



## Oxfam GB Reporting Misconduct at Work (Whistleblowing) Policy

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<b>Policy Owner:</b>	Integrity and Ethics Director
<b>LT Sponsor:</b>	Chief Operating Officer
<b>Approved By:</b>	Council
<b>Union consulted:</b>	Yes
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<b>Geographical Scope:</b>	Worldwide, except in countries where the following policy contravenes local legislation. In these cases, local legislation must be followed.
<b>Implementation owner:</b>	Integrity and Intelligence Team Manager
<b>Implementation plan:</b>	Communications plan for the policy and hotlines will be implemented by the Integrity and Intelligence Team
<b>Circulation:</b>	Public

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## **POLICY STATEMENT**

Whistleblowing is the name given to the act of a disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, wrongdoing or misconduct in the workplace.

This policy is designed to allow staff and others to disclose information that they believe amounts to misconduct, unethical conduct or illegal practices in the workplace without being penalised for reporting in anyway.

Oxfam GB encourages the reporting of any suspected misconduct, illegal acts or omissions by its employees, workers, volunteers, trustees, partners or contractors.

When working for or on behalf of Oxfam GB we expect a commitment by all to achieving the highest possible ethical and conduct standards in all practices and operations. It is vital for those who work for and with Oxfam GB to remain true to its core mission. All staff and non-staff alike need to understand and fully comply with the guidance on values and behaviours expected of them outlined within our Code of Conduct, non-compliance will not be tolerated and will result in disciplinary action.

The Public Interest Disclosure Act 1998 ensures legal protection to those who raise such concerns of misconduct. This spirit of this law is to be followed in all countries Oxfam GB operates in even if it is out of jurisdiction. Oxfam GB stands firmly on our commitment to protect our employees from detriment; dismissal, victimisation or any other disadvantage related to raising whistleblowing concerns in good faith.

## **SCOPE AND ELIGIBILITY**

This policy is applicable to employees, agency staff, workers, volunteers, beneficiaries, trustees, partners and contractors.

This policy does not form part of an employee's terms and conditions of employment and may be subject to change at the discretion of management.

Oxfam GB staff (including teams in countries where we are Executing Affiliate) beneficiaries, agency workers, trustees, contractors, consultants, volunteers, partners and supporters are all encouraged to report behaviour by Oxfam Staff that is in breach of the code of conduct or could lead to or has resulted in misconduct.

## **POLICY PURPOSE**

This policy is designed to provide guidance to employees, agency staff, volunteers, partners, trustees, contractors & beneficiaries when reporting misconduct in Oxfam GB without fear of victimisation, disadvantage or dismissal.

This policy is intended to enable those who become aware of wrongdoing in Oxfam GB to report those concerns at the earliest opportunity so that they can be investigated and, where necessary, be formally investigated.

## RELATED DOCUMENTS

This policy should be read and understood in conjunction with:

### Oxfam International

- [Code of Conduct](#)

### Oxfam GB Policies and Procedures

- [Dealing with problems at work \(covers management of poor performance, misconduct and the grievance process\)](#)
- [Complaints Policy \(for consultants and contractors\)](#)
- [Reporting Misconduct SOP](#)
- [PSEA Policy](#)
- [Safeguarding Children Policy](#)
- [Safeguarding Adults Policy](#)
- [Survivor Policy](#)
- [Anti-Fraud and Corruption Policy](#)
- [Anti-Fraud and Corruption Strategy](#)
- [Conflict of Interest](#)

## VERSION CONTROL

Version Number	Date Approved	Approved By (Name & Title)	Brief Description of Changes
4			
3	July 2021		Review
2	July 2020	Council	Updated inline with Charity Commission Action Plan, safeguarding SOP and reporting concerns
1	November 2016	LT Sponsor	

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### 1. Definitions

#### **Whistleblowing**

Whistleblowing is the term used when a worker provides certain types of information to raise a concern about danger or illegality that affects others. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party. Typically, the whistleblower is not directly, personally affected by the danger or illegality, although they may be and feel that they cannot raise their concerns under the grievance procedure.

In this policy, we call that “making a disclosure” or “reporting misconduct”. At Oxfam GB the process of whistleblowing is called “Speak Up”.

Whistleblowing protection is enshrined in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’.

#### **Financial Misconduct**

Includes fraud, theft, bribery, nepotism, money laundering, terrorist financing, shoplifting, conflict of interest, counterfeit money, cybercrime, extortion, and criminal damage.

#### **Sexual Misconduct**

Includes child abuse, vulnerable adult abuse, sexual assault, sexual harassment, and sexual exploitation. The allegations we investigate under ‘sexual misconduct’ include a wide range of sexual misconduct ranging from severe sexual violence to incidents of sexual harassment. For example, unwanted verbal comments felt to be of a sexual nature by the subject of them, unwanted physical touching, buying sex, sexual activity with a child, and rape/attempted rape would all be included. In line with our staff Code of

Conduct, all forms of buying sex (including transactional sex, prostitution and making aid or employment conditional on sexual activity) are also included in our definition of 'sexual exploitation'. Oxfam GB defines 'sexual abuse' as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Oxfam GB extends this definition to include any sexual contact with children; this is considered to be under unequal or coercive conditions as a child cannot give consent. Oxfam GB's child abuse definition includes physical, emotional and sexual abuse, as well as neglect.

### **HR Misconduct**

Includes bullying, harassment, discrimination, mistreatment by a senior colleague, recruitment nepotism and breach of policy. Misconduct does not include a complaint about the performance and behaviour of a manager or other work colleague, or personal grievances.

A detailed explanation of misconduct is in [appendix 2](#)

## **2. Reporting Misconduct at Oxfam GB**

At Oxfam GB, it is vital that everyone who works for us maintains the highest standards of conduct, integrity and ethics, and complies with local legislation. If an employee, volunteer, partner, consultant or contractor suspects misconduct has, or is about to occur, we encourage them to communicate their suspicions without fear of reprisals and in the knowledge that they will be protected from victimisation and dismissal.

To encourage people to report, the process of reporting misconduct at OGB is called Speak Up. We offer easy reporting of any concerns which are then reviewed, informing the reporter if it will be treated as a whistleblowing case or not.

The suspected misconduct could be in the present (occurring), future (be about to occur), or past (already occurred).

Misconduct under this policy may fall under any of the following areas of concern:

- Financial misconduct
- A failure to comply with any legal obligations or regulatory requirement
- A criminal offence
- Sexual misconduct
- Abuse or exploitation of children, vulnerable adults or beneficiaries
- Abuse of a position of power
- Unethical conduct (including the use of sex workers)
- A miscarriage of justice
- A danger to the health and safety of individuals or damage to the environment
- Concerns related to the compliance of Oxfam GB's fundraising practices
- The deliberate concealment of information relating to any of the matters listed above

***Oxfam GB takes any concerns that you may raise relating to the above matters very seriously.***

To be managed under this policy the employee must reasonably believe that the disclosure is “in the public interest”. This covers any such concern that could affect the rights, health, or finances of the public at large in any setting.

All other non-whistleblowing misconduct should be reported using the [Grievance Procedure](#), which is the appropriate way for employees to raise grievances relating to their specific job or employment. Managers are expected to deal with HR misconduct concerns brought to their attention or witnessed by them without delay and can be managed under the [Misconduct / Gross Misconduct procedure](#). Both procedures fall under in [Dealing with Problems at Work](#).

When a concern is raised under the whistleblowing policy and it is not appropriate to do so, i.e. it relates to a personal or collective grievance, we will confirm to you that the matter will be addressed under the grievance policy and with your consent, refer onto the relevant HR Manager or HR Business Partner and your line manager under the appropriate policy.

### **3 Speak Up Reporting Lines**

Safeguarding concerns, fraud/corruption concerns and HR related misconduct can be reported via:

- [Online form](#)
- **Email [speakup@Oxfam.org.uk](mailto:speakup@Oxfam.org.uk)**

Any person not connected to Oxfam GB can also report misconduct via these channels. It is possible to make an anonymous report via the webform. Be advised that if insufficient information is provided this may affect our capacity to investigate the matter.

Oxfam GB staff and volunteers are encouraged to report to their line manager when this is appropriate. If the concern involves a direct manager, you can raise the concern with another manager. All managers have a responsibility to report any concern raised to them immediately through the appropriate channels.

For advice or to enquire about an ongoing case you can contact the investigation team via:  
[anticorruption@oxfam.org.uk](mailto:anticorruption@oxfam.org.uk)  
[safeguarding@oxfam.org.uk](mailto:safeguarding@oxfam.org.uk)  
[HRInvestigations@oxfam.org.uk](mailto:HRInvestigations@oxfam.org.uk)

### **Outside the UK**

Anyone (including Oxfam’s beneficiaries) can raise a concern or make a complaint to Oxfam about something they have experienced or witnessed without fear of retribution. You can do this verbally or in writing to your country team or Executing/Home Affiliate’s Safeguarding or Anti-Corruption Focal Point. You can report directly to Oxfam [GB’s Speak](#)

[Up Service](#) which is available to all Oxfam Affiliates and country teams. Employees can also choose to raise concerns with their Line Manager or Human Resources team member. See Compass page [Reporting a Concern & Focal Points](#) for details.

### **Other ways to report misconduct**

If your concerns relate to fundraising practices, and you feel that internal consideration is not possible, you may raise the matter directly with the [Fundraising Regulator](#).

You may report your concerns externally to a [prescribed person or other](#). If you inform prescribed person or body, it must be one that deals with the issue you're raising. This UK Government [link](#) provides a list of prescribed people and bodies you can report malpractice to, other than your employer.

If you are making a report about your own conduct, you can self-report through the Speak Up lines and it will be directed for action to the appropriate team.

### **Providing information**

When raising a concern please provide as much information as you can. This will help in the initial review, risk assessment and any subsequent investigation (if deemed appropriate). Remember to include the following if you can:

- Whether anyone is at immediate risk of harm
- What happened? If possible, make note of dates, times, places, people.
- Who is involved?
- Who witnessed this?
- How do you know about it?
- When were you first concerned about it?
- Who else knows about it?
- Was any action taken?
- Is there anyone else we should speak to?

## **4. Confidentiality & Anonymous Disclosures**

### **Confidentiality**

All reports made to Oxfam GB are confidential and will be managed in a sensitive manner. Information is shared on a strictly need to know basis.

When a report is made online or received via email it is made clear to the reporter that their concern and contact details will be shared with the relevant investigation team.

You can report to us anonymously, but they may not be able to take the claim further if you have not provided all the information they need. We will make every effort to protect your identity. If you report your concern directly to the media, in most cases you may lose your whistleblowing law rights.

Reporters who provide their name and contact details may opt to restrict the sharing of their personal details to the nominated investigation team only. However, this may limit the way the concerns can be investigated and any subsequent outcomes.

The subject of concern in an investigation has the right to be able to respond to the allegations raised and we have a duty to provide them with a summary of the allegations being raised against them. In the case of an investigation which leads to a disciplinary hearing, the employee subject to the disciplinary process will see all the relevant sections of an investigation report and supporting documents before the hearing unless there are circumstances where the sharing of such information may hold a significant risk to others safety by identifying them. In those cases, we would provide non-identifiable information and redacted reports.

Where the country team is implicated in some way the report will stay confidential to the Oxfam GB investigation team and an investigation management team meeting will take place between allocated parties only. An investigation plan to progress which doesn't alert the accused staff members and protects the reporter will then be agreed.

In some cases, an investigation may not be possible and alternative recommended approaches may be considered after an assessment.

## **Anonymous Disclosures**

Anonymous disclosures can be made via the webform. A reporter may also choose to use a non-work or temporary email address to contact the Speak Up line.

All disclosures made anonymously or otherwise, will be reviewed. However, a lack of information may limit the nature, extent and outcome of the investigation.

When making an anonymous report via the webform the reporter will always be asked these questions:

- Who else knows about it?
- How do they know it to be true?
- For how long have they known about it?

Answering these questions in full will allow the Integrity and Intelligence Team to assess the risk to the reporter.

The investigation management team would be advised at the initial meeting that the information has been received anonymously. If the identity of the reporter is known but must be protected the investigation report can be anonymised.

## **5. Data Privacy Notices**

### **Webform**

When making a disclosure via the webform the reporter will be asked to read the Data Privacy Notice.

[Link to Privacy notice](#)



## Email reports

All email responses include the information below and a link to the privacy notice.

Thank you for contacting the Speak Up Team.

In order to deal with your concerns we will share your complaint and/or your contact details only with appropriate staff member(s) who can assist us with this case. In doing so, we commit to strictly maintain your confidentiality. Please let us know if you want us to restrict the sharing of your name and contact details to the nominated investigations team only. If you do, please note that this may limit the way your concern can be investigated. If your concern relates to financial, sexual, or HR misconduct a case will be logged on our case management system. If your concern is not related to misconduct, it may be appropriate to raise it with your manager under the *Dealing with Problems at Work Policy*, and it may be referred to your HR Department.

Once an initial assessment is complete, you will be contacted by a case manager and you may be asked to provide further information. If this is not your preferred email address, please provide another and please state the times you are available.

The [diagram attached](#) outlines the steps we will take over the course of an investigation. If the case does not require investigation you will be contacted. If at any stage during the investigation, you are concerned with how this matter is being handled, please contact [SpeakUp@oxfam.org.uk](mailto:SpeakUp@oxfam.org.uk).

Please see our [privacy notice](#) for information on how your information will be processed. If at any point of the investigation you have concerns regarding how your information is managed, please contact the Information Security Team at [privacy@oxfam.org.uk](mailto:privacy@oxfam.org.uk). You may also reach the team at the following address: Data Protection Officer, Oxfam GB, Oxfam House, Oxford, OX4 2JY, United Kingdom.

Kind regards,  
Thank you from the  
**Speak Up Team**

## 6. Case outcomes

Once a case has been closed, the investigator or case manager will inform you that your case has been concluded and appropriate action has been taken.

If the employee is not satisfied with the explanation or outcome, they may raise a formal complaint under the grievance policy. Alternatively, they may raise the matter with the appropriate official organisation or regulatory body.

## **7. Informing relevant authorities, donors, and other agencies**

Where necessary and appropriate, the relevant authorities including law enforcement in the UK and in the country where the reports relate to may be informed about the disclosure. This decision will only be made by the case manager following a risk assessment of potential harm to all parties. All decisions will be documented on the case management system. The decision not to report can be reviewed at any time in line with an on-going risk assessment.

For case concerning children under 18 years please see Oxfam GB [child safeguarding policy](#) for more information.

### **Reporting to donors**

Oxfam GB has contractual obligations to report misconduct to donors and Partner Affiliates. The disclosable information includes:

- Type of allegation
- Date allegation received to OGB
- Country where misconduct took place
- Case outcome

Oxfam GB will not disclose any personal identifiable information relating to the victim/survivor, reporter, witnesses or subject of concern to external stakeholders. Internal stakeholder e.g. decision makes will be provided information on a strictly need to know basis.

See OGB [Misconduct Reporting SOP](#) for more information.

A case will be reported to the Charity Commission if it a reportable or serious incident. See [Serious Incident Reporting SOP](#).

### **Aid Diversion**

Where the allegation is related to aid diversion, the Head of Anti-Corruption, Director of Ethics and Integrity and Legal Team need to come together within the first 24 hours to determine if Aid Diversion or Financial Misconduct has occurred, and in the case of aid diversion, the Oxfam GB Legal Team will report it to the relevant authorities.

## **8. Protection against detrimental treatment**

All employees who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.

Bullying, harassment or any other detrimental treatment inflicted on a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

Oxfam GB will take appropriate action, which may result in dismissal, in accordance with the relevant procedure against any employee, volunteer or consultant who:

- Has been found to be victimising another individual for using this procedure or deterring them from reporting concerns under it.
- Made a disclosure maliciously that is known to be untrue or without reasonable grounds for believing that the information supplied was accurate.

Oxfam GB appreciates that raising a concern can be difficult for anyone but encourage you to do so if you have a reasonable belief it is in the public interest, even if it is later discovered that you are mistaken. Under this policy you will not be at risk of losing your job or from suffering any form of retribution as a result.

This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice. Those found to be making false allegations maliciously may have disciplinary action taken against them if proven.

Where reports have been investigated and proven to be malicious, we would consider this as bullying, harassment, victimisation or discrimination under gross misconduct and disciplinary action may be taken. It is therefore vital that any reports raised through Speak Up are made in good faith with any evidence you can provide to support an investigation.

Complaints of detrimental treatment are a serious matter as they greatly affect the confidence in staff reporting misconduct.

All complaints of detrimental treatment should be reported to line management or your country HR team. If you feel unable to do this you should raise a complaint via the Speak Up lines or by contacting the investigation team managing the original disclosure.

Your complaint will be directed for action to the appropriate procedure under the [Dealing with Problems at Work Policy](#) (for employees); the [Resolving Differences Policy](#) (for volunteers); and the [Complaints Policy](#) (for consultants and contractors)

Issues that have already been raised and dealt with under any of these policies will not be heard again if reported to the Speak Up Line.

## **9. Roles and responsibilities**

### **All staff, volunteers, trustees, contractors**

If staff, volunteers, trustees, contractors suspect any of the concerns listed in section 1 have occurred, are occurring or might occur they should report their suspicion through the Speak Up Lines.

### **All Managers**

Where a manager receives a report of a suspicion, or they suspect the matters in section 1 themselves, then they must report it without delay to the Speak Up lines.

### **Integrity and Ethics Director**

Reports directly to the CEO. Has overall responsibility for whistleblowing and anti-corruption

**Director of Safeguarding**

Reports directly to the CEO. Has overall responsibility for global safeguarding

**Global Head of Anti-Corruption**

Head of anti-corruption response and investigations. Head of fraud/corruption prevention.

**Global Safeguarding Manager**

Head of PSHEA policy implementation and safeguarding investigations

**Head of HR Investigations**

Head of OGB HR misconduct investigations. Works with HR and management teams globally on misconduct prevention.

**Integrity and Intelligence Team Manager**

Head of case oversight and internal reporting. Misconduct policy and Speak Up system management. Responsibility for external misconduct reporting.

**Anti-Corruption Team**

Will investigate financial related misconduct including bribery, fraud, supplier nepotism and aid diversion, including allegations of terrorist financing.

**HR Investigations Team**

Will investigate matters of bullying and harassment, mistreatment by a senior colleague, breach of policy, recruitment nepotism.

**Safeguarding Team**

Will investigate matters related sexual misconduct, child, or vulnerable adult abuse, including sexual harassment, sexual exploitation and abuse and proactively protecting vulnerable people from abuse.

**Integrity and Intelligence Team**

Responsibly for monitoring Speak Up lines and initial case management. Responsibility for internal reports and notifying external partners when misconduct is alleged.

## Appendix - Misconduct Definitions Table

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

