SAFEGUARDING AGAINST SEXUAL HARASSMENT, ABUSE, EXPLOITATION, AND OTHER FORMS OF MISCONDUCT - REPORT FROM THE GOVERNANCE AND ETHICS COMMITTEE

For Decision

Please note: Board papers are deliberative in nature and, in accordance with the GPE Transparency Policy, are not public documents until the Board has considered them at the Board meeting. It is understood that Committees will circulate Board documents among their members prior to the Board meeting for consultation purposes.

1. STRATEGIC PURPOSE

1.1 The purpose of this paper is to request the Board of Directors to consider a range of actions to strengthen GPE’s safeguards against sexual harassment, exploitation, abuse, with special attention to the vulnerabilities of children. The actions also cover other forms of misconduct. The Finance and Risk Committee was also asked to provide input to this paper given its responsibility for Grant Agent minimum standards.

1.2 This paper provides an update on recent actions taken to strengthen the Secretariat’s awareness of the topic and to reinforce its zero tolerance of such behavior. The paper also contains two annexes for consideration by the Board. Annex 1 proposes a code of ethical conduct for GPE governance officials designed to set out expectations of Board and Committee members and outline remedies for dealing with any allegations of misconduct. Annex 2 proposes modifications to GPE’s minimum standards for Grant Agents. These standards make clear that GPE only transfers funds to organizations that have the same zero tolerance for such behavior and have appropriate policies and procedures.

1.3 While this three-pronged approach is designed to cover key institutions of the partnership in terms of the Board and Committees, Secretariat, and Grant Agents, it should not be viewed as an end to actions that GPE should take in this area. The Secretariat will continue to engage with partners and participate in global efforts to share lessons learned, best practice, and encourage the continued raising of standards and their consistent implementation.
## Summary of Governance and Ethics Committee (GEC) Deliberations

- The GEC met to review the recommendations pertaining to GPE’s zero tolerance response to sexual exploitation, harassment and abuse, that includes strengthening safeguards, adding grant agent minimum standards on safeguards, and establishing a Code of Conduct for governance officials;

- The Committee commended the Secretariat for this work and expressed strong support for a continued and strengthened focus on the issue. The Committee suggested, however, that GPE’s response be framed as a proactive action to address the issue of sexual harassment, exploitation and abuse rather than a protection against reputational risk.

- With regards to strengthening safeguards, Committee members noted that greater emphasis should be placed on cognizance of local legislation and regulations, the need for impartial investigation and the obligation to report incidents both internally and to local authorities (where appropriate). Given GPE’s focus on basic education, it was also suggested that specific mention of the vulnerabilities and needs of children be made more explicit.

- Committee members put forward several suggestions to improve the minimum standards on safeguards. It was noted that while the proposed standards state the requirement for clear written safeguarding policies and procedures, in addition to established whistleblowing policy/processes, little detail is given on what these must cover.

- Committee members encouraged the GPE Secretariat to pursue this work and consider the development of an overarching safeguarding policy.

### 2. RECOMMENDATION

2.1 The Board of Directors is requested to consider approval of the following decisions:

**BOD/2018/12-XX–Strengthening Safeguards**: The Board of Directors confirms its commitment to promote, implement, and where needed reinforce efforts to:

1. Ensure a culture of respect and high standards of ethical behavior as enshrined in the GPE Charter and the GPE Code of Conduct;

2. establish and maintain standards aimed at preventing sexual harassment, abuse, and exploitation and other forms of misconduct, with special attention to the vulnerabilities of children;

3. provide a safe and trusted environment for those affected by sexual harassment, abuse and exploitation to step forward to report incidents and concerns, with the assurance that they will be treated respectfully and consistently;
4. provide protection for those affected, as well as whistle-blowers and/or witnesses, and to take appropriate measures against any form of retaliation;
5. maintain robust policy frameworks and clear institutional mechanisms that address how incidents and allegations will be handled should they arise, including internal escalation mechanisms, and cooperation with relevant national authorities where appropriate;
6. support effective training programs so the Secretariat and staff of GPE partners understand the requirements and standards of behavior expected of them.

**BOD/2018/12-XX–GPE Code of Ethical Conduct**: The Board of Directors:
1. Recognizing that the establishment of a Code of Ethical Conduct is good governance practice that will help foster the principles and values of GPE approves the Code of Ethical Conduct as set out in Annex 1 of BOD/2018/12/DOC 09.

**BOD/2018/12-XX–Grant Agent Minimum Standards**: The Board of Directors recognizing the importance of engaging only with organizations that are committed to establishing and maintaining standards aimed at preventing sexual harassment, abuse, and exploitation, and other forms of misconduct:

1. amends GPE’s minimum standards for Grant Agents as set out in Annex 2
2. requests all Grant Agents to confirm to the Secretariat that they meet such standards
3. requests the Secretariat to report to the Finance and Risk Committee (FRC), any instances where Grant Agents fail to confirm that they meet such standards at their next scheduled meeting in April 2019, and for the FRC to consider recommendations to the Board up to and including cancelation of any allocations to such entities.
4. requests the GEC to review the minimum standards with regards to safeguards as needed to ensure alignment with international efforts on the topic.
5. while respecting Grant Agents own policies and procedures, requests prompt notification to the GPE Secretariat of any credible or confirmed incidents of harassment, abuse, or exploitation involving their staff, and/or GPE programs.
6. requests the Secretariat to promptly inform the GEC, and Board on instances that may negatively impact the reputation of GPE.

3. **BACKGROUND**

3.1 GPE has zero tolerance for sexual exploitation and abuse, and GPE partners must commit not to engage in such behavior. Sexual exploitation is understood to mean *any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes,*
including, not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse is understood to mean the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

3.2 GPE further recognizes that to achieve the ambitious goals enshrined in its strategic plan, GPE 2020, in alignment with its core values, it is imperative that (a) staff and other representatives of implementing partners of GPE funded programs have a safe working environment, free from harassment and abuse; and (b) other program beneficiaries are protected from all forms of violence, abuse, or exploitation by staff and other representatives of implementing partners of GPE funded programs.

3.3 Over the last year, there have been high-profile reported cases of child abuse by aid workers. While there are no reported cases of such behavior impacting GPE staff or programs, the increased global attention on child protection and prevention of sexual harassment and exploitation within donor funded programs has prompted GPE along with many other organizations to review the adequacy of its safeguards.

3.4 GPE is aware that a front-footed approach to addressing the issue of sexual exploitation in the aid sector is needed and has taken a set of immediate steps in this regard, namely:

- The GPE Secretariat has increased awareness among its staff at all levels on sexual harassment, exploitation and other forms of abuse. In conjunction with the World Bank, its host, the Secretariat has organized training for all staff on sexual harassment. Additionally, all staff are required to complete mandatory training rolled out by the World Bank, and to comply with the World Bank’s code of conduct which is very clear on zero tolerance to harassment, sexual exploitation, and sexual abuse, and has independent mechanisms for reporting and investigating allegations.

- To ensure that GPE only works with organizations that are equally committed to addressing this issue, a request for information was sent to all GPE Grant Agents in May 2018. The request was for details on their approach to safeguarding including policies that apply to their own staff and/or programs that they supervise/implement such as codes of conduct, or policies covering child protection, and/or violence within schools, along with procedures for managing allegations relating to their own staff or programs they implement/supervise.

- The Secretariat has also proposed a code of ethical conduct that would apply to GPE governance officials recognizing that this is best practice, and a current gap in policy.
4. CODE OF ETHICAL CONDUCT FOR GOVERNANCE OFFICIALS

4.1 The need for a Code of Ethical Conduct “Code” in GPE has always existed, given that such a code is an element of good governance for any organization. The Code (Annex 1) will complement existing GPE policies informing the conduct of Board and Committee members in the areas of conflict of interest, information disclosure and misuse of funds. As with current policies, the Code will provide internal guidance to all Governance Officials and serve as an external statement of values and commitments of the partnership as a whole.

4.2 In preparing the Code, the GPE Secretariat has reviewed similar policies of international partnerships involved in public health, namely the Global Fund to Fight AIDS, Tuberculosis and Malaria, the GAVI Alliance and UNITAID, to examine their practices. The proposed Code is informed by these policies, and by the World Bank’s Board Code of Conduct, and speaks to GPE foundational documents and policies such as the GPE Charter, the Conflict of Interest policy and misuse of funds policy, along with efforts described in this paper to address sexual harassment, exploitation, abuse, and other forms of misconduct.

4.3 If approved by the Board, the GPE Secretariat will post the document on the GPE website. The Code will be implemented in accordance with its terms. The GPE Secretariat will also distribute a copy to all existing Governance Officials for their signature, and it will become part of the orientation process for new members.

4.4 For delegates participating in GPE Secretariat organized events other than Governance officials, the Secretariat will include on the event registration site, the relevant values and expected behaviors from the Code that would be applicable to participating delegates, and request participants to acknowledge that they will abide by these values and behaviors in all matters related to and during the course of the event.

4.5 The GPE Secretariat will identify, in cooperation with the Ethics and Business Conduct Department of the World Bank, an Ethics Officer who will assist the GEC and the GEC Chair in the application of this Code. The GEC will be requested to approve the nomination of the Ethics Officer.

4.6 A dedicated email address ethics@globalpartnership.org will be created for all correspondence of Governance Officials on ethics issues, and for reporting possible violations of the Code. The Ethics Officer and individuals assisting the Ethics Officer will have access to the mailbox. The GPE Secretariat and Governance Officials will not have access.
4.7 The Ethics Officer may attend the Board meetings and GEC meetings from time to time. The total workload of the Ethics Officer is expected to be between 15 and 25 days per year.

5. **OVERVIEW OF GRANT AGENTS’ POLICIES AND PROCEDURES**

5.1 A review of GPE Grant Agents’ responses to the Secretariat’s enquiry has shown that many of them have safeguarding policies in place which are applicable to their own staff, their representatives (such as volunteers, interns and trainees) and staff and representatives of partner agencies, or any other individuals, groups or organizations with a formal/contractual relationship with the Grant Agent.

5.2 In most cases, Grant Agents have described the safeguarding procedures in place including, but not limited to, screening during hiring and procurement processes, awareness creation, reporting mechanisms, and management of incidents.

5.3 Resources devoted to handling reported incidents vary across Grant Agents, ranging from individual staff or units within the organization to independent third parties engaged to handle reported incidents. The Grant Agent policies availed to the Secretariat are either silent on disclosure of incidents or prohibit disclosure unless specified approvals have been obtained. Where disclosure is prohibited, the main reason assigned is the protection of the identity of children and other victims.

5.4 While not exhaustive in scope, the review of Grant Agents’ safeguards policies and procedures has provided a good basis for establishing GPE minimum standards on safeguards, as included in Annex 2.

5.5 Once the minimum standards on safeguards have been approved by the Board of Directors, the GPE Secretariat will (a) update the Terms of reference for Grant Agents and post it on the GPE website; (b) inform all current Grant Agents and requests each of them to confirm to the GPE Secretariat that they meet GPE’s minimum standards on safeguards; and (c) update existing tools for tools for assessment of newly selected GPE Grant Agents.

6. **RESOURCE IMPLICATIONS**

6.1 The implementation of the minimum standards on safeguards can be absorbed into the current work program without significant additional cost.

6.2 The implementation of the Code of Ethical Conduct will be limited to 15-25 days of staff time from the World Bank’s Ethics and Business Conduct to be charged to the GPE Operating
Expenses budget. In the event of an allegation under the Code, the Ethics Officer will advise the Governance and Ethics Committee on the allegation, and any related consequences, and, when necessary, might call on additional ethics experts with the agreement of the GEC Chair and the GPE CEO which may entail additional costs.

7. **PLEASE CONTACT:** Padraig Power at ppower@globalpartnership.org for further information.
ANNEX 1

GPE Code of Ethical Conduct for Governance Officials
Effective – (Upon Approval)

Purpose and Application

The purpose of this Code is to ensure a clear, achievable and relevant standard of ethical conduct for the activities and decision-making of members of the Board of Directors and its Standing Committees, as a good practice that will help protect GPE’s reputation and integrity and ensure broad public trust and confidence in its operations.

This Code should be interpreted to be consistent with other GPE policies. It is not designed to be an all-inclusive rubric for ethical behavior, but instead provides a framework that serves to structure understanding and increase awareness. Governance Officials are therefore expected to conduct themselves according to both the language and spirit of this Code. Abiding by this Code, does not relieve Governance Officials from abiding by other Codes that they have professionally committed to.

The Code is also designed to help inform the expected behavior of GPE Partner Focal Points and GPE funded delegates during their participation in GPE activities (e.g. GPE branded meetings and events arranged by the Secretariat) and during their interaction with fellow Governance Officials and members of the Secretariat.

While the conduct of staff of the GPE Secretariat is subject to the rules of the World Bank Group including its own Code of Conduct, the behavior and standards expected of the GPE Secretariat is informed by this Code. Any allegations of misconduct against staff of the GPE Secretariat may be reported confidentially to the Ethics and Business Conduct Department. Staff are expected to abide by the Core Values of Impact, Integrity, Respect, Teamwork and Innovation, and Governance Officials are encouraged to uphold such values as well.

For the application of this Code, the GPE Governance and Ethics Committee will designate an Ethics Officer who will be independent from the GPE Secretariat. The Ethics Officer may be invited to attend the deliberations of the Governance and Ethics Committee (GEC) and Board to address any ethical issue.

Principle

Perhaps even more than in other areas, ethics is fundamental to education. It forms the basis for universal access to education, to inclusive education, and gender equality. It supports the priority given to the most vulnerable, such as the children with disabilities or those living in a region of war and conflict. Sharing knowledge, developing effectiveness of processes and objectively evaluating outcomes are also all part of the ethics of an organization. In other words, ethical conducts and decision-making area hallmark of GPE and applies to all those involved in the operations and governance of the partnership. Those involved in the governance of GPE have a greater obligation to embody the partnership’s core ethical values; as primary representatives of GPE, they set an example for the rest of the partnership. This obligation applies even more strongly to Board and Committee leadership, who are responsible to sustain high standards of ethical behavior.
Core Ethical Values and Expected Conduct

a. Integrity

Integrity applies to GPE’s decision-making processes. Working with integrity involves demonstrating transparency, impartiality, fairness and truthfulness. In order to demonstrate integrity, all individuals entrusted with GPE resources must act without bias. As part of this responsibility, and in compliance with the GPE Conflict of Interest Policy, Governance Officials are required to:

- Sign the conflict of interest form upon nomination as well as inform the GPE Secretariat of any subsequent events that could possibly create a real, perceived or potential conflict of interest;
- Inform the Chair of the meeting or the [Chair of the] Governance and Ethics Committee, as applicable, in situations where their professionally-affiliated organization could be affected financially by GPE governance deliberations or decision-making;
- Inform the Chair of the meeting or the [Chair of the] Governance and Ethics Committee, as applicable, if GPE governance deliberations or decision-making could directly affect their own personal interests, including those of his or her family members.
- Comply with mitigating actions determined by the Governance and Ethics Committee (the “GEC”) and/or Board/Committee Chair in response to actual, potential or perceived conflict of interest.

In addition, in compliance with this Code, Governance officials are expected to:

- Inform the Chair of the Governance and Ethics Committee (GEC) or the Ethics Officer if they are involved in a situation that is counter to the expressed values of the Partnership and the provisions of this Code and might expose GPE to reputational risk (e.g. allegations concerning the official or ongoing disciplinary or legal actions regarding any forms of misuse or misconduct), and to consider in the best interests of GPE, the appropriateness of remaining as a Governance official in such circumstances. The Chair of the GEC may directly inform the GPE CEO, and Board Chair/Vice Chair, whenever relevant, or ask the Ethics Officer to do so.
- Duly report any incident of ethical misconduct to the Chair of the Governance and Ethics Committee (GEC) or the Ethics Officer, where appropriate.
- Act in the best interest of GPE when participating in decision-making processes;
- Not intimidate or exert undue pressure on Secretariat staff or other Governance Officials to influence policy development, or financial, operational or administrative decisions. Staff are expected to inform the GPE CEO of such situations, and Governance Officials shall inform the Chair of the GEC.
- Not abuse one’s position with GPE to advance their own personal interests, financial or otherwise, or the personal interests of other individuals. Staff and Governance Officials can report such situations to the GPE Ethics Officer who will, when possible, resolve the issue with the Governance Officials concerned, and will inform the Chair of the GEC of relevant and significant cases.
• Actively discourage giving or receiving gifts or favors of value exceeding $50, related to their position with the Board, or receiving through their position with the Board, any hospitality that is not necessary to the performance of Board duties (including duties emanating from Standing Committees). They can contact the Ethics Officer for advice on such matters.

b. Duty of Care

The duty of care represents the obligation for Governance Officials to operate in the best interest of GPE. This requires Governance Officials to perform their responsibilities in a way that is aligned with and serves GPE’s mission, objectives, priorities and values. For Board and Committee Members, acting in the best interest of GPE is a critical part of their fiduciary responsibility as stewards of GPE resources, and their accountability over the use of these resources.

While Governance Official’s responsibilities to constituencies and their own organizations are to be respected, they are expected to work in the best interests of GPE and to seek advice from the Chair of the GEC or the Ethics Officer where the constituency requirements are in actual or perceived conflict with the interests of GPE. Governance Officials are expected to act with an understanding that GPE’s direction is shaped by incorporating and balancing varying constituency interests. Governance Officials are expected to abstain from taking part in the GPE decision-making process when their obligations to their organizations or constituency, or their own private interests, puts them in direct conflict with the best interest of GPE.

c. Accountability

Accountability is taking responsibility for one’s conduct and decisions. Governance Officials are expected to demonstrate accountability which requires them to:

• Practice and promote full compliance with restrictions around confidential or sensitive documents or deliberations, in accordance with pertinent GPE policies including those related to misuse of funds.

• Share documents with one’s constituency in order to achieve better-informed decision-making, with the exception of documents identified by the Board or the GPE Secretariat as confidential; and

• Embody GPE’s values [of inclusiveness, respect and non-discrimination] in all GPE-related settings, including field visits, advocacy events and governance meetings.

d. Courtesy and Respect

In interactions with fellow Governance Official and GPE Secretariat staff, Governance Officials also have the responsibility to maintain an enabling environment guided by mutual respect. Governance Officials are expected to:

• Act on the basis of equity and non-discrimination when engaging with organizations and individuals across the Partnership, without any form of harassment;

• Practice and promote respectful deliberations, decision-making and social interaction in all GPE settings;
• Treat fellow Governance Officials and GPE staff with courtesy and respect, without threat, harassment of any kind (including sexual harassment), or physical or verbal abuse, and not exert undue influence on their activities.

**e. Sexual exploitation and sexual abuse;**

The Global Partnership for Education has zero tolerance for sexual exploitation and sexual abuse, and Governance Officials of GPE must commit not to engage in such behavior.

For purposes of this code - *sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.*

For the purposes of this code - *sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.*

In the interests of avoiding any perception of exploitation, abuse, and to protect the reputation of GPE, Governance Officials even if fully consensual, should not date, be romantically involved with, or engage in sexual relations with members of the GPE Secretariat.

**Compliance with the Code**

• The Code of Conduct will be publicly available on the GPE Website

• All Governance Officials shall be made aware of the Code of Conduct, it will be incorporated into relevant induction material, and all Governance Officials must sign their commitment to the Code.

• Governance Officials who have questions regarding the interpretation of the Code or how a specific situation relates to the Code may request the advice of the Ethics Officer who shall respond promptly. They may do so, in particular, by writing to ethics@globalpartnership.org

**Reporting Potential Ethical Misconduct**

• Participants to GPE activities who suspect, or may be aware of, violations of this Code of Ethical Conduct should bring them to the attention of the GPE Ethics Officer who will inform the Chair of the GEC of all relevant cases. The Ethics Officer will also inform the CEO and Deputy CEO of any allegation that may entail a reputation risk for GPE. Allegations related to individuals who are no longer Governance Officials shall not be reviewed by the GEC.

• GPE will not tolerate retaliation against anyone who in good faith raises a concern or reports misconduct. However, knowingly reporting false information is contrary to this Code, and Governance Officials who do so may face consequences as set out in this Code, while Secretariat staff may be subject to disciplinary action per World Bank staff rules.
Process for Addressing Ethical Misconduct

- For instances requiring immediate clarification or action with respect to the code (e.g. concerns raised regarding the behavior of a participant during an ongoing meeting), the Ethics Officer or, in case of unavailability of the Ethics Officer, a member of the GPE Secretariat Management Team present may issue a verbal clarification or instruction to the concerned parties to address the matter. The matter if not resolved satisfactorily may then be referred to the GEC for formal review.

- For instances involving a formal allegation of ethical misconduct by Governance Officials, including Board/Committee Leadership, the matter will be reviewed and addressed by the Governance and Ethics Committee, with the support of the Ethics Officer who may call on additional ethics experts with the agreement of the GEC Chair and the GPE CEO. Should the allegation of misconduct concern a member of the GEC, including Committee Leadership, the concerned individual will recuse him/herself from the Committee’s deliberations and decision on the matter.

- The assessment of potential ethical misconduct will reflect due process and will be conducted on a strictly confidential basis. In particular, whether a case is examined by GEC and the outcome of the deliberations of GEC on ethical violations shall not be communicated to individuals who have reported alleged violations. Incidents of ethical misconduct may be reported to local authorities, where appropriate.

Potential Consequences of Ethical Misconduct

- If a Governance Official takes any action that is not consistent with the principles or the standards of behavior reflected by this Code, GPE has the responsibility to act to address the matter. Remedial actions will be determined on a case-by-case basis, but may include the following:

  a. **Formal Reprimand.** A reprimand in the form of an official letter to the concerned Governance Official and his/her constituency.

  b. **Conditional Removal.** Removal from GPE governance operations, at both the Board and Committee level, and/or participation in GPE arranged events until certain conditions are satisfied, which may include addressing the concerned ethical issue.

  c. **Indefinite Removal.** Permanent removal from Global Partnership for Education governance operations, at the Board and Committee level, and/or participation in GPE arranged events.

- The remedial action imposed by GPE is recommended by the GEC, in consultation with the Ethics Officer, to the Board and the Board will vote on the GEC proposal.

Accountability to the Board

- The GEC will review the application of the code at least once a year, and update the Board on application of the code as and when necessary.
## ANNEX 2: MINIMUM STANDARDS ON SAFEGUARDS

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<th>Minimum standard</th>
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<td><strong>1.1 Safeguards policies and procedures</strong></td>
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| The entity can demonstrate existence of policies and procedures for the protection of staff and program beneficiaries from all forms of harassment, abuse, exploitation, and other forms of misconduct. | - The entity has clear written policies and procedures regarding safeguarding of children, staff and other beneficiaries of donor funded programs and it is implementing/monitoring the implementation of these policies. These policies may include a code of conduct, standards of behavior, recruitment and procurement procedures that embed safeguarding checks as part of selection process and a whistleblower policy;  
  - The scope of safeguarding policies covers the entity’s staff, its representatives, staff of partner organizations and vendors implementing activities on behalf of the entity.  
  - There are mechanisms for ongoing awareness creation on requirements of safeguarding policies.  
  - The entity has publicly available avenues to confidentially report incidents of abuse, violence or exploitation. Reporting channels should be accessible to facilitate reporting by victims, including children, and whistleblowers.  
  - The entity has the ability to ensure independent and objective investigation of reported incidents of abuse, violence or exploitation.  
  - There are mechanisms for regular review and monitor the implementation of safeguarding policies and practices to inform continuous improvement. |
| **1.2 Protection of victims and whistleblowers** | |
| The entity protects individuals from retaliation due to providing information in relation to incidents of abuse, violence, and exploitation. | - The entity has policies and procedures in place to protect victims and whistleblowers from retaliation. |