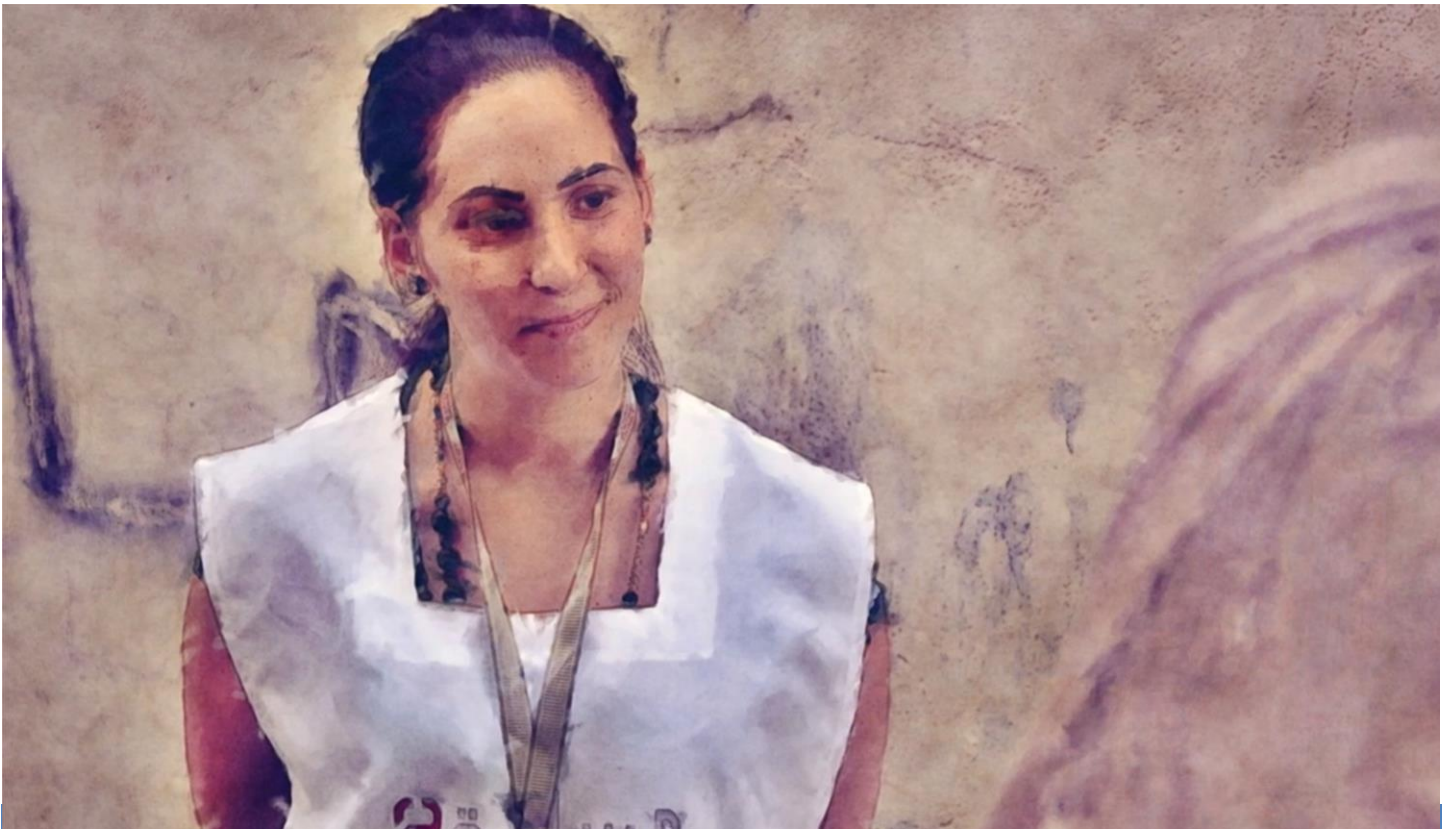


# DRC CODE OF CONDUCT REPORTING MECHANISM ANNUAL REPORT 2020

---



DANISH REFUGEE COUNCIL

APRIL 2021

# DRC CODE OF CONDUCT REPORTING MECHANISM

## ANNUAL REPORT 2020

### CONTENTS

1. EXECUTIVE SUMMARY .....	3
2. INTRODUCTION .....	4
3. KEY ACHIEVEMENTS .....	6
3.1. General observations .....	6
3.2. Survivor-centred approach in Code of Conduct report-handling mechanisms .....	8
4. NOTES ON THE DATA .....	9
5. DATA ANALYSIS.....	12
5.1. General Observations .....	12
5.2. Number of Reports of Suspected Misconduct by Country and Region.....	14
5.3. Who is Reporting?.....	16
5.4. Who are the Subjects? .....	16
5.5. Subject Gender .....	17
5.6. Types of Suspected Misconduct.....	17
5.7. Intake Committee Response .....	22
5.8. Investigation Outcomes & Substantiation Rate.....	23
5.9. Case Closure Times .....	24
5.10. Losses .....	25
6. CAPACITY SITUATION.....	27
7. SUMMARY OF KEY FINDINGS IN THE DATA .....	27
8. LESSONS LEARNED .....	28
9. RECOMMENDATIONS .....	29

## 1. EXECUTIVE SUMMARY

The Danish Refugee Council (DRC) is hereby happy to present its Code of Conduct Reporting Mechanism (CoCRM) Annual Report 2020. The report has been produced by HQ's Code of Conduct Team and endorsed by DRC's Executive Committee. The report is organised into nine sections, including this Executive Summary, Section 1.

Section 2 offers an introduction to the report. It describes the Code of Conduct and CoCRM together as forming a cornerstone of DRC's commitment to accountability and integrity. The section goes on to outline the scope of the report and some of the terminology employed.

Section 3 details a few key achievements over the course of 2020 in relation to the Code of Conduct and CoCRM, such as: 1) Engagement with communities, beneficiaries, staff and other stakeholders about the right and opportunity to report resulting in an increased number of reports, 2) the important, continued focus on transparency around Code of Conduct complaints via the external Dashboard, 3) a much stronger organisational awareness raising and outreach to new staff member and managers via mandatory on-line training, 4) Covid19 Guidelines to keep the Code of Conduct system fully functioning, 5) Development of Code of Conduct Risk Register, 6) much stronger focus on donor reporting and GDPR.

Section 4 offers a few notes on the data before the report presents this data itself. Data presented in the report is based on a "snapshot" of the online CoCRM database as of 15 March 2021. The data was extracted from the database following a brief data quality assurance process. Amongst other challenges, numerous issues related to gaps in, and accuracy of the data remain from previous years. The use of NAVEX benchmarks against which DRC tracks its performance within certain areas related to the CoCRM is also presented in Section 4.<sup>1</sup>

Section 5 is organised into ten sub-sections and presents numerous data tables and analyses thereof. Both the volume of reports per 100 employees (up to 5.8 from 5.2) and the overall number of reports received (522 up from 444) have increased in 2020 compared to 2019. The increase in the number of reports of suspected misconduct (RSMs) that DRC witnessed in last year's report thus continued over 2020, with an overall increase of 17.5% and respective increases of 9% at the Gate A (Field) level and 16%<sup>2</sup> at Gate B (HQ) level.<sup>3</sup> DRC interprets this as a sign of increased awareness both inside and outside the organisation about the standards of behaviour demanded of DRC staff, as well as the overall increased maturity of the CoCRM anchored in a strong tone at the top.

---

<sup>1</sup> The benchmark is against 2019 figures from the NAVEX 2020 Report.

<sup>2</sup> Note that app. 30 RSMs have been referred from Gate B to the CoCRM systems at Gate A and Gate A+ after Intake assessment at Gate B.

<sup>3</sup> The Global Code of Conduct Team, based at DRC's Headquarters (HQ) in Copenhagen, Denmark, is responsible for the receipt and processing of RSMs at the global level. This team is referred to as the "Gate B Team" throughout the report. Code of Conduct Teams at the Country level are referred to as "Gate A Teams" and Code of Conduct Teams at Regional level are referred to as "Gate A+ Teams".

The capacity situation in relation to the CoCRM's ability to address the number of RSMs received at this level is described in Section 6, whereas Section 7 presents the report's key findings based on Sections 4-6.

Section 8 presents several key lessons learned based on DRC's work related to its the Code of Conduct and CoCRM over the course of 2020. Inspired by these and other lessons learned, Section 9 lists numerous recommendations for CoCRM-related work in DRC over the course of 2021 and beyond.



## 2. INTRODUCTION

### **A Cornerstone of Accountability and Integrity**

The Danish Refugee Council (DRC) has had a Code of Conduct since 2007, and a Code of Conduct Reporting Mechanism (CoCRM) for International Operations since 2012. Together, they form a cornerstone of DRC's commitment to accountability and integrity. The Code of Conduct and CoCRM apply to all staff, volunteers, incentive workers and similar staff members in DRC's International Operations. DRC's implementing partners are required to abide by the Code of Conduct when working on DRC's behalf, or to have and employ their own that either meets or exceeds DRC's. Anyone, be they an internal or external stakeholder of DRC's work, can submit a complaint or report a suspicion of misconduct via the CoCRM.

To ensure organisational capacity to manage suspected irregularities and support whistleblower functions, each CoCRM level (Country, Regional, HQ) is required to have the following roles:

- A Code of Conduct Focal Point;
- A Registrar to register all RSMs;
- An Intake Committee (composed of three to six staff) to review reports of suspected misconduct (RSMs) and decide on an appropriate response;
- An Authorising Officer (AO) to authorise and manage investigations; and
- Trained investigator(s); at HQ level there is a pool of trained and experienced investigators, including six Core Humanitarian Standard (CHS) approved; DRC will also draw on external expert administrative investigation capacities when necessary.

The process for making complaints is made clear to all staff as part of onboarding process. Information about how to report and the subsequent process is readily accessible to all staff – by consulting the [CoCRM Operations Handbook \(sharepoint.com\)](#) or DRC’s webpage [DRC | Code of Conduct](#) online resources where new mandatory Code of Conduct training packages are also available – and advice is available from managers and specialists at HQ. Any staff member that makes an RSM is explicitly advised at the start of the process that they are entitled to protection against retaliatory action. DRC will duly pursue all claims of retaliation. If a complaint concerns an individual involved in DRC’s CoCRM, staff are advised to report their concerns to the CoCRM level above the level implicated.

The CoCRM is based on values and guidelines that conform to the core principles of administrative investigations conducted by international humanitarian organisations. Core principles include the:

- Right to due process;
- Right to confidentiality;
- Right to protection against retaliation;
- Right to notification of status; and
- Right to respond to an RSM.

The CoCRM has been designed in a manner that provides for maximum independence by assuring a proper segregation of roles and responsibilities. This also implies that affected management will not in any way be part of running an investigation, and that relevant, non-affected senior management that will take the formal decision on possible disciplinary action has not been involved in the actual investigation.

DRC staff are contractually bound and trained to report any suspicions of misconduct by DRC staff, implementing partners, or other actors related to DRC’s mandate, including the staff of other NGOs and donors. As noted above, however, anyone can submit an RSM via the CoCRM. As such, the CoCRM serves to function both as DRC’s internal whistle-blower system and as a reporting mechanism to which RSMs from external stakeholders, including beneficiaries, are channelled and handled according to robust due process procedures.

## **Scope and Limitations**

This CoCRM Annual Report 2020 does not provide descriptions or analyses at the level of individual complaints, cases or regions, nor will it normally address country-specific data.

Rather, the focus is at the global aggregate level or according to the split between RSMs handled by the HQ Gate B Team and those handled by Gate A and Gate A+ Teams in the Field.

## Terminology

The report generally uses the term “*report of suspected misconduct*” (RSM) to describe what might otherwise be called a “*complaint*” or “*report*.” These three terms are used interchangeably in the report.

Please note that any given RSM may relate to one or more individuals suspected of misconduct, i.e. “*subjects*.” Each subject of an RSM has a respective case assigned to them. Consequently, for the total number of RSMs received in 2020 and the total number of subjects/cases in 2020, the latter exceeds the former.<sup>4</sup> Similarly, an RSM can also concern multiple types of suspected misconduct, which explains why the total number of subjects/cases is exceeded by the total number of types of misconduct reported.<sup>5</sup>

The Code of Conduct Team based at DRC’s Headquarters (HQ) in Copenhagen, Denmark, is responsible for the receipt and processing of RSMs at the HQ level that relate to DRC’s International Operations. This team is referred to as the “*Gate B Team*” throughout the report. Code of Conduct Teams at Country and Regional levels are referred to as “*Gate A and Gate A+ Teams*.”

Similarly, RSMs received, and cases handled by the Gate B Team fall under the category “*Gate B*”, whereas those received and handled by Gate A Teams at Country and Gate A+ Teams at Regional levels fall under the category “*Gate A*” and “*Gate A+*” in the data tables and analyses below.

The terms “*beneficiaries*” and “*people of concern*” are used interchangeably in this report.

## 3. KEY ACHIEVEMENTS

### 3.1. General observations

1. The number of reports continues to rise, and this can be interpreted as a sign that some Country Operations are becoming more effective at communicating the right and opportunity to report to beneficiaries, staff and other stakeholders. It also suggests evidence of a global trend observed by DRC and other organisations that people are generally more aware of the standards of behaviour they can expect from humanitarian organisations and their rights and access options to voice concerns if those standards are not met. However, the actual number of reports from beneficiaries are still very low in comparison with the number of beneficiaries we assist.

<sup>4</sup> Cf. Tables 2-4 & 6 with Table 7 below.

<sup>5</sup> Cf. Tables 7-8 with Table 9 below.

2. A monthly updated dashboard with key statistics on the CoCRM continues to be available on the DRC website (see the [online dashboard](https://gms.drc.dk/viz/coc/), <https://gms.drc.dk/viz/coc/>). This dashboard allows external stakeholders and the general public to follow the development on some key CoCRM indicators over the years. Furthermore, minor but important adjustments were made to the CoCRM database which have made it easier to track and extract certain information related to complaints and cases.
3. A stronger organisational focus has been achieved beyond the management and staff directly involved in complaint and case handling processes, using training and awareness-raising sessions for new staff members. The roll out in 2020 of several mandatory online training packages for new staff members and managers, including training packages for Face-2-Face training at field level (rolled out in in 2019) has had a great impact on the understanding of the Code of Conduct Reporting Mechanism and the obligations for staff to live up to the standards of behaviour demanded by DRC's Code of Conduct. As of 30<sup>th</sup> March 2021, 4.628 staff and managers have taken the mandatory Code of Conduct Induction Course (3220 staff have taken the English Code of Conduct Introduction Course, 608 have taken the French Code of Conduct Induction Course, 256 have taken the Arabic Code of Conduct Induction Course, 513 managers have taken the English Management Code of Conduct Induction Course and 31 managers have taken the French Management Induction Course).
4. Following the outbreak of the COVID 19 crisis, the Gate B team focused on taking steps to keep the Code of Conduct Reporting Mechanism as fully functional as possible. The Gate B team issued guidelines to all operations with recommendations to help the CoCRM to continue to function whilst adapting to Covid restrictions in all of DRC's operations. The Code of Conduct Team at gate B also met all the Country and Regional Operations to underline the need to ensure DRC's CoCRM continued to function despite Covid constraints on the capacity to investigate complaints. The County Operations were advised if necessary, to adapt to the situation by having remote Intake Committee meetings, conducting remote investigations and to continue to register complaints, to assess complaint, and to investigate complaints to the extent possible. This was achieved without compromising DRC Code of Conduct guidelines, procedures, and core principles such as confidentiality, impartiality, fairness, and due process.
5. The Code of Conduct Team has developed a CoCRM Risk Register, which maps the degree of implementation of the reporting mechanism at all gates (at HQ, Regional and Country levels). The CoCRM Risk Register is shared every month with relevant staff and managers in DRC.
6. Internationally DRC has actively participated in the CHS Maintenance Audit, the ECHO Ex Ante Audit and the UNICEF PSEA Assessment. The Code of Conduct Team Gate B helped organised and participated in an Investigation of sexual exploitation and abuse (SEA) course arranged by OSACO. In Denmark, DRC has been active in the Safeguarding Network managed by Global Focus.
7. The Code of Conduct Team Gate B provided technical support to DRC's CHS focal point and the MEAL unit to prepare a framework of DRC's broader approach to stakeholder

participation in relation to the design, implementation, monitoring and evaluation of its Feedback and Complaints Response Mechanism (F-CRM) for operational and programmatic complaints and CoCRM.

8. Triggered by the Oxfam scandal of 2018, DRC has experienced unprecedented levels of scrutiny from Donors with regard to DRC's contractual obligations to report to suspected misconduct to effected donors. The bigger Donors (ECHO, FCDO/DFID and USAID) rightly take this issue incredibly seriously, particularly reports of SEA. The Gate B Team have been deeply involved in the preparation of donor reports and dealing with detailed donor follow up. This is important but time-consuming work for the Team who have responded in a professional and comprehensive manner together with senior management at HQ, region and field level.
9. Living up to the new GDPR regulations have been on the agenda for not only the Code of Conduct Team, but also for HR and the Legal advisors in HQ trying to get a deeper understanding and being able to apply it also because we are working with third party actors (US, UN) where GDPR does not apply. Donors often requests personal data that potential put DRC in danger of breaching GDPR regulations. The work to agree on what could be shared will continue in the coming years.
10. As a final remark the Covid-19 has demonstrated that there is a unique opportunity to enhance the communication, training, and cooperation with CoC staff in the international operations via online platforms. This opportunity has already and will continue to lead to a profound and positive change in the way we work.

### 3.2. Survivor-centred approach in Code of Conduct report-handling mechanisms

In 2019 a Safeguarding and Child Safeguarding Policy was developed together with HR and rolled out as a component of the increased focus on Safeguarding. The Safeguarding Policies are de facto DRCs PSEA Policies, and it is also the umbrella for a survivor centred approach, which is a crucial element of safeguarding. Based on the Survivor-centred Research Paper prepared by an EU volunteer in 2019, the Code of Conduct Team Gate B has applied the core principles of the Survivor-centred approach into the daily work in 2020. The elements applied are:

- Safety. The safety and security of the survivor is the number one priority. Survivors have a right to information about the process, which we always ensure. Safety and protection from reprisals, harassment and retaliation are taking into account, but DRC is challenged by reality of actually providing such protection, which is the case for other organisation as well. This is an area where DRC needs to improve, but nobody can realistically ensure safety and protection for survivors outside of DRCs influence and responsibility.
- Do no harm. **No action should be taken that would worsen the situation of a survivor of SEA or SEAH**, which means that we sometimes must stop an investigation if it would worsen the situation.



- Respect. Survivors’ perspectives and wishes (self-determination) and best interests are taken into account for all actions.
- Survivors are treated with empathy, dignity and respect throughout the process, demonstrating **belief and trust**, whilst at the same time applying due process principles of neutrality and objectivity.
- Confidentiality. Survivors have a right to privacy and confidentiality, so that **information is not disclosed without informed consent**, ensuring that issues will be handled in confidence in every aspect of case handling.
- Non-discrimination. Equal and fair treatment to anyone in need of help due to a SEA incident. No limitations on who reports or when they report. An individual can report a concern or incident at any time after it happens. Everyone is able and encouraged to report.
- Investigations need to be timely, professional and **timebound at each stage**. The team has not applied the timebound principle in the SEA cases, because conducting a professional and timely investigation is more important than living up to a strict timeframe.



## 4. NOTES ON THE DATA

The data used in this report is based on an extract from DRC’s online CoCRM database following a brief data quality assurance process. All data in the report is based on data entries by CoCRM Registrars in relation to RSMs received by DRC in 2020 between 1 January 2020 and a cut-off date of in March 2021. The data presented herein reflects a “snapshot” of the data in the CoCRM database as of 15 March 2021. Consequently, the data here may differ from that shown on DRC’s public [online dashboard](https://gms.drc.dk/viz/coc) (gms.drc.dk/viz/coc) that provides an overview of certain elements of CoCRM-related data.

The challenges with the online CoCRM database in terms of data quality and structure identified in previous years CoCRM Annual Reports remain. The data is regularly revised and updated on the online database, and interpretation of the data fields by the Registrars entering the data is not always consistent. Accordingly, any conclusions one may draw from the data should be understood as tentative, open to potential change and correction, and treated with caution rather than as representing firm facts.

The analysis of data in the report is, for the most part, done at the level of receipt of RSMs and resulting cases, and not solely in relation to data from cases where the suspected misconduct has been substantiated (proven). This reflects a conscious decision based on the fact that the CoCRM functions first and foremost as a channel to ensure that staff, persons of concern and other stakeholders can report suspected misconduct to DRC in a safe, accessible, confidential and trusted manner. Furthermore, the decision reflects the position that the CoCRM must follow due process; the focus is thus primarily on process rather than its outcomes. As such, the report primarily provides insight into: 1) suspected or perceived misconduct, rather than what actual misconduct may have taken place – this is compounded by the fact that the report contains data in relation to both closed *and* still open, ongoing complaints and case handling from 2020; 2) the ability of the CoCRM to function as an effective channel for stakeholders' grievances and complaints; and 3) the organisation's ability to respond appropriately.

## Benchmarks

The CoCRM Annual Report 2016 introduced the use of global benchmarks to measure the effectiveness and performance of DRC's CoCRM. The benchmarks are retrieved from NAVEX Global.<sup>6</sup>

The benchmark variables selected for this year's report are:

- 1) Report volume per 100 employees
- 2) Increase in overall reporting
- 3) Overall substantiation rate for investigated RSMs
- 4) Case closure time for a report.

DRC's performance in relation to these benchmarks is presented in *Table 1* below. More detailed analyses of DRC's performance against these benchmarks are offered in various sections of this report. The following analysis is based on NOVAX 2020 Report which provides data for 2019. NOVAX has not produced any data for 2020.

---

<sup>6</sup> NAVEX is a commercial, global IT solution to support, among other things, the tracking of reporting to ethics hotlines. Please see <https://www.NAVEXglobal.com/en-us/resources/benchmarking-reports/2018-hotline-incident-management-benchmark-report?RCAssetNumber=3309> for more information about the benchmarks selected for this report..

Table 1

Benchmark	NAVEX 2019	DRC 2019	DRC 2020
Report volume per 100 employees <sup>7</sup>	Average: 3.4 <sup>8</sup>	Average: 5.3 <sup>9</sup>	Average: 5.8
Increase in overall reporting	56% <sup>10</sup> since 2010	134% since 2016 / 23% since 2018 <sup>11</sup>	17.5 % since 2019
Overall substantiation rate	43%	34% <sup>12</sup>	30%
Case closure time	Average: 66	Average: 82 <sup>13</sup>	Average: 64

### Benchmark 1: Report volume per 100 employees

The NAVEX 2020 report calculated the average reports per 100 employees for 2018 and 2019 and found in 2018 an average of 3.0 reports per 100 employees and in 2019 that average grew to 3.4 reports. The NAVEX *median*<sup>14</sup> remained stable at 1.4 reports per 100 employees.

DRC’s report volume per 100 employees of 5.8 for 2020 represents a continuation of the trend upward that has been observed every year since 2016.

The increased level of reporting in DRC year-on-year may be attributed to a number of possible trends:

- Increased management tone at the top;
- Maturing Code of Conduct and CoCRM setups supported by ongoing awareness-raising and training mean more employees recognise the need to report suspected misconduct and know how to do so;
- Employee confidence that reporting will make a difference in the organisation;
- More media attention including the MeToo movement – and therefore employee and stakeholder awareness of –rights, whistle-blower protections, lawsuits and awards;
- Greater awareness amongst people and communities of concern about the standards of behaviour demanded of DRC staff, how to report, as well as increased trust in the reporting system.

<sup>7</sup> DRC’s “irregular workers” (incentive workers, volunteers, casual workers and similar) are not counted as employees when calculating report volume. This approach may need revision as irregular workers are subject to DRC’s code of conduct and DRC employs thousands (data on numbers unavailable) of irregular workers. If irregular workers were included the volume per 100 would be significantly impacted.

<sup>8</sup> Note that NAVEX includes policy enquiries as well for this benchmark, whereas DRC does not. The calculation for 2020 is 522 RSMs / 8,948 staff members (as of 30<sup>th</sup> March 2020) \* 100 = 5.8. It is also important to note that staff figures

<sup>9</sup> This figure was 2.9 for 2016, 3.2 for 2017, 5.2 for 2018, 5.3 for 2019 and 5.8 for 2020.

<sup>10</sup> Navex 2020 report did not update this percentage. Accordingly this data is from the 2019 report.

<sup>11</sup> See Table 2 below.

<sup>12</sup> The NAVEX method and DRC divides “the number of overall investigation reports that are...substantiated by the total number of reports that were closed as substantiated...and unsubstantiated.”.

<sup>13</sup> See Table 14 on page 22 below.

<sup>14</sup> The median is distinct from the average. It is the value separating the higher half of a data set or a probability distribution, from the lower half. For a data set, the median may be thought of as the “middle” value. The median denotes or relates to a value or quantity lying at the midpoint of a frequency distribution of observed values or quantities, such that there is an equal probability of falling above or below it.

Observations related to DRC’s substantiation rate and average case closure time for complaints and resulting cases are offered below in Sections 5.8 and 5.9 below.

**Benchmark 2: Increase in overall reporting**

Unfortunately the NAVEX report had no data for 2019 or 2020 that enabled any up-to-date comparison. However, according to the CoCRM Annual Report, DRC received 444 reports in 2019<sup>15</sup> and 522 in 2020 which represents a 17.5 % increase in reporting and further confirmation of the upward trend in reporting that DRC has experienced since 2016.

## 5. DATA ANALYSIS

### 5.1. General Observations

Table 2 below records the number of RSMs registered on the CoCRM database. It does not represent a record of responses to or outcomes of RSMs received.<sup>16</sup> Responses and outcomes are presented later in Table 10 and Table 11.

Table 2

Gate	2016	2017	2018	2019	2020
Gate A	138	159	269	293	319
Gate A+	0	6	8	18	27
Gate B	57	84	116	152	176
<b>Total</b>	<b>195</b>	<b>249</b>	<b>393</b>	<b>463<sup>17</sup></b>	<b>522</b>

---

<sup>15</sup> All data in the 2019 report is based on data entries by CoCRM Registrars in relation to RSMs received by DRC in 2020 between 1 January 2019 and a cut-off date of in March 2020. The data presented herein reflects a “snapshot” of the data in the CoCRM database as of 3 March 2020. Consequently, the data here may differ from that shown on DRC’s public [online dashboard](https://gms.drc.dk/viz/coc) (gms.drc.dk/viz/coc) that provides an overview of certain elements of CoCRM-related data including date extracted after 3 March 2020 for this years report.

<sup>16</sup> RSMs are not always investigated. There is a range of options depending on the nature if the report, e.g. Referral to Management (or HR), Record for Information, Case Suspension (if it is not possible to investigate), and Investigation.

<sup>17</sup> See footnote 15.

Image 1 illustrates the increase in the number of RSMs year on year since 2016.

Image 1

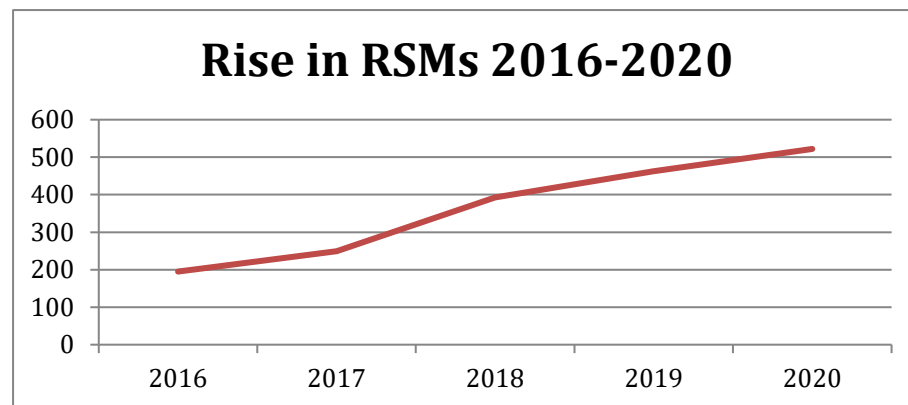


Table 3 provides an overview of the status of RSMs in the CoCRM database as of 15 March 2021.

The rise in number of RSMs received between 2019 and 2020 could be an indication that the intake of RSMs is reaching a level more equal to the effort invested into outreach and development. It is, however, not possible to identify the exact reasons for this growth. Moreover, as the report shows in Table 4 below, there are still some Country Operations that have only register a limited number of RSMs on the database.<sup>18</sup>DRC expects the rise in number of RSMs to increase again in 2021<sup>19</sup>.

Table 3

RSM Status <sup>20</sup>	Gate A	Gate A+	Gate B	Total
Open	85	16	6	107
Closed	229	11	169	409
<b>Total</b>	<b>314</b>	<b>27</b>	<b>175</b>	<b>516</b>

At Gate A and A+ there is a high percentage of open case at the time of the annual report, contrasted to Gate B where only a small number of cases remain open. One explanation may be that a Gate B resources have been devoted to processing and investigating the cases whereas the other gates are struggling with lack of adequate resources to process the cases. In 2019 approximately one-fifth of the overall RSMs received were still open at the time of the annual report writing and it is the same in 2020. Open cases contribute to the number of gaps in the data at the time of reporting, especially in the area of outcomes.

<sup>18</sup> See Table 5 below.

<sup>19</sup> Although the impact of Covid-19 might have a dampening effect.

<sup>20</sup> As of 15 March 2020.

## 5.2. Number of Reports of Suspected Misconduct by Country and Region

Table 4 below presents the number of RSMs registered on the database by Country Operation Gate A (Country level) and A+ (Regional level).

Table 4

Country	Gate A	Gate A+	Gate B	Total
Bangladesh	29	6	13	48
Iraq	36	2	8	46
Greece	23	0	21	44
Afghanistan	21	1	17	39
Yemen	23	0	10	33
DR Congo	21	1	8	30
Nigeria	12	6	11	29
Uganda	13	2	8	23
Syria	10	1	12	23
South Sudan	11	0	8	19
Myanmar	15	0	3	18
Central African Republic	9	1	7	17
Ethiopia	11	2	3	16
Somalia	10	0	6	16
Colombia	12	0	3	15
Sudan	11	0	3	14
Kenya	7	3	2	12
Libya	2	0	9	11
Lebanon	6	1	3	10
Turkey	6	1	2	9
Niger	6	0	3	9
Jordan	4	0	4	8
Burkina Faso	6	0	0	6
Bosnia and Herzegovina	3	0	2	5
Serbia	4	0	0	4
Ukraine	4	0	0	4
Tanzania	1	0	3	4
Tunisia	0	0	3	3
Kosovo	1	0	1	2
Cameroon	1	0	1	2
Denmark	0	0	1	1
Senegal	0	0	1	1
Mali	1	0	0	1
<b>Total</b>	<b>319</b>	<b>27</b>	<b>176</b>	<b>522</b>

In total, 33 Country Operations registered RSMs on the database over 2020 which is a small decrease from 34 Country Operations in 2019. It is notable that Iraq, Bangladesh and Afghanistan continue to receive a very high number of RSMs in 2020. In 2020 reports in Greece have doubled in contrast to 2019. From having worked with these Country Operations from the side of Gate B, it is confirmed that the Field teams and management have invested substantial efforts into working with and boosting the tone at the top and traction around the Code of Conduct and CoCRM in-country.

Table 5 below shows which Country Operations did not register any RSMs on the database in 2020, and which Country Operations only registered RSMs at Gate B.

Table 5<sup>21</sup>

No RSMs Registered	Registered at Gate B Only
Algeria	Denmark
Burundi	Senegal
Djibouti	Tunisia
Georgia	
Guinea	
Iran (closed 2019)	
Vietnam (closed 2020)	

**Note:** no country has A+ only reports in 2019.

It is a concern that 7 Country Operations did not register any RSMs in 2020. There could be different reasons for this, including the fact that some of these Country Operations are very tiny and others (Iran and Vietnam) have been in exit mode with very few operational activities and few staff.

That three Country Operations only registered RSMs via Gate B raises similar concerns. However, the fact that reports are nevertheless raised at Gate B shows that complainants are at least in some way able to access the CoCRM, even though this may not be at the Country level. It is also important to note that some RSMs registered at Gate B may have been originally received at Gate A level and then escalated. It should be noted that DRC does not have any operation in Senegal and the Senegal CoCRM is therefore currently merged with the West Africa Regional Office CoCRM. There is a small operation in Tunisia and the North Africa Regional Office is therefore mandated to assess the complaints received from the DRC Tunisia Registrar.

The Country Operations with reporting challenges vary from year to year. This can also be observed when comparing 2019 and 2020. This maybe an indication that the size of the operations, capacities, focus and operational conditions (e.g. funding) at Country levels influence the number of reports raised.

<sup>21</sup> Denmark is registered with a very limited number of RSMs based on the fact that the Code of Conduct and CoCRM, according to its current status, does not normally apply in Denmark.

### 5.3. Who is Reporting?

The following table shows data on the types of complainants submitting RSMs registered at Gates A, Gate A+ and B respectively in 2020:

Table 6

Complainant Type	Gate A	Gate A+	Gate B	Total
Frontline Staff - Current	107	3	20	130
Management - Current	58	5	32	95
Support Staff - Current	35	5	23	63
Anonymous	25	6	29	60
Beneficiaries	38	1	18	57
Frontline Staff - Former	15	2	10	27
Other External Stakeholder	14	0	12	26
Vendor	13	1	9	23
Support Staff - Former	6	2	8	16
Management - Former	1	1	10	12
Implementing Partner	6	0	0	6
Donor	0	1	2	3
HQ Staff - Current	0	0	2	2
(I)NGO	0	0	1	1
Public Authority	1	0	0	1
<b>Total</b>	<b>319</b>	<b>27</b>	<b>176</b>	<b>522</b>

It is encouraging to see that so many reports come from Frontline Staff because we are relying upon Frontline Staff to report in areas where we do not have a great deal of oversight.

Anonymous complaints still form a significant proportion of complaints, but it should be noted that they are often difficult to process because the reporting persons lack of willingness to participate in the investigation processes.

Beneficiaries are the fifth highest category that complain, but there needs to be an organisational effort towards building beneficiaries' awareness of the CoCRM as well as ensuring their safe and trusted access to it to have had an effect. The number of beneficiary complaints is very small in comparison with the number of beneficiaries DRC is reaching.

### 5.4. Who are the Subjects?

The following table presents data on the types of subjects suspected of misconduct according to RSMs registered at Gates A, A+ and B respectively in 2020. These figures refer to the number of cases, not the number of complaints received, as there can be multiple subjects/cases per RSM. Each case refers to one person who is the subject of the complaint received and particular form(s) of misconduct suspected by the subject.



Table 7

Subject Type	Gate A	Gate A+	Gate B	Total
Management – Current	59	16	106	181
Frontline Staff – Current	137	4	24	165
Support Staff – Current	53	3	31	87
Unidentified	46	2	33	81
Frontline Staff – Former	8	0	3	11
Incentive workers / volunteers / irregular – Current	7	0	4	11
Implementing Partner	8	1	1	10
Management – Former	4	0	3	7
Support Staff – Former	4	1	2	7
Not Subject to CoC	5	0	1	6
Incentive workers / volunteers / irregular – Former	1	0	0	1
<b>Total</b>	<b>332</b>	<b>27</b>	<b>208</b>	<b>567</b>

Management is the group most complained about. The high number of complaints continues from previous years, where complaints about management has gone up from a third to now the most complained about. However, it should not be assumed that a high number of RSMs being raised against management and staff equals a breach of the Code in all the cases.

## 5.5. Subject Gender

Table 8

Gender	Gate A	Gate A+	Gate B	Total
Female	67	3	28	98
Male	210	19	133	362
Unknown	55	5	47	107
<b>Total</b>	<b>332</b>	<b>27</b>	<b>208</b>	<b>567</b>

Updates to the database have enabled DRC to more meaningfully collect and extract data related to subjects' gender, provided the information is known and entered into the database by Registrars (else it is recorded as Unknown). The figures show that the majority of subjects are male, but since the majority of male staff (expats and national staff) in DRC's International Operations are also male, this points to a highly proportionate relation between staff gender and subject gender.

## 5.6. Types of Suspected Misconduct

The following table shows data on the types of suspected misconduct registered at Gates A, Gate A+ and B respectively in 2020, presented in descending order according to the number

of times they were reported.<sup>22</sup> The percentage split of misconduct types is illustrated in *Image 2* below.

*Table 9*

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Corruption / fraud	131	12	58	<b>201</b>
Abuse of authority	116	15	67	<b>198</b>
Breach of duty	64	2	45	<b>111</b>
Workplace harassment	42	5	27	<b>74</b>
Unspecified	36	1	17	<b>54</b>
Theft	35	1	6	<b>42</b>
Sexual exploitation & abuse	3	0	22	<b>25</b>
Sexual harassment	6	0	17	<b>23</b>
Racism / Discrimination	8	3	10	<b>21</b>
Violence / assault	13	0	1	<b>14</b>
Retaliation	5	0	6	<b>11</b>
<b>Total</b>	<b>459</b>	<b>39</b>	<b>276</b>	<b>774</b>

With reference to *Table 7* above regarding subject types, the types of misconduct in relation to which management staff most often find themselves subject of an RSM are, in descending order: 1) abuse of authority; 2) corruption; and 3) Workplace harassment. This is consistent with findings in 2019. The number of reports on Sexual harassment and Sexual exploitation & abuse amounts to 10 compared to 25 RMSs in 2019. We do not have evidence to draw any firm conclusion regarding the decrease, but it might be linked to new management training, greater awareness and investigations that have removed managers who are misbehaving.

*Table 9a*

**Management staff**

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Abuse of authority	42	13	52	107
Corruption / fraud	10	5	34	49
Workplace harassment	14	4	20	38
Breach of duty	9	1	19	29
Racism / Discrimination	3	2	9	14
Unspecified	3	0	9	12
Sexual harassment	1	0	6	7
Theft	5	0	1	6
Retaliation	3	0	3	6
Sexual exploitation & abuse	1	0	2	3
Violence / assault	0	0	0	0
<b>Total</b>	<b>91</b>	<b>25</b>	<b>155</b>	<b>271</b>

<sup>22</sup> Note that more than one type of misconduct can be linked to a given complaint and case. The number of times types of misconduct have been tagged (774 not including blanks) does not therefore correspond to the number of RMSs received (522) and subjects suspected (567).

The types of misconduct in relation to which current frontline staff most often find themselves subject of an RSM are, in descending order: 1) corruption and fraud; 2) abuse of authority; and 3) Breach of duty.

Table 9b

**Frontline staff**

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Corruption / fraud	57	3	5	65
Abuse of authority	46	1	4	51
Breach of duty	28	0	3	31
Workplace harassment	18	1	4	23
Theft	15	1	2	18
Unspecified	15	0	1	16
Violence / assault	9	0	1	10
Sexual harassment	3	0	6	9
Sexual exploitation & abuse	0	0	6	6
Racism / Discrimination	4	0	0	4
Retaliation	1	0	2	3
<b>Total</b>	<b>196</b>	<b>6</b>	<b>34</b>	<b>236</b>

The types of misconduct in relation to which current support staff most often find themselves subject of an RSM are, in descending order: 1) corruption and fraud; 2) Breach of duty and; 3) Abuse of authority.

Table 9c

**Support staff**

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Corruption / fraud	30	2	10	42
Breach of duty	19	1	9	29
Abuse of authority	13	0	1	14
Unspecified	6	1	2	9
Theft	6	0	3	9
Workplace harassment	5	0	2	7
Sexual exploitation & abuse	0	0	7	7
Sexual harassment	0	0	5	5
Racism / Discrimination	1	0	1	2
Violence / assault	1	0	0	1
Retaliation	0	0	0	0
<b>Total</b>	<b>81</b>	<b>4</b>	<b>40</b>	<b>125</b>

To varying extents, however, frontline, support and management staff can of course be the subject of virtually all types of misconduct.

The roughly 10 percent reports where the type of misconduct is categorised as “Unspecified” can reflect of number of things. “Unspecified” can be an indication that: 1) staff, beneficiaries and other stakeholders use the CoCRM to raise issues that are not related to any of the forms

of misconduct covered by the CoCRM system, but rather other concerns, such as staff grievances, programme/operational issues and complaints, queries about entitlements, other organisations etc.; or 2) the reports do not concern suspicions of misconduct at all, or concern forms of suspected misconduct that might be captured more broadly by some form of breach of duty, such as the failure to report misconduct, failure to abide by DRC safety requirements, breach of confidentiality, and so on.

## **Sexual Harassment, Exploitation and Abuse**

DRC holds sexual harassment, exploitation and abuse to constitute particularly egregious forms of misconduct, not least because of the severe impact such misconduct can have on survivors. The specific focus on data related to these forms of misconduct here reflects the importance DRC assigns to tackling it.

As of 15 March 2021, 48 RSMs received during 2020 had been registered online in relation to sexual misconduct (i.e. to either sexual harassment, sexual exploitation and abuse, or a combination of these). Gate A registered 9 of these, whereas Gate B registered 39. No RSMs were registered at Gate A+.

The 48 RSMs received and registered in relation to sexual misconduct in 2020 represent a decrease to the 72 received and registered in 2019, and the 62 received and registered in 2018. The important diminution of cases registered at Gate A or Gate A+ levels is a consequence of the enhanced awareness of registrars at all Gates to immediately refer sexual misconducts to Gate B level.

RSMs related to sexual misconduct over the previous years had gradually increased before 2020. The proportion of sexual misconduct complaints out of all complaints has largely remained the same since 2017, however; whereas it was 16% in 2017 (39 RSMs out of 249), in 2018 (62 RSMs out of 393 total), in 2019 (72 RSMs out of 463 total), it is 9% (48 RSMs out of the 522). Sexual harassment as a distinct form of sexual misconduct was linked to 9% of RSMs in 2017, 12% in 2018, 6% in 2019 and 4% in 2020. SEA was linked to 10% of RSMs in 2017, 8% in 2018, 10% in 2019 and 5% in 2020.

DRC launched 29 investigations into suspected sexual misconduct over the course of 2020. 11 of these investigations substantiated the suspected sexual misconduct. Of the remaining 18 investigations, 4 remained open as of 15 March 2021, 4 concluded in an investigation report that proved minor misconduct, not the suspected sexual misconduct and 10 did not substantiate the suspected sexual misconduct and ended in closure reports (the investigation did not find enough factual evidence that the misconduct had occurred in 8 investigations, and the investigation had to stop at an early stage in the remaining 2 investigations due to the refusal of the Survivor to consent to it).

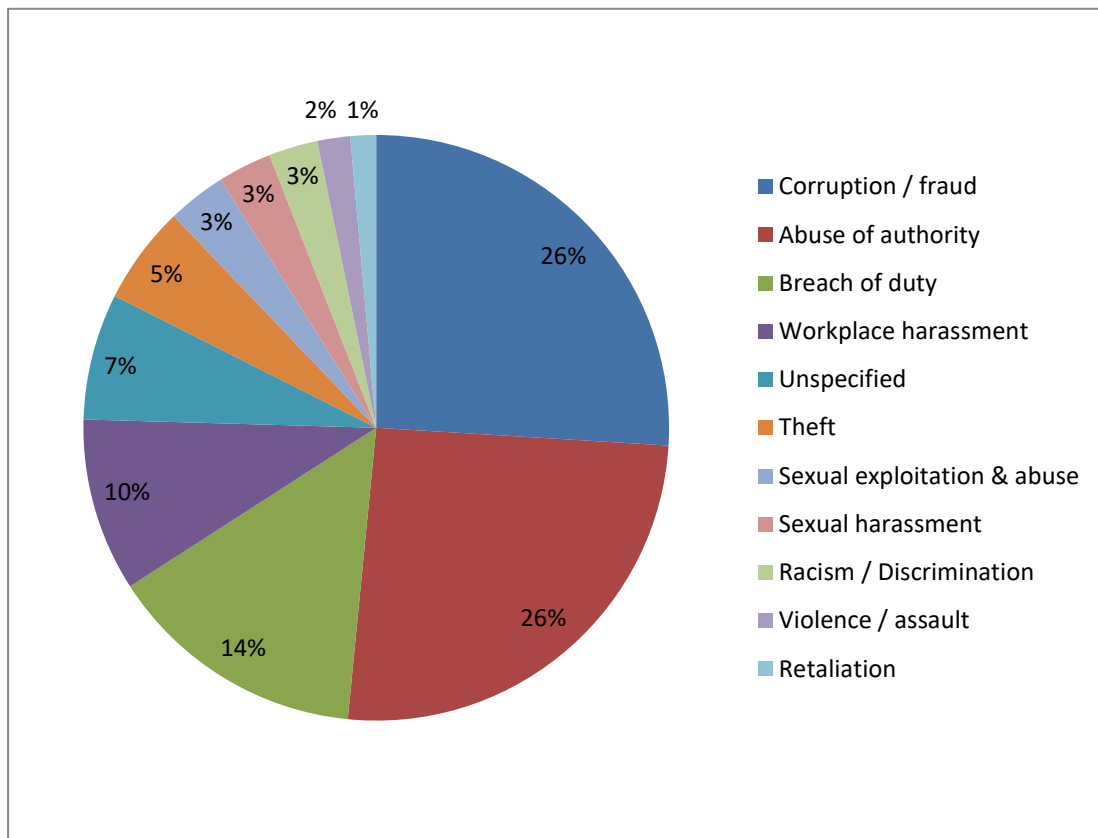
The substantiation rate on closed cases related to investigations into sexual misconduct is 52% in 2020 compared to 44% in 2019. 9 of the 11 cases of substantiated sexual misconduct led to the subject of the investigation being dismissed by DRC or terminated by his employer (where the Subject is employed by an external service provider). In the remaining 2 cases of substantiated sexual misconduct, the Subjects have abandoned their positions and thus ended their contracts.

Of the 19 RSMs which were not investigated, it should be noted that 2 RSMs were already under investigation further to the filing of other RSMs, and 2 RSMs involved a subject of concern who was not a DRC staff member. In addition, 6 RSMs were found impossible to investigate due the lack of information provided by the reporting person at the time of the RSM and the refusal of the reporting person and/or the survivor to further participate. The remaining 9 RSMs have been referred to management, of which 6 ended with an immediate disciplinary action (4 dismissals and 2 written warnings).

The number of RSMs related to sexual misconducts was expected to increase. However, this increase was not observed in 2020. Though unexpected, this slowdown may partly be explained by the current COVID-19 pandemic and the roll-out of mandatory on-boarding training for staff and managers. It is still expected that the number of RSMs related to sexual misconducts will increase in coming years in correlation with increased training, awareness-raising and participatory activities targeting internal and external stakeholders, including people of concern, about sexual misconduct, DRC’s position on it, and how to report it. The hope is that DRC will experience increase trust in the CoCRM system so that DRC will receive and be in a position to address as many issues related to sexual misconduct as possible.

The percentage split of misconduct types is illustrated in *Image 2* below.

*Image 2*



## 5.7. Intake Committee Response

All RSMs are processed by Intake Committees at either Gate A, Gate A+ or Gate B. There are seven standard options within the range of possible Intake Committee responses: 1) Preliminary Assessment; 2) Investigation; 3) Referral to Management; 4) Referral to HR; 5) Referral to Another Organisation; 6) Suspension (refers to the case, not the subject thereof); and 7) Record for Information. Alternatively, Intake Committee's at Country, Regional and HQ levels might refer RSMs to the Intake Committees of another level, such as HQ-Regional, Country-HQ.

Out of the total of 522 cases opened in 2020 as a result of RSMs, Intake Committees decided on investigation as the appropriate response in 149 cases (29 of the time).<sup>23</sup> "Blank" denotes blanks in the data set.

The following table shows how many times a given Intake Committee decision was taken by Gates A, Gates A+ and B respectively:

Table 10

Intake Response	Gate A	Gate A+	Gate B	Total
Referred to Management	81	3	74	158
Investigation	87	4	58	149
(blank)	101	3	13	117
Recorded for Info.	18	0	40	58
Preliminary Assessment	26	0	3	29
Referred to Regional CoCRM	1	15	4	20
Contractual Referred to HR	0	1	13	14
Referred to Country CoCRM	11	0	0	11
Referred to HQ CoCRM	3	0	1	4
Case Suspended	1	0	2	3
Referred to Another Organisation	2	0	0	2
More information	0	1	0	1
Error/duplicate case	1	0	0	1
<b>Total</b>	<b>332</b>	<b>27</b>	<b>208</b>	<b>567</b>

The number of cases linked to RSMs received in 2020 that went to investigation according to Intake Committee responses recorded as of 15 March 2021 has increased slightly from 146 in 2019 to 149 in 2020. However, the number of cases recorded "blank" at Gate A has increased from 67 in 2019 to 117 in 2020 which has great impact on the data quality at Gate A. We have improved the training of Gate A registrars, which we hope will have impact on the data in 2021.

Investigation at Gate B have stabilised from 34 in 2018, 60 in 2019 and 58 in 2020. The number of cases referred to management have increased from 146 in 2018 to 158 in 2020. Cases are

<sup>23</sup> Please note that any given RSM may relate to one or more persons suspected of misconduct, i.e. "subjects." Each case is delimited to just one subject. Intake Committee responses are spurred by RSMs but relate to and are counted according to number of subjects/cases.

typically referred to management when they concern minor misconduct or are cases where an immediate action is possible, thus investigation is not necessary. The impossibility of investigating due to access and safety concerns, or that the report is determined not to concern misconduct, but rather other types of feedback and complaints would also result in a referral to management.

The Intake Response of “Preliminary Assessment” (PA) is procedurally overwritten by an ultimate Intake Committee response to investigate or another appropriate response. The essence of a PA is to determine if an investigation is merited or not.

## 5.8. Investigation Outcomes & Substantiation Rate

The table below presents figures related to investigation outcomes. An investigation report means that the case was substantiated (proven).<sup>24</sup> A closure report means that the case was unsubstantiated (not proven). “Blank” indicates a variety of outcomes, such as the case having been suspended, that no report was finalised, that the case is still open, or that the data has simply not been recorded or updated. An example is that a case is started as an investigation and then later referred to management, but in the database, it is still recorded as an investigation. Another example is referral to Country and Regional Office after an initial assessment at Gate B and a different response is then decided by Intake Committee at Gate A or Gate A+.

Table 11

Investigation Outcome	Gate A	Gate A+	Gate B	Total
Not Proven - Closure Report	24	1	27	52
(blank)	30	0	9	39
Proven - Investigation Report	19	1	18	38
<b>Total</b>	<b>73</b>	<b>2</b>	<b>54</b>	<b>129</b>

The NAVEX substantiation rate benchmark is calculated by dividing the number of overall reports that are substantiated (either fully or partially) by the total number of reports that were closed as substantiated, partially substantiated, and unsubstantiated. In the DRC context, this translates into the number of investigation reports on closed cases divided by the total number of RSMs that were closed as substantiated or unsubstantiated.

DRC’s substantiation rate has changed moderately from 32% in 2018, 34% in 2019 and 30% in 2020.<sup>25</sup> Substantiation, as such, is not the goal for DRC, however, but rather to consistently ensure due process and fair investigations according to DRC’s principled CoCRM framework

<sup>24</sup> The CoCRM standard of proof is the “balance of probability”, which requires the facts to establish a likelihood that the subject committed the suspect misconduct of more than 50%. NAVEX might include data from organisations which use the standard of “beyond reasonable doubt”, which is higher. The concept of “partially substantiated” included in the NAVEX benchmark most likely evens out the issue of different standards of proof in the benchmark.

<sup>25</sup> Both the NAVEX method and DRC divides “the number of overall reports that are...substantiated by the total number of reports that are investigated and that were closed as substantiated...and unsubstantiated.”.

and Investigation Guidelines. The percentage in substantiation rate can also be misleading, as the difference between the absolute numbers used in the calculation are not that great statistically speaking. Variations between smaller numbers yield more dramatic variations in percentages. Nevertheless, an investigation is a very resource-demanding process that should be administered with care. DRC should therefore seek to analyze and explain if there is a significant drop in substantiation rate (which is not the case in 2020) and there should be an increased focus on data quality regarding Investigation Outcome.

## 5.9. Case Closure Times

### Benchmark 4: Case closure times

NAVEX measures the number of calendar (not business) days that pass between the date a report is received and the date the report is closed. NAVEX refer to this as the case closure time.

Since NAVEX began tracking median case closure times it has generally trended upward – from 32 days in 2011 to a high of 46 days in 2015. In 2019, this data point came close to the all-time high at 45 days. NAVEX currently have no published case closure time data for 2020. Accordingly, comparisons can only be made to 2019 and whether the upward trend continued into 2020 is not known. However, DRC’s data has observed a continuation of the upward trend in 2020.

To better understand the upward trend, NAVEX took a closer look at the 2018 and 2019 data on case closure time, what they found they felt was not encouraging. Between 2018 and 2019, the average (not median) days for closing a case rose from 60 days to 66 days. When NAVEX looked at the distribution of average case closure times, they found 20 percent of the database took more than 100 days to close investigations. The finding that investigations can be lengthy is by no means surprising to the Code of Conduct team and reflect our experience in DRC. Table 14.1 and 14.2 suggests very similar findings to that of NAVEX. Properly conducted professional investigations are time consuming. Their length could certainly be reduced with additional resources.

### Time taken to close investigations

Table 14.1 Time taken to close an investigation<sup>26</sup> 2020

Gate	30 days or less	Over 30 days	Average days	Median days
A	10	22	92	74
A+	1	0	N/A	N/A
B	1	23	88	77
<b>Total</b>	<b>12</b>	<b>45</b>	<b>90</b>	<b>77</b>

<sup>26</sup> DRC’s figures are calculated from when the decision to investigate is made which is typically a week after a report is received. NAVEX calculate from the date when a report is received. Allowing for this discrepancy would slightly increase DRC’s average of 132 days (2019) and 90 days (2020). Nevertheless, DRC’s 2020 data is remarkable similar to the NAVEX data for 2018 and 2019 and represents a welcome reduction in time taken to conduct an investigation in 2020.



### Case closure times

The following tables show, by Gate, the number of calendar days passed between the date a case (or “RSM”) is received and the date the RSM was closed in the database in 2019 and 2020. These tables most closely match how NAVEX calculate case closure time.

Table 14.3 Case closure times for 2019.

Gate	30 days or less	Over 30 days	Average days	Median
Gate A	29	98	101	62
Gate A+	1	2	39	40
Gate B	34	63	58	54
<b>Grand Total</b>	<b>64</b>	<b>163</b>	<b>82</b>	<b>59</b>

Table 14.4 Case closure times for 2020.

Gate	30 days or less	Over 30 days	Average days	Median days
A	46	93	74	59
A+	1	2	33	37
B	54	68	54	52
<b>Total</b>	<b>101</b>	<b>163</b>	<b>64</b>	<b>46</b>

So far as DRC’s case closure times for 2019 and 2020 are concerned, the following is noted:

- I. DRC’s average of 82 days in 2019 has fallen to 64 days in 2020. Whilst still high, 64 days does mark a significant reduction on the 2019 average particularly as in 2020 DRC dealt with 522 cases which is significantly rise from 422 in 2019. It is also noteworthy that DRC’s 2020 figure (64) comes very close to NAVEX’s 2019 figure (66).
- II. NAVEX claim case closure times were trending upward between 2011 and 2019 and DRC’s data certainly supports this claim based on DRC’s 2019 data (table 14.3 & 14.4).
- III. Based on NAVEX’s analysis DRC’s case closure times look to be generally in line with what the sector is experiencing.
- IV. The NAVEX 2020 report states *“When we ask compliance officers why closure times are increasing, the answer we most often hear is lack of resources.”* DRC’s code of conduct team would not disagree.

## 5.10. Losses

The online database requires RSMs to be categorised according to one of three loss types: reputational, financial or a combination of reputational and financial. Registrars can only select one option. Arguably, all suspected misconduct can carry an element of potential reputational and financial loss with it. Accordingly, the type of loss that is ultimately recorded can be subjective. The figures related to financial losses reported below are exclusively related to cases of misuse of DRC funds and other assets, including corruption, fraud and theft.

Extracting accurate data from the database on financial losses related to suspected and proven misconduct was identified as a multifaceted challenge in the Annual Report 2016. The Code of Conduct Database is not a financial tool and has limited capacity to include more sophisticated data.

Consequently, it is still not possible to provide reliable figures on actual total losses as a result of misconduct in 2020. The tables below simply show what is registered in the database in 2020, *Table 15* for number of RSMs per type of loss and Gate, *Table 16* for the estimated and actual financial losses in Danish kroner. Some cases are still not concluded and therefore the actual financial losses are not available. We will endeavour together with Finance to increase the focus on reliable financial data when it comes to quantifiable financial losses.

*Table 15*

Type of Loss	Gate A	Gate A+	Gate B	Total
Reputational	130	20	140	290
(blank)	125	6	17	148
Reputational & Financial	42	1	19	62
Financial	22	0	0	22
<b>Total</b>	<b>319</b>	<b>27</b>	<b>176</b>	<b>522</b>

*Table 16*

Gate	Estimated Loss (DDK)	Actual Loss (DDK)
A	165,616	49,485
A+	0	0
B	33,959	0
<b>Total</b>	<b>199,575</b>	<b>49,485</b>



## 6. CAPACITY SITUATION

The stability of the additional resources that followed the increased in 2019 at Gate B, enabling the team to better respond to the increased number of complaints including the ability to deal with a high number of investigations.

The resource allocation at Gate A and Gate A+ according to the required CoCRM staffing setup outlined towards the beginning of the Introduction section of this report is in general not adequate, meaning that Gate A and Gate A+ Field Teams experience challenges, especially where the number of RSMs received are high or the Field Teams lack experience and familiarity of practice and procedures.<sup>27</sup> One Gate A+ is functioning at a sufficient level, the rest are barely adequate and one is not existing.

Investigation resources were mobilised from Internal Audit, and from outside the organisation to help address the capacity gap. In addition, HR and Programme Division capacities were directed towards addressing some of the more systemic challenges DRC faces regarding prevention and detection of misconduct, such as Safeguarding measures in the employment cycle and participation of people of concern in the design, implementation and monitoring of effective CoCRM setups in the many contexts in which DRC operates.

The setup allocated at Gate B in 2020 has been sufficient to manage the increased levels of RSMs DRC continues to receive, in addition to some of the major development tasks mentioned in Key Achievements.

## 7. SUMMARY OF KEY FINDINGS IN THE DATA

1. The number of RSMs received has increased from 367 in 2018, 444 in 2019 to 522 in 2020. The number of RSMs concerning sexual misconduct has decreased from 72 RSMs in 2019 to 48 in 2020.
2. Beneficiaries are the fifth highest category that complain, but the number of beneficiary complaints is very small in comparison with the number of beneficiaries DRC is reaching.
3. The high number of complaints against managers, frontline staff and support staff continues to be a focus area.
4. The high number of complaints against management continues from 2020, where complaints about management has gone up from second to the group most complained about.
5. The number of cases linked to RSMs received in 2019 that went to investigation has increased slightly from 146 in 2019 to 149 in 2020.

---

<sup>27</sup> See Table 4 above.

6. The number of cases recorded “blank” at Gate A has increased from 67 in 2019 to 117 in 2020, which has great impact on the data quality at Gate A.
7. Investigation at Gate B have stabilised from 60 in 2019 to 58 in 2020.
8. The number of cases referred to management have increased from 146 in 2019 to 154 in 2020.
9. The majority of the subjects complained about are male. This is a highly proportionate number relative to the overall gender split of staff in DRC’s International Operations.
10. Corruption, including fraud, continues to be the most frequent type of misconduct reported.
11. DRC’s substantiation rate has changed moderately from 32% in 2018, 34% in 2019 to 30% in 2020.
12. The processing time for investigations has decreased from 132 to 90 days and represents a welcome reduction in time taken to conduct an investigation in 2020
13. The tracking of financial losses due to misconduct is not possible in the CoCRM Database.
14. The registration and data quality in the CoCRM database still need to be improved.

## 8. LESSONS LEARNED

This section reports major lessons learned from activities and interactions taking place outside of and around the processing of complaints. The lessons learned are derived from case handling as well as other organisational processes and external audits that, in one way or another, link to the Code of Conduct, CoCRM, and the values, staff and operations of the organisation.

Actions to follow up on the lessons learned are summarized below. Section 9 offers recommendations for tasks to be carried out that are of a more ongoing, day-to-day nature.

1. As reported in 2019, the current organisational model for the CoCRM is still challenged by high turnover of staff holding key roles, making it difficult to sufficiently maintain quality in related processes. The ability to keep up with onboarding, training and supervision of Intake Committees, Registrars, Authorising Officers and Investigators at Gate A and Gate A+ level is challenged by the very decentralised CoCRM organisational model. Considering the nature of the competencies necessary for administering the CoCRM at country and regional levels, it is difficult to maintain an appropriate level of quality, which in turn is likely to affect due process and result in an undesirable variation in interpretations of organisational values and principles. On the other hand, turnover issues should not make DRC lose sight of the inclusion principle and notably appoint national staff members at key roles (Intake Committee member, Registrar, Investigator).

2. Training is therefore vital to support the ongoing implementation of the Code of Conduct and CoCRM. The persistent increase in the number of RSMs – in addition to being an indicator of increased awareness of the right and how to complain – is unfortunately also a sign that some DRC staff members and frontline managers do not understand the values of the organisation and how to interpret and enact them in their daily interactions with each other and people of concern. The roll out of online training has had impact on the understanding of the values of the organisation, how to interpret and enact them in their daily interactions with each other and people of concern. Online and interactive technical training of Intake Committee members, Registrars, Authorizing Officers and Investigators should however still continue be enhanced in the coming year.
3. The Covid-19 has demonstrated that there is a unique opportunity to enhance the communication, training, and cooperation with CoC staff in the international operations via online platforms. This opportunity has already and will continue to lead to a profound and positive change in the way we work.
4. Donor focus continues to increase regarding reporting on serious cases, which the Team have responded to in a professional and comprehensive way. However, DRC lacks policy or guidance in this area and has no overview of donor reporting at Regional or operational level. The result is no consistency of approach in an area that is plagued by contractual, GDPR and confidentiality concerns.
5. Living up to the new GDPR regulations have been on the agenda for not only the Code of Conduct Team, but also for HR and the Legal advisors in HQ trying to get a deeper understanding and being able to apply it also because we are working with third party actors (US, UN) where GDPR does not apply. The work will continue in 2021 and the coming years.

## 9. RECOMMENDATIONS

The recommendations below are based on our knowledge on processing the cases, interaction with colleagues and different external assessment done by donors and Core Humanitarian Standard (CHS) identifying minor and major adjustments that would be relevant to implement. The few presented here have been selected to represent the diversity of efforts that are both required and seen as reasonably achievable objectives to reach in practice within a one-year timeframe.

1. Management should ensure that Country Operations and Regional Offices have actions plans to address CoCRM compliance gaps as identified through different Risk assessments (Risk Register, CHS Audits, compliance checks, Code of Conduct Advisory Reports produced through CoC investigations etc.). Gate A+ should play a more significant role in quality assuring the CoCRM setup at Gate A level including the ability and capacity to deal with investigations and training in the region. Gate A+ should therefore be strengthened.

2. The standards on communication with and participation of people of concern in CoCRM design, implementation, monitoring and evaluation, and the organisational learning from operating the CoCRM across diverse contexts are certainly relevant areas to prioritise. Management should further ensure that Gate A and Gate A+ levels produce Code of Conduct annual reports to encourage transparency, enhance gaps identification and help improve the CoCRM at all levels.<sup>28</sup>
3. The resource situation at both Gate A and Gate A+ levels should be closely monitored, and efforts should be made to enhance the setup to become more effective, while also guiding operations on the expected staffing setup to run an appropriate and effective CoCRM. We suggest that CoC roles are assigned to dedicated staff reporting on technical matters to HQ CoC team, and that they are given protected employment status or at least longer-term or permanent employment contracts.
4. A special follow-up should be initiated by management with the Country Operations that have persistently not registered any or low numbers of RSMs.
5. The online PSEA training should be finalized and rolled-out in 2021 forming a milestone in DRC's approach to awareness raising, understanding and a cultural change regarding sexual misconduct. The online training should include examples of cases to better illustrate what the organisation considers serious misconduct. Increased levels of transparency would serve well in the area of protection against sexual exploitation and abuse (PSEA), given that examples of unacceptable behaviour are likely to be more understandable than a broad-brush policy document explaining DRC's position against sexual misconduct more generally.
6. The study on a Survivor-centred Approach commissioned by an EU-volunteer in 2019 forms the foundations for guidelines on a Survivor-centred Approach in CoC investigations, which has already been implemented at Gate B. Donors are also embracing this approach, and this will most probably be a condition for future funding from major donors. Guidelines on a Survivor-centred Approach should therefore formally be rolled-out in 2021 and 2022 depending on resources at Gate B.
7. All documentary resources such as DRC Code of Conduct itself, online training materials and policy papers, are now available in English, French and Spanish and should be made available in Arabic.
8. Organisational focus on corruption and fraud should be enhanced, given that the largest share of RSMs concern that type of suspected misconduct. Inspiration on how to utilise cross-organisational expertise and resources for this purpose can be drawn from the successful and productive cooperation between the HR and the Code of Conduct team around Safeguarding and development of online training packages.
9. The options in DRC Dynamics for analytics and Business Intelligence regarding recording of corruption and fraud losses should be better utilized to ensure that the data can be exploited to better prevent and detect potential fraud.

---

<sup>28</sup> DRCs country operation in DR Congo has in 2020 published an excellent Code of Conduct Annual Report that could be duplicated by other Country Operations.

10. Continued focus on data quality for all gates is important and should be monitored regularly, with actions to address poor data quality taken early and frequently.
11. Development of inhouse investigation training is in process in 2021. An Investigation training could be rolled out and made available to all investigators and Authorizing Officers in 2022 depending on additional human resources at gate B.
12. If there is to be a shift in focus at DRC to a more partner-based approach this will impact DRC's CoCRM as, depending on the contract with the Partner, DRC could very likely end up having to investigate or train partners. This would add another layer of complexity to an already complex system and, depending on the scope, would put DRC's CoCRM significantly beyond its current capacity. DRC's code of conduct team and other DRC stakeholders should participate in a review on the impact of such a shift. DRC will need to engage with donors on issues related to the terms and conditions of Subgrants Agreements and the Partner Assessment where this may lead to DRC investigating or training of partners.
13. DRC needs to apply an organizational systematic approach to Code of Conduct donor reports. There needs to be a proper administrative system to record and administer donor reports across the organization and expertise that can assess and respond to donors.



Danish Refugee Council, Headquarters  
Borgergade 10, 3rd floor  
1300 Copenhagen K., Denmark  
Tel: +45 3373 5000  
Fax: +45 3332 8448  
Email: [drc@drc.ngo](mailto:drc@drc.ngo)

If you want to submit a report of suspected misconduct, please write to:  
[c.o.conduct@drc.ngo](mailto:c.o.conduct@drc.ngo) or complete the online complaint form at  
<https://forms.drc.dk/view.php?id=6091>