Misconduct Disclosure Scheme

February 2023
The Scheme has been established in 2018 and launched in 2019. It is currently implemented by over 170 organisations.

The Scheme is facilitated by the Steering Committee for Humanitarian Response, hosted by the CHS Alliance with funding from the UK FCDO.

Between 2019-2021 over 29,400 checks have been conducted, resulting in 142 applications being rejected at the final stage of recruitment.
A note on risk perception

Which weights more? Which is more visible?

**Making checks**
- Legal exposure
- Resource (financial/time) loss if taken to law
- Risk of negative legal outcome

**Not making checks**
- People we work with suffer abuse
- Huge reputational risk
- Huge financial risk
- Legal exposure
Organisations sign up to the scheme

Agencies share data on misconduct systematically and at scale

Agencies become confident that they can legally and practically share data on misconduct

Stronger legal and practical case for sharing data on misconduct

Better hiring decisions reduces hiring of abusers and, by extension, exploitation and abuse.

Shared information results in better hiring decisions.
What does the Misconduct Disclosure Scheme do?

- The Scheme facilitates sharing of misconduct data between employers.
- It consists of two main commitments:
  - A commitment to systematically check with previous employers about any SEA issues relating to potential new hires (to cover a period of at least the five years preceding the request),
  - A commitment to respond systematically to such checks from others.
- It enables hiring organisation to make well-informed hiring decision.
- It respects data protection and employment law.
- It aims to protect the people we work with.
What does it NOT do?

- It doesn’t ‘blacklist’ or ‘whitelist’ people.
- It doesn’t make the hiring decision on behalf of the organisation.
- It’s **not a central database** – it’s about enabling data sharing between employers, which allows secure data protection, correction and deletion.
- It’s not a substitute for a comprehensive Prevention of Sexual Exploitation, Abuse and Harassment approach.
MDS and wider PSEAH

- The MDS does not work in a vacuum and complements rather than replacing other safe recruitment strategies.

- Links and collaboration with all other PSEAH initiatives – Project Soteria, Clear Check, etc.
What does MDS look like in practice?

The Statement of Conduct can be easily adapted as part of your existing reference check form.

STATEMENT OF CONDUCT – CONFIDENTIAL
This Statement is provided in answer to a request by (name), (title), (organisation)

1. Name of Candidate: xxxxxxxxxxxx

2. Duration of employment / term with Organisation XXX: from XX/XX/XX to XX/XX/XX

3. Was the Candidate found to have committed Misconduct (sexual exploitation, sexual abuse or sexual harassment) during the period of employment defined above?
   (a) ☐ Yes
      The nature of the Misconduct is: xxxxxxxxxxxx
   (b) ☐ No
   (c) ☐ I am unable to specify the nature of the Misconduct because of the following legal / regulatory requirements: xxxxxxxxxxxx

3.1. If the answer is yes, was a Disciplinary Measure imposed upon the Candidate? ii
   (a) ☐ Yes, the Disciplinary Measure was xxxxxxxxxxxx
      Date of Disciplinary Measure: XX/XX/XX
   (b) ☐ No, for the following reasons: xxxxxxxxxxxx
   (c) ☐ I cannot provide an answer to this question for the following reason(s): xxxxxxxxxxxx

3.2. Is the Candidate currently being investigated for an allegation of sexual exploitation, sexual abuse or sexual harassment? ii
   (a) ☐ Yes
   The nature of the Misconduct is:
   (b) ☐ No
   (c) ☐ I am unable to provide an answer

4. Organisation XXX adopts the following definitions of sexual exploitation, sexual abuse and sexual harassment: xxxxxxxxxxxx
   OR
   xxxxxxxxxxxx
Using MDS in practice

Employment history

- **2021-now**: Save the Children (MDS member 2)
- **2020-2021**: Microsoft Corporation (non-MDS member 3)
- **2018-2020**: Oxfam Mexico (MDS Member 1)
- **2005-2018**: Google (non-MDS member 2)
- **2003-2005**: Tesco (non-MDS member 1)
Misconduct Disclosure Scheme

How to prepare to implement?

- Ensure that your organization can fulfill the Scheme’s requirements.
- Adapt your policies (if needed).
- Prepare communication materials for recruitment purposes (e.g. update job advertisements and consent request forms).
- Train your HR/Referencing Team.
- Let your current employees know that your organisation is implementing the MDS.
2019–2022:
Over 60,900 recruitments checked
230 applications rejected
Progress: 2019-2022
Implementation Data
The future of the Scheme

- Systematic implementation amongst current members
- Increased membership
- Stronger links with PSEAH initiatives
- Closer engagement with UN agencies
- Donors’ engagement and commitment
- Local and national organisations
Support available

- Legal orientation available on MDS website
- Tools and resources
- Sample communication materials
- Support with promoting and onboarding organisations
- Scheme’s Registry
- Support with annual reporting