ONE OXFAM

CORRUPTION RESPONSE

STANDARD OPERATING PROCEDURE

Procedural guidance for the management of corruption incidents within the Oxfam Confederation

Title: One Oxfam Corruption Response Standard Operating Procedure
Procedure owner: OI Associate Director for Risk & Assurance
Author: Oxfam Risk & Assurance Working Group / Affiliate Anti-Corruption functions
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Approved by: Oxfam COOs and Responsible Functions for Anti-Corruption in Affiliates
Geographical Scope: Worldwide, for Oxfam offices in the Affiliate Headquarters, Oxfam’s globally located staff, and the Affiliate’s EA and PA roles in countries and regions, except in countries where the following policy contravenes local legislation. In these cases, local legislation should usually be followed with guidance from the Affiliate Anti-Corruption function. Oxfam policy will apply in the event that it is more stringent than local legislation.
Confidentiality: Public, additional guidelines and materials are available internally.
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1. INTRODUCTION

1.1 At Oxfam, we recognise that our operations are vulnerable to the risk of fraud and corruption. Oxfam is committed to taking the necessary action to address the challenges created by operating in some of the world’s most corruption prone environments. Oxfam does not tolerate fraud and corruption and is committed to ensuring that its systems, procedures and practices reduce the risk to a minimum. Recognising that corruption will occur, Oxfam has designed this Corruption Response Standard Operating Procedure (SOP) to ensure a rigorous and consistent approach when responding to allegations of corruption.

2. PURPOSE & SCOPE

2.1 The Corruption Response SOP is the process that all Oxfam affiliates should follow when a suspicion of corruption is formed. The SOP defines the process, responsibilities and reporting lines in the event of suspected incident of corruption, including fraud, theft, bribery, nepotism (or abuse of an undeclared conflict of interest)\(^1\), money-laundering, or terrorist financing; which are collectively defined by Oxfam as ‘corruption’.

2.2 This SOP is part of the One Oxfam approach to corruption and should be read in conjunction with the Oxfam Anti-Fraud and Corruption Policy. It is recognised that some adaptation may be required by individual affiliates and any deviation should be approved by the Anti-Corruption lead within that affiliate.

2.3 The SOP is to be applied in conjunction with relevant employment/labour, privacy, civil and criminal laws, as well as any affiliate-specific disciplinary procedures.

3. PRINCIPLES OF A CORRUPTION RESPONSE

3.1 There are a number of risks to be considered in the response to any corruption incident, regardless of its scale. It is vital that the management of all corruption responses is professional and adheres to a common standard of best practice principles.

<table>
<thead>
<tr>
<th>Principle</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>Transparency</td>
<td>Actions and decisions must be thoroughly documented and auditable records of the management and conduct of the entire response process retained in an appropriate format, including in Oxfam’s Global Case Management System.</td>
</tr>
<tr>
<td>Proportionality</td>
<td>The response to a corruption incident should be in proportion to the nature of the incident and risks ensuring the minimum level of intrusion/disruption to achieve the objectives. Actions taken should be limited to those that are relevant to the issue in question.</td>
</tr>
<tr>
<td>Fairness and due process</td>
<td>Management of the response must be unbiased and impartial towards all parties involved. All evidence and information that might have a bearing on the facts of the case, regardless of whether or not they might prove or disprove a subject’s guilt or innocence, should be objectively considered on its merits.</td>
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</table>
<pre><code>                                                                                                       | The rights of anyone under suspicion of corruption should be respected at all stages of the response process.                                                                                                                                                                     |
                                                                                                       | Investigations are conducted in an impartial and professional manner in order to gather information about whether or not an incident occurred.                                                                                                                                  |
                                                                                                       | Investigations into corruption misconduct allegations are independent from a disciplinary procedure.                                                                                                                                                                             |
</code></pre>

\(^1\) In some affiliates, nepotism relating to recruitment will be investigated by an HR function, while nepotism relating to procurement/suppliers will fall within the Anti-Corruption function.
| Methodical | The response process should be appropriately planned and resourced. |
| Secure | The safety and security of all parties affected by the incident and involved in the response is paramount. All actions and decisions must be in consideration of actual or potential risk of harm and appropriate measures taken to safeguard all parties appropriately. Information relating to the case or any associated individual or entity must be kept securely and only shared with those who need to know. |
| Evidence-led | Actions and decisions should be made in consideration of objective and verifiable information or evidence, and applying the appropriate 'standard of proof'. Investigations should deal only in facts, supported with verifiable evidence. For administrative investigations into corruption allegations by Oxfam, the applicable standard of proof is the balance of probabilities (see Annex 1). |
| Independent | Any party that is potentially implicated or otherwise involved in the issues in question – or who might have a conflict of interest in the outcome – should not be involved in the investigation/response process. |

### 3.2 CONFIDENTIALITY

3.2.1 A high level of confidentiality is required for the effective investigation and management of corruption suspicions as well as to protect the safety and the rights of all those impacted by an investigation. The requirement for confidentiality extends to staff, management and investigators. Information relating to corruption suspicions and investigations should only be shared on a strictly ‘need to know’ basis. Any breach of confidentiality may be subject to an independent investigation and may result in disciplinary action.

3.2.2 Oxfam will sometimes need to disclose certain information in order to meet other ethical or legal obligations such as reporting to law enforcement, regulatory bodies or to progress to judicial action. Where possible, personal or special category data and private information will be redacted. Oxfam will manage all information in accordance with the requirements of relevant data protection laws, including the European Union’s General Data Protection Regulation (GDPR) and, where necessary, a specific risk assessment or privacy impact assessment.

### 4. ROLES AND RESPONSIBILITIES

4.1 Where corruption suspicions are identified, a selection of Oxfam staff members will be assigned specific designations and responsibilities for the duration of the response.

4.2 All staff members that are involved in a corruption response must ensure they have read and understood this guidance, if in doubt, staff should contact their affiliate’s Anti-Corruption function for advice.

### 4.3 INSTITUTIONAL RESPONSIBILITIES

| Executing Affiliate | All corruption concerns (including in country offices) must be reported to the Anti-Corruption function at the respective Executing Affiliate, who will be responsible for the overall management of the case. EA Anti-Corruption functions will be responsible for case management of allegations within the Affiliate as well as in countries where they are EA. This may include investigating third parties where Oxfam funds or work has been affected. |
| Oxfam International | The OIS Risk & Assurance team will be responsible for managing cases involving OIS staff or persons associated with OIS. For OIS staff not sitting in the Secretariat, it would be determined on a case-by-case basis as to who will have responsibility for the case (OIS or the Executing Affiliate for the country). |
Country Offices/Programmes

The Country Director will be a member of the Incident Management Panel (IMP) unless it is inappropriate in the circumstances. The Country Office will provide logistic and security support to an investigation team for a case in a country office, as needed. Country offices will also be expected to provide legal advice, investigation support, HR support and to implement agreed recommendations at the conclusion of an investigation.

Partner Affiliate

Depending on the circumstances, a partner affiliate may participate in an Incident Management Panel (IMP) and/or support an Investigation Team for a case in a country office, as needed. Partner affiliates will be notified of and kept informed of investigations which affect them.

All affiliates

All affiliate’s anti-corruption functions will manage cases of allegations within the affiliate. PA’s are responsible for investigations within their head office functions. This may include investigating third parties where Oxfam funds or work has been affected.

4.4 INCIDENT MANAGEMENT RESPONSIBILITIES

4.4.1 The response to an allegation warranting further action following preliminary assessment will be managed by an Incident Management Panel (IMP). The IMP is responsible for overseeing the entire response to an incident, including coordinating incident response, supporting investigations and approving investigation findings.

<table>
<thead>
<tr>
<th>Designation</th>
<th>Role(s)</th>
<th>Summary</th>
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</table>
| Primary Reporter           | • *Oxfam staff members*  
                            |   • External parties (e.g. beneficiaries, service users, project participants, customers, partners, suppliers, etc.) | The first person to form a suspicion of corruption and discloses this concern to another. In some circumstances, the Primary Reporter might also be the Incident Reporter (see below). Any person with a suspicion of corruption who feels unable to report openly through the Oxfam management line can report, anonymously if they wish, via Oxfam’s Speak Up system or directly to the affiliate Anti-Corruption function. Oxfam staff **MUST** report suspicions of corruption. |
| Incident Reporter          | • *Oxfam staff members*  
                            |   • External parties  
                            |   • *Oxfam managers*  
                            |   • Other Oxfam staff who a primary reporter discloses a suspicion to | The person who actually reports the incident to the relevant affiliate’s central Anti-Corruption function. This may be the primary reporter or someone the primary reporter has made a disclosure to. If a corruption concern is raised to an Oxfam manager, the manager **MUST** report to the central Anti-Corruption function via the Speak Up system or directly to the affiliate Anti-Corruption function. |
| Incident Management Panel  | • *Country Director/Unit Manager of affected department*  
                            |   • Head of Anti-Corruption function  
                            |   • RBSM or Head of Operations | Incident managers are a joint decision-making body responsible for how Oxfam responds to the incident. Incident managers will decide if an investigation is required, manage risk and determine resources for the investigation. Incident Managers will agree |
terms of reference or methodology for an investigation, approve the investigation report and recommendations.

Although other individuals may sometimes be invited to attend IMPs, the ‘incident managers’ should not normally number more than three and should be clearly identified at the beginning of an incident.

An IMP will usually comprise of the **Country Director** (or Regional Director where the CD’s involvement is not appropriate), the **Head of the affiliate’s Anti-Corruption Function** and another senior affiliate manager such as the **Regional Head of Operations** or Regional Business Support Manager.

| Central Anti-Corruption Function | **Head of Anti-Corruption Function**  
|                                 | **Anti-Corruption Specialists/Investigators**  
|                                 | **Donor Reporting Staff**  
|                                 | In some affiliates there may be a dedicated Anti-Corruption Team. In others the ‘Central Anti-Corruption Function’ is the team or designated staff with responsibility and competence within the affiliate for oversight of all corruption reports; and that either lead or provide technical guidance/support with the conduct of corruption investigations.

Responsibility for the reporting of corruption incidents to donors lies with the affiliate’s designated **Donor Reporting Officer** (or equivalent).

| Case Manager | **Delegated central Anti-Corruption function staff member**  
|             | Anti-Corruption staff member delegated with general administration/oversight of case and investigations assigned to them. This person may also be the investigator and will be suitably trained and competent to fulfil this role.

Responsible for monitoring management of their cases for compliance with Corruption Response SOP.

Maintains/updates case management system records and checks case files for appropriate documentation and record-keeping.

| Investigator | **Anti-Corruption function staff member**  
|             | **Appointed Investigation Focal Points/Support Investigators**  
|             | **External contracted parties**  
|             | The person(s) assigned by the Incident Management Panel to conduct a corruption investigation.

This could be a member of the central Anti-Corruption function, an Investigation Focal Point/Support Investigator (staff members who have received training by their affiliate to conduct corruption investigations), or external
contractor/consultant. The investigator will be suitably trained and competent to fulfil this role.

<table>
<thead>
<tr>
<th>Others</th>
<th>Human resources staff</th>
<th>Legal counsel</th>
<th>Security</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Human Resources/Employee Relations representatives, Legal counsel, or others, may be required to provide support on a case-by-case basis. Their input may also be sought on specific issues rather than as full members of an IMP.

5. SIX STAGE CORRUPTION RESPONSE

5.1 The Corruption response process follows six stages:

1. Forming a suspicion;
2. Receiving a suspicion;
3. Initial response to a suspicion;
4. Investigating a suspicion;
5. Taking action following a suspicion, and;
6. Concluding the response.
5.2 SIX STEP CORRUPTION RESPONSE – GENERAL OVERVIEW OF PROCESS

1. **STEP 1 – FORMING A SUSPICION**
   - Any person (referred to in this plan as a Primary Reporter) forms a suspicion that a corrupt act has – or might have – occurred (or is - or might be - occurring), and reports their suspicion either to the relevant Oxfam manager, to their affiliate's central Anti Corruption/Integrity function, or through Oxfam’s Speak Up webform.

2. **STEP 2 – RECEIVING A SUSPICION**
   - An Oxfam manager or staff member (referred to in this plan as an Incident Reporter) who is either themselves the Primary Reporter or has received a corruption suspicion from a Primary Reporter, reports the issue to their affiliate’s central Anti Corruption function.

3. **STEP 3 – INITIAL RESPONSE TO A SUSPICION**
   - The affiliate’s central Integrity or Anti Corruption function manages an initial assessment of each reported corruption suspicion, assigns a risk rating and convenes an ‘Incident Management Panel’ (IMP).
   - The Anti Corruption function supports the IMP’s decision-making by providing technical guidance/advice relating to the assessment and, if necessary, investigation process. Where the assessment recommends an investigation, the Anti Corruption function prepare (or facilitate the preparing of) a Terms of Reference (TOR).
   - Where an initial assessment does not identify the need for further (anti corruption focused) investigation, the incident might bypass Step 4 (below), or be referred to another department (including referral for management actions), Oxfam affiliate or external entity for their attention.
   - Incident Management Panel (IMP) take responsibility for managing immediate risks resulting from the issue of concern (e.g. security, legal, programmatic, organisational), assigning tasks and involving additional stakeholders as necessary.
   - IMP appoint key roles for the response (e.g. Incident Support Manager, Investigator if required).
   - IMP review/approve investigation TOR and agree logistical/administrative arrangements for assessment and/or investigation actions.
   - IMP/Anti-Corruption function ensure suspicion is reported externally (including to relevant affected donors and Oxfam affiliates) as necessary, in accordance with the Reporting Misconduct SOP.

4. **STEP 4 – INVESTIGATING A SUSPICION**
   - Anti Corruption function and the appointed Investigator manage/conduct the investigation.
   - Investigator prepares a final report for the IMP, detailing findings, conclusions and recommendations.
   - The IMP review the report to ensure the quality, accuracy and evidential integrity of its findings and conclusions; and the suitability of recommendations made.
   - IMP approve the final report indicating acceptance of the investigation outcome.

5. **STEP 5 – TAKING ACTION FOLLOWING A SUSPICION**
   - The IMP assign responsibility for the implementation of agreed recommendations to relevant managers.
   - HR manage any employee relations actions (management hearings, disciplinary action, etc.).
   - Case outcomes are reported externally in accordance with the Reporting Misconduct SOP/relevant guidelines.

6. **STEP 6 – CONCLUDING THE RESPONSE**
   - The IMP monitor/report the implementation of recommendations according to affiliate processes.
   - Case outcomes may be reported internally to the affiliate’s Senior Directors, trustees or equivalent oversight panel.
   - Anti-Corruption function closes the case in the case management system.
   - Where appropriate, the primary reporter is notified of the completion of the investigation.
6. FORMING A SUSPICION

6.1 All Oxfam staff, consultants, volunteers and those working on Oxfam’s behalf who suspect a corrupt act has occurred, or is occurring, must report it without delay.

6.2 What is a ‘corruption suspicion’ and when should you report it?

6.2.1 A ‘suspicion’ is the belief, opinion or impression that an act of intentional wrongdoing has occurred or has been attempted. The suspicion should be reasonably held (i.e. there should be some objective grounds for the suspicion — the person reporting should be able to explain why they are suspicious), but it might involve limited or no formal evidence at all.

6.2.2 To activate this Corruption Response SOP, the suspicion should be: that an act fraud, theft, bribery, money-laundering or terrorist financing; or that nepotism/abuse of an undeclared conflict of interest has occurred or is occurring\(^2\), or that an attempt has been or is being made to carry out any of these. This applies to any Oxfam operation, including those conducted via third parties (including consultants, partners organisations and contractors).

6.2.3 All forms of misconduct can be reported via Speak Up even if the reporter is unsure what type of misconduct has taken place.

6.3 Can I report confidentially or anonymously?

6.3.1 In some cases, a person who forms a suspicion may not feel comfortable raising the issue through their management line, or with other senior staff members in their country programme or department. Affiliate’s misconduct reporting procedure (available on Compass) will provide guidance on reporting acts of corruption confidentially and anonymously, and the platforms available for doing so. People with suspicions of corruption can opt to bypass their management line and submit a report (anonymously if they wish) via the Speak Up platform, or directly to the affiliate Anti-Corruption function.

6.3.2 Reporters should remember that reporting anonymously may inhibit the ability for the Anti-Corruption function to investigate the matter as they may need additional information or decide not to take action because it is not possible to ascertain the risk to a reporter. Reporters are encouraged to provide contact details wherever possible; their suspicion will still be handled confidentially.

6.4 What action should I take?

6.4.1 Actions that might alert others of a suspicion could put people at risk of harm or cause the destruction or altering of evidence. Actions taken that do not comply with policy or relevant local labour laws risk undermining the potential for action later.

<table>
<thead>
<tr>
<th>Do</th>
<th>Do Not</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do write down your concerns immediately – make a note of all relevant details, such as what was said, the date and time, the names of anyone involved and what (if any) action has already been taken.</td>
<td>Do not discuss suspicions with anyone other than those persons referred to in this guidance.</td>
</tr>
<tr>
<td>Do choose an appropriate reporting line as per your affiliate’s reporting procedures and report your concern as soon as possible.</td>
<td>Do not start investigating the matter yourself. You should not speak to other colleagues about the issue, or seek to establish facts by speaking to witnesses or those potentially involved. You should</td>
</tr>
</tbody>
</table>

\(^2\) In some affiliates, nepotism relating to recruitment will be investigated by an HR function, while nepotism relating to procurement/suppliers will fall within the Anti-Corruption function.
6.5 **Will I be in trouble if I get it wrong?**

No measures will be taken against staff reporting a genuine concern that later proves to be mistaken or misguided.

Individuals who intentionally raise a concern that they know to be untrue, or who are involved in deliberately spreading false information may face investigation and disciplinary action.

6.6 **Will I be kept informed of what happens next?**

Incident reporters will receive an acknowledgement of their report from respective affiliate’s Anti-Corruption function within one working day. In some cases, reporters might be contacted to provide further information, or to help clarify the information in their report.

Where appropriate and possible, reporters will be updated on a monthly basis and notified when the full response to the incident they have reported has been concluded.

In most cases reporters will not receive details about the specific outcomes of corruption investigations due to legal, privacy and confidentiality requirements. This is to safeguard and protect reporters, witnesses, the subject of complaint, and the integrity and robustness of the response and investigation process, in particular where investigations have resulted in disciplinary or other confidential HR actions against an employee.

6.7 It is important for all those impacted by a corruption incident to appreciate that corruption investigations are often extremely complex. Depending on the severity of the issue and/or the complexity of the response, the investigation process may take a long time.

### 7. RECEIVING A SUSPICION

7.1 In your position as an Oxfam member of staff or manager, you might be the first person someone chooses to approach to disclose a corruption suspicion to. The way you handle this information, and the person sharing it, is a vital component in ensuring the best possible outcome can be achieved. The mishandling of a corruption suspicion, even at an early stage in the process, could potentially expose those involved and Oxfam to significant risk.

7.2 **What should Oxfam managers do when they receive a suspicion of corruption?**

- If a corruption suspicion is reported to you, you are responsible for acting as the *Incident Reporter* and you **MUST** report it. You must treat every report you receive seriously, sensitively and confidentially. You should ensure the Primary Reporter has time and a suitably private location to explain their concern to you in full.

- Consider the concerns carefully against the corruption definitions. If the concerns do not relate to an act, or potential act, of corruption (e.g. the Primary Reporter’s complaint relates to safeguarding, bullying or harassment issue), consider referring the issue to Safeguarding, HR and/or other relevant departments for guidance and response. If you are unsure, report it anyway.

- Primary Reporters are not required to provide you with ‘proof’ or evidence to support their suspicion, nor should you make any attempt to investigate the matter before reporting. If, however, the Primary Reporter provides documents or other corroborating evidence of their suspicion, you should ensure that these are safely secured.

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2 An Incident Reporter is any Oxfam manager or staff member who receives a suspicion from a Primary Report and reports/facilitates the reporting of a corruption suspicion to the relevant affiliate’s central Anti Corruption function in accordance with the relevant suspicion reporting procedure.
As soon as possible (within 1 working day, unless extenuating circumstances prohibit you from doing so), you should provide a full summary of any corruption suspicion to your affiliate’s Anti-Corruption function by contacting them directly or through the Speak Up web form. If appropriate, you may also inform your Country Director, but this is not a requirement.

Do not discuss suspicions reported to you with anyone other than those persons referred to in this plan unless specifically asked to do so by those managing the response. You should keep the report strictly confidential.

7.3 What information should I include in my report?

Reporters should provide as much of the following information as you have available, but do not worry if you cannot provide all of it.

Information in the report should include:

- A clear summary of the specific suspicion/concern as it was raised to you, including:
  - When did it happen? Or, over what (approximate) period of time?
  - Who specifically was involved (full names and job titles)? And in what capacity were they involved?
  - Where did it happen?
- What project(s)/donor(s) does the issue relate to?
- Who is the Primary Reporter? What are their contact details?
- How does the reporter know about the issue of concern?
- How long have they known about the issue of concern?
- Who else knows about the issue of concern?
- Are there any immediate risks to consider (e.g. safety/security of any party, an imminent loss of funds or assets, potential serious impact on programming, media/public exposure, legal action, or threats of any nature)?
- Have any actions already been taken regarding the concerns?

7.4 What if I, or the Primary Reporter, want to report confidentially or anonymously?

In some cases the Incident or Primary Reporter might be concerned about the possibility that senior staff members in your country programme or department might be informed about their involvement in raising it. Each affiliate’s suspicion reporting procedure (available on Compass) will provide guidance on reporting acts of corruption confidentially and anonymously, and the platforms available for doing so.

Generally, people with suspicions of corruption can opt to bypass their immediate management line and anonymously raise their concern (anonymously if preferred) via the Speak up reporting platform or directly to the affiliate Anti-Corruption function. In doing so, reporters should clearly highlight any concerns they or Primary Reporter have in relation to the potential involvement of senior staff members in the response to the incident.

7.5 Initial response to a suspicion

7.5.1 The initial response to the suspicion is a vital stage of the process. Actions required during the initial stages of the response will broadly fall into the categories of:

- Assessing suspicions
- Managing risks
- Investigation planning and preparation.

Whilst all suspicion reports should be managed as efficiently as possible, the circumstances and risks involved in each case might create the need for an expedited or protracted initial response. The process of assessment, risk management and planning and preparation will often happen simultaneously. Clear communications between the Incident Management Panel and Anti-Corruption function are vital to ensure effective management of suspicions.

7.5.2 The Anti-Corruption function will classify the incident as either high risk or standard risk. Guidance on the risk criteria is available from the affiliate’s anti-corruption function. High risk cases will be subject to additional scrutiny and oversight.
7.5.3 Incident Management Panels

The Incident Management Panel is a joint decision-making body responsible for the oversight and risk management of the response to a corruption suspicion being raised. The IMP is responsible for:

- Deciding on how an incident will be responded to and whether an investigation is required
- Coordinating the response of an incident and allocating tasks
- Risk management including risks relating to people (e.g. staff/beneficiaries), security, programmes/projects, partnerships and the organisation
- Resourcing an investigation
- Approving investigation methodology
- Approving the final report and recommendations and ensuring there is a mechanism for their implementation

Incident Management Panels will convene at Incident Management Meetings. Thorough minutes of these meetings must be made and retained on the Case Management System.

An IMP will usually comprise of:

- Country Director (or Regional Director where the CD’s involvement is not appropriate)
- The Head of the affiliate’s Anti-Corruption Function and
- Another senior affiliate manager such as the Regional Head of Operations or Regional Business Support Manager.

Incident managers will not normally be involved in disciplinary hearings within the same incident.
Although other individuals may sometimes be invited to attend IMPs, the ‘incident managers’ should not normally number more than three and should be clearly identified at the beginning of an incident.

Further guidance on incident management panels and incident management meetings can be obtained from the affiliate’s Anti-Corruption Function.

8. INVESTIGATING A SUSPICION

8.1 This step is applicable to cases where the Incident Management Panel have approved the need for formal investigation. Investigations must be conducted in consideration of local labour law and the relevant affiliate/local employment guidelines.

For the most part, investigations will be conducted/managed by the affiliate’s Anti-Corruption function in accordance with the Corruption Investigations Toolkit.

8.2 Investigation – Anti Corruption Function/Investigator Actions

- For each investigation one lead Investigator should be assigned. The lead Investigator should be appropriately qualified, experienced and independent of the activity affected by the alleged corruption. In some cases, the Investigator may a suitable country programme or department manager, or trained Investigation ‘Support Investigator’ or ‘Focal Point’ investigator, supported by the Anti-Corruption function.

- Investigations should be conducted in accordance with principles and standards detailed in the Oxfam Investigators Toolkit.

- Subject to IMP approval (via the ToR), appropriate authorisations and applicable legal requirements and standards, the following investigative methodology may be employed as part of an Oxfam investigation process (not an exhaustive list):
  - Collating/reviewing physical evidence, documents and digital records
  - Accessing/reviewing electronic data
  - Physical searches of Oxfam work-spaces or property
  - Interviews and statements from relevant witnesses (including external parties)
  - Interviews and statements from identified subjects of concern (including external parties)

- Case managers should endeavour to maintain regular contact with the Incident Management Panel via the throughout the course of their investigation. The Investigator or Case Manager must immediately inform the IMP of any material changes that they become aware of during the investigation that might affect a risk decision or significantly impact their work plan/schedule (e.g. identifying evidence of serious physical risk against any party, or information to indicate a more serious/complex issue than was previously apparent).

8.3 Investigator Output

- At the conclusion of their investigation, the Investigator will be required to produce a final report. The purpose of the report is to present a balanced summation of the case and the relevant findings of the investigation, based on verifiable evidence. Final reports are important documents. They become the primary point of reference for anybody learning about what has happened and may be subjected to scrutiny by employment tribunals, criminal or civil courts, policing authorities, donors, trustees or regulatory bodies. Reports must therefore be accurate, complete and beyond any form of reproach.

- Final reports should follow the Oxfam investigation report template and should include:
  - Case background
  - Actions taken
  - Investigation findings
  - Conclusions
  - Recommendations
  - Supporting documents such as exhibits or witness statements should be attached to the report and stored securely.

8.4 Investigation – Incident Management Panel Actions
The Incident Management Panel should review the final report provided by the Investigator. Incident managers should query report findings that are unclear, or require further explanation. In these circumstances, it may be appropriate for the Investigator and/or Anti-Corruption function to make further edits.

To safeguard the independence of the investigation process, it is not appropriate for incident managers to attempt to influence or change a report’s findings so as to materially change its conclusions without justification. However the IMP are responsible for ensuring the investigation has been thoroughly carried out and the findings are supported by evidence that has been properly obtained and clearly summarised.

The Incident Management Panel should provide feedback on report recommendations, to ensure they provide the basis for SMART (specific, measurable, achievable, relevant and timebound) resulting objectives. Where incident managers disagree with recommendations made by the Investigator, they should document their objections along with an explanation as to why they should not be accepted and implemented. A record of decisions to remove recommendations from reports should be retained in the digital case file on the case management system.

The final approval of the report by the Incident Management Panel should be considered a commitment to implement the agreed recommendations.

### 9. Taking Action Following a Suspiccion

9.1 If the investigation report concludes that an act of corruption has occurred, or if control weaknesses and corruption enablers are identified, it will be necessary to take action to resolve the issue(s), and mitigate the risk of recurrence. These actions will be based on recommendations made by the Investigator and agreed by the Incident Management Panel.

9.2 To ensure the integrity and impartiality of all processes, the Investigator and Anti-Corruption function should remain completely independent from actions taken at this stage; particularly those involving disciplinary hearing outcomes and sanction decisions.

9.3 **Action Plans - Incident Management Panel**

- The relevant Country/Department Director or Unit Manager should assign responsibility for the development of an action plan based on agreed recommendations in the final report. Action plan tasks should be assigned to relevant function managers for implementation, with due dates for completion.

- Each affiliate is responsible for ensuring there is a mechanism to ensure recommendations are implemented.

- The Country/Department Director (or equivalent) is responsible (via delegated staff if appropriate) for ensuring the actions are completed and for ensuring that the affiliate’s mechanism for monitoring report recommendations is kept informed. This would include the outcomes of any disciplinary proceedings, civil legal action, forensic audits, additional staff training, resource review, policy amendment, etc.

9.4 Some key action points that may be required following a review or investigation process are further explored below:

<table>
<thead>
<tr>
<th>Actions</th>
<th>Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HR/Disciplinary Processes</strong></td>
<td>Disciplinary proceedings against implicated members of staff should be conducted in accordance with HR misconduct procedures and relevant local labour law. Disciplinary action might be necessary for those found to have actively engaged in corrupt acts, but could also be taken for poor performance or negligence resulting in losses. HR must ensure that records of disciplinary hearings are retained in the employee’s HR file, in accordance with affiliate policy.</td>
</tr>
<tr>
<td><strong>Reporting to law enforcement agencies/local authorities</strong></td>
<td>It may be necessary to report an incident/investigation findings to a law enforcement agency or other local authority. This decision should be made and documented by the Country/Department Director/Unit Manager, in consultation with the Incident Management Panel and where necessary, with the assistance of legal advisor. The decision should be made in consideration of</td>
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<tr>
<td>Safety/security/human rights risks, legal obligations, local police capacity and the risk of potential exposure to further corruption.</td>
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<tr>
<td>Decisions not to report to police/law enforcement agencies must be documented.</td>
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<tr>
<td>If the case is to be referred to the police, a handover file should be prepared. This will include a summary of the case, highlighting (where known) the loss amount, the modus operandi, and the location, and including photocopies of key supporting documents (unless there is an explicit need to provide originals). A copy of everything that is handed to the police should be retained.</td>
<td></td>
</tr>
<tr>
<td>All contact with the police should be channelled through one person; generally the relevant Director or delegated senior manager/legal advisor. A record should be maintained of all contacts with the police, the details of the officers, and any reference numbers provided.</td>
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</table>

### Donor Reporting

Where corruption suspicions are believed to have impacted donor funds, investigation findings (and potentially case outcomes) may need to be reported to the relevant donors, Oxfam affiliates and Oxfam International, regardless of the case outcome.

Where findings are to be shared externally, care should be taken to ensure that Oxfam is compliant with relevant data protection regulations. Oxfam should avoid sharing personal information, or information that might identify specific individuals, unless there is a legal requirement to do so. In exceptional cases where donors require copies of investigation reports, these must be redacted to remove private information prior to sharing.

Responsibility for ensuring compliance with donor reporting requirements falls to the affiliate’s delegated donor reporting officer (or equivalent). Donor reporting should be conducted in accordance with the Oxfam Reporting Misconduct Standard Operating Procedure.

### Regulator Reporting

Affiliates may be required to report findings of an investigation to national regulators. Affiliates should ensure there is a process for ensuring reporting takes place in line with their respective obligations. Thorough records should be retained of communications with regulators and should be uploaded to the Case management System.

### Civil Legal Action/Asset Recovery

Depending on the legal jurisdiction in which the incident occurred, funds lost through corruption might be recoverable from the culpable party by suing them for damages in a civil court.

Contract conditions with partners, suppliers, and (current and former) employees might allow for fund recovery where corruption has occurred. In the case of employees subject to dismissal, outstanding funds might be recoverable through withheld final salary payments. Financial recoveries might involve formal legal proceedings.

As a default position, Oxfam should always seek to recover funds from culpable parties. Any decision not to pursue financial recovery should be recorded by the Country Director in consultation with the Incident Management Panel.

### Programme/Project Closures, or

On some occasions, consideration may be given to terminating affected activities, potentially including ending partner contracts and closing impacted programmes/projects.
Termination of Partnerships

Such decisions will likely be made in consideration of wider circumstances (e.g. availability of resources, cost-effectiveness, programme priorities, donor requirements, security restrictions, etc.) and may require consultation with additional stakeholders. Such decisions will therefore need to be managed by the relevant Country/Department Director.

10. CONCLUDING THE RESPONSE

10.1 A case should be marked as closed when the Anti-Corruption Function is satisfied that all immediate actions have been undertaken or there is a confirmed and committed action plan with owners for all of the remaining actions and recommendations (noting that the implementation of some actions may take considerable time).

- **Response Closure Actions - Incident Management Panel** - Those delegated with responsibility (via the IMP) for implementing the post-investigation action plan should ensure the relevant affiliate mechanism for ensuring implementation of recommendations is kept informed.

- **Response conclusion – Affiliate** - Each affiliate should ensure there is a mechanism to ensure that recommendations from investigations are fully implemented.

- **Response Closure Actions – Anti Corruption Function** - The Anti-Corruption function is responsible for ensuring that all centrally held case documentation has been appropriately archived in a secure location. Any redundant or duplicate copies should be appropriately disposed of as confidential waste.
## Annex 1 – Standards of Proof

<table>
<thead>
<tr>
<th>Burden of Proof</th>
<th>Explanation</th>
<th>Relevant Decision Point</th>
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</thead>
<tbody>
<tr>
<td><strong>Reasonable Susicion</strong></td>
<td>Objective facts and circumstances that would lead an ordinary person to suspect an act of corruption might have occurred</td>
<td>Initial / Incident Reporter forms suspicion of corruption and decides to report it via the affiliate’s reporting channels</td>
</tr>
<tr>
<td><strong>Probable Cause</strong></td>
<td>Objective facts and circumstances that would lead an ordinary person to believe an act of corruption might have occurred</td>
<td>IMP makes decision whether or not to approve a formal investigation into a reported suspicion, based on findings of a preliminary assessment</td>
</tr>
<tr>
<td><strong>Balance of Probability</strong></td>
<td>Objective and verifiable evidence indicates that it is more likely than not that an act of corruption has occurred and that an identified person or entity is culpable for that act</td>
<td>IMP makes decision whether to take formalised internal action (e.g. staff disciplinary sanctions, contract termination, etc.) against an individual or entity, based on findings of an investigation process and information presented during any associated internal management hearing (e.g. disciplinary hearings).</td>
</tr>
</tbody>
</table>
| **Beyond Reasonable Doubt** | Highest burden of proof requiring the elimination of every reasonable doubt that a prohibited act has occurred and that an identified person or entity is culpable. | Not required in support of any internal/Oxfam decision making process.  

This is the evidential threshold ordinarily required for conviction by a state criminal justice system. This standard would generally only be applied in cases in which Oxfam report potential criminal conduct to a national law enforcement agency. |