

# International Development Committee

## Oral evidence: Sexual exploitation and abuse in the aid sector, HC 840

Tuesday 8 May 2018

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Members present: Stephen Twigg (Chair); Richard Burden; Mrs Pauline Latham; Chris Law; Lloyd Russell-Moyle; Paul Scully.

Questions 202 - 283

### Witnesses

**I:** Caroline Nursey, Chair of the Board, Bond; Judith Greenwood, Executive Director, CHS Alliance.

**II:** Sarah Maguire, Director of Technical Services, Governance, Development Alternatives Incorporated (DAI); Sinead Magill, Regional Director for Europe, Middle East and Africa, Palladium Group.

### Examination of Witnesses

Witnesses: Caroline Nursey and Judith Greenwood.

**Chair:** Welcome, everyone, to this oral evidence session as part of the International Development Committee's inquiry into sexual exploitation in the aid sector. We have two panels of witnesses this afternoon. We have 11 questions that we are seeking to put to each panel, and the aim is to run for about 45 minutes with each panel. Our usual practice is to go straight into the questions, but please, when you first answer a question, do take the opportunity to introduce yourself. I am going to ask Pauline to lead off.

Q202 **Mrs Latham:** The issue of sexual exploitation and abuse of aid recipients in humanitarian and disaster situations has been on the agenda since at least 2002. What did the NGO community do between then and the recent scandal, and why do you think it has erupted again now? Why did the Haiti scandal resonate so widely?



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**Caroline Nursey:** It was longer ago than 2002. Particularly in the 1990s, a lot was done by some of the more niche organisations that were working with particularly vulnerable adults or children to get their own act in order, but also to share with others and draw from what was being done in the UK voluntary sector. Yes, 2002 was a shock to the sector and a lot was done then, particularly around drawing up codes of conduct, getting staff to sign up to them and trying to identify the key elements that needed to be addressed. All the bigger agencies, anyway, not only had codes of conduct but did a lot of training with staff.

I suppose that makes it even more worrying that Haiti and beyond has happened. For those of us who were around, like me, in 2002, it was a horrible shock and a moment of saying, "Oops, what are we all about? What has gone wrong?" We thought we had done a lot to address it and yet it has still happened, which is a real shock. You probably do not want me to go on yet to talk about what we are doing now. It is not that there was not stuff being done before, but there was obviously not enough, particularly around cultural change. How do you truly get it embedded in all parts of organisations, so they understand about power and our responsibility not to abuse it? It is a minority of staff. Most volunteers working in international development organisations get it, and it is part of the reason why they do the jobs they do, but there is that minority that we have not succeeded in reaching.

Q203 **Mrs Latham:** We have to stress that it is the minority of men. It is not the majority, as you said. There are people out there who think it is the majority of men, and I do not believe it is. Having said that, those who are involved should not be involved in sexual abuse of any description, because they are dealing with the most vulnerable people in the world. Do you want to give an overview of that?

**Judith Greenwood:** Please, thank you very much. As you know, my name is Judith Greenwood and I come from a membership organisation called CHS Alliance, CHS standing for the core humanitarian standard. Interestingly, at the time of the Haiti earthquake, back in 2010 and 2011, what came out from many of the organisations was that we had many standards, and there was a request to rationalise a bit. There was something called the Joint Standards Initiative, to talk to the sector and see what the needs were. What came out was that they wanted to simplify the standards landscape; they wanted to put people at the centre; they wanted a standard that would be guided by the four principles of humanity, neutrality, impartiality and independence, and that would be verifiable. That is probably one of the key things with the core humanitarian standard, and, very specifically, it is looking at how organisations are working. Linked to what Caroline was saying, when we talk about organisational culture, this is something that has a holistic approach and looks at how organisations are working.

Q204 **Mrs Latham:** Self-regulation was supposed to be the thing that was going to happen, but clearly it has failed. It has been talked about for a



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very long time, since 2002 and since 2010. It has continually been talked about, the fact that there was sexual exploitation and abuse going on, and yet the self-regulation clearly has failed, so how on earth do you deal with that? How do your organisations, which are collective organisations, regulate your members, make sure they have procedures in place and make sure it works? It is not working at the moment.

**Judith Greenwood:** That is very true. If I look at the CHS, we date back to a process that started in 2013 with the Joint Standards Initiative. The standard itself was launched at the end of 2014. The members of the CHS Alliance are looking at nine commitments. Three of them are very results-based and the other six commitments are looking at the processes and policies in place to drive that. The key thing is that there is a verification framework. Some of the written submissions have made reference to the core humanitarian standard by organisations that have gone through a form of verification against the CHS.

Q205 **Mrs Latham:** That is really interesting. It was launched in 2014 and yet, at the World Humanitarian Summit in 2015, at a side event I attended they were talking about it all the time and how they could not do anything about it. This standard was launched in 2014 and it did not change anything, so what is the genuine scale of the problem?

**Caroline Nursey:** It is very difficult for any of us to know entirely what the scale of the problem is, as it is in any sector. Over this last period, we have perhaps had some conflation of two sets of issues. There is the core safeguarding, as it would be defined for UK agencies, which is exploitation of beneficiaries. A lot of the cases that have ended up being talked about are perhaps better described as respect at work, either sexual harassment at work or bullying. I am not saying those are acceptable, but they are two perhaps related but different sets of issues. The two have been conflated in the conversations and particularly the press coverage that has been going on over the last few months. If you look at organisational culture, both can be addressed through that, but in terms of what happens and what gets reported they are different.

Q206 **Mrs Latham:** They are all predatory, though, whether it is sexual harassment in the workplace or, worse, with recipients. They are both predatory and both about power. It is about men with power and, generally, white western men with power. They are different, but neither is acceptable and neither seems to be stopping, so how on earth is self-regulation going to be any good?

**Caroline Nursey:** I just want to say it is not only men. You also have women who are perpetrators—a minority, but they are there.

**Mrs Latham:** Yes, and that is terrible as well, but the majority are men, are they not? I am not excusing the women, because they should not be doing it either.

Q207 **Richard Burden:** You both provide guidance on safeguarding and protection against sexual exploitation and abuse. You talk about the CHS



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initiative being launched in 2014. Following on from what Pauline was asking, how much communication do you have with your members on these issues? How much did you have in previous years, how much in the last year and has it changed?

**Judith Greenwood:** From the CHS Alliance point of view, all our members are required to carry out an assessment against the CHS, be that a third-party audit or a self-assessment. This is required within two years of membership. I should add that our organisation is the result of a merger of two organisations in 2014. Progress is slow, but we are moving forward.

When our members carry out the self-assessment—the CHS verification framework—there are 62 indicators and 18 of them speak directly to prevention of sexual exploitation and abuse. We can share with our members how they are doing specifically in this area of sexual exploitation and abuse, bearing in mind that prevention of sexual exploitation and abuse is mainstreamed in the core humanitarian standard, and bearing in mind that it is a core humanitarian standard. To say that it covers everything is not correct, but it provides a good basis.

Because of it being about how organisations are working, the leadership is involved in this, so it is not that you are looking at groups of specialists or evaluators coming along and saying, “We are doing this, this and this”, ticking the boxes. This whole assessment is signed off by the leadership team. This is a requirement of being a member of CHS Alliance.

Q208 **Richard Burden:** You launched that in 2014 and said that all members are required to make a self-assessment within two years. Even taking into account your point about it being two organisations merging, can we rely on the fact that all members have now at least undertaken one verifiable assessment?

**Judith Greenwood:** Sadly, no, because the standard itself was launched in 2014; the verification framework, as in the means to measure your application against the CHS, came afterwards; and the merger itself was completed in 2016. At this point, we have 42 sets of data from our members that we have been able to work on.

**Richard Burden:** You have 42 assessments.

**Judith Greenwood:** Yes.

Q209 **Richard Burden:** How much co-ordination would you say there is among your members themselves, either Bond or CHS, on PSEA?

**Caroline Nurse:** As Bond, we do not take the approach of asking people to sign up to anything. The approach is to be as open as possible, to start with organisations where they are, and to encourage and help them to improve their practice in this area and many others. Our membership ranges from very large organisations through to tiny organisations that do not have any paid staff at all. If we were to start



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from the point of having them sign up to particular things, all the smaller ones would be left out, and they would not have access to anything to help them improve.

This was a debate in the 1990s when Bond was first being set up: which approach should we take? I still think it was right to take the more inclusive approach and to get organisations to move along the line towards better practice, whether it be in this area; in fraud and the Bribery Act; or in ensuring that the delivery of the work is as effective as it can be, it is measured in the most effective ways and they are learning from each other.

**Q210 Richard Burden:** Do you know—either organisation—roughly how much your members spend on safeguarding each year?

**Judith Greenwood:** I would not be able to answer that question.

**Caroline Nursey:** Nor would I. I should have said that Bond has a charter, so people are signing up to what they aspire to, but it is not the same as saying that they are at a certain level.

**Q211 Richard Burden:** Would it be possible to ask your members that? Could you write to them, asking how much they are spending on safeguarding, and let us know?

**Judith Greenwood:** From the perspective of our members, I would find it a little difficult. We have things like insisting that our members have a code of conduct that includes PSEA. We can certainly ask the question, but I cannot commit to coming back with a clear answer from the members. We can certainly try to follow up.

**Richard Burden:** Ask the question, please.

**Judith Greenwood:** Yes.

**Caroline Nursey:** For Bond, we are planning to ask members to fill in a survey about safeguarding, so we could try to ask a question along those lines.

**Richard Burden:** That would be very helpful.

**Caroline Nursey:** Thinking of my organisation, it is probably quite difficult to identify, because it is not a line in the budget around safeguarding; it is a part of many, many people's jobs and work, but I am sure we can have a go.

**Q212 Chair:** What sort of timescale is there for that survey, just in terms of our inquiry?

**Caroline Nursey:** The next two months.

**Judith Greenwood:** For the CHS Alliance members, in promoting the CHS, it is all about quality and accountability. With many of our members, the questions that we focus on are things like if they have a



code of conduct in place, the types of issues that they are facing. As I say, we can certainly ask the question, but Bond may be better placed to come back with a concrete answer.

**Q213 Richard Burden:** I suppose what we are getting at here is not just wanting to know about the money for money's sake, but we are trying to see, if there are codes of practice, standards and frameworks in place, what action is following those words on the paper, to put them into practice. Working out if any money is being spent on it is one of the indicators—although it is only one—for that.

**Judith Greenwood:** All our members that carry out self-assessment tell us about the significant investment that is required. We say to members that it takes about two weeks. In reality, we carried one out ourselves and it took us six months.

**Q214 Richard Burden:** You have said you both have different approaches to the safeguarding issue. Are there any areas in which you can work together on this issue?

**Caroline Nursey:** The four working groups that are now looking at how we can improve safeguarding in this country are drawing heavily on the work that you have done.

**Judith Greenwood:** We carried out the joint webinar, so we ensure that we share resources. Some of our members will also be members of Bond. The resources that we have will not give organisations the expertise to carry out an investigation into sexual exploitation and abuse, but they will help them to put things in place. We have a handbook on PSEA that we have shared widely, and Bond has done the same with us. For the members that we do not share, we share the resources as widely as possible.

**Caroline Nursey:** We tend to have a lot of much smaller organisations, and they get the benefit of the work that is done by CHS Alliance and by our bigger members, because it gets passed on to the smaller ones.

**Q215 Mrs Latham:** Caroline, you said that it reared its head in the 1990s and you were concerned, but you have not changed your mind about self-regulation and them all sorting themselves out. That clearly has not worked, so why have you not changed your mind? Why have you not thought, "There should be another way of doing this"? It is nearly 30 years since 1990 and it is not working, so why do you still think it will be okay, because it clearly is not?

**Caroline Nursey:** As you said yourself, it is a tiny minority of people who are behaving like this, which is not to excuse it at all, because we do not want it, but in every sector there are examples of this, particularly the part of it around sexual harassment and bullying at work. It is not acceptable, but it is there and, in most sectors, regulation from outside has not been seen to be the answer. The risk of regulation is that we will just end up with some sort of tick-box exercise, whereas what really



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changes things, as you were saying, is the understanding of power across the whole organisation, with international staff, national staff, men, women, everybody understanding what the organisation is trying to do and how people should be properly treated.

**Q216 Chair:** I now want to dig a bit more into the core humanitarian standard and exactly how that is being used and could be used further, so these are mostly going to be questions for Judith. The alliance recently published its strategy for the next three years. How integrated are these issues around protection from sexual exploitation and abuse into that strategy?

**Judith Greenwood:** In terms of the strategy, as I mentioned, PSEA is mainstreamed throughout the core humanitarian standard. Specifically, we are looking at carrying out workshops on investigations into allegations of sexual abuse. This is a highly specialised area, so that would not be something that you will get out of the core humanitarian standard. We are also looking at complaint response mechanisms. Going back to self-regulation, the one thing with the core humanitarian standard is that it is verifiable and can be verified by an independent third party.

**Q217 Chair:** Can you give an example of where that has happened in relation to sexual exploitation and abuse?

**Judith Greenwood:** The assessment is done against the nine commitments. There are specifically three you can point out that speak very clearly to sexual exploitation and abuse. Of the first three commitments, the first is appropriate and relevant assistance, the second is that it is effective and timely, and the third is the one that looks at PSEA, and this is basically "do no harm". The fourth is feedback and communication with communities. The fifth, also very specifically looking at PSEA, is about complaint response mechanisms, ensuring that organisations have them in place and that communities will know how to use them. If I go through the other commitments, there is co-ordination, learning and development. Then the eighth is that staff are supported, qualified and equipped to do their jobs. On this, you will also have the whole thing with regard to recruiting, performance appraisal and specific mention of sexual exploitation and abuse. The ninth one is on resources.

When organisations are assessed against this, they will be looked at to see whether their code of conduct includes a mention of PSEA, how that is translated, et cetera. As I mentioned, we have had 42 assessments. Of those, 15 have been independently verified.

**Q218 Chair:** With all that, how come it took the media to expose what happened in Oxfam and Save the Children?

**Judith Greenwood:** As I mentioned, we are still in the early stages of this. It is a terrible thing to happen, particularly in our sector, but society-wide we are seeing a lot more coming out now, and it is excellent that we are hearing it, and not just hearing it but acting on it. It is not



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related to our sector, but I was reading on the BBC yesterday about Harvey Weinstein, 2017, Roman Polanski, 1977 and 1978, and he has now been expelled.

**Q219 Chair:** There are clearly massive questions for all sorts of institutions, including the one we are in, to answer related to sexual harassment, but we are focusing on the aid sector. As the answers to Pauline's questions made clear, this is not something that has only arisen in the last few months or the last two years. It has been around for decades. I am trying to understand how this standard that you are committed to applying, which I am sure we all support you in applying, can make a difference going forward, in trying to prevent something like this happening again. I am not getting clarity about that.

**Judith Greenwood:** We need to move on to organisational culture and leadership. Very specifically, this standard is looking at how organisations are performing. The tone needs to be set from the top. As I mentioned earlier, it really is an organisational commitment to sign up to promoting the core humanitarian standard. You have something that involves all levels of the organisation.

**Q220 Chair:** What if an organisation fails? What is the mechanism if an organisation fails to fulfil the standard?

**Judith Greenwood:** For us, it is really looking at how organisations can improve. I mentioned the third-party audit. If somebody, for example, is going through a certification, that will be a matter of pass or fail. If it is an independent verification, it will say, "These are the areas that you need to work on". For certification, organisations where major corrections are needed will be given a period of time to correct that. For others, our focus is on how organisations can improve, because there is already a commitment if they sign up to applying the CHS, so it really is how we can support them to improve.

To answer your question, what if they just do not meet it?

**Q221 Chair:** Does that happen? Has it happened so far?

**Judith Greenwood:** It has not, because, as I mentioned, we are still in the early stages.

**Q222 Chair:** You are saying that, if it happens at the certification stage, it is a process of trying to improve their practice so that they then pass. That sounds very sensible, but at the verification stage, if you saw that they were not fulfilling relevant parts of the standard, what would happen?

**Judith Greenwood:** Then we would have to sit down and try to understand why. As with all of us, you can identify where you need to improve, so if you need to improve there are steps to take, and if an organisation is not taking those steps we will ask the reason for that, because that is not a commitment.

**Q223 Chair:** Caroline, from the point of view of Bond and its members, have



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you had any feedback on the core humanitarian standard? Is it on the radar of Bond?

**Caroline Nursey:** A lot of our bigger members are signed up to it. Some of our smaller members could not cope with it. The four working groups that Bond is helping to lead across the sector are very much drawing on the learning from CHS. In some ways, Bond is a way of feeding the learning from that to a much wider body of organisations.

Q224 **Paul Scully:** The CHS Alliance also provides training on effective complaint and response mechanisms. How many of your members have taken part in that and how successful do you judge the training to be?

**Judith Greenwood:** This is something where we need to do some work, because we had no requests in 2017 for any workshops, yet the information we have from the assessments that have been carried out says that this is the area that, collectively, has the lowest score. We are going to organise a learning event in 2018, to try to build on this, and to find out the needs of our members in terms of providing training for complaint response mechanisms.

Q225 **Paul Scully:** How have you pushed that out and made people aware of it? You say you have not had any requests for workshops.

**Judith Greenwood:** Again, that is work that we need to do, because people will not ask if they are not completely sure that it is available, so it is on us to do something to ensure that it is publicised. As a result of the concrete evidence that we have received, we see that we definitely need to make sure that is available.

Q226 **Chris Law:** This is a question for Caroline. Bond, as we know, recently took part in a safeguarding summit, which was held two months ago by DFID, alongside other NGOs. Have you communicated the outcomes of that summit to your members and, if so, when did that happen?

**Caroline Nursey:** It has gone out in the regular communication that goes out to all members. There were the reports from the summit itself, and then there have been the four working groups, and the interim reports from those were communicated last week, I think, to all members. The Bond conference was before the summit, but that was a really good opportunity for people to come together and to talk about it in many different ways. We ran more workshops in some way or other relating to safeguarding than we would have done in a normal year.

Q227 **Chris Law:** Do you have a plan for how, in future, you message down changes to your beneficiaries? What strategy do you have going forward to make sure that that messaging is continued?

**Caroline Nursey:** Over the next months or forever, do you mean?

**Chris Law:** Well, the next months certainly.

**Caroline Nursey:** The working groups are continuing their work, and then the follow-up safeguarding summit is going to be in October. That



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will be the key moment when everything gets pulled together, and then that learning goes out across the sector to all Bond members. There is very regular communication out from the secretariat to members, and we have a number of working groups, so something like this can feed in to multiple working groups, because it is such a key issue at the moment. Long term, we will need to keep this up even when the attention moves on to whatever the next issue is, be it Bribery Act, fraud or whatever it may be. Bond will need to make sure that we always have it clearly on our radar, perhaps more so than it was over recent years, as something that we always look at at the Bond conference and always have in all our basic training courses.

**Q228 Mrs Latham:** Picking up on that a little, you say that it is a key issue at the moment, but we have heard you say it was happening even before 2002. Why has it not been a key issue for Bond, and any other groups and organisations, for all those years? If you have known about it happening, why have you not, as collective organisations, tried to stop it?

**Caroline Nursey:** I do not think it is something that you will ever stop.

**Q229 Mrs Latham:** That does not mean you should hold your hands up and say, "We cannot do anything about this". That is the problem.

**Caroline Nursey:** No, but we have not. We have never not been working on this; it has always been an issue that has been worked on. It is obvious that we need to do more and that is what we are doing now, but it is not that nothing has been done over this period.

**Q230 Mrs Latham:** But it is only being done now because the media has focused on it. You have known about this for nearly 30 years, so it has not suddenly happened. Surely it should have been a key issue in all those years for both organisations.

**Caroline Nursey:** It has been an important issue in all those years, but it has to be—

**Q231 Mrs Latham:** You said you have lots of working groups. Do you have a specific one on safeguarding?

**Caroline Nursey:** We have not had a specific one on safeguarding, but it came in—

**Q232 Mrs Latham:** For 30 years you have not, but now, because it is in the media, you have suddenly conjured one up.

**Caroline Nursey:** Everything has to be balanced, across the multiple areas that we need to be working on. This is one extremely important one. The media has played a really important role in drawing it to all our attention and making it clear to us that we have not been putting enough attention into it. That is not to say that there has not been attention put on it; there has been a lot of work on it over many years.

**Q233 Mrs Latham:** Maybe I could go on to ask what particular concerns



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members have raised with you about responding to sexual exploitation and abuse. I would like both of you to answer that.

**Judith Greenwood:** Could I just add to what you were saying there? For the core humanitarian standard, as I mentioned, PSEA is mainstreamed through it because of work that has gone on before and recognition that it is a problem. Before CHS Alliance, one of the organisations that merged was called the Humanitarian Accountability Partnership. As part of that, there was something that came out as a direct result of the 2003 west African scandal called Building Safer Organisations. The work that was done there was transferred into HAP, as it was called, and we have continued that in CHS Alliance. From our perspective, it is an issue, it always has been an issue, we need to work on it, we need to work harder and we need to do more.

Q234 **Mrs Latham:** What particular concerns have members raised with you about responding to sexual exploitation and abuse?

**Caroline Nursey:** Particularly the smaller members are just worried about whether they are going to be able to do it. If a heavy burden is placed on tiny organisations, including ones that have no paid staff at all, the question is simple: will they be able to do it? All organisations are worried about how they find the funding to do it. As I said, this is not the only important area. It is an extremely important area, but so is fraud, bribery, delivering the work effectively and quickly in humanitarian crises. While all this is happening, at the same time, donors want to push down overheads. They are saying, "You have to do this on less and less money" and that money, which allows us, as organisations, to invest in making our organisations work effectively, is the money that goes into things like safeguarding. The strongest message would be that there needs to be less pushing down on overheads if we want this to be done effectively.

**Judith Greenwood:** It feels as if, a lot of the time in our sector, there has been a very big focus on the results, and rightly so. Looking at the CHS, I mentioned that three commitments are results-oriented and the other six are on the processes and policies that are needed. The focus on how we deliver is as important as what we deliver. We should be wary of not worrying about how the organisation is performing, as long as we have the results. We need to focus on how organisations are performing.

Q235 **Mrs Latham:** As group organisations, surely you must take subscriptions from these people to be part of your organisations. Do you not deliver a lot of this training for them? Do you not provide them with the tools by which they can do it?

**Judith Greenwood:** We try to and, like everything and everyone, we can always improve and do better. Looking at what is available now, and what was available a year or five years ago, sometimes the problem is not the lack of tools or policies that people have in place; it is applying them. That is where I come to how organisations are performing and



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getting that tone set from the top. It is not good enough that we have a policy on prevention of sexual exploitation and abuse. How is it being implemented? How are we ensuring that people are paying attention to it?

**Caroline Nursey:** We need to get a real rights-based approach, which ensures that beneficiaries are treated respectfully, inculcated everywhere.

Q236 **Mrs Latham:** Some of the evidence we have received points to the challenges of working internationally, which you have mentioned, for example dealing with different international laws. Is this something that any of your members have raised with you?

**Caroline Nursey:** Yes, and the working groups are finding a challenge with this. Some problems have arisen, such as members of staff going from one organisation to another when they have behaved badly. If they are from different countries, it is more difficult. Some of the things that have been suggested about checks can only be done within a particular country so, yes, that is a real concern. There are concerns about how organisations operate within the law in all the countries where they are functioning. If a staff member is accused of inappropriate behaviour, whether it is towards a colleague or a beneficiary, processes need to be done to find out whether it is true. If the staff member leaves during that period, they are not bonded labourers, we cannot stop them physically leaving and we do not necessarily have the evidence to say this person should not be working elsewhere, because the process has not been completed. On the surface, it looks totally unacceptable that people are playing the system like that, but, if you are going to work within the law even in this country, you have to allow processes to be completed properly. How we square that is a real challenge.

Q237 **Mrs Latham:** It is, but that is the game a lot of them are playing: "Well, if I get found out in this organisation, I will just leave before the investigation is completed and get a job somewhere else". References seem, to me, rather meaningless.

**Caroline Nursey:** It is very difficult to say something about somebody if you have not done an investigation. People are sometimes falsely accused, so it is a real dilemma.

Q238 **Chair:** That has not been the case in every incident, has it?

**Caroline Nursey:** Oh no, of course it has not.

**Mrs Latham:** Maybe they are all taking too long.

**Chair:** We are running out of time, unfortunately, and we have four more questions that, in theory, we are going to try to cover with you in five minutes, so we will all have to be very quick.

Q239 **Lloyd Russell-Moyle:** On that point, I do not understand why in a



reference you cannot write, "An investigation is ongoing but has not been concluded", so at least you have flagged something up. That is a truthful statement; there is no lie about that, so maybe organisations need to go back and look at that. Maybe the trustees of organisations particularly need to evaluate their policies on this. What expectations do you think trustees have, in terms of engaging in these issues day to day within the organisations?

**Caroline Nursey:** Trustees have absolutely recognised that this is a major area and it is on the agenda of every board of trustees that is taking place at the moment.

Q240 **Lloyd Russell-Moyle:** Was it a year ago?

**Caroline Nursey:** Was it before? It was, in among all the other things.

**Judith Greenwood:** We are a Swiss-based organisation and our trustees are a mixture, coming from large international organisations and small national NGOs in Ethiopia and Bangladesh. Ours has a focus on accountability, and organisations living up to the CHS and carrying out their assessment, which is that more holistic approach, PSEA being a very important part of it.

Q241 **Lloyd Russell-Moyle:** Is there enough training for trustees or capacity for trustees to really engage in this issue? Do they have enough knowledge of the issue or is there something lacking there?

**Caroline Nursey:** It probably varies between different boards, but it would be useful.

Q242 **Paul Scully:** To what extent do you think that an aid NGO or any other organisation that does not act effectively in a case of sexual harassment at its head office will have the will, governance or culture to be tackling sexual exploitation and abuse effectively in the field?

**Caroline Nursey:** Going back to talking about power, every organisation needs to look at power within its organisation and in how it works with others, and abuse needs to be tackled wherever it is.

**Judith Greenwood:** We do not have any evidence to confirm this. I would agree with what Caroline is saying. We are doing work this year to look at the issue of sexual exploitation and abuse and sexual harassment and abuse. Given that link with power, I do not think it is too much of a stretch to ask, if the culture is such that you are not addressing one, whether you are going to address the other.

Q243 **Richard Burden:** Can I just go back a step in relation to the CHS assessment? Are Oxfam and Save the Children among the organisations that have been through that assessment? If so, what was the result at the verification and the certification stages?

**Judith Greenwood:** Both organisations are members of CHS Alliance, and Save the Children International has been through independent



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verification. I do not have the results in front of me, but because it is independent it was carried out by another organisation, not us. The results are available. There is a summary of the results available on a webpage and I can send it to you afterwards.

**Chair:** Thank you.

**Judith Greenwood:** Oxfam has just completed its independent verification, but the reporting has not been finalised yet. Oxfam went through it in the last two to three months, so that result should be available online within the next month or so.

Q244 **Richard Burden:** My next question is mainly to Caroline. You have proposed a set of principles to start to tackle sexual exploitation and abuse, and that included exploring a system of passporting for aid workers. Do you think that would work? Do you have any thoughts about DBS checks or the potential for external oversight, maybe through an independent ombudsman?

**Caroline Nursey:** I do not think we yet have a conclusion on it, but that is one of the areas where the international element makes it difficult, because DBS checks will only work for British citizens. There are still a lot of technical challenges. One of the working groups is looking at that, to see if a way can be found around it.

Q245 **Richard Burden:** Are you in favour or against the principle of some kind of independent oversight? I know you have been very clear, so far, in saying that the sector itself and organisations themselves have to take this matter seriously and do that in a way that fits the size and nature of the organisation. Do you agree with there being a backstop, so that, having done that, there should be some independent oversight, some mechanism for appeal or something like that?

**Caroline Nursey:** It depends exactly what you mean. It would be great if we could find a way to make passporting work, but I have not, so far, heard something that will get over all the technical difficulties. If we could, I think that would be really helpful. The group is looking at all sorts of things, including how blockchain analysis might feed into it, which I do not entirely understand but which might, technically, work.

Q246 **Richard Burden:** There are two things here. One is whether there should be an ongoing system of accreditation, whether passporting or something else. The second is if there should be independent oversight of that—some right of appeal—whether it be to an ombudsman or some other mechanism. It is that second point I am just trying to explore.

**Caroline Nursey:** Sorry, right of appeal by individuals?

**Richard Burden:** Yes.

**Caroline Nursey:** It is difficult to see how it could be made to work. If you are looking at beneficiaries in a particular country, it is difficult to see how they would find the way to make it work. Attempts are being made



to put things in place on the ground for whistleblowing, communication between organisations and transparency. Yes, they can be made to work, but whether there could be an ombudsperson anywhere that would work, I do not know. The working groups are looking at it, but it is not clear how it would work at the moment.

**Judith Greenwood:** I have heard some discussions on this. It is worth exploring, because you may remember that there was an initiative back in the 1990s, at the very start, before the Humanitarian Accountability Project. There could be something to look at what has been done before, to see if it could work. Like Caroline, it is hard to see how it can work, but that does not mean it is not a possibility. We can have all the things in place, but for people to have some right of appeal or some independent entity to approach is certainly worth looking at.

Q247 **Chair:** We took evidence from Helen Evans and Asmita Naik on a range of issues and both of them advocated this sort of approach. I would urge, as Bond in particular considers its response to this, that they be engaged in those discussions. Can I just ask a final question, which is about the powers and resources of the Charity Commission? Do you think that the Charity Commission has sufficient resources and powers to deal with these issues or does it need more? In particular, if it needs more powers, in what respect would you say it does?

**Caroline Nursey:** Its resources have been cut back very heavily over the last few years, and it is apparent that it has much less capacity to engage than it had 10 years ago.

Q248 **Chair:** What about powers?

**Caroline Nursey:** It probably has the powers; it is the capacity.

**Chair:** Judith, do you have a view on the role of the Charity Commission?

**Judith Greenwood:** To be honest, no. I will leave that one for Caroline.

**Chair:** Thank you both for coming today to give us evidence. We will move now to the second panel.

## Examination of Witnesses

Witnesses: Sarah Maguire and Sinead Magill.

Q249 **Chair:** Welcome. Thank you very much indeed for joining us, Sinead and Sarah. We will follow the same process as we did with the first panel, so we will go straight into questions, but please do introduce yourselves when you first answer a question. We are, again, seeking to cover around 11 areas. We just about caught up the time with the first panel, so we will have about 45 minutes with you. Thank you for joining us.

Let me start. There has been a lot of focus in the public debate and



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media coverage on non-governmental organisations, but clearly there is a set of issues that may relate to private sector contractors as well. Can I ask you, in the case of each of your organisations, how many cases of sexual exploitation or abuse you have dealt with in the past five years and what the outcome of those investigations was?

**Sinead Magill:** I am Sinead Magill, managing partner at Palladium. I am responsible for our DFID portfolio. Within the last three years, we have had eight allegations of sexual abuse. It is important to make the differentiation that the previous witnesses made: those allegations all pertain to workplace harassment. There have been no allegations related to abuse of beneficiaries. Of those eight, three were investigated and found to be unsubstantiated, two are currently under investigation and the remaining three were found to be true. In each of those cases, the individuals involved were removed from the organisation. Two were dismissed and one resigned.

Q250 **Chair:** I do not know if you will be able to go into this level of detail, but one of the issues that came up in the previous panel was around people who are investigated and move on to another organisation in the sector. In the case of those who were removed, as you put it, from the organisation, were there references? What sorts of things were said in the reference?

**Sinead Magill:** We will not give references to anybody, regardless of whether they were dismissed or they resigned. We have made it clear, in all cases, the basis upon which either they were dismissed or they resigned. We reported those openly, not just to our donor organisations but to every single one of our staff members concerned. They were immediately notified of the reasons for the individuals departing the organisation.

Q251 **Chair:** Just so I am clear, all those cases related to issues between different members of staff rather than recipients.

**Sinead Magill:** Exactly, yes.

**Sarah Maguire:** We are in the same position. Sorry, I am Sarah Maguire from DAI; I head up our governance practice. I have been at DAI three years and working in the aid and development sector for 20. Before I answer your substantive question, there is something really important to bear in mind here, which is that the number of reported cases does not reflect prevalence.

**Chair:** No, of course, absolutely.

**Sarah Maguire:** It can be a good thing that you have lots of cases reported, because it means you have good reporting, or it can be a bad thing, because it means you are very culpable. I just want to caveat that.

**Chair:** That point is very well made.



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**Sarah Maguire:** Within DAI Europe, the organisation I am directly contracted by, we have had one concluded case in the last three years or so. That was in the Democratic Republic of Congo. They are all workplace situations. We have had no reported cases of sexual abuse and exploitation of people who are not employees. I say it in that careful way because I also want to stress that we should be not just thinking about direct programme beneficiaries, but talking about the women, girls, men and boys who live in the countries in which we are a guest. That should include issues like buying sex from people, usually women and girls, who are not direct beneficiaries. When we say beneficiaries, we have to be broad in our interpretation.

**Chair:** Very good, I agree with that.

**Sarah Maguire:** We have never had a case of that. We have had one from DAI Europe in DRC in the last three years, which we investigated immediately and was escalated immediately. We have a complex system, which I will talk to you about in a moment, when you ask, to implement our code of ethics and conduct. We have an ethics hotline; we have a director of ethics and compliance, who sits behind me here today. Our head of HR, who also sits behind me today, takes personal responsibility.

Any allegation, whether it is within the workplace, as they are, or outside, if there was to be one, would go immediately into that system. It would also be dealt with by the team leader or chief of party in the country, but it would not stop there. We expect and we demand every team leader or chief of party to escalate up, for all sorts of reasons.

We have one case that has not yet been concluded so, to protect the alleged victim of that, I would rather not talk about it in an open forum. I do not want her to think that we are talking about her before she has had a chance to understand our findings. There is one case that has just begun and is starting to go through that procedure.

In our sister organisation, DAI Global, over the last few years there have been around 12 allegations of sexual harassment in the workplace, two of which are, frankly, not sexual harassment cases. We have a policy where—some people are a bit shocked by this—if there is a sexual, romantic relationship between two employees, our human resources department likes to know that that is going on. It is not to invade people's privacy. For instance, say two people are working as direct colleagues, there is no line management responsibility and they start to have a relationship. It is consensual, it is great, they are a couple of young people having a good time and that is fine. Then, if one of them starts to take a management role, people need to know and to take measures, just in case. At least two of those 12 cases were consensual sexual relationships in the workplace, with no allegation of misconduct.

All the others were dealt with through the ordinary human resources channel and escalated through to our ethics and compliance. Some did



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leave, some were expected to leave or invited to leave, and a couple were found to be unsubstantiated. Either they were issues of miscommunication or other people reported, because often people will report not for themselves but for somebody else, and that can sometimes be vexatious.

**Q252 Chair:** On references, is your policy similar to Palladium's or do you have a different policy with regard to references for those who leave?

**Sarah Maguire:** My understanding about references is that we only ever anyway say that somebody started work and finished work, and that was their job. In the situation where somebody left during the course of a live investigation, I have just checked with my head of human resources, and there is no reason why we could not take up exactly your suggestion, Mr Russell-Moyle, to say, if asked, "This person left while there was an investigation alive".

Within the organisation we have a resource management system for our human resources. Say somebody has worked for us as a consultant, and we are not sure, but there has been something raised. Maybe the allegation was dropped or maybe that person left that project, but now they are trying to come and work for us again in another project, or we find them on LinkedIn and say, "Let us talk to this person". There will be a flag on that system. It complies with the new data protection regulations, but just alerts the person who is thinking to recruit them that there might be an issue, and then they will have that conversation.

**Q253 Chair:** We are going to come on to more detailed questions around some of these issues, including codes of conduct and processes. You have both said, with admirable detail, what has happened in cases relating to workplace harassment. You have both said there have been no cases in terms of recipients and I absolutely appreciate the broader definition of recipient. Can you comment on whether that might have happened among any of your subcontractors? Obviously the model of contracting will often mean that you may be the main contractor. Do you have processes for overseeing whether your subcontractors are safeguarding both their employees and their recipients?

**Sinead Magill:** We have 700 subcontractor organisations that work with us. They range from very small local bodies to large international NGOs or companies. At the commencement of any interaction, they are required to go through due diligence. That includes a self-declaration form, which asks a number of questions including around former misconduct. They are also asked to provide details of policies and procedures that they have in place. We also use a company called Red Flag. It has a product called IntegraWatch, which we run all our subcontractors through, and that assesses them against adverse media and watchlists, which includes terrorism watchlists or other watchlists that exist in a country. Those are the two mechanisms that we use.



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**Sarah Maguire:** There are two main ones I would talk about here. There is the management capacity assessment tool, which of course has its acronym, MCAT, which checks out every subcontractor for its financial integrity, its governance, its ethical integrity and makes sure that it has policies and procedures in place. We are lucky in a way that we are not in the position of a lot of our NGO colleagues, which end up having to implement through tiny man-and-van organisations. We are not in that situation. At DAI, we are not a humanitarian operator, so we are a bit removed from those vulnerabilities. We have that.

Everybody who comes to work on a DAI contract, whether that is a short-term consultant or long-term member of staff, is subjected to triangulated vetting through very careful internet searching. For instance, you will get someone's name and you will check. I am going to be a bit unfair: I will choose a name here that is very convenient. Chris Law might apply to be a consultant. It is a really common name; that is why I am choosing you. Sorry, Mr Law. There may be very many Chris Laws who have some relationship to the development community. But we would get your photo and make sure that all the searches we did, including whether you have a conviction, whether you have been named or whether there are allegations against you for sexual abuse, terrorism, fraud or whatever, triangulated against your photo wherever possible.

**Chair:** Thank you both very much. Chris had indicated before you used his name that he wanted to ask a supplementary; I am not just giving him a right of reply.

**Chris Law:** It is okay, because we covered it.

Q254 **Mrs Latham:** What specific safeguarding policies do you both have in place to protect the beneficiaries of sexual exploitation and abuse? Although you said that does not happen, presumably you have policies in place in case, so what are they?

**Sinead Magill:** We have a number of policies that address that issue. Our code of conduct applies to both our staff and consultants, but we have a supplier version of it, and that document enshrines respect for the individual within it. It explicitly addresses sexual exploitation and abuse and sexual harassment. It forbids the procuring of commercial sex acts, and it has a very clear component around child protection. We also have policies that relate specifically to violence against women and girls, and, given the nature of some of the countries that we work in, specific policies on family-based domestic violence.

Q255 **Mrs Latham:** Can you tell me how long those policies have been in place? Are they a specific requirement by DFID?

**Sinead Magill:** They have been in place since 2012. We work for a number of donor agencies, and they are required by different donor agencies. The Department of Foreign Affairs and Trade in Australia is particularly focused on child protection, and our child protection policy



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was introduced in line with that. We have introduced those policies at our own behest, because it is the right and proper thing to do.

**Sarah Maguire:** Similarly, we have had a code of ethics and associated training in place for around 10 years now. We have five pillars, really. We have the code of ethics and training, which go together, and that training is for every single person who joins DAI as an employee or a long-term contractor. They will all be expected, as part of their onboarding—I am sorry for the cliché—to be subjected to that. Then every single person goes through an in-person training every couple of years and online training at least once a year. If there is an allegation, if a situation arises, that training is refreshed.

The training is conducted by senior management; it is not just peer-to-peer. It is really important to say that it is not chalk-and-talk training; it is discussion-based, so people really get a chance in their project teams, with their colleagues, with their compatriots, to discuss and surface the sort of issues that they should be talking about. Associated with that, we have the hotlines that I referred to earlier, run by an external ethics provider, so there is no conflict of interest there. Everyone and anyone is encouraged to report and we have a really strong no-retaliation policy. No matter what the allegation, no matter what the result, the person who has made the allegation will not face retaliation for making that allegation.

There is a nice saying, which somebody told me yesterday, that says the fish rots from the head, so conversely we have made sure that our leadership, whether it is Jim Boomgard, who is the CEO of DAI Global, or Christopher Lockett, who is our MD and senior vice-president for DAI Europe, consistently send out the message to say: “zero tolerance, ethical guidelines, report”.

I am afraid it has probably been adopted by Transport for London and others, but we have a policy that says, “If you see something, say something”. In fact, it is your duty, if you are an employee or a long-term consultant of DAI, not just to say, “Oh well, I thought there might have been something dodgy going on”. If you think there is something dodgy going on, whatever it is, whether it is sexual abuse or fraud, it is your duty to respond to it, and you are warned that, if you do not, you may also be held culpable if the wrong sort of action is taken, if there is misconduct.

**Q256 Mrs Latham:** You both have relevant statements on sexual exploitation in your respective codes of conduct. However, this appears to be the only place in which these statements are situated. Has any consideration been given to updating these codes or creating a new stand-alone policy for preventing sexual exploitation and abuse? Do you think they are effective in preventing sexual exploitation?

**Sinead Magill:** The issue is captured in a couple of our policies; it is also captured in our guiding principles, so we have a guiding principle around



diversity and inclusion and respectful workplace, which enshrines respect for the individual. We introduced that a number of years ago and it has been very powerful in bringing to light some of the behaviours that the Committee have addressed, particularly the power balances and the gender imbalances. I have lost my train of thought—apologies.

**Q257 Mrs Latham:** Should you update it?

**Sinead Magill:** Yes, we update our policies regularly, and are doing so as we speak, to address a number of issues. Yes, we will update them.

**Sarah Maguire:** I should have mentioned that, of course, we have child protection policy, which is already integrated into the code of ethics, but it will now be a requirement on anyone who joins DAI to sign this. In a previous job, I used to work for another very small consultancy organisation. One of the first things there was to bring in a child and vulnerable adults protection policy and make it a requirement that every single person who holds a contract with that company signs that policy to say, "I will not do it; if I see it I will report it; and I will do my best to inculcate a culture across the organisation".

The child protection policy we have for DAI is very similar; in fact, it is better. Yes, all policies are updated on the basis of experience from the field. Our head of ethics travels extensively around our country-based projects, often conducts the training himself, and learns from what the staff there are saying, the issues that they are raising and new issues that are coming to the fore, to regularly update both the code and, more importantly perhaps, the training on that code.

**Sinead Magill:** The policies and procedures are one item in the training and everything is good with that. We would be arrogant not to reflect on how hard it is for somebody to come forward with an allegation of abuse. In some of the countries that we work in, if you come forward with an allegation of abuse, you may be subject to criminal proceedings. For us, it is more about the culture and the sense that not only does the culture exist to support you, but there is demonstrable action when you take the courage to come forward. There is a danger that we talk too much about the policies, but that is not the real underlying issue.

**Q258 Mrs Latham:** How much does each organisation spend on safeguarding in a year, approximately?

**Sinead Magill:** I do not have that figure to hand. We collect a figure, and I do not have it to hand, around how much we spent on contracts and compliance, which will encompass safeguarding, but I do not have that figure to hand.

**Sarah Maguire:** Similarly, I do not have the figure to hand. I can tell you that, for instance, head of ethics is a senior full-time position at director level. Obviously he does not deal just with safeguarding; he deals with the whole issue. In fact, one of the things that we are talking about now in the light of these discussions is whether we should bring in



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a safeguarding officer to countries where we have a sizeable presence. We have a sizeable presence in Pakistan, Nigeria, Kenya and Ethiopia, for instance. In those countries, it would be good to have a dedicated safeguarding officer; perhaps it should not be a full-time job, because hopefully it does not need to be a full-time job. It would be a senior person, not the junior secretary with no decision-making power. Then, in every project, we would have a safeguarding focal point.

The downside of that is that that costs money. Given that one of our major clients is DFID, we would really like it if, in the new terms and conditions on budgeting—the issues that were raised around overheads earlier by your previous panel—they would accept that this was a really necessary thing to have and allow us to put in a budget. It is a really simple thing to put in a budget line saying we have a safeguarding officer, somebody whose job that is.

**Chair:** Yes, it is a really fair point.

Q259 **Chris Law:** I just want to expand a little on what you said, Sinead, about the difficulty for people in coming forward, given the fact that there could be arrests or worse in the nation states that you are in. How do you go about encouraging people to come forward in a manner where the culture is more conducive to talking about it? This is a question for both of you. What steps do you take in your investigations? Earlier, Sarah, you mentioned one of your cases has now concluded. What action did you take as a result, and how do you make sure that person does not go on to create other abuses elsewhere?

**Chair:** Sarah, do you want to take that one first, because you have the extra question?

**Sarah Maguire:** Yes, sure. On the DRC case, that was a workplace issue. It was a case where there was a three-way allegation. Somebody had made an allegation of fraud, and we concluded that there was some form of retaliation against that allegation of fraud by saying that this was an issue of sexual misconduct, not an issue of fraud. It all got incredibly intertwined, and the conclusion was that the issue was not one of sexual harassment; it was a workplace dispute that was resolved as a matter of a workplace dispute. Nobody was sacked as a result of the sexual misconduct allegation. I cannot remember the rest of your question.

Q260 **Chris Law:** The deeper question is, if there is a culture of fear, particularly where there are different legal entities, depending on which nation state you are in, how people can come forward to discuss their issues. If they have issues with staff members or what have you, how are you able to do that? How do you encourage them, within your own networks, to come forward and express what is going on?

**Sarah Maguire:** It is a really, really important issue. I have worked in Afghanistan, for instance, where, as in many similar countries, if you say, "This man raped me", you are the one who has committed adultery. We have to be very careful that we are not pushing someone into making a



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full blown allegation, which, as Sinead says, could end up with that person in prison or, in some areas of Afghanistan, stoned to death.

What is the approach there? We have online stuff, of course, but a lot of people do not have access to the internet or would not think to use the internet to make reports. Really, it is about building that culture of telling and reporting, and having a team leader or chief of party who is sufficiently aware of what happens in the country. Remember, many of our team leaders are in fact nationals of the country they work in, or have very extensive experience of it. They know that the first thing you do is not to say, "Right, let us go down to the police station", march the woman down there to make this allegation and then withdraw it, because she is terrified.

We need to keep our eye on the ball on this. This is all about the actions of the alleged perpetrator, not the actions of the victim. She is not the one who is being held accountable. It is all about holding the alleged perpetrator accountable. We are really trying to inculcate that through the policies, through the training, through the repeated messaging.

One important thing that both the private sector and the non-governmental sector do is to have repeated, frequent visits from headquarters, so the team is not just left out there to manage on its own. There are repeated visits from headquarters, so you keep that fresh, and it means that headquartered people are alert to what is going on and can recognise issues that may unfortunately have become normalised within a project.

Q261 **Paul Scully:** Sarah, you have talked about reporting and non-retaliation, et cetera. Forgive me if I missed it, but do you have a specific whistleblowing policy or is this within other areas?

**Sarah Maguire:** There is a specific whistleblowing policy.

Q262 **Paul Scully:** Are you able to send us a copy of that?

**Sarah Maguire:** Yes.

Q263 **Paul Scully:** That would be great. Sinead, your code of conduct talks about the whistleblowing procedure that you are asking people to follow. Similarly, would you be able to send us a copy of the whistleblowing procedure?

**Sinead Magill:** Yes, I can.

Q264 **Paul Scully:** That would be great. This is a similar question to the one Sarah just answered. There is a whistleblowing procedure there. What do you do? Is it just a static policy or do you use training? How do you encourage people to report in the appropriate way?

**Sinead Magill:** Touching on the last question, the whistleblower hotline is not being used to report the instances that we have come across, because, in our experience, the level of trust required to report



something of this nature does not lend itself to an email or a phone call. It requires somebody to meet face to face, to understand whom they are speaking to and what action they are going to take.

We take a number of steps to build that trust, through frequent visits, as Sarah said. We do regular town halls to all our staff; all 2,250 staff participate in a town hall every month, at which issues like this are addressed. We hold monthly diversity and inclusion forums where issues of workplace power dynamics and workplace behaviour are discussed openly and candidly. Regardless of what mechanism somebody comes to us through, whether it be as a whistleblower, through our counselling service or through an individual, as Sarah alluded to before, the requirement is that the individual escalates that inquiry to the head of risk in the region. It is not enough to keep it within the project or the programme; it has to be escalated to the head of risk. As Sarah said, covering it up or not escalating it is as much of an offence as the offence itself.

When it reaches our head of risk, they would assemble a team, which would include, depending on the nature of the inquiry, our head of human resources, and the chief diversity officer. They will decide what steps to be taken, determining first and foremost how we protect the individual concerned and the other staff members in country. When we get to the point that we are able to assemble some evidence, perhaps evidence that does not rely on whistleblower testimony, such as video or email evidence, we will present it to the individual concerned for their right to reply. It is at that point that we have had the dismissals or, in one case, the departure from the organisation.

**Q265 Richard Burden:** Both of your organisations were on DFID's list of those asked to outline the steps you were taking on safeguarding within your organisations. Do you think DFID's new focus or the attention in general from DFID have led to any change in the way you approach the issue and what you spend on safeguarding activities?

**Sinead Magill:** DFID has had an approach to this issue for a while, whether it be framed around respect for women or violence against women, but it has stepped up a gear in the last couple of months. We have started from a strong base in terms of policy, procedure and cultural issues with regard to this, but we have taken a couple of steps in direct response.

As the Committee is aware, we were recently awarded the humanitarian and emergency response programme contract in June of last year. We took over the facility on 1 November and, as a result of that, we have worked together with DFID to put together a PSEA action plan, which specifically addresses the issue of how Palladium will respond to these issues in a humanitarian response. We have made a very firm commitment to increase the number of PSEA experts on the database to 30; it is currently at five. We will increase it to 30. Interviews are ongoing at the moment. We have made a commitment to integrate



PSEA training into our hostile environments awareness pre-deployment training, and to increase the level of emphasis and reporting on it when we are in response.

As Sarah has referenced, we have also made a commitment that, where DFID chooses to accept it, we would recommend a PSEA expert be assigned to each and every response that we undertake.

**Q266 Chris Law:** Can you tell me a bit about how, in each of your organisations, you go about vetting for new employees. Where do you go? What is the procedure? How do you vet for suitability in terms of safeguarding?

**Sarah Maguire:** As I said earlier, we do have the triangulated search for that, where you were my example. If anything were to come up, that would raise a red flag and we would drill down on that. Frankly, if it runs into the sand, there are probably other consultants. It may be considered too much of a risk, even if you just see that the name is flagged and there is a bit of an issue around that person. We know that in these cases there are some false allegations, but often there really is very little smoke without fire. That is mostly the vetting.

We do not routinely carry out DBS checks on any staff or consultant unless that person is going to have a specific job working with children or vulnerable adults. As the first panel said, the issue of DBS checks is a little vexed in this sector, because you can have a country, for instance the Philippines, where the age of consent for sexual intercourse is 14. If someone who is from the Philippines, who has worked a lot in the Philippines or who has chosen to live and work in the Philippines is routinely having sex with 15-year-olds, they are not committing a crime. What does your DBS check then tell you? This person is safe. Well, they are no safer than someone who has had a conviction.

We all know of situations. When I first started working in this world, there were refugee camps in Albania, where there was a man with a van who turned up outside the refugee camps and positioned himself as an anti-trafficking expert in order to be a trafficker. We have to be really careful about assuming that vetting, checking or whatever is good enough. It is not the silver bullet. There may be others. Perhaps an alternative to those is to have a behaviour charter that everybody signs across the sector, not just each organisation, but a uniform one. I know that comes to your issue of self-regulating.

While I am talking, can I take advantage of the time to say this? In DAI, we have a global conduct quarterly newsletter, which goes out—guess what—every three months and covers ethical issues. Our December issue covered sexual misconduct and particularly issues of prostitution—that is, of the person buying sex, not of the woman who has no choice but to be a prostitute. We also have an ethics committee, on which those at the most senior levels sit, including our general counsel, so that is DAI Global, not just DAI Europe. All these issues are constantly refreshed. It



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is really important that things do not stay static. As you said, Mrs Latham, these issues have been going on for decades, and it is time to keep the churn of good ideas going, to make sure that they do not continue.

Q267 **Chris Law:** Sinead, how does your organisation compare?

**Sinead Magill:** I mentioned earlier the Red Flag product. We run individuals through that. We do the standard reference checking that you would expect. We will verify an individual's CV with a member of our human resources team and check them against, as Sarah said, our existing databases, to make sure that nobody has had a prior track record of working with that individual before. On our humanitarian response programme, we do the DBS and the criminal record checks, because the individuals on that programme are required to go through UK Government security clearance, but we do not apply that across all our programmes. If we perceive a programme to have a very high risk of exposure to children, we will do criminal record checks, but I agree with what Sarah and others who have given evidence have said before. The criminal record check is not a silver bullet. It does not uncover the reality of the issue we are facing here.

Q268 **Chris Law:** Does this involve all your staff or just staff who are likely to be in the field when you do your checks? Are the same procedures used for every member of staff, whether here or abroad?

**Sinead Magill:** All staff.

**Sarah Maguire:** All staff.

Q269 **Chris Law:** This is the last thing I want to ask, because you have covered the other questions I was going to ask. If you have any doubts, or you get references through from other organisations, particularly if you do not know the person, what do you do? Do you call them up? Do you ask them over the phone: "This is in your reference; perhaps you may want to tell me something over the phone"? Do you have that in place just now and, if not, would you put it in place as a standard procedure for the future?

**Sinead Magill:** For me, the question is who the reference has come from. Too often, people give a reference of somebody else they worked alongside on a team or the team leader, but they do not go to the organisation that contracted them. The organisation that contracted them really needs to give the reference, for it to be a solid reference. Yes, if we have any suspicion about references, we will lift the phone and ask.

**Sarah Maguire:** Absolutely.

Q270 **Chris Law:** The reason I asked the question is that we have already heard through evidence that there is a complicity of silence in different organisations. How can you be sure, and maybe you cannot, of the



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references you are getting? Even when you speak to people, they might not tell you because they do not want to pass the buck or, conversely, they do want to pass the buck. How do you drill down to find out? Maybe there is no way, but I would like to know if you have any ideas on it.

**Sarah Maguire:** That is a real issue; of course it is, because no organisation will want to say that voluntarily. We pride ourselves on the fact that we would say it, but organisations will be usually very reluctant to say, "Yes, we had this guy working in our field"—it might be in Addis or in Phnom Penh—"and after six months we realised that he was buying sex every weekend". Nobody wants to have to say that, because it makes them look bad. Our recruiters are extremely well tuned to listening to what is not said.

Once somebody is recruited, as part of their induction and onboarding process, if you are training them on an issue and having those discussions with them, you might say, "You do know that, if you work for DAI, you must not buy sex, do you not? You must not have sexual relations with anyone under 18. You must not do this, this and this". There are obviously good actors, but you can often tell pretty soon from someone's reaction whether they are going to be defensive about that and say, "I do not know why you are making all these allegations. What is it with you?" We have had these discussions with people: "I do not know what it is with you people. You are obsessed about this issue". That tells you that this person may not be the right one for the job. Then you have to tell your client that it is going to take a bit longer to recruit.

Q271 **Chris Law:** The last question is one that I have been quite intrigued by. Would you like to see a global register, for organisations that are international, Europe-wide or even in the UK, so that employers can come forward if someone is leaving their employment and say, "I am highlighting this person"—or red-flagging, or whatever—and other organisations can look into that database to assess whether they are suitable for employment?

**Sarah Maguire:** It is an attractive idea. My fear about it is what I was saying earlier about giving someone carte blanche. Say you are not on that register, because you are new to the field. You have just come out of university. You have a couple of years' experience working in an orphanage in Bhutan, which is not on anybody's register, because it is local, you are a volunteer and it is all lovely. You come back and nobody has a bad thing to say against you. It is like having a credit check. If you have not had a county court judgment, you probably have a good credit check, but that does not mean you are good for your word. Do we end up with carte blanche being given to people who have never been in trouble, had a criminal record or had a red flag raised against them?

You could end up with the nightmare scenario that the Swiss NGO Terre des Hommes had many years ago, where it was infiltrated by a paedophile ring. It has totally got its act together now; it was many,



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many years ago. It was infiltrated by that paedophile ring, which then meant that all its team leaders and country directors were members of that same ring, so they all gave each other perfect references. If you have that register or humanitarian passport, do you end up with the situation where you give people the credibility? "He cannot possibly be an abuser of prostitutes, because, look, all these organisations have said he is great". That would be my worry about it. It is both sides of that coin.

**Q272 Paul Scully:** You have made some really interesting points, which will make us think, about the DBS and humanitarian passport suggestions that have come from others. Would you welcome greater certainty in this area, maybe with regulations covering the private sector?

**Sarah Maguire:** Absolutely. Why not? If we had a behaviour charter, if we had a requirement from all our clients to have a named safeguarding officer, if we had a requirement that sexual abuse and exploitation was included in performance appraisals, we would absolutely welcome that. The caveat is that we would expect our clients to take some responsibility for enforcement, so that we do not end up with a situation where the good guys who really try hard end up performing very, very well, and our clients—DFID, Foreign Office, USA, DFAT or whoever—say, "Well, we know these others have not really got there, but we will draw a veil". It is not that we would not do it, but, if we are going to be sincere about it, it has to be universal and universally enforced.

**Sinead Magill:** I agree. There is an opportunity to include it in the supplier review outcomes, which result in an additional level of scrutiny that we are now subject to. On 1 April of this year, we had to submit not just the fact that we complied with DFID's code of conduct, but also the proof that we did. As that is strengthened to include more explicit guidance on safeguarding, exactly the sort of thing that Sarah has referred to, we would welcome the opportunity to demonstrate that we had taken that step further. I share her view that there should be some implication for people who do not.

**Q273 Chair:** Just for our clarity, would you therefore welcome, for greater certainty in this area, any regulations that DFID comes up with covering the private sector as well as NGOs?

**Sinead Magill:** Yes.

**Sarah Maguire:** It is one sector.

**Q274 Chair:** That is good, thank you. We have just two more questions. We are slightly overrunning; I apologise. First, to Sinead, you have just advertised for the role of a protection officer. Is that a new role?

**Sinead Magill:** No, it is not a new role. We took over the humanitarian contract on 1 November.

**Chair:** That is the one you were referring to.



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**Sinead Magill:** Yes, exactly.

**Chair:** I see, so it relates specifically to that.

**Sinead Magill:** Yes. There were five individuals on our database who met the criteria for a protection expert, and we made a commitment to DFID to increase that number to 30, which is why we have advertised.

**Chair:** You will increase the number to 30.

**Sinead Magill:** Yes, to be available on the database, understanding that not everybody will be available for every response, because many other organisations will be competing for those. The number that we have committed to in our action plan is 30.

Q275 **Chair:** Sarah, do you have similar protection advisers or that kind of role? I know you do slightly different work.

**Sarah Maguire:** Yes. We have people who are responsible for ethical compliance, and, as I said, our director of ethics travels extensively. We are seriously talking about the idea of having a safeguarding officer in the key countries, and then a safeguarding focal point, with the same desire for that to be accepted budgetarily by our clients.

Q276 **Mrs Latham:** Can I just go back to something you said earlier about prostitution? Prostitution is legal.

**Sarah Maguire:** In most countries.

Q277 **Mrs Latham:** You are still strong on people not purchasing sex.

**Sarah Maguire:** Yes.

Q278 **Mrs Latham:** Is that on the basis that prostitutes are victims themselves, or is it just an ethical thing? It is been put to me: "Well, these men are away from home. They have sexual urges. Should they not be allowed to buy sex?" I do not think they should, but what is the reason both your organisations are against that?

**Sarah Maguire:** Prostitution is a form of sexual abuse and exploitation. If you are in a country, particularly a country that has suffered a humanitarian crisis or is deeply poor—and, frankly, if it had not, why would we be there?—you have to acknowledge that there is no such thing as a happy hooker on the streets of Freetown. I was in Freetown during the Ebola crisis, and was shocked to see the amount of prostitution that was going on, not least because it was obvious that these largely international men were even prepared to put their own health at risk. We are all adults. There are other ways to obtain gratification if you really cannot hold it together for six months. Sorry to be blunt, but that is the basis of our approach, to say that buying sex is an act of sexual abuse and exploitation per se.

**Sinead Magill:** Our policy would be the same. Sarah and I would agree that we would not want to stigmatise women, or men, who have made that decision. It is a fair and reasonable decision for them to make in



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their context, but we would hold our staff to a standard that would suggest that it is abuse.

Q279 **Chair:** Is that a long-standing policy of both the organisations?

**Sinead Magill:** Yes.

**Sarah Maguire:** Yes.

Q280 **Mrs Latham:** That is good. My real question is how you monitor and evaluate the success of your projects on the ground in terms of minimising harm to the local population. Do you have any methodologies within your processes to monitor beneficiary harm? That is to both of you.

**Sinead Magill:** Our monitoring and evaluation frameworks are what our donor clients would expect. At the commencement of a programme, you would establish a log frame with the targets, and those targets would normally be differentiated by the beneficiary groups. We would submit quarterly reports against that log frame. Sitting alongside the log frame is a risk assessment. The risk assessment is where you would identify if you had a risk of doing harm and you would report against that. Most of our major programmes are subject to an additional layer of evaluation and an independent evaluator is retained by DFID to assess whether we have done what we have said. Normally, that evaluation would include a layer of assessing the “do no harm” aspect. I know Palladium sometimes plays that role on other programmes for DIA, as it does for us. It would be at that point where the “do no harm” is more rigidly evaluated than the self-evaluation that we do.

**Sarah Maguire:** We are in the same position. I would just supplement on the risk issue that, increasingly, in our work for Her Majesty’s Government—and we welcome this—we are asked to be really explicit about how we escalate any risks: “Yes, you have your mitigation measures in place, but what do you actually do if that risk becomes real or more likely?” The rest of it is the same.

Q281 **Chair:** As a final question from me, earlier, when I asked about NGOs and contractors, you rightly said it is all one sector. Do you feel, in the way that DFID has engaged with you on this issue, that you are being engaged on the same basis as the NGOs?

**Sarah Maguire:** Yes, I think so. On this issue, I do not think we are being singled out for particular scrutiny.

Q282 **Chair:** If anything, I was suggesting the opposite, that you were not being engaged as much by DFID, for understandable reasons, because there has been a lot of public and media focus on some of the NGOs. Are you having the full engagement, the full challenge, bluntly, from DFID that the NGOs are rightly facing?

**Sarah Maguire:** Yes. There might have been an issue where we asked our DFID colleagues in the procurement department and they said, “Well,



we expect you to self-regulate. We expect you to sort it out among yourselves”, which I think is a feeling more towards the private sector than it is towards NGOs.

**Q283 Chair:** You are saying, I think, on the basis of your evidence, that there should be a common system. You have raised legitimate concerns about some of the proposals that have been put forward to be part of such a common system. Under the principle of having one, you should be treated exactly the same as an Oxfam or a Save the Children.

**Sarah Maguire:** Exactly, for similar work.

**Chair:** Of course, yes.

**Sinead Magill:** We are, as I understand it, going to have an extra layer of checking in the supplier review outcome side of the code of conduct. We have been engaging directly with DFID’s safeguarding team, particularly on our humanitarian programme. We did not participate in the safeguarding summit; I think that was to do with space constraints.

**Chair:** That was partly why I asked the question, yes.

**Sinead Magill:** You could not open it only to the top 30 firms; you would have to open it to the whole portfolio. We have been given some confidence that we would be engaged in forward discussions on that basis.

**Chair:** Thank you both very much indeed for your evidence here today. Thanks to the Committee.