access to ongoing support) should be prioritised as part of their recruitment. If not, this will create an environment where inconsistent practice will develop and safeguarding effectiveness will largely depend on the individual as opposed to Oxfam GB's system.

14.27 Whilst there will always be a degree of variance in such a large organisation, ensuring robust and enhanced safeguarding training for all staff in such advisory roles seems a sensible way forward, as does building in a system of succession planning to ensure continuity.

**R48:** Given staff turnover, Oxfam GB should develop appropriate succession planning measures for new Designated Safeguarding Leads (Safeguarding Focal Points).

## Thresholds

14.28 The Global Safeguarding Team has not operated with the benefit of a defined set of criteria or 'thresholds' to help determine what cases they should be involved with and what cases need to be re-directed to other services (either internal or external to Oxfam GB).

14.29 The impact of this is that the team deal with a range of different enquiries and have no consistent guidance to help them make decisions and provide a rationale for how workload is prioritised. This lack of clarity in the remit of the team is likely to exist across the organisation, with the Global Safeguarding Team becoming the 'one-stop shop' for anything with a link to safeguarding. This, in the opinion of the Review, has contributed to the significant pressure that the team has experienced.

14.30 The Review saw examples of how the team responded to training advice, donor

queries and reference requests. This was in addition to their responsibility to manage and oversee reports and investigations into alleged abuse and exploitation.

14.31 The Review identified limited cover arrangements, variable management oversight and a system operating beyond sensible parameters. All staff were working exceptionally hard to manage their workloads, but a much clearer remit for their involvement and activities is required. This finding is addressed through recommendations set out in respect of the Global Safeguarding Team.

## **Investigation**

14.32 At the outset, it is important to clarify that Oxfam GB has no formal remit to undertake investigations that should ordinarily be dealt with by statutory authorities and nor should they be attempting to do so.

14.33 Oxfam GB is neither the police nor a lead agency in the context of adult and child protection. So, whilst Oxfam GB has a dedicated resource that undertakes 'safeguarding investigations', it is important to understand that the basis for this practice is fundamentally aligned to its disciplinary procedure and its responsibilities as an employer. Investigations by statutory authorities will always take primacy and the activity by Oxfam GB should always be closely coordinated so as not to compromise these in any way.

14.34 This does not diminish the importance of Oxfam GB's role nor its relevance to safeguarding. Indeed, where burdens of proof are too high to result in criminal action, employer led investigations can often be the last line of defence in protecting people from those who pose a risk of harm to others.

14.35 The Review is also fully aware of the difficult position that Oxfam GB can find itself in when engagement with authorities in some countries could potentially expose victims and survivors to further harm. The need to establish what might have happened does not simply disappear in these cases and yet the aid sector as a whole

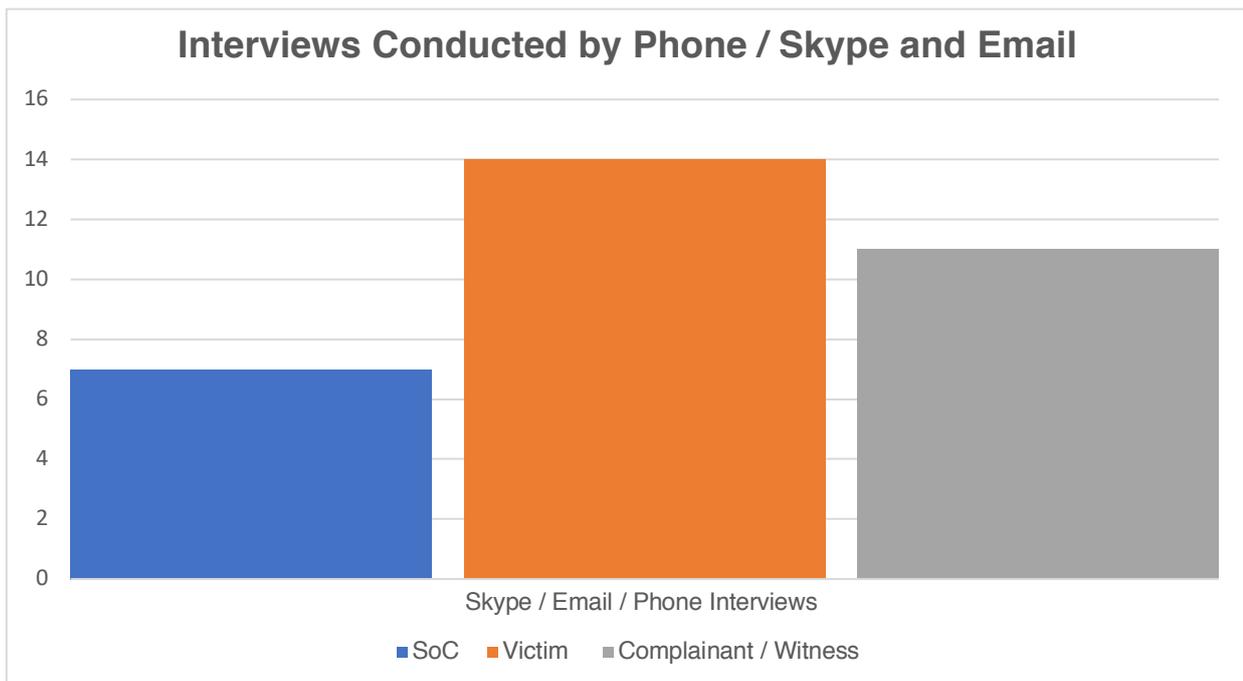
has been operating in the absence of any clear guidance on how to approach such circumstances when they arise.

14.36 It is worthy of note from evidence provided to the International Development Committee that the Department for International Development is to provide such guidance. This will no doubt be welcomed by Oxfam GB and the sector as a whole.

14.37 Regardless of the status of any particular investigation, relevant staff need to have appropriate skillset and training. Investigations need to be undertaken in a way that ensures evidence is properly gathered and that the rules of natural justice are applied.

**R49:** Procedures should prescribe that in safeguarding cases, investigators and decision makers should seek early advice from the Global Safeguarding Team.

14.38 In 25 EA case files 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. These interviews involved SoCs, victims, complainants and witnesses.



14.39 From the case files it is difficult to assess how many interviews required an interpreter. However, given the territory covered by Oxfam GB as Executing Affiliate and the frequency with which such interviews took place this is an operational issue that needs clear guidance and direction.

14.40 In one case file 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.

**R50:** 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 interpreters should be independent from the investigation, save in those cases where the SoC or witness is fluent in the language of the investigator.

In some cases (for example in remote locations) where the only resource for interpretation is the Safeguarding Focal Point (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 should be recorded.

14.41 Some of the interviews examined by the Review carried out by the Global Safeguarding Team via Skype and telephone could have been more effective if carried out face to face. This would have maximised opportunities to build rapport and enhanced evidential recovery.

14.42 There is a strong argument that the Global Safeguarding Team should not be put in a position where they have to make judgements and determine outcomes on a particular case in this way.

14.43 Whilst acknowledging the geographic challenges that might exist in reaching some people in EA countries, the use of such 'virtual interviewing', whilst practical and expedient, should whenever possible be avoided, particularly when dealing with

vulnerable witnesses or those suspected of wrong-doing. Oxfam GB is aware and agrees this position.

**R51:** The preferred method of conducting interviews, particularly with SoCs or vulnerable witnesses 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).

14.44 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. Alongside the practical challenges of investigations being led from another country, such as time differences and a lack of available interpreters, having investigators on the ground was felt to be a sensible way forward.

14.45 As such, 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 to the investigative process (as opposed to leading it virtually) in relevant cases.

14.46 This need has arguably been recognised by Oxfam GB and aligns with its recent announcement of the training of an additional 119 safeguarding investigators. It also fits with the Review proposals for a new Safeguarding Operating Model, where Oxfam GB has a real opportunity to build capacity to develop local expertise.

14.47 Of note is the fact that Regional Designated Officers (who are proposed to coordinate and undertake investigations) will be separate from the line management of the Country Director and Local HR Teams. Their reporting line will be governed through the Global Safeguarding Team. This will allow for complete independence from the operational delivery arms in Oxfam GB.

**R52:** 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 Head of Global Safeguarding, Head of HR or equivalent.

**R53:** Relevant operational protocols should be adapted to include authorisation for interviews intended to be carried out by any means other than face to face. Protocols should not inhibit such an approach, but require evidence of the rationale for the decision and authority to proceed. As a minimum, the following should be included:

- 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 the Head of Global Safeguarding or if a misconduct case, the relevant 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.

## **Allegations against staff and volunteers in the UK**

14.48 Referral and engagement with UK statutory agencies should also form a key part of Oxfam GBs safeguarding response in the context of investigating potential safeguarding concerns.

14.49 This is particularly relevant for TA and UK operations in Oxfam GB, where work brings them into contact with children and young people. In these circumstances, contact should always be made with a local authority ‘designated officer’ or ‘team of officers’ prior to Oxfam GB initiating any sort of investigation.

14.50 This role is more commonly referred to as the LADO (the Local Authority Designated Officer). Such engagement is currently expected of organisations (In England),<sup>156</sup> consistent with the statutory guidance contained within Working Together to Safeguard Children 2018.

*‘Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The designated officer, or team of officers, should also be informed within one working day of all allegations that come to an employer’s attention or that are made directly to the police’. Working Together 2018 (p59)*

14.51 In the context of the timeframe to which this Review applies, earlier statutory guidance also set out the specific requirements on how organisations should respond to allegations against those working or volunteering with children (Working Together 2015<sup>157</sup> (p59) and Working Together 2010,<sup>158</sup> (p199)

14.52 The LADO role is in place to oversee the response to the management of allegations made against people in positions of trust involved with children. They should be contacted whenever a member of staff or volunteer has:

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<sup>156</sup> In Wales, the role of the LADO is taken up by a ‘Designated Senior Manager’ in Children’s Services/Social Services – the role of this person is similar to that of the LADO)

<sup>157</sup> [Working Together to Safeguard Children, Gov 2015](#)

<sup>158</sup> [Working Together to Safeguard Children, Gov, 2010](#)

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

14.53 Within email trails in relevant files there is occasional reference to the possibility of a case being forwarded to the LADO and at the commencement of this Review, the Global Safeguarding Team advised that several LADO referrals had been made. No documented evidence has been identified to corroborate this. Indeed, 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 incidents was recorded as being reported.

14.54 The fact that there is no evidence of any routine engagement with LADOs is indicative that this aspect of child safeguarding practice was not properly understood within Oxfam GB. It demonstrates that the wider safeguarding implications relating to those who might pose a risk to children and young people are not understood or embedded within the organisation. This is of concern given that the multi-agency structure and processes to engage a LADO have been in place for a number of years.

**R54:** Immediate training should be provided to key personnel in both the Global Safeguarding Team and Trading Arm (Business Partners and Shop Managers) on the process relating to LADO and the management of allegations against staff and volunteers.

14.55 An underpinning issue identified in the deep dive reviews was the lack of application of a structured reporting and investigation process and a system for addressing what should be done from the moment an allegation is made.

**R55:** 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.

14.56 This lack of structure means that the overall quality of investigations varied from case to case, including those that lacked clear recommendations and outcomes.

14.57 This highlights the need for clear procedural guidance on matters to be considered at each stage. This would ensure that all cases are dealt with in a like manner. The use of templates and a common filing system would ensure that all matters are appropriately addressed, regardless of who the investigator is.

14.58 Initiatives to improve case recording and standardised reporting and recording formats have already been progressed by Oxfam GB through the implementation of an electronic management system. This is addressed under the section: *case recording and case files*.

**R56:** 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).

**R57:** 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).

14.59 Such is the pace of change within Oxfam GB, that recommendations made in the early draft of this report have been overtaken at the time of writing by a new strategy and investigative manual that meets the needs identified in this particular area. The Reporting Misconduct Standard Operating Procedures (SOP): internal and external reporting and communication on alleged misconduct that came into effect in July 2018 provides such a solution.

## **The Disciplinary Processes**

14.60 The range of cases examined by the Review has revealed a mixed approach to discipline, ranging from very prompt investigations, which resulted in expeditious disciplinary action to less structured investigations that failed to hold potential wrongdoers to account.

14.61 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 Review is reassured that this will no longer be allowed to happen and guidance to this effect has been incorporated into Oxfam GB policy.

14.62 The issue of jurisdiction and cross EA and OI investigations also need to be addressed. It should be made clear where jurisdiction lies in such cases and this cannot depend on who happens to be leading the investigation.

14.63 This is a challenge for Oxfam GB as they transition into 'One Oxfam'. Whilst this is currently an Oxfam International workstream, Oxfam GB must ensure that their legal obligations are not impacted by any new arrangements. It should retain jurisdiction over its employees and volunteers, irrespective of where they are deployed.

14.64 Another issue found in many of the case files is the lack of clarity and consistency in recording the outcome of disciplinary hearings or even a note that a recommendation for disciplinary action has been followed. This should be carried out so that files contain full details of the whole disciplinary process before being closed and stored. Failing to do so creates vulnerabilities in the wider safeguarding arena, as the SoC is potentially able to move from one aid agency to another without reference to their previous behaviour. This is an aspect of both policy and practice that needs to be addressed, as it fails to consider the wider safeguarding responsibility and ensuring that similar misconduct or criminal behaviour is prevented.

**R58:** Procedures in respect of safeguarding investigations should prescribe that in cases where there is a police investigation, irrespective of the outcome, the Head of Global Safeguarding should 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).

**R59:** 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'.

**R60:** 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 Head of Global 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.

## **Case Recording and Case Files**

14.65 In terms of current practice in respect of case recording and the maintenance of coherent case files, there is no material difference to the historic cases audited. This is an area of significant weakness for Oxfam GB.

14.66 Indeed, the case files lack structure, there is no traditional 'case recording' and little to no evidence of any management oversight and/or recording of decisions. The vast majority of the paperwork stored on the files are e-mail threads.

14.67 Oxfam GB has responded to this recognised deficit and is implementing a case tracking and management system. 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.

14.68 The new system will replace the very basic tracking and recording tools used by the Global Safeguarding Team and will allow for much deeper analysis of the themes, patterns and trends of reports made. This will be of significant benefit to Oxfam GB in terms of strategic planning and commissioning in respect of safeguarding.

14.69 The system is also reported to have flexible functionality in respect of it being the 'tool' to replace hard copy case files. This is important, although it is imperative that the electronic case file has defined and logical structure. As such, to reflect best practice, it should be configured to ensure the following specific sections:

- Key demographic details of those involved.
- A chronology record – in which significant events can be included.
- Case records that summarise and evidence day to day activity.
- A referral/report section – evidencing management decisions on action (including contact with the Charity Commission (as a Serious Incident report), the Police (as a criminal offence) and/or the LADO (as a concern about an adult working with children).
- Any referrals and associated reports made by Oxfam GB to other agencies.
- Minutes from relevant meetings.
- Terms of reference, details and outcome of any Oxfam GB investigation (including the details of any support provided to the victim) – evidencing management decisions.
- Action plans.
- safeguarding information from other agencies.
- E-mails or other correspondence.
- Any other relevant safeguarding documents.

**R61:** 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.

**R62:** Key Oxfam GB safeguarding personnel should receive bespoke training on case recording in the context of safeguarding concerns.

## Quality Assurance

14.70 Effectiveness Reviews form part of Oxfam's Global Performance Framework.<sup>159</sup> According to Oxfam, these have been developed to:

*'...better capture and communicate Oxfam's effectiveness and promote evidence-based learning. To be fully accountable, we want to determine whether our work is resulting in positive change and why. The undertaking of rigorous evaluations is the only credible way of doing this'*

14.71 They form part of a wider quality assurance framework that focuses upon four key components – *monitoring, evaluation, accountability and learning* (MEAL). Oxfam GB's approach to MEAL is targeted and proportionate, recognising that with over 400 projects completing each year, undertaking full impact evaluations on each of these would be too resource intensive. As such, evaluation projects are randomly selected and considered under the following thematic areas:

- Accountability
- Humanitarian response
- Resilience
- Livelihood enhancement
- Women's empowerment

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<sup>159</sup> [Oxfam Programme Quality](#)

- Citizen voice
- Policy influence

14.72 The MEAL framework is in the Review’s opinion, robust, evidence based and importantly, each review attracts a defined management response including intended action. This is strong evidence that Oxfam GB takes learning seriously and is committed to testing the quality and impact of its provision.

14.73 However, whilst some reviews have a clear correlation with safeguarding (For example, in June 2018, an impact evaluation was published focusing on Oxfam GB’s project aimed at reducing the occurrence of gender-based violence’ project),<sup>160</sup> safeguarding does not feature as a defined topic in its own right. Given the absence of any overarching process for safeguarding quality assurance Oxfam GB has a clear opportunity to strengthen the MEAL framework in this regard.

**R63:** 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.

14.74 Reviews, however, are only one part of an effective quality assurance system. Mature approaches, such as those used by multi-agency partners working with children<sup>161</sup> in the UK have been developed to incorporate other processes such as self-assessment, case auditing, monitoring of KPIs, stakeholder feedback and external learning.

14.75 The entirety of information obtained through these mechanisms can provide rich data, essential learning and triangulated evidence. It can help detect what is going well and what isn’t. It can also identify relevant themes, patterns and trends to aid improvement activity. Such approaches are broadly defined as ‘*safeguarding learning*

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<sup>160</sup> Women’s Empowerment in Indonesia: Impact evaluation of the ‘Reducing the Occurrence of Gender Based Violence’ project. Oxfam GB 2018

<sup>161</sup> Learning & Improvement Frameworks were prescribed for Local Safeguarding Children Boards in Working Together 2015 as a comprehensive approach

*and improvement frameworks.'*

14.76 In the context of Oxfam GB's current processes, the Review identified no firm evidence of any coherent monitoring of KPIs, case auditing activity or systematic safeguarding surveys. Whilst acknowledging Oxfam GB is developing its performance data in line with its 2018-2021 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.

14.77 In respect of the self-assessment component to this framework, this should be based on best practice in operation in the UK and Ireland, whilst also incorporating the recently published due diligence requirements from DFID.<sup>162</sup> The Review does not consider the due diligence requirements to be sufficiently robust in their own regard.

14.78 In the UK, LSCBs have ordinarily operated what are known as Section 11 and Section 157/175 audits. These processes, also used by a range of Safeguarding Adults Boards, engage self-assessment tools, benchmarking and compliance processes to test the effectiveness of safeguarding across a range of agencies on an annual basis.

14.79 In Ireland, a similar regime is in place and defined in statute (Children First 2015). This requires relevant organisations to complete risk assessments that identify the strengths and weaknesses in their safeguarding functions. These risk assessments lead to organisations developing Child Safeguarding Statements that are required by law to be published and displayed.

14.80 Whilst recognising Oxfam GB's mandatory introduction of the '*Control Self-Assessment Process*'<sup>163</sup> (CSA) to align with its 2020 model, the Review does not

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<sup>162</sup> At the Safeguarding Summit on 5 March 2018, the Secretary of State (SoS) announced that DFID would put in place new, enhanced and specific standards for UK Charities and NGOs. The standards cover partner policies and processes on safeguarding, whistleblowing, human resources, risk management, codes of conduct and governance.

<sup>163</sup> The CSA is a self-assessment process performed by the management team of a country office (SMT)

believe safeguarding as a specific theme should be embedded into this process. The primary reason for this is that the CSA appears to have its foundations in reducing the risk of fraud, it is management led and importantly, lacks any sophisticated engagement with staff and volunteers beyond the management team.

14.81 Furthermore, whilst recognising Oxfam GB's previous use of its Security Risk Management Framework as a framework for developing strategy, this has been used in isolation and undertaken in full twice since 2012. Whilst providing a coherent framework, this could be strengthened through its use alongside other quality assurance tools to help better inform the charity's self-assessed status.

14.82 Of equal importance for Oxfam GB is the oversight of management information and key performance indicators for monitoring themes, patterns and trends in safeguarding activity.

14.83 The detail of any developed Learning and Improvement Framework for Oxfam GB needs to be nuanced towards safeguarding within the context of the charity's operations. As such, their input to its development is essential for its success.

**R64:** 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.

### **Engagement – Local Arrangements**

14.84 In terms of practice, there is no evidence that Oxfam GB has consistently engaged with local arrangements that support multi-agency practice in respect of safeguarding adults and children.

14.85 There are a variety of structures in place that could significantly support Oxfam GB staff and volunteers in terms of awareness raising, training, policy, procedure and practice (i.e. Safeguarding Adults Boards, Local Safeguarding Children

Boards/Arrangements/Local Violence against Women & Girls forums etc).

14.86 Based on the location of its headquarters, Oxfam GB should engage the relevant structures in Oxfordshire and map how this existing support could strengthen local practice across the UK. The adoption of the new safeguarding model will see such support from Police, Adult and Children's Social Care specialist advice embedded within the proposed Independent Safeguarding Committee.

**R65:** 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.

### **Safer Recruitment**

14.87 Given the nature of Oxfam GB's contact with people, a strong focus on safeguarding should be evident throughout the work cycle of both its paid and unpaid workforce. This focus should be reflected both within policy and in the application of practice that is consistent, fair and thorough.

14.88 Safer recruitment practice should be effective at deterring, identifying and rejecting those who might be unsuitable to work with the many vulnerable people with whom Oxfam GB engages. It should be a clear feature in the recruitment process to all posts, including those where there is no direct work with or supervision of children, vulnerable adults or beneficiaries. This latter point reflects the fact some job roles in Oxfam GB will bring opportunities to be in close proximity to vulnerable people and furthermore, regardless of title, they are likely to be seen as safe and trustworthy.

14.89 As set out within Oxfam GB's recruitment policy and the guidance of its Recruitment Team's 'Service Level Agreement' (SLA), a number of defined stages of recruitment need to be followed. (*Whilst no specific recommendation is made on this point, the stage descriptions differ between these documents and Oxfam GB should seek to reconcile these for consistency*):

- Step 1: Authorisation
- Step 2: Planning
- Step 3: Attraction
- Step 4: Selection
- Step 5: Verification Checks & Offer

14.90 The Review has focused upon practice in the context of safeguarding at Step 3, 4 and 5. Overall, findings illustrate an inconsistent application of policy in Oxfam GB's approach to safe recruitment.

### **Attraction**

14.91 The Review saw contemporary evidence of Oxfam GB's commitment to safeguarding within its online recruitment advertising material. Where present, this featured as a clear policy statement of intent in respect of safeguarding responsibilities. For example, in a recent advertisement for a 'Head of Programmes',<sup>164</sup> the advert narrative states:

*'Oxfam is committed to safeguarding and promoting the welfare of children, young people and adults and expects all staff and volunteers to share this commitment. We will do everything possible to ensure that only those that are suitable to work within our values are recruited to work for us. This post is subject to a range of screening checks'*

14.92 However, across a number of other advertised roles, wording varied and in some, the commitment and responsibilities for safeguarding were not explicitly defined or appeared to be in draft. For example, an on-line advertisement for an EFSVL Assistant<sup>165</sup> contains the above statement, although next to '*children, young people and adults*' includes bracketed text (*could use beneficiaries and staff*). Another, for a

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<sup>164</sup> [Head of Programmes – online advert November 2018](#)

<sup>165</sup> [EFSVL Assistant advert – November 2018](#)

Global Sustainability Advisor<sup>166</sup> has different wording:

*‘Oxfam is committed to preventing any type of unwanted behaviour at work including sexual harassment, exploitation and abuse, lack of integrity and financial misconduct; and promoting the welfare of children, young people and adults. Oxfam expects all staff and volunteers to share this commitment through our code of conduct. We place a high priority on ensuring that only those who share and demonstrate our values are recruited to work for us’.*

14.93 In an on-line advertisement for a Deputy Country Director<sup>167</sup> post in Mali, it makes no explicit reference to safeguarding in either the job purpose or any of the key responsibilities and accountabilities.

**R66:** 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.

## Selection

14.94 Oxfam GB’s 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.

14.95 For example, by introducing a mandatory safeguarding question for all roles, this would reinforce the priority that Oxfam GB affords to safeguarding and equally emphasise to candidates that this will be an important part of their role, wherever they are based and whatever they are doing. The Review suggests variations of the scenario-based question contained within Oxfam GB’s policy;

<sup>166</sup> [Global Sustainability Advisor – November 2018](#)

<sup>167</sup> [Deputy Director advert – Mali November 2018](#)

*'Give the applicant a safeguarding scenario to respond to (e.g. You hear a rumour that an Oxfam GB staff member has been inviting children from the Community Centre to his house for sweets and cake. You've met the staff member and found him to be kind and considerate. What would you do?)'*

**R67:** 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.

## Verification Checks

## References

14.96 Obtaining references, as part of pre-employment verification, is acknowledged within Oxfam GB's recruitment policy as providing valuable insight into a candidate's ability to take on a role. It emphasises that *'all offers of employment with Oxfam GB are subject to satisfactory references'*.

14.97 Similar to the findings of the Thompson report, the Review identified inconsistency in Oxfam GB's approach to this stage of the recruitment process. For example, 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.

14.98 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% say they were not asked for a reference.

14.99 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.

14.100 The Thompson 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.

14.101 *'Guidance for Providing and Requesting References – Oxfam GB'* was introduced on 17<sup>th</sup> April 2018. It sets out a range of minimum standards for the reference process that are considered by the Review to be broadly sufficient. However, at the time of writing, Section 2, which will deal with Counter Fraud and Safeguarding Checks, was incomplete. Furthermore, the guidance for internal candidates states that only one reference is required from their current line manager.

14.102 In respect of this latter point, the Review fundamentally disagrees. Safer recruitment extends beyond the initial phase of someone joining an organisation. Indeed, given the range of cases seen by the Review involving people in positions of trust abusing that position and managers failing to act, the referencing process should not be diluted from the process applied to new recruits.

**R68:** Oxfam GB should consider applying the requirement for job applicants to supply two references to internal candidates, as they do for other candidates.

## **Criminal Record Checks**

14.103 Whilst the Review fully acknowledges the limitations of criminal record checks (in the context that they can never provide complete reassurance about a person's safety), they are an essential part of any safer recruitment process.

14.104 Used in conjunction with a range of other measures, criminal record checks can identify those who might not be legally allowed to work in a particular role and can help prevent adults who are unsuitable to work or volunteer with the young and vulnerable gaining access to them.

14.105 The authorities providing criminal record checks in the UK are the Disclosure and Barring Service<sup>168</sup> (DBS), covering England and Wales, Disclosure Scotland<sup>169</sup> (DS) and Access NI<sup>170</sup> (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,<sup>171</sup> 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 guidance.<sup>172</sup> (*In Scotland, the equivalent is the Protecting Vulnerable Groups (PVG) Scheme*).

14.106 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*'.

14.107 To supplement this approach, Oxfam GB should also prescribe use of the International Child Protection Certificate (ICPC),<sup>173</sup> which is a type of criminal record check for UK nationals, or non-UK nationals who have previously lived in the UK and

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<sup>168</sup> [The Disclosure & Barring Service](#)

<sup>169</sup> [Disclosure Scotland](#)

<sup>170</sup> [Access Northern Ireland](#)

<sup>171</sup> 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.

<sup>172</sup> [Home Office - Statutory Disclosure Guidance, 2015](#)

<sup>173</sup> [The International Child Protection Certificate](#)

are seeking to work with children overseas.

**R69:** Oxfam GB should include the regular use of the International Child Protection Certificate (ICPC) as part of its recruitment process overseas.

14.108 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 should only request a criminal record check on an individual when they are legally allowed to do so.

14.109 The Review does not provide a critique of the complex legal framework supporting criminal checks and no evidence was seen that Oxfam GB lacked compliance in this regard.

14.110 Indeed, for those working with children under the age of 18 or with vulnerable adults, (including those who will be in contact with the beneficiaries of Oxfam GB's programmes, either directly or indirectly), Oxfam GB's recruitment policy states that these individuals *'must have the necessary checks carried out to ensure that there is no known reason why they should not be working with these groups'*.

14.111 Enhanced checks are clearly prescribed for all Oxfam GB's 900 shop managers and deputy shop managers. Any volunteers in supervisory roles for any children or vulnerable adults are also required to undergo enhanced checks. Until checks are completed, Oxfam GB expects supervision of relevant staff or volunteers by an experienced staff member at all times when in the presence of children and/or vulnerable adults. Evidence was seen by the Review (during a shop visit to Scotland) where the absence of vetted staff resulted in children being prohibited from volunteering at such times. The Review makes the following recommendation to support this practice.

**R70:** 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 a DBS vetted adult supervisor on duty. If for any reason this is not possible the child must be sent home even if it means a shop has to be closed.

14.112 However, the Review did identify 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. Not only is this complicated by the sheer size of Oxfam GB's workforce (both paid and volunteers), but by the range of different contexts in which vulnerable people come in to contact with the charity.

14.113 This issue was similarly identified as part of a 2015 review<sup>174</sup> by Kate Lampard QC into the sexual offending of Jimmy Savile in the NHS and is important to note given its relevance to Oxfam GB.

14.114 Within the Lampard review, the dilution of the approach to criminal record checks and the lessons learnt from the Bichard Inquiry,<sup>175</sup> was identified as a significant issue. This was primarily in respect of the use of volunteers within the NHS and the fact that changes in legislation meant that some were unchecked and yet continued to have opportunities to engage the young and vulnerable.

14.115 Indeed, Lampard highlighted that *'many staff and volunteers in NHS hospitals who do not fall within the present definitions of 'regulated activity' have legitimate reasons and regular opportunities for being in close proximity to adult and child patients and their visitors.'* In the context of the work undertaken by many of Oxfam GB's volunteers, this is no different. For example, in one of the shops visited by the Review, it was being supported by approximately 40 unvetted adult volunteers,<sup>176</sup> with up to four working per shift. Whilst acknowledging that vetted staff were always in the

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<sup>174</sup> [Themes and lessons learnt from NHS investigations into matters relating to Jimmy Savile. Lampard. 2015](#)

<sup>175</sup> [The Bichard Inquiry](#)

<sup>176</sup> The number fluctuates as some only do a short period and don't come back.

shop when children were volunteering, it is highly likely that unvetted adult volunteers also worked closely contact with them.

14.116 Lampard recommended that the *'Home Office amend relevant legislation and regulations so as to ensure that all hospital staff and volunteers undertaking work or volunteering that brings them into contact with patients or their visitors are subject to enhanced DBS and barring list checks'*. This was the only one of Lampard's recommendations not accepted by government. The Review fully supports Lampard's position in this regard and it does so for two reasons.

14.117 Firstly, it is important to note that of the 65 safeguarding incidents recorded in the Trading Arm, 80% (52) of the SoCs were volunteers. Whether the checking of records would have revealed their unsuitability or acted as a deterrent is unknown. What is known is that from a safeguarding perspective, the absence of checks meant that Oxfam GB appointed these individuals without being fully sighted on their history, some of which may have been relevant.

14.118 Secondly, the examination of case files made available to the Review revealed nine cases involving volunteers identified in Oxfam GB's safeguarding records as Registered Sex Offenders (RSO). The status/suspected status of these individuals was not identified pre-employment and only became apparent during their tenure, , with the exception of a volunteer for the festival team who was rejected prior to deployment.

14.119 Whilst Oxfam GB's states that it will *'not allow volunteers or staff to work in shops if they are, or have been, on the sex offenders register'*, the blunt reality is that legislation as defined at present, means that the charity is unlikely to ever be aware of such information (unless self-disclosed) when offering volunteering opportunities.

14.120 This places Oxfam GB in an unreasonable position. For the vast majority of volunteering roles, Oxfam GB is unable to lawfully seek the type of criminal record check that would reveal such offences. This hinders its ability to prevent such

individuals working for the charity and by the nature of its work, to be in contact with vulnerable people. This is a matter for government.

### **Safer Recruitment and Managing Risk in Shops**

14.121 Safer recruitment practice links directly to Oxfam GB's ability to safeguard the young and vulnerable in their premises. During the Review it was apparent that managing shops can provide challenges ranging from hosting children and vulnerable adults (including those on Community Service Orders), to undisclosed sex offenders working as volunteers. At the time of the Review there were 12 individuals transitioning from prison and 57 serving community sentences across 570 stores. Seven of the individuals serving community sentences had not been subject to a risk assessment. 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'*.

### **Registered Sex Offenders volunteering in shops**

14.122 To be clear, the status/suspected status of all the individuals concerned was not related to any known offending within Oxfam GB.

14.123 When the status/suspected status of the nine individuals 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.

14.124 To the Review, this demonstrates a clear lack of understanding of safeguarding by those involved. Decision making in this regard was not considered complex by the Review.

14.125 In three cases, information about the individual of concern was appropriately

shared with the police<sup>177</sup> or another appropriate agency. In the six cases where information had not been shared, five were found to be volunteering in Oxfam GB TA shops and one was a prospective volunteer in the Oxfam Festival Team.

14.126 It is important that these figures are placed in the context of two important factors. The first relates to time. The case files made available to the Review covered a period of seven years. That said, six cases refer to 2017 and one to 2016. Another case was reported in 2015, but the date of the alleged incident is not known, and another is only known to have occurred before 2014.

14.127 The second factor to consider is that in the experience of the Review, most organisations engaging a large unvetted workforce will encounter the same or similar problems. The key issue is not that such people and the risks they represent exist, it is how risk is identified and mitigated by appropriate recruitment, vetting and aftercare, and the organisational response to concerns once they come to light.

14.128 None of the volunteers identified as potential RSOs were subject to any form of DBS check. Furthermore, if they were sex offenders who were only subject to standard notification requirements<sup>178</sup> they would not have had to declare their status.

14.129 Whilst on face value their undeclared presence in shops or at Oxfam GB events could reasonably be considered to constitute a risk, any offence would be linked to the conditions placed upon them or their behaviour. Such conditions could be part of a licence<sup>179</sup> (on release from a custodial sentence), on their sex offender notification requirements,<sup>180</sup> commonly referred to as the Sex Offenders Register and or conditions placed on them by virtue of a Sex Offences Prevention Order<sup>181</sup> (SOPO) and since 2014 a Sexual Harm Prevention Order<sup>182</sup> (SHPO).

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<sup>177</sup> In one case the police contacted the Oxfam GB shop to inform them of their concern.

<sup>178</sup> <https://www.legislation.gov.uk/ukpga/2003/42/part/2/crossheading/notification-requirements>

<sup>179</sup> <https://www.gov.uk/government/news/licence-conditions-and-how-the-parole-board-use-them>

<sup>180</sup> <https://www.gov.uk/government/publications/sexual-offences-act-2003-notification-requirements-england-and-wales-regulations-2012>

<sup>181</sup> <https://www.legislation.gov.uk/ukpga/2003/42/part/2/crossheading/sexual-offences-prevention-orders>

<sup>182</sup> <https://www.sentencingcouncil.org.uk/explanatory-material/item/ancillary-orders/22-sexual-harm-prevention-orders/>

14.130 If they were not in breach of lawful conditions their mere presence (notwithstanding their behaviour) would not, of itself be an offence. There has been no evidence that any of the individuals were subject to such conditions.

14.131 However, given the emphasis on safeguarding, the question to be asked is whether their presence represented a risk and whether it is reasonable to expect Oxfam GB to manage such risks by engaging with the police or other appropriate statutory agency.

14.132 In three cases, the SoC disclosed their status as a sex offender:

- A volunteer of three years disclosed within an application for a Store Managers position that they were a RSO, having been arrested in 2010 for accessing indecent images of children.
- A volunteer applied for a deputy shop manager post and disclosed that he was a RSO and that the Store Manager knew of his status prior to taking him on.
- A vulnerable volunteer disclosed their status at a social event.

14.133 In the remaining cases, the status of the SoC as a potential RSO was disclosed to Oxfam GB staff by a member of the public.

14.134 In one case an anonymous call was made to a shop stating that a volunteer, (who had expressed an interest in volunteering in multiple other Oxfam GB shops and who volunteered for a number of other charities) had been convicted of a child sex offence. It is worthy of note in this case that whilst there was some discussion about contacting the police, an Oxfam GB safeguarding consultant at the time advised that if the '*offer to volunteer*' was withdrawn, there was no need to contact them. The suspected sex offender did not return to the shop. However, there is no evidence that any further action was taken regarding reporting to the police, LADO or any of the other charities where he was known to volunteer.

14.135 In at least one other case there is information to suggest that a shop manager

knew of the SoC's history. The example case also highlights a noticeable pattern of enquiries across a number of case types being discontinued by Oxfam GB upon the resignation of the SoC (11 cases) or when their offer to volunteer is rescinded. In an environment frequented by children, vulnerable adults and beneficiaries, neither approach is reassuring from a safeguarding perspective.

14.136 In cases directly involving UK based staff a LADO should have been engaged by Oxfam GB and the appropriate management procedure for allegations against a those working or volunteering with children followed. There is little evidence that this process is adopted in general, and no indication of its use in the six cases in question.

14.137 Safeguarding at its most basic is about creating as safe an environment as possible for the young and or vulnerable. That is why a voluntary disclosure made by an applicant before acceptance would result in Oxfam GB not offering the opportunity to volunteer in its Trading Arm. Oxfam GB's Volunteering Policy (last updated in March 2013) states that:

*'Oxfam works with the Rehabilitation of Offenders Act 1974 and reserves the right to take unspent convictions into account with regard to the selection of volunteers. Because Oxfam works with volunteers from the age of 14, and vulnerable adults, Oxfam does not work with volunteers who are registered sex offenders'.*

14.138 There is clearly some confusion in what is recognised as a complex issue. Oxfam GB in their policy recognise the risks but, in these cases, which are all post 2013, application of the policy does not appear to be reflected in practice.

14.139 That said, the policy does not provide advice in respect of what to do when an existing volunteer is suspected to be a RSO. In each of these cases, referral to the appropriate statutory agencies could have ensured an informed risk-based approach.

14.140 Indeed, the police have the ability to establish whether or not allegations are founded. They also have access to other services such as probation and offender

management, who are best placed to establish whether the individual (if an offender subject to conditions) is compliant with them. Use of the LADO function engages appropriate safeguarding partners and facilitates proportionate, lawful and necessary information sharing.

14.141 Whilst there is some evidence, in that steps were taken to engage the police or appropriate agency, Oxfam GB's approach in this respect has been inconsistent.

**R71:** 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 considered to reinforce the application of this policy.

**R72:** 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.

### **Supporting Community Service (Sentences) Volunteers in Oxfam GB Shops**

14.142 Having a conviction should not automatically bar someone from working with Oxfam GB and it is noteworthy and credit should be given to the charity for the work they do supporting people with previous convictions on their rehabilitation process

and helping reintegrate them back into the workforce. Oxfam GB recognise the potential for risk and it has a policy that a risk assessment is carried out before a CSO is allowed to volunteer. This policy must be consistently applied.

**R73:** Oxfam GB should ensure the consistent application of its policy to risk assess volunteers who are engaged via Community Service Orders.

## Safeguarding Induction

14.143 The practice of induction is an essential part of ‘on-boarding’ any new recruits and familiarising them with an organisation’s policies and procedures. Importantly, it provides the opportunity to set expectations and to emphasise priorities at the outset of someone starting work. For Oxfam GB, delivering a consistent induction process that sets the right ‘tone’ is fundamental to creating the right culture in which safeguarding practice can thrive.

14.144 Feedback from the Review’s staff survey indicates such consistency has yet to be achieved. For example, only 45.3% of participants in all roles in Oxfam UK TA indicated that they received all the information they needed about safeguarding at their induction, with 54.7% either stating they hadn’t or didn’t know if they had received this level of training. If the latter were to be extrapolated across the entire TA division, this could potentially mean that there may be as many as 12,706<sup>183</sup> staff, managers and volunteers that have not received even the most basic of introduction to safeguarding.

14.145 In the Oxfam UK Division, 20.3% of participants in all roles indicated they had received everything they needed to know about safeguarding in their induction, with 52.7% indicating they had not. Of the staff within EA Oxfam Countries, 40.3% felt they had received all they needed to know, with 47.9% stating they had not.

14.146 Staff engaging in the Review’s focus group also reflected this variability. Those working in the TA division confirmed they had been given clear guidance on what they

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<sup>183</sup> This number is based on a calculation of 22,000 volunteers, as well as the 1,229 staff members in store.

should do if they were worried about a safeguarding issue. Others said they were only given such advice prior to their deployment to another country.

14.147 The inconsistency and quality of induction has previously been identified by Oxfam GB as an issue. In 2016, the Head of Global Safeguarding developed an operational plan for the charity. The purpose of this plan was to provide an overview of the activities for 2016 in order to address immediate gaps in policy and practice.

14.148 One such gap was identified in respect of the induction process, with a defined action being set to reach 'agreement over a confederation-sponsored Safeguarding Induction, eLearning module & commitment to it becoming a mandatory part of all staff inductions'.

14.149 By April 2017, progress against this action was rated as 'Red' and since this time, there is little evidence of any substantial headway having been made. Reinforcing this lack of progress, Oxfam GB's most recent Safeguarding Strategy (2018-2021) further sets out actions required to improve induction as follows:

*'Review and update all induction training, in collaboration with OI, to ensure that it serves to inculcate Oxfam's values and culture and ensure full and meaningful engagement with Oxfam's code of conduct'.*

14.150 The delay in improving what should be a very basic aspect of the employee and volunteer lifecycle is an obvious concern, with the lack of progress in this regard reflecting an overall lack of strategic grip related to safeguarding by Oxfam GB. Whilst acknowledging the obvious pressures of resourcing induction across such a dispersed staff group, continuing to repeat the need for improvement in various action plans will not result in the changes required.

14.151 In the context of Oxfam GB's TA division, induction delivered here has been clearer, with there being a defined process in place for new starters, whether paid or volunteers. However, whilst the process is sufficient to ensure consistent reach and

completion, the manuals used by the TA division do not adequately cover safeguarding as a theme in itself.

14.152 Moving forward, Oxfam GB's intention is to develop an e-learning module that will be mandatory for all staff to complete. This is a positive and important step by Oxfam GB. However, this should be implemented at pace and not simply become another action plan point that fails to deliver any improvement.

14.153 It is equally important that the core safeguarding messages that Oxfam GB intends to deliver during induction are standardised. The pattern of patchy access and variable materials risk diluting focus and causing confusion. Whilst recognising the need for tailoring particular aspects of content, the alignment and use of induction materials across all of Oxfam GBs divisions needs to be consistent.

14.154 This, in part, is supported by Oxfam GB's revisions of the key policies that guide the practice of its staff. These are explicit in defining their applicability across all contexts in which Oxfam GB operates.

**R74:** 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.

14.155 Induction at the most senior levels of the organisation is also of critical importance. This aspect was included in the Thompson review and was reported to Oxfam GB's Council of Trustees in March 2018. As part of this work, Thompson identified that '*induction is 'assumed' to happen in many cases*' and that '*there is a lack of mandatory induction material*'.

14.156 The Review fully concurs with Thompson’s findings in this respect. Indeed, evidencing the lack of induction material for senior positions in Oxfam GB, a 29 page presentation for new Trustees (focusing on Oxfam Shops and the Community), fails to refer to safeguarding anywhere within its content.

### **Safeguarding Training**

14.157 High quality safeguarding training is essential for any organisation that works with vulnerable people and the foundation of strong safeguarding practice. For Oxfam GB, a training offer that comprehensively covers the needs of both children and adults will help ensure its staff and volunteers are appropriately skilled, competent and confident in carrying out their safeguarding responsibilities. With course content being flexible enough to maintain a clear focus on the local context in which Oxfam GB operates, this will ultimately make people safer.

14.158 The delivery of safeguarding training across Oxfam GB has however, been inadequate to meet the needs of the organisation. The Review has seen pockets of good training delivered by dedicated staff, but there has been no real consistency in terms of what training is provided, how it is delivered and to whom. When it is delivered, staff and volunteers clearly value it:

*“I am happy with the training/induction I have been given and feel I have been given enough information etc to fulfil my role”.*

*“The safeguarding team at Oxfam GB have provided excellent training and are experts in the field”.*

14.159 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. Put simply, there has been no coherence in how Oxfam GB has sought to address the requirement for safeguarding training with a

distinct absence of any strategic approach to this issue across Oxfam GB's geographic footprint.

*“So much time & resource is spent telling staff they need to be better at safeguarding... but very little put into giving staff the time, training, framework and support to actually do so”*

*“I have been employed in Oxfam for [a] year and [a] half and I have NEVER had any safeguarding training. Despite the fact that I have asked my area manager multiple times about it. After a while I got sick of asking all the time”.*

14.160 When considering that Oxfam GB's most important asset is a highly skilled and knowledgeable workforce, this is a significant gap. Whilst recognising the challenges of managing staff and volunteers working in different environments, the overwhelming impression of the Review that whilst training has been delivered by good people with good intentions, it has struggled to leverage maximum impact.

14.161 For example, within the Oxfam UK TA division, only 45.9% of participants indicated they had received some type of safeguarding training whilst at the charity (this includes those who received training at induction level).<sup>184</sup> 31.1% stated they had never received training. If the survey results were extrapolated across the entire TA division (which includes the 22,000 volunteers and 1,229 staff), it could mean that there may be as many as 7,224 individuals who have not received any type of safeguarding training during their tenure with Oxfam GB.

14.162 In terms of access to training, 60.6% participants in Oxfam TA indicated that online training<sup>185</sup> was accessible, with 77.4% indicating it was available on a face-to-face basis. Of this, just under half (49.3%) indicated they could take time off to train.

14.163 In the Oxfam UK Division, only 38.2% had received training at some stage, with 29.4% indicating they had never received training. 32.4% of participants did not

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<sup>184</sup> This is paper based in a manual with a greater focus on health and safety than safeguarding.

<sup>185</sup> Interestingly at the time of the survey no safeguarding online learning was provided by Oxfam GB to staff and volunteers.

answer this question.

14.164 When asked about training accessibility, 58.7% of participants indicated they had access to online training,<sup>186</sup> 50.9% indicated they had access to face-to-face training and 66.1% of participants believed they could take time off for training.

14.165 In the participants from the Oxfam EA Countries, 72.7% had received some sort of safeguarding training, with 27.3% not answering this question. 63.9% stated they had access to online training, 63.9% had access to face-to-face training and 61.3% believed they could take time off to complete training.

14.166 The above results portray a clear picture that has been acknowledged by Oxfam GB. Access to safeguarding training has been far too reliant upon which division a member of staff or volunteer happens to work in and content is variable. This is an area that requires change.

**R75:** 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.

## Training Content

14.167 Reinforcing the need for a more consistent approach across Oxfam GB, training material submitted to the Review demonstrated a clear difference in content. For example, training delivered to focal points by the Global Safeguarding Team is heavily focused on sexual exploitation and abuse in the context of staff and volunteer behaviour. This is understandable given the context of Haiti and the environments in which Oxfam GB operates. This is entirely appropriate in this regard.

14.168 However, there is less of a focus on the particular safeguarding needs of

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<sup>186</sup> Current research with OXFAM GB suggests there is no online safeguarding training. This may link to the confusion found between health and safety and safeguarding when interview staff.

children and vulnerable adults and content is minimal in respect of other safeguarding risks that might require the intervention of staff or volunteers.

14.169 Conversely, material used by the Trading Division is more typically aligned to traditional safeguarding training and is structured to address vulnerabilities of both children and vulnerable adults.

14.170 Whilst recognising the need for a tailored approach to the different divisions in Oxfam GB, there remains a risk of creating confusion by course content being too variable and failing to send out agreed organisational messages relating to definition, policy and practice. In this sense, there is an urgent need for Oxfam GB to consolidate and agree core training content that will be applicable across the whole organisation.

14.171 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 to ensure its relevance across all aspects of Oxfam GB's work and implemented as a singular structure for safeguarding training. The key components of this framework are set out below and described within three levels.

14.172 Level 1 will include an e-learning programme for all Trading Arm staff and volunteers. It will focus on basic awareness raising and include:

- What is safeguarding & responsibilities.
- Awareness of categories of abuse.
- Definitions of a Child & Adult at Risk.
- Safe recruitment, DBS checks & supervision.
- Standards of behaviour for staff & volunteers.
- Disclosure & reporting.
- Barriers to reporting.
- Case studies.

14.173 Level 2 training is delivered face to face and will be for deputy/shop managers, lead volunteers, area managers, operations managers, middle managers & any other relevant staff. Content will include:

- Statistics and prevalence of abuse at Oxfam and in our society.
- Categories of abuse and definitions.
- Child & Adults at Risk definitions & supervision requirements.
- Impact of abuse (physical, mental health, societal).
- Key risk indicators and dynamic risk assessment – important factors to consider.
- Safeguarding measures, appropriate intervention, how to respond, when and how to refer.
- Roles, responsibilities and effective multi-agency working through best practice (including referrals to LADO & DBS (UK)).
- Awareness of Safeguarding Policy & Code of Conduct requirements.
- Case studies.

14.174 Level 3 training will be face to face for decision makers and policy writers. Specialist areas of safeguarding to be included in the training will be:

- Domestic Abuse
- Child Protection
- Honour Based Violence/Forced Marriage
- Rape & Sexual Assault
- Psychological impact of abuse & victim reactions
- Perpetrator behaviour
- Risk levels & effective risk management
- Multi-agency meetings & procedures (MARAC, MAPPA, ICPC, POT etc)
- Criminal Justice System & Civil Orders
- Case studies

**R76:** 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.

## Training Programme

14.175 Oxfam GB has not provided safeguarding training as part of a defined programme. Training delivered by the Global Safeguarding Team, for example, has typically been ad-hoc and initiated when a member of the team has visited an EA country to investigate an incident. Training within the Trading division has benefitted from more structure. Events are ordinarily delivered at area meetings, which Area Managers hold on a monthly or bi-monthly basis during the year.

14.176 Oxfam GB has recognised this variability is unsustainable and is planning to introduce more robust requirements for staff in respect of their attendance at safeguarding training. Whilst this remains a work in progress, this is intended to include mandatory induction (e-learning) for all staff on safeguarding, three hourly workshops for ‘non-managers’, day sessions for managers and ‘train the trainer’ style courses for focal points to cascade further across their respective staff and volunteer groups.

14.177 As an example of early progress, the leadership team have received safeguarding training from the new Head of Global Safeguarding. This is positive, however, insufficient insofar that trustees and the leadership team should be required attend the same appropriately accredited ‘day session’ safeguarding training that they are expecting for all managers.

**R77:** 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.

Trustees and the leadership team should attend the accredited day session safeguarding training mandated for other managers within Oxfam GB.

## Evaluation of Impact

14.178 The development of an improved safeguarding training programme for all staff and volunteers is a necessary priority for Oxfam GB at this time. However, the offer of training opportunities on their own are insufficient and there is a need for Oxfam GB to similarly develop a much stronger approach to the evaluation of training going forward. Indeed, understanding the impact that training is having on staff and volunteers is essential if Oxfam GB is to sustain its improvement journey.

14.179 In the context of training delivered by the Global Safeguarding Team, good practice was seen with the development of coherent and properly constructed pre and post-training evaluation forms. These forms included appropriate questions testing the baseline understanding of participants both before and after the delivery of a training session. The post-course evaluation also included a section exploring future training needs.

14.180 Whilst positive, the Review was unable to establish that these feedback mechanisms had been used consistently in all safeguarding training sessions. There was similarly no evidence that the potentially rich information from these processes had been collated and analysed to help Oxfam GB's approach to safeguarding training going forward.

14.181 This lack of analysis is more likely than not to be linked to capacity as opposed to any misunderstanding of the value of this intelligence on the part of the Global Safeguarding Team.

14.182 The absence of any central record has also hindered Oxfam GBs ability to have a clear oversight on training delivery across its international and UK workforce. Whilst some attendance lists had been collated, many of these were saved in different places. In its most simple terms, the lack of any central record held by the Global Safeguarding team has limited their ability (if capacity was available) to check on who has received training and importantly, who hasn't. The Trading division do keep training records for all training events that are organised centrally by the team in head office.

14.183 Going forward, Oxfam GB will be able to track training attendance using its new learning management system. Through this system, reports will be generated depending on need, from individual training records to departmental, country and organisation wide data. It will be important that this system can also be used to help generate prompts for attendance at refresher safeguarding training and if not, that a suitable system is identified by way of a 'training passport' for staff and volunteers.

**R78:** 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.

14.184 Overall, there needs to be a much more robust approach to the focus on evaluation of safeguarding training. If asking Oxfam GB whether their training is high in quality, whether their staff and volunteers are attending and whether the new skills and knowledge are making a positive difference to the experiences of vulnerable people, it is fair to conclude that Oxfam GB would struggle to answer these questions with any confidence.

**R79:** 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:

- 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.

## 15. CONCLUSION

15.1 Oxfam GB is a force for good and as one of the most recognised charities in the world, it has positively changed the lives of so many. By fully committing to the necessary changes in respect of its safeguarding arrangements, the Review is confident it can continue to do so in the future.

15.2 Its greatest asset is without doubt to be found in its people. The vast majority are remarkable individuals who help some of the most vulnerable on our planet. Their readiness to work and volunteer in places that most of us would shy away from should not be forgotten. Whether selling second hand clothes in high street shops or delivering emergency assistance overseas, the strength of feeling to improve the lives of those less fortunate is palpable.

15.3 The Review team had the privilege to engage many of them. They are an impressive group, but confidence in their organisation has been shaken. Whilst not possible to speak for all, many were surprised, shocked and ashamed by the public exposure of its failings.

15.4 It is important to acknowledge, as this Review does, that the context in which the charity operates is challenging. However, it is not unique to Oxfam GB. The same can be said for the safeguarding failings exposed within its systems. In the Review's opinion, these are likely to be mirrored in similar organisations operating throughout the aid sector.

15.5 Despite this, being better than some, or even most, should not be seen as a satisfactory benchmark and cannot be used as an argument to mitigate the significant weaknesses that brought Oxfam GB to this watershed moment.

15.6 Throughout the Review's engagement, it has been mindful of the need to avoid hindsight bias and in line with this approach, it has kept its focus on learning and improvement. The Review has not been undertaken to apportion blame, especially with regards to those well-intentioned individuals in the front-line, many of whom did

the best they could, with the resources they had, in the circumstances they faced.

15.7 That said, as evidenced in the charity's case files, the Review is clear that Oxfam GB's safeguarding arrangements have historically been inadequate. While elements of good practice were seen in some case files, there has not been consistent delivery of basic standards and the management of some cases may have exposed people to an unnecessary risk of harm. There has been poor compliance with relevant guidance, including statutory guidance, and insufficient investment.

15.8 Moving forward, the Review has seen a real appetite to improve. There is emerging evidence of better casework, policy development, timely SIR submissions and investment in personnel that will help. However, to ensure long term improvement Oxfam GB needs to sustain and deliver the systematic change that it has begun. The charity should continue to welcome the challenge that a new approach can bring, demonstrate a better grip at the top and drive forward identified areas of improvement.

15.9 There has been no evidence of an organisational attempt to cover up past failings.

## 16. APPENDICES

### Appendix A – Terms of Reference

#### Oxfam GB Independent Safeguarding Review: Terms of Reference

##### Background

1. Oxfam GB (registered charity number 202918) is concerned to ensure that its current safeguarding practices are sufficient and comply with best practice and that it has appropriately responded to safeguarding incidents/allegations which have taken place since 2010. Where there have been failings, it is committed to identifying these, taking full responsibility and commensurate remedial action.
2. To these ends, Oxfam GB has decided to commission a detailed safeguarding review which is independent and provides full disclosure and accountability to the Charity Commission of England and Wales (“the Commission”), its regulator, who will supervise the progress, process and content of the review, in accordance with terms and principles set out below.
3. The Commission has opened a statutory inquiry into Oxfam GB, in particular its approach to safeguarding following media coverage of a safeguarding case in 2010 and cases involving senior members of staff, including its handling at the time and subsequently of allegations in Haiti in 2011. As part of Oxfam GB’s response to this inquiry the Trustees have commissioned an independent external review with the agreement of, and to provide assurance to, the Commission. The review terms have been approved by the Commission. The Commission will be undertaking careful scrutiny of Phase 1 of the review on a regular basis as one strand within its statutory inquiry work. Further, the Commission will have absolute discretion to decide whether to undertake such scrutiny in relation to Phases 2 and/or 3 within the framework of a statutory inquiry, or under an alternative form of regulatory engagement.
4. The purpose of the Independent Review is as described in paragraph 1 above and also to ensure that Oxfam GB is in a meaningful position to assist the Commission in its statutory inquiry with an assurance of independence. Oxfam GB is also committed to maintaining its accountability to the public.
5. Any amendment to the terms of reference must be approved in writing by the Commission.

## Terms of Reference of Independent Reviewer

6. Review the sufficiency of Oxfam GB's current safeguarding arrangements (including leadership and culture) in meeting the charity's obligations both domestically and internationally to its beneficiaries, staff and other charity workers, with specific regard to:
  - (a) the charity's safeguarding strategy (including the sufficiency of the charity's prevention, deterrence, training and awareness measures);
  - (b) governance;
  - (c) HR policies and practice;
  - (d) organisation, management, resources;
  - (e) systems and processes; and
  - (f) the sufficiency of, and progress to date in implementing, the 2017 Action Plan (**Appendix A**) and current safeguarding improvement plans.
  
7. Review the management of a sample of historic safeguarding incidents, complaints, allegations, reports or cases ("Safeguarding Cases") for the period 2011 to present - excluding the known cases arising in relation to Haiti in 2011 and the Philippines in 2013<sup>187</sup>— to:
  - (a) Assess the integrity and sufficiency of the Oxfam GB's internal investigation and disciplinary processes;
  - (b) Assess the adequacy of Oxfam GB's provision of information in respect of Safeguarding Cases to other aid agencies, both on a proactive and reactive (such as when asked for a reference) basis.
  - (c) The sample shall be decided by the Independent Reviewer on a risk assessment basis, having undertaken the review of all cases etc referred to in para 8 below, save that the assessment at paragraph 7.2 above in respect of the reactive provision of information shall be undertaken in respect of every Safeguarding Case where an inquiry or request for information has been received by Oxfam GB in respect of the

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<sup>187</sup> The "known cases" are (i) the Haiti cases subject to the Oxfam GB Investigation Report of approx. August 2011 which Oxfam GB published in March 2018 and (ii) the alleged Philippines incident reported in the Evening Standard on 15 February 2018.

relevant member of Oxfam GB staff (e.g. by way of request for reference)i.e., and shall be subject to the approval of the Commission).

8. Review all safeguarding incidents, allegations, complaints, reports or cases for the period 2011 to present – excluding the known Haiti 2011 and Philippines 2013 cases – providing assurance that:
  - (a) all relevant matters which meet the Commission’s SIR criteria applicable at the time have been reported as SIRs to the Commission;
  - (b) 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
  - (c) 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.
  - (d) the charity has adequately and accurately disclosed information about these matters to statutory funders in the UK, to the level requested or required by them, and has also provided extensive information to other principal donors.
9. Each of the areas set out at paragraphs 6 to 8 above will be benchmarked against the applicable law, good practice and Oxfam GB’s obligations as a charity at the relevant time.
10. Make recommendations where appropriate or necessary to the trustees and the Commission on relevant matters including but not limited to:
  - a) any remedial actions required to address issues with the handling or reporting of past safeguarding incidents, allegations, reports or cases; and
  - b) future safeguarding arrangements for the charity, to include an action/improvement plan with a recommended timeline for priority actions.

## Definitions

- *Safeguarding*: for the purposes of this 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. This definition of “safeguarding” for the purposes of this Independent Review is wider than that used in the context of statutory guidance and domestic legislation, which applies to children and young people under 18 years of age and vulnerable adults (aged 18 and over). If deemed relevant and appropriate, the Independent Review will identify safeguarding incidents which concern children and/or vulnerable adults and those which do not. “Safeguarding” includes, but is not limited to, responsibilities within PSEA, prevention of, and responding to, misconduct by Oxfam GB’s staff and Safe Programming. The historic internal use by Oxfam GB of the term “safeguarding” is not determinative of whether an incident or issue falls within the scope of “safeguarding” for the purposes of this Independent Review.
- *Protection from Sexual Exploitation and Abuse (PSEA)*: the prevention of sexual exploitation and abuse (as defined in the UN Secretary General’s Bulletin ST/SGB/2003/13), including sexual exploitation and abuse by Oxfam GB staff of beneficiaries or other persons who come into contact and with Oxfam GB, as well as sexual abuse and exploitation towards Oxfam GB staff.
- *Misconduct*: unacceptable or improper behaviour which is likely to cause harm to a reasonable person’s physical or mental well-being.
- *Safe Programming*: All Oxfam humanitarian programmes aim to be Safe Programmes that take proactive measures to, amongst other things, avoid causing inadvertent harm.
- *Staff*: Includes employees, contractors and volunteers.

## Appendix B – Review Process and Principles

### Methodology and Approach

11. Subject to approval by the Commission, the Independent Review will be undertaken by Jim Gamble of Ineqe Group as an external safeguarding consultant and independent reviewer (the **Independent Reviewer**), with support from a team, appointed by him.
12. The Independent Review will be overseen by an independent Queen’s Counsel (the **Chair**), who will have overall oversight of the review and will work closely with the Independent Reviewer to ensure that the Independent Review is sufficiently robust and independent. The appointment of the Chair will be subject to the approval of the Commission.
13. The Independent Review team will develop a clear and detailed methodology for the Independent Review, based on the outline in **Appendix B**, to the satisfaction of the Chair. Oxfam GB and the Commission will be consulted on the proposed methodology, and the Commission will have final approval. The Independent Reviewer will invite feedback from the Commission, Chair and/or Oxfam GB on the proposed content of the Phase 1 review report and any interim report requested under paragraph 25 and will give consideration to such feedback but, for the avoidance of doubt, final editorial control on the content shall be a matter solely for the Independent Reviewer.
14. Oxfam GB will make available the necessary resources for the Independent Review. The Independent Reviewer will have full and timely access to all the information that they need, unless there is a legal impediment (e.g. where the transfer would not be in accordance with the Data Protection Act / GDPR). Oxfam GB will where appropriate facilitate the Independent Reviewer and/or his team speaking to any relevant employees or trustees (current or former) upon his request.
15. The Independent Reviewer will promptly inform the Commission of any and all information identified as part of the Independent Review that is or may be relevant to the Statutory Inquiry insofar as it concerns the known cases in Haiti 2011 and the Philippines 2013.
16. The Commission will promptly inform the Independent Reviewer of any and all information identified as part of the Statutory Inquiry that is or may be relevant to the Independent Review.
17. Where the Independent Reviewer or Commission receives information in relation to a safeguarding allegation that has not previously been reported, whether at line-manager or headquarters level, then the substance of that allegation will be dealt with in accordance with Oxfam GB’s existing policy and procedures in respect of such allegations, but the

Independent Reviewer will inform the Commission of the facts of such allegation. As part of the Independent Review the Independent Reviewer will consider the reasons why the allegation was not previously reported, and in particular consider whether there were, and/or are, any inhibitions on reporting as a result of the culture, practice or policies of Oxfam GB with a view to making recommendations as to how such inhibitions could be removed for the future.

## **Accountability**

18. The Chair will provide confidential interim updates on progress, at least every month, to Caroline Thomson (Oxfam Chair of Trustees) and the Trustee Safeguarding Group (a sub-committee of the Board of Trustees) and the Commission simultaneously and will give all parties the opportunity to respond to such updates and will as appropriate discuss with the Independent Reviewer how any responses should be appropriately taken into account, but this will be subject always to the Independent Reviewer's final editorial control on the content of the final Phase 1 review report (and any interim report).
19. The Chair will ensure that the final Phase 1 review report has been produced in compliance with the principles of natural justice and fairness; in particular any individual who may be subject to significant criticism in the report should be given an opportunity in advance to comment on the report's conclusions.
20. The Chair will ensure that the findings of fact and expressions of opinion in the final Phase 1 review report are justified on the available evidence, are reached taking all relevant matters into account and disregarding all irrelevant matters, are reasonable and are adequately reasoned.
21. The Independent Reviewer and / or Chair will liaise with the Commission on a regular basis as to the process being followed and progress being made and are under no obligation to disclose to Oxfam GB any discussions between her/him and the Commission. The frequency and form of the liaison will be determined by the Commission in consultation with the Chair and Independent Reviewer.
22. In the event that the review process identifies information which, in the view of the Independent Reviewer and/or Chair, should be reported to the Commission, law enforcement, other regulatory agencies, or UK statutory funders that information will be promptly reported by the Independent Reviewer and/or Chair to Oxfam GB. Oxfam GB will immediately refer it on to the relevant organisation(s) and report to the Independent Reviewer and Chair regarding the action which has been taken. Nonetheless, the Independent Reviewer expressly reserves to himself the right if he so decides to report directly to the appropriate

authorities any matters relating to any alleged serious crime. If the Chair disagrees with any decision taken by Oxfam GB as a consequence of the matter that has been reported, he or she shall refer that further matter to the Commission no later than 5 working days after becoming aware that the decision has been taken.

23. The Independent Review team and all relevant Oxfam GB staff will work cooperatively with the Oxfam International Commission and will agree how to avoid unnecessary duplication, while ensuring professional standards are adhered to by the review.
24. The review process will be undertaken in three phases, as stated below. The Independent Reviewer will complete Phase 1 by 15 June 2018 and Phase 2 by the end of September 2018, unless this timetable is revised by agreement with the Commission.
  - Phase 1: key output: a review report sufficiently robust to restore public confidence, donor commitment and staff morale. The report will contain findings and conclusions of the Independent Review team in respect of items 1,2, and 4 of the terms of reference listed above and provide the recommendations in the areas outlined in paragraph 10 of the terms of reference listed above. This report would provide the platform for Oxfam GB to build an improved safeguarding system. If requested by the Commission the Independent Reviewer will provide an interim report prior to the conclusion of Phase 1.
  - Phase 2: key output: delivery of a new safeguarding framework. This would involve a collective safer by design approach that minimised opportunity for criminal, abusive, corrupt and inappropriate conduct. The new framework would mirror contemporary best practice found in other safeguarding environments, including but not limited to; the management of complaints against professionals; enhanced disclosure; aftercare and credible investigative strategies. The necessary policy development, training and support would be developed in line with this approach. This phase would run alongside phase one and aspects of it (if successful) would be included as evidence of improvement in the Phase 1 Report. Other parts of this work would continue after Phase 1 and up to the completion of Phase 3.
  - Phase Three: key output a post Review Evaluation.
25. During the course of the review, the Commission reserves the right to require additional explanation, information or assurance to be provided on any matter relevant to the review. Failure to provide a timely response to the Commission which satisfactorily addresses the matter in question, may lead to the Commission giving consideration as to whether the review can continue to be progressed or whether regulatory action may be required.

## Reporting and Disclosure

26. The draft Phase 1 review report will be submitted at the same time to Oxfam GB and the Commission. Both will have an opportunity to comment, sharing these with each other. The Commission may require the Independent Reviewer and Chair to review and where necessary amend the report if it considers that the report does not adequately address significant matters relevant to the review. The Independent Reviewer and Chair (consistent with her role at paragraphs 19 and 20 above) will have absolute independence and final say on any findings and the content of the final report. For the avoidance of doubt (and as stated in paragraph 18 above), the Independent Reviewer will have final editorial control over the content of the final Phase 1 review report but shall ensure that the report acknowledges that the independent review has been overseen by the Chair. The Commission may publish a separate report at the conclusion of the inquiry as part of its own regulatory functions which may or may not address or comment on matters in the final report produced by the independent review.
27. Once finalised, the Phase 1 review report of the Independent Review will be submitted at the same time to the Commission and Oxfam GB.
28. All communications, drafts and reports relevant to this process will remain confidential unless disclosure is required by law. However, the Commission can use the whole or any part of the Phase 1 review report as part of its formal findings in relation to the statutory inquiry and Oxfam GB may apply to the Commission for consent to publish the whole or any part of the review report or any interim report

## Appointment and Tenure

29. The appointment of the Chair and Independent Reviewer is subject to the approval of the Commission.
30. The Independent Reviewer will remain in post until the work under the Terms of Reference has been completed, and the Chair will remain in post until the delivery of the final Phase 1 review report (unless the Commission determines that the Chair should continue in post for Phase 2 and/or 3), in each case subject to:
  - (a) resignation of either the Independent Reviewer or the Chair;
  - (b) early termination of the appointment by Oxfam GB, in consultation with the Commission, on account of ill health or other reason for failure to or inability to complete the work.



## Appendix C – About the Review Team

### INDEPENDENT REVIEWER



**JIM GAMBLE QPM**

**INDEPENDENT REVIEWER**

Jim is the CEO of the Ineqe Group of Specialist Safeguarding Companies and Independent Chair of several London based Safeguarding Children’s Boards. He is widely recognised as a global authority on safeguarding children and was the founding chair of the Virtual Global Taskforce; a former national policing lead for child protection and the architect and CEO of the UK Child Exploitation and Online Protection (CEOP) Centre.

### REVIEW TEAM



**RORY MCCALLUM**

**SENIOR PROFESSIONAL ADVISOR**

Rory is a qualified social worker with over 25 years of experience. He co-designed the first Multi-Agency Safeguarding Hub (MASH) and is the Senior Professional Advisor to the City & Hackney Safeguarding Board, the first LSCB in the UK to be awarded an ‘Outstanding’ grade by Ofsted in 2016. He has recently authored a number of contemporary learning reviews.

**HANNAH PAUL**

**DIRECTOR OF OPERATIONS**

Through working with children in the UK and abroad, Hannah has developed a strong practical insight regarding the context of the risks they face. This is accompanied by the academic studies and research associated with her LLM from Queens University Belfast and M.Phil from Trinity College Dublin.



**BILL WOODSIDE**

**CHIEF OPERATING OFFICER**

Bill is currently a director at Ineqe Group. He is a former Senior Police Officer with extensive global experience conducting thematic inspections. He holds an Honours Degree in Law and a Masters in Criminal Justice Management and is a Fellow of the Chartered Management Institute.

## NOEL MULLAN QPM

### SENIOR INVESTIGATOR

Noel is a former senior detective. Previously the PSNI lead on Human Trafficking, he worked with multi agency partners to support the victims of this exploitation and to increase the overall prevention, detection and awareness. He was awarded the Queens Police Medal for his contribution to policing.



## RESEARCH TEAM



## BIANCA VISSER

### HEAD OF RESEARCH

Bianca is the Lead Researcher at Ineqe Group. She holds two degrees in psychology and a Masters in Applied Psychology with advanced research methods. Her thesis compared collective vs. Western parenting styles and attachment. Her academic achievements are enhanced through her work with children at risk.

## LAURA MILNER

### RESEARCH ANALYST

Laura is currently completing her PhD in Sociology. Her research areas centre on the construction of childhood, the construction of gender and sexuality and how this impacts girls and young women as well as the impact of the digital age on the expression of gender and sexuality.



## HANNAH BLAKLEY

### RESEARCH ANALYST

Hannah holds a degree in Sociology with Criminology, together with a Masters of Research degree from Queens University. Her research topics included approaches to social research, sources and construction of quantitative data, quantitative data analysis, sources and construction of qualitative data, qualitative data analysis and advanced qualitative research methods.

## QUALITY ASSURANCE AND ETHICS PANEL



### MAURINE LEWIN

#### HEAD OF LEGAL

Maurine is the former Head of Legal at CEOP and has 24 years of experience across Magistrates court services specialising in Child Protection, Family Law, Policing procedure, Senior management and government.



### ADE ADETOSOYE OBE

#### CHAIR OF QUALITY ASSURANCE & ETHICS

Ade is the Chief Executive and Executive Director of Education, Care & Health, Bromley Council and helped the City and Hackney Safeguarding Board to achieve Ofsted's first 'Outstanding' rating.



### SOPHIE HUMPHREYS

#### OBE

#### QUALITY ASSURANCE NGO SOCIAL CARE

Sophie is the Founder and Chair of Pause; a charity working for women with complex needs. She is a member of the Ministerial Female Offenders Advisory Board, Children's Commissioner's Advisory Board and is a non-exec board member of CAFCASS.



### TREVOR PEARCE CBE

#### QUALITY ASSURANCE TRANS-NATIONAL LAW ENFORCEMENT

Trevor is the former Director General of both the National Crime Squad and the Serious Organised Crime Agency and was appointed a Board member of UK Anti-Doping in 2016.

## Appendix D – A New Safeguarding Model

1. Oxfam GB is a large charitable organisation that delivers a diverse range of services across a geographic footprint that is both broad and complex. From its UK based operations to the twenty seven countries in which the charity is Executing Affiliate, Oxfam GB has significant experience of effecting positive change. This is no more apparent than through its work with some of the most vulnerable communities on our planet - communities where families, women and children who have been displaced by disaster or conflict are in need of protection and support.

2. In these circumstances, the need to safeguard people from external threats is obvious. However, effective safeguarding practice extends well beyond the most clear and present danger. It includes a range of measures that mitigate risk, both externally and internally, in all the contexts within which Oxfam GB is engaging people.

3. In this sense, it is the position of the Review that the charity should adopt a simple principle of taking a ***safeguarding first*** approach in all of its activities. This means:

- working in a way that routinely prioritises safeguarding and ensures that the mitigation of risk is the first aspect considered whatever the focus of operations.
- building and maintaining a competent safeguarding workforce with the skills and capacity to effectively manage the complex challenges they face.
- making sure that leadership, governance and organisational arrangements result in the effective delivery and critical oversight of safeguarding practice.

4. In respect of leadership, strong leaders at all levels welcome challenge. In fact, they seek it out. Indeed, one of the most courageous things an organisation can do is open itself up to independent scrutiny. Scrutiny that is sufficiently credible and informed so as to provide the professional curiosity and challenge that ensures focused reflection. Oxfam GB has done this. It now needs to translate such reflection into tangible improvements.

5. The following model is constructed to ensure that the governance and leadership team have a clear and frequent line of sight on safeguarding issues and that they benefit from exposure to the critical professional challenge that external safeguarding professionals can bring. It is neither designed to replace or undermine the authority of the Council nor dilute their ultimate accountability for the matters with which they are currently charged.

6. The model is not something that can or should be imposed. If it is to work Oxfam GB must embrace the potential it holds. They need to own it. Therefore, whilst the component elements and recommendations are set out in the body of the Review, the model will require a collaborative process to ensure it fits. Ultimately, its implementation will test Oxfam GB's appetite for real change.

### **Independent Safeguarding Committee**

7. The current trustees, without doubt, bring a wide spectrum of benefits to the Council. However, safeguarding is a specialism that requires a specific set of skills and experience. To be effective in this regard, trustees must be backed by a robust and distinct safeguarding structure, with the capacity to effectively support them with their safeguarding responsibilities.

8. Enhancing Oxfam GB's current arrangements, the Review recommends the creation of an independent Safeguarding Committee. Whilst sitting within Oxfam GB's overall governance structure, this committee will provide an additional level of scrutiny of the organisation's policy development and safeguarding practice. By virtue of this structure Oxfam GB can routinely expose itself to independent expert advice, professional curiosity and informed challenge.

9. The Safeguarding Committee will provide additional reassurance to the Council that internal tensions are not restricting transparency, whether intentional or not. Put simply, Oxfam GB won't be solely reliant on '*marking its own homework*' when considering its overall safeguarding performance and effectiveness.

10. The Safeguarding Committee will be led by an Independent Chair. Trustees will not be appointed to this role. It will be held by someone with significant safeguarding experience with no connection to Oxfam GB.

11. Independent Chairs (as seen in those chairing safeguarding adults and children boards in the UK) have no operational responsibility but use their influence to ensure that safeguarding partners are collaborating and effectively discharging their duties. This sits comfortably with the fact that the organisations hold operational responsibility and retain full accountability for their actions. The role of the Chair and Board is driven by influence, not direct authority.

12. Membership of the Safeguarding Committee will comprise:

- The Director of Safeguarding
- The Divisional Managers (x3)
- The Lead Trustee

13. Membership will also include safeguarding professionals from outside of Oxfam GB. The following roles should ideally be represented:

- Representative from LA Children's Services (LADO) – specialist in the management of allegations against staff
- Representative from LA Adult Services.
- Representatives from Local Safeguarding Children Arrangements / Boards and Safeguarding Adults Board.
- A Senior Police Officer with significant safeguarding experience.
- External lead advisor on Violence against Women and Girls and abuse linked to faith belief and harmful practices.
- A minimum of two Lay Members (members of the public).

14. The Safeguarding Committee will be responsible for independently overseeing the effectiveness of Oxfam GB's safeguarding strategy, policy and practice. This will

involve insight via the implementation of a robust learning and improvement framework to include auditing, self-assessment, case reviews, staff and user engagement and comprehensive performance monitoring.

15. The Safeguarding Committee's work schedule will be driven by a fixed agenda and forward plan to ensure focus and timely consideration of key issues.

16. The Chair of the Safeguarding Committee will report to Council in line with its quarterly cycle.

### **Director of Safeguarding**

17. A new leadership team position should be created and designated as the Director of Safeguarding. Critically, as a member of the Senior Leadership Team, the Director of Safeguarding will be accountable for safeguarding activity across all territorial areas of responsibility covered by Oxfam GB.

18. This role will routinely provide informed oversight and challenge at the most senior level of the organisation. It will also improve focus and accountability for strategy, without impacting on day to day practice requirements.

19. The creation of this role provides a strategic opportunity to bring together those functions focused on making people safer. The Director of Safeguarding's responsibilities should include safeguarding children and at-risk adults, beneficiary protection and PSEA.

### **Divisional Safeguarding Managers**

20. Each of the divisions within Oxfam GB should have a designated safeguarding manager. These three roles will report to the Director of Safeguarding. They will maintain overall accountability for newly defined 'Designated Safeguarding Leads' (DSLs) operating within Oxfam GB UK, Oxfam GB TA and Oxfam GB EA (DSLs will replace the role of existing Focal Points in each project across the 27 Oxfam GB EA

countries).

21. Divisional Safeguarding Managers will be responsible for the oversight, training, development and support of DSLs. For Oxfam GB EA, an additional role of Regional Designated Officer (RDO) should be created. RDOs will be managed directly by the EA Divisional Safeguarding Manager.

22. This involves the creation of one new post; the EA Divisional Manager. The UK division post would subsume the operational responsibilities of the current Head of Global Safeguarding, with the TA Divisional Managers role being undertaken by the current Deputy Director HR Trading.

### **Safeguarding Operations Manager**

23. A Safeguarding Operations Manager will be responsible for oversight, training, development and support of the Global Safeguarding Team. (subject to scoping this could be incorporated into the responsibilities of the UK divisional safeguarding manager).

### **Designated Safeguarding Leads (DSL)**

24. A Designated Safeguarding Lead (DSL) role should be created. A DSL and Deputy DSL should be appointed in each OXFAM GB TA shop, other facility, project or programme.

25. In the case of shops there is nothing to inhibit the role being carried out by a volunteer, in fact such practice will serve to strengthen awareness and accountability.

26. In EA countries DSLs will replace the role of existing Focal Points. This naming convention aligns with similar roles in the UK and is a term that will be easily recognisable in statutory and non-statutory organisations including those operating internationally.

27. A DSL will take lead responsibility for safeguarding within their respective country teams / areas of responsibility. A Deputy DSL should also be appointed in each workplace, project or team.

28. Both the DSL and Deputy DSL should be known by, and accessible to all staff and volunteers within their area of responsibility.

29. The DSL and Deputy DSL must receive specialist training to help them know what to look for and what to do if they identify a potential safeguarding issue, or one is brought to their attention. To be clear, the DSL will not undertake investigations of any type.

30. Their training should be updated every other year or as and when necessary if new law, regulations, guidance, policy or practice is developed and adopted. As a minimum DSLs will complete Safeguarding Level 3 training (including country context training where appropriate).

31. The DSL can be a member of the workplace team. The DSL role will supplement but not replace their other duties. That is not to say the DSL role should be diminished or minimised. It should in fact take precedence over any other task. Their training and frequent liaison with the Global Safeguarding Team should be mandated. Responsibilities will include:

- Working with the Global Safeguarding Team to ensure the work place environment is safe and that good safeguarding practice is promoted and supported.
- Unless in exceptional circumstances, be the single point of contact on safeguarding matters for the Global Safeguarding Team.
- Support the Global Safeguarding Team when engaging and or maintaining communication and support with the LADO (For Oxfam GB UK and Oxfam GB TA) or RDO (for Oxfam GB EA)
- Provide support, advice and safeguarding awareness training for other staff in

their workplace. This should include mandatory safeguarding induction training.

### **Regional Designated Officers**

32. Regional Designated Officers (RDOs) operate along similar lines to Local Authority Designated Officers (LADOs), with the added responsibility of undertaking investigations.

33. LADOs operate within the UK, are defined within statutory guidance and are dedicated roles employed by Local Authorities. The primary responsibility of a LADO is to coordinate the safeguarding response when allegations are made, or concerns raised about people working or volunteering with children. In this instance their focus would be broader and align with the definition of safeguarding as used by Oxfam GB.

34. This model will strengthen Oxfam GB's safeguarding arrangements, with a fundamentally independent person coordinating and undertaking any subsequent investigation.

35. Their number will be based on the local intelligence in respect of concerns, demographics and geography. Critically they will be separate from the line management of the Country Director and Local HR Teams.

36. The EA divisional manager will be responsible for RDOs and provide direct support to them regarding referrals that relate to safeguarding issues and any associated investigation activity. This will provide an independent chain of command that is distinct from the operational staff on the ground.

### **RDOs Managing Allegations in EA Countries**

37. The RDO will coordinate and chair all initial management meetings in the aftermath of a safeguarding complaint against anyone connected with the delivery of Oxfam GB's programme of work, including contracted staff.

38. The RDO will consider the nature of the allegation and invite the appropriate professionals to participate in the management meeting.

39. At the meeting related intelligence will be shared and a recommendation made regarding 'next steps'. The focus will be maintained on ensuring the alleged victim / survivors' safety alongside the wider safeguarding implications of the potential threat.

This will include

- Distinguishing between a safeguarding incident, a crime and or misconduct issues.
- Classification of allegations (safeguarding incident / crime /misconduct) and agreeing primacy regarding investigation response.
- In liaison with the EA Divisional Safeguarding Manager agreeing how specialist support could best be provided to the victim/survivor, the investigation team or any other specialist involved in the case.

### **RDO Training Role**

40. The RDO will also be responsible for EA DSL and Deputy DSL training and support. It will be the role of the RDO, working with the EA Divisional Safeguarding Manager and the Director of Safeguarding to ensure:

- Contextually appropriate safeguarding induction and routine training is delivered. This to include an understanding of PSEA and wider safeguarding issues.
- At a minimum the training should include credible scenario-based examples and ensure that the workforce is alert to signs and indicators of abuse. It should also cover reporting pathways to the RDO and whistle blowing facility 'independent' of the in-country management.
- Specialist training should be developed for Country Directors and their senior leadership teams to ensure they fully understand the roles and responsibilities of the RDO. Their knowledge should be tested against scenario-based case studies.

## **Conclusion**

41. Improvement will require investment and a willingness to reflect on the lesson learnt over the last few years. The model outlined above is a template. It provides a foundation upon which work can begin in order to test and develop each aspect of its structure and the applicability of the suggested roles.

42. Moving forward it is important that whatever Oxfam GB does next, it works and that it does so within the wider Oxfam OI vision and the 'One Oxfam Model' framework.

## **Appendix E – Glossary of Terms**

CD – Country Director

CEO – Chief Executive Officer

CLT – Country Director or Leadership Team

CMT – Corporate Management Team

CPD – Continuous Professional Development

CPI – Corruption Perception Index

CQC - Care Quality Commission

CRA – Collective Resource Allocation

CSO – Civil Society Organisations

DBS – Disclosure and Barring Service

DFAT – Department of Foreign Affairs and Trade (Australia)

DFID – Department for International Development

EA – Executing Affiliate

FTE – Full-Time Equivalent

GDPR – General Data Protection Regulations

GHT - Global Humanitarian Team

GTI – Grail Trust India

HECA – Horn, East and Central Africa

HMICFRS - Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

HO – Honorary Officer

HR – Human Resources

HSP - Humanitarian Support Personnel

IDP – Internally Displaced Person

INGO – International Non-Governmental Organisation

IT - Information Technology

ISA - Independent Safeguarding Authority

KPI – Key Performance Indicator

LADO – Local Authority Designated Officer

LA - Local Authority

LGBTQ - Lesbian, Gay, Bisexual, Transgender, Queer

LT – Leadership Team  
MENA – Middle East and North Africa  
MPI – Multidimensional Poverty Index  
NGO – Non-Governmental Organisation  
OXFAM GB – Oxfam Great Britain  
OI – Oxfam International  
OSCR – Scottish Charity Regulator  
PA – Partner Affiliate  
PNC - Police National Computer  
PSEA – Protection Against Sexual Exploitation and Abuse  
PVG – Protecting Vulnerable Groups (operated by Disclosure Scotland for employees in Scotland)  
RADG - Recruitment and Development Group  
RSO –Registered Sex Offender  
SHPO - Sexual Harm Prevention Order  
SIR – Serious Incident Report  
SMART - Specific, Measurable, Attainable, Relevant and Timely.  
SOC – Subject of Concern  
SOPO - Sex Offender Prevention Order  
SSG - Safeguarding Steering Group  
SOP - Standard Operating Procedure  
TA – Trading Arm  
TAFG – Trustee Audit and Finance Group  
TSG – Trustee Safeguarding Group

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