

Misconduct Disclosure Scheme

January 2023



Misconduct Disclosure Scheme

Introduction

More info
[website misconduct-disclosure-scheme.org](https://www.misconduct-disclosure-scheme.org)
[email mds@chsalliance.org](mailto:mds@chsalliance.org)

- 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.

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PSEAH

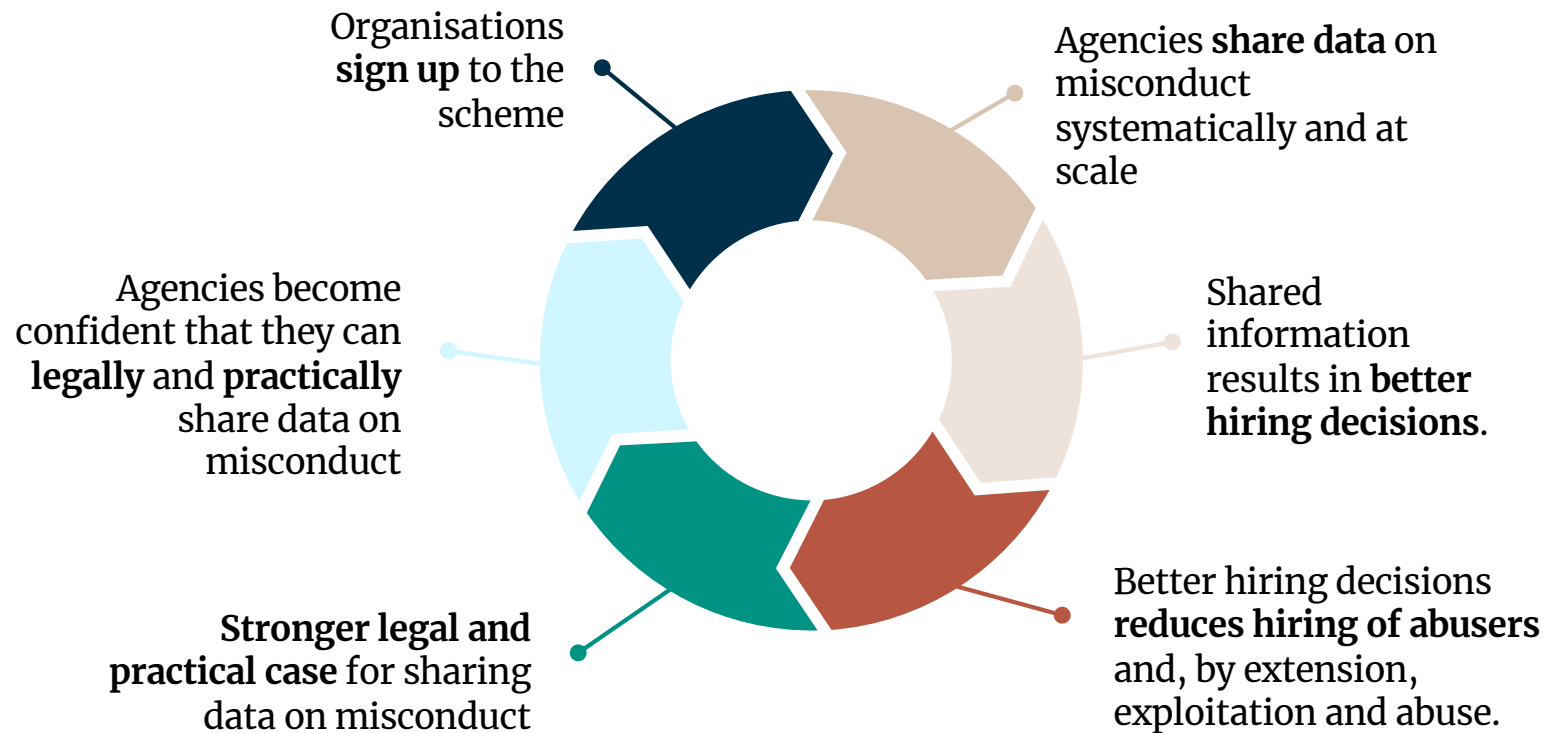
A continuing
risk



thenewhumanitarian.org

Alleged sex abuse by aid workers unchecked for years in UN-run South Sudan ...
The first reports were seven years ago. So why have efforts been so slow to
prevent sexual abuse at Malakal?

Misconduct Disclosure Scheme Theory of Change



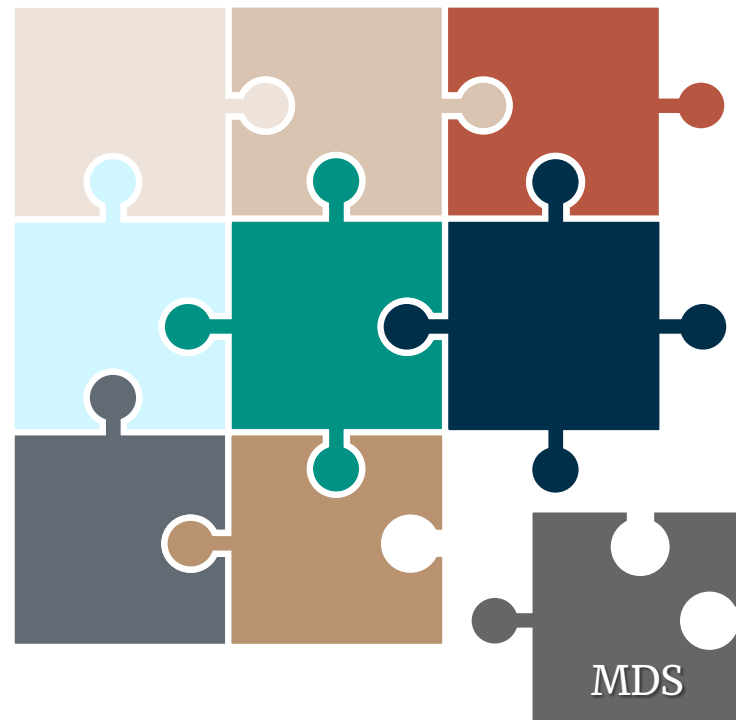
What does the Misconduct Disclosure Scheme do?

- 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 other PSEAH initiatives



Pre-employment Screening

The Scheme complements rather than replacing other employment checks



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 foundⁱ 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?ⁱⁱⁱ

(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

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](#)).

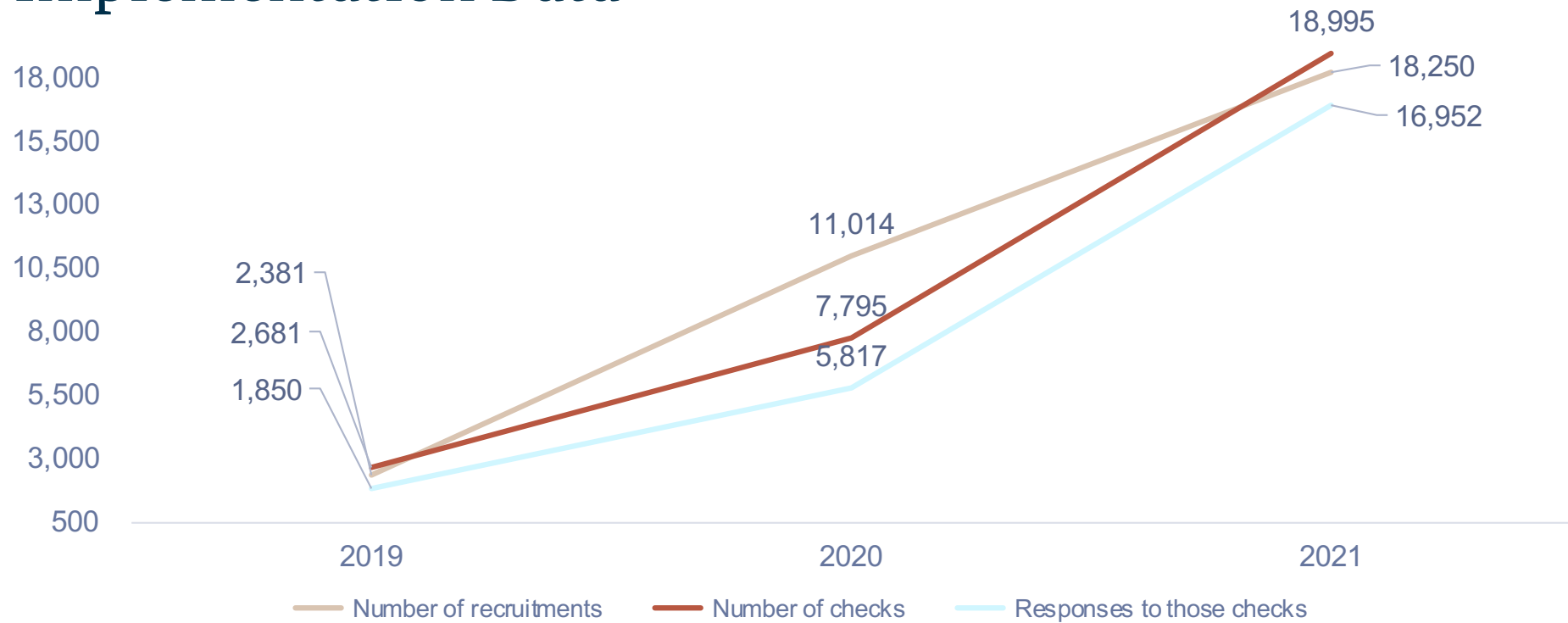
Train your HR/Referencing Team.

Let your current employees know that your organisation is implementing the MDS.

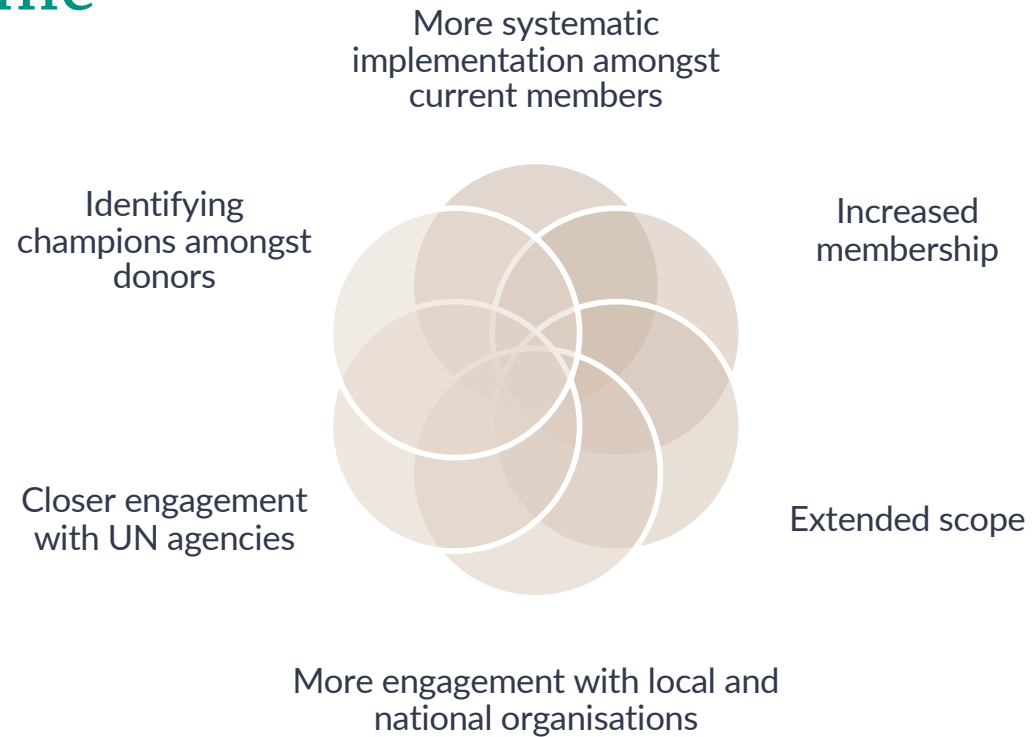
2019-2021:

Over 29,400 checks conducted
142 applications rejected

Progress: 2019-2021 Implementation Data

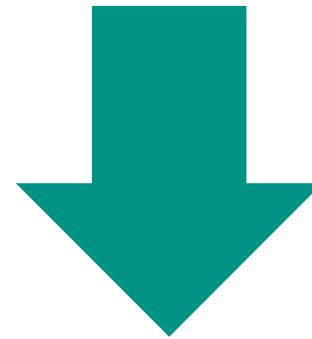


The future of the Scheme



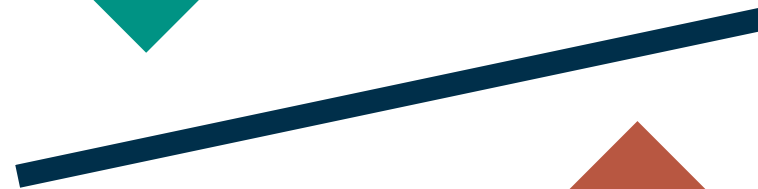
A note on risk perception

Which **weights** more?
Which is more **visible**?



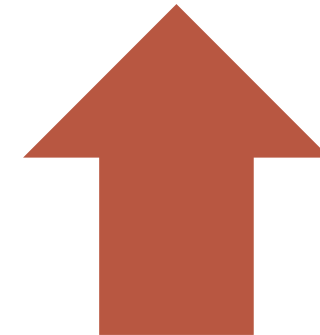
Making checks

- Legal exposure
- Small financial risk (e.g. if sued)
- Risk of wrong assessments



Not making checks

- People we work with suffer abuse
- Huge reputational risk
- Huge financial risk
- Legal exposure



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

misconduct-disclosure-scheme.org

mds@chsalliance.org