Strengthening Reference checks

One of the measures that we as a community need to take in our effotrts to prevent sexual harassment, exploitation and abuse is to take steps to prevent perpetrators of misconduct being free to move on to other roles and organizations in the sector.

This is not a straight forward task and shared thinking is vital. The next working group will focus on how we can strengthen our hiring mechanisms and in particular some of the options being suggested to enhance our reference checking processes.

Below are some brief descriptions and links to some of these processes. We are hoping sharing our organization’s experiences in wrestling with this will be a help to all of us in making some determining which of these might be effective, useful and workable.

1. **Inter-Agency Misconduct Disclosure Scheme – Being led by the Steering Committee for Humanitarian Response (SCHR)**

Involves potential employers sending a form to former employers to request additional information about a history of sexual misconduct, that was confirmed, or the subject left before an investigation could be completed.

Currently 14 organizations implementing the scheme. Around 650 forms have been completed. SCHR supporting some review of the process to iron out issues in it’s use as well as address legal concerns in some jurisdictions.

* + <https://www.schr.info/the-misconduct-disclosure-scheme>
    - SCHR page with all info
  + <https://static1.squarespace.com/static/57ffc65ed482e9b6838607bc/t/5c78047724a69414f0c097a4/1551369336590/Inter-agency+Misconduct+Disclosure+Scheme+FINAL.+Dec+2018.pdf>
    - Template on Appendix 1
  + <https://static1.squarespace.com/static/57ffc65ed482e9b6838607bc/t/5c573fc3e4966b0b81dfdaee/1549221829335/Explanatory+Notes+Final+1+Feb+2019.pdf>
    - Explanatory notes on document linked above
  + establishes a minimum standard for organizations to share information as part of their recruitment process about people who have been found to have committed sexual abuse, sexual exploitation or sexual harassment “Misconduct” during employment
  + Data Protection Impact Assessment (DPIA)
    - to help analyze, identify and minimize data protection risks of a project or plan
    - EU Global Data Protection Regulation (GDPR)
  + Defines “misconduct” only as sexual exploitation, sexual abuse, and the most serious cases of sexual harassment
    - * <https://www.bond.org.uk/safeguarding-our-progress>
        + Under employment cycle

1. “**Not eligible for rehire”**
   * Usually due to violating policies, rules, or procedures
   * Unknown who is promoting
2. **Disclosure of information informally? – “backdoor” reference check**
   * HR taps into their own network of contacts and finds someone who can give an unbiased opinion
   * On request?
   * Phone?
3. **Neutral References**
   * A neutral reference is when an employer only verifies the former employee’s dates of employment and job title.
     + From high profile hiring excellence: <https://www.highprofilestaffing.com/2013/12/09/reference-checks-what-does-a-neutral-reference-really-mean/>
   * Seems like it will provide only the same information that a standard HR reference would give – start and end dates of employment and title of employment
4. **References only from HR**
   * Will be providing information like the neutral reference
     + Dates of employment, job title, and on occasion salary
5. **Humanitarian Passport**
   * an initiative which seeks to create a new system for the humanitarian sector to identify, recognize, and certify the skills, learning, and experience of humanitarian workers
     + <https://www.humanitarianleadershipacademy.org/hpass/>
       - Initiative from humanitarian leadership academy they call HPass
     + <https://hpass.org/about/>
   * a sort of clearance that shows someone is honest and reliable, does not have serious integrity notes in their personnel file and has never come into contact with the law because of misconduct and abuse
   * system of passporting, registration or accreditation of humanitarian and development practitioners
     + <https://www.civilsociety.co.uk/voices/alice-sharman-what-has-been-said-so-far-about-humanitarian-passports.html#sthash.zCJY2Z6R.dpuf>
   * all individuals working in international development would be registered showing they are suitable to work in that sector, and therefore could be quickly deployed, but also risk losing their license to work as a result of inappropriate behavior
6. **Background/Police checks**
   * Sterling
     + <https://www.sterlingcheck.com/>
       - Main webpage
     + <https://www.sterlingcheck.com/industries/nonprofit/>
       - NGO industry specific webpage
         * <https://www.sterlingvolunteers.com/>
       - called Sterling Volunteers
       - partners with Points of Light
         * <https://www.pointsoflight.org/>
     + <https://www.sterlingvolunteers.com/organizations/how-it-works/>
       - “How it Works” webpage on sterling volunteers
     + Some participating organizations (each mentioned on the sector specific page of the organizations link on the sterling volunteers main page):
       - We teach science
       - Alive hospice
       - Children’s Hospital of the King’s Daughters
       - Jewish Family Services
       - Timberline Church
       - Child Advocates of Silicon Valley
       - Meals on Wheels and Senior Outreach Services
       - Best Buddies
       - Special Olympics World Games LA 2019
       - Operation Hope
       - First
       - Big Brothers Big Sisters of Northeast Florida
       - Girl Scouts
       - Partners with National VOAD
     + Partner Page
       - <https://www.sterlingvolunteers.com/about/partners/>
   * An employee background check is a review of a person’s commercial, criminal, employment, and/or financial records
     + <https://www.thebalancecareers.com/what-is-included-in-an-employee-background-check-2059599>

**IASC:** **preventing transgressors from moving in the sector**

1. <https://interagencystandingcommittee.org/system/files/session_1-_psea-sha-_preventing_transgressors_moving_through_the_sector-31_may_2018-principals_meeting.pdf>
2. screening questions, self-declarations or self-certifications; declarations from referees; and, maintaining lists of certified organizational referees
3. **ICRC:**
   * requires applicants to self-declare prior issues of sexual or other misconduct and circumstances of termination of past employment; an affirmative response would result in the rejection of the application without further consideration
   * At the verification of reference stage, ICRC is rolling out an approach which asks for the applicant’s consent to the disclosure of specific information about sexual or other misconduct and circumstances of termination of employment by the referenced human resources department. Failure to agree on the disclosure of information results in their withdrawal from the recruitment process
   * many IASC organizations maintain their own (internal) databases of disciplinary measures imposed on all personnel
     + Most have a rule that if a staff member or a member of their affiliate workforce resigns, retires or is separated for other reasons before the conclusion of an investigation or a disciplinary process, this is noted in their records, and that person will not be rehired
4. **UNHCR**
   * In 2017, UNHCR expanded the scope of the self-declaration part of its application form to include information on investigations into allegations of misconduct and disciplinary proceedings or measures.
5. **UNICEF**
   * Has relevant pre-screening questions
6. **UN wide**
   * Collective databases
     + record where staff members are “the subject of pending allegations or disciplinary measures at the time of separation”
     + UN Department of Field Support and the Office of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse
       - SEA Tracker
     + CEB agreed to the establishment of a similar system-wide database (SHA Tracker), to avoid rehiring
   * UN System CEB commissioned creation of UN Global Center for Human Resources Services in Bonn, Germany
     + <https://www.unbonn.org/node/13337>
7. **Oxfam**
   * Oxfam has established a system of accredited referees and has communicated this to managers and staff:
     + To ensure staff who have faced disciplinary action, including for gross misconduct such as fraud, sexual exploitation and abuse, or abuse of power, cannot move undetected from one affiliate to another or within the sector, this centralized referencing process incorporates relevant disciplinary action in the reference
     + <https://www.reuters.com/article/us-britain-oxfam-idUSKCN1G00E7>
       - 5th paragraph

**Dutch Relief Alliance: Humanitarian Passport feasibility report**

1. <https://www.partos.nl/fileadmin/files/Pdfs/Humanitarian_Passport_Feasibility_Study_Report_FINAL.pdf>
   * self-declaration of behavior and application form
   * The reference should be provided in writing by a line manager (or HR director who has access to the potential employee’s professional file) and signed by the person giving the reference
2. developed a ‘**Roadmap Screening’** to improve and standardize the screening process within the humanitarian and development sector in The Netherlands
   * only available in Dutch <https://www.partos.nl/integriteit/activiteiten-resultaten/>
3. A **Certificate of Conduct (VOG**) is a document by which the Dutch State Secretary for Justice and Security declares that the applicant did not commit any criminal offences that are relevant to the performance of his or her duties
4. There is a **persons register** for those working in child care in the Netherlands
   * Challenge: lack of registration of cases whereby no official record is present in the criminal justice system.
     + References remain an important aspect of selection and screening in order to get more information about misconduct that does not break any national legislation and as such would not show up in someone’s VOG
     + it is very costly to develop such a register and it lacks some information which DRA members indicated should be part of an integrity screening system, such as references, a person’s background and work experience as well as the international sharing of information.
5. **Creating a Blacklist**
   * In The Netherlands, there are strict conditions attached to a black list because of its nature, which include:
     + an organisation must have a legitimate interest;
     + the black list must be essential. In other words, the information cannot be gathered in a less invasive manner; and
     + the business interest must outweigh a person’s privacy. If these conditions are met, a blacklist may be used within an organisation in the Netherlands and the European Union (EU).
   * Ministry of Defense (for the Netherlands) has individual personnel files where the information from a personnel file will always come forward during screenings by the Military Intelligence and Security Service (MIVD).
     + Almost everyone employed at MoD is screened by the MIVD upon entry, with a renewed screening every 5 to 10 years and/or when a substantial change in a life situation
   * Challenges:
     + A blacklist can normally only be used internally within one organisation because of the risks associated with sharing a list with privacy sensitive information.
     + To share a blacklist between organisations in a sector within The Netherlands, authorisation from the Personal Data Supervisor (AP) is required
6. **United Nations**
   * Misconduct Tracking System (MTS) which is a restricted access database used, in part, for vetting of candidates UN Field Missions “against records of prior misconduct while in the service of a UN Operation”. The MTS was designed as a system to keep track of allegations from the point when it was received until the point when all required actions are taken
   * NGOs don’t have access to this database
7. **INTERPOL pilot: Operation Soteria**
   * <https://www.gov.uk/government/news/international-summit-to-crack-down-on-sexual-predators-in-the-aid-sector>
     + Press release from DFID who is partnering with Interpol on the pilot
   * a project to improve global criminal records background checks for aid workers and provide advice to employers on international vetting and identification of high-risk individuals
   * setting up a system through which employers can request criminal records data from around the world
   * The Advisory Board will include representatives from DFID, INTERPOL, ACRO Criminal Records Office, as well as Save the Children who will coordinate NGOs participating in the project
   * The system would nevertheless only include criminal data and not cover misconduct-related information that is not breaking national legislation
8. **Save the Children UK**
   * working to develop a Digital ID System with three key functions:
     + provide someone with a unique ID;
     + provide a verified record of someone’s employment history; and
     + provide organizations with information about previous grievances against someone regarding safeguarding concerns that have not been picked up by the police
   * Most in line with the idea of a “humanitarian passport”
   * Meant to be used in parallel with other efforts, such as the Inter-Agency Misconduct Disclosure Scheme and INTERPOL project
   * the work on this initiative will continue in 2019, including further development and testing of the system

**USAID**

1. <https://www.usaid.gov/PreventingSexualMisconduct/Managers>
   * AAPSM managers toolkit
2. <https://www.usaid.gov/PreventingSexualMisconduct>
   * AAPSM main page