

Human resources

Reform of the Office of Internal Oversight Services

Report by the Director-General

1. This report provides an update on actions taken by the Secretariat since the 150th session of the Executive Board in January 2022 to reform the Office of Internal Oversight Services and related policies and procedures in line with decisions made by the Executive Board and recommendations of independent advisory bodies. The report should be considered together with the report by the Director-General on prevention of sexual exploitation, abuse and harassment,¹ which includes information relevant to the functions of the Office, and with the former report by the Director-General, dated 28 April 2022, entitled “Extension of the temporary suspension in part of Financial Rule XII 112.1”.²

2. The final report of the Independent Commission on the review of sexual exploitation and abuse during the response to the 10th Ebola virus disease outbreak in the provinces of North Kivu and Ituri of the Democratic Republic of the Congo³ identified structural failures in the Secretariat’s management of allegations of sexual exploitation and abuse. In addition, it made several recommendations for strengthening the Secretariat’s investigatory system and policies and procedures in this regard. The WHO Management Response Plan, which was issued in October 2021 in response to the Independent Commission’s report, includes actions to review and reform the Secretariat’s structures, including the commissioning of an independent audit of investigatory processes.

3. Following the report of the Independent Commission, in order to fast-track investigations of sexual exploitation and abuse and abusive conduct, the Board adopted decision EB150(23) (2022), in which it decided to temporarily suspend Financial Rule XII, 112.1, in part. During this period of suspension of the Rule, the Head, Investigations was made responsible for all investigations of allegations and complaints of sexual exploitation and abuse and abusive conduct and, while situated in the Office of Internal Oversight Services, was granted the same reporting lines, namely directly to the Director-General, and the same authority as those granted to the Director of Internal Oversight Services in this area. Subsequently, at its 151st session in May 2022, the Board adopted decision EB151(12) in which it decided to extend the temporary suspension of the Rule, in part, until the 152nd session of the

¹ Document EB152/31.

² Document EB151/8.

³ Final Report of the Independent Commission on the review of sexual abuse and exploitation during the response to the 10th Ebola virus disease epidemic in DRC. Geneva: World Health Organization; 2021 (<https://www.who.int/publications/m/item/final-report-of-the-independent-commission-on-the-review-of-sexual-abuse-and-exploitation-ebola-drc>, accessed 7 December 2022).

Board, in order to enable the completion of ongoing work. At that time it was noted that structural and procedural changes might prove necessary to make WHO's investigative processes fit-for-purpose.¹

4. In addition to the report of the Independent Commission, recommendations have been made by other independent bodies that have implications for the structure and procedures of the Office of Internal Oversight Services. The Independent Oversight and Advisory Committee for the WHO Health Emergencies Programme, in its report to the Seventy-fifth World Health Assembly,² recommended that investigations into sexual exploitation and abuse and sexual harassment should be handled differently from investigations into other types of misconduct, and that the Head of Investigations should have the same reporting line, type of access, authority, and channel for reporting on work, including to the Executive Board, as those currently granted to the Director of the Office of Internal Oversight Services. In 2020, in its report "Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function",³ the Joint Inspection Unit recommended that legislative bodies of United Nations system organizations should review the adequacy of resources and staffing of their investigation function.

5. As set out in the WHO Management Response Plan, the Secretariat commissioned an independent audit to identify systemic barriers and weaknesses and to specify improvements to policy, process and procedures regarding the Secretariat's prevention and detection of and response to sexual exploitation, abuse and harassment. The audit was conducted by an international professional services company and was overseen by the Independent Expert Oversight Advisory Committee. It focused on the effectiveness of processes related to the reporting of allegations and the management of investigations as practiced by the Office of Internal Oversight Services and the Department of Compliance, Risk Management and Ethics between mid-2018 and mid-2021.

6. The audit report, released in August 2022, contained recommendations to the Secretariat relevant to the Office of Internal Oversight Services, including: evaluating the operating model and respective roles of the Department of Compliance, Risk Management and Ethics and the Office of Internal Oversight Services; considering a resourcing model that would take into account the benefits of both internal and external sources for different tasks, circumstances and environments; ensuring there are sufficient resources and structures in place to support the implementation of the Management Response Plan; updating, aligning and making relevant any outdated procedures and guidance material and ensuring adherence thereto by all employees and other parties; adding formal procedures where they are lacking; shortening and ensuring closer monitoring of turnover time for first case review and reducing time to pursue and conclude investigations; considering a process of evaluation and selection of dedicated case management software as a replacement for the current case management solution; training and upskilling staff or acquiring external expertise relevant to the specific skills required to manage sensitive and traumatizing cases; referring all credible allegations of possible criminal conduct to competent authorities; aligning the guidance on reporting mechanisms and channels, including reflecting the changes to the Integrity Hotline; and, reviewing reporting processes and cases of confidentiality breaches in order to create safeguards against breaches.

7. Subsequently, taking the recommendations into consideration, the Secretariat undertook an exercise to benchmark the structure and functions of the Office of Internal Oversight Services against those of similar offices in other entities of the United Nations system in order to identify best practices

¹ See document EB151/2.

² Document A75/16.

³ Document JIU/REP/2020/1 (<https://www.unjiu.org/content/reports>, accessed 15 December 2022).

that could guide the reform of the Office. Through this exercise a new structure and organigram were developed, which were subsequently reviewed and endorsed by the Independent Expert Oversight Advisory Committee. Based on that Committee's recommendation and in consultation with the Independent Oversight and Advisory Committee for the WHO Health Emergencies Programme, the Director-General approved the new structure and the target of its being implemented by January 2023.

8. The new structure contains the following elements:

(a) two units covering the two major functions of the Office of Internal Oversight Services, namely audit and investigations, with each unit headed by a P6 staff member: Coordinator of Audit and Head of Investigations, respectively;

(b) the structure and functions of the unit responsible for audit remain unchanged, providing a systematic approach to evaluating and improving the effectiveness of the Organization's processes for risk management, control and governance;

(c) the investigation unit comprises three separate teams, respectively responsible for: investigation of proscribed practices, including fraud and economic offences; investigation of workplace abuses, including sexual exploitation and abuse, sexual harassment and other abusive conduct; and operational support, including policy development, intake and preliminary assessment of reports, quality assurance, and forensic data analysis;

(d) a centralized but geographically dispersed model for investigations, with coordinating staff located in headquarters and some investigators working remotely;

(e) a hybrid model of a number of fixed-term investigators, analysts and support staff complemented by consultants and short-term staff, as well as a roster of trained personnel available when surge capacity is needed – this staffing balance will be reviewed by the end of 2023 when there is a better understanding of medium- to longer-term capacity needs; and

(f) development of an adaptable investigatory team with a balance of specialist and more generalist skills to deal with fluctuations in caseloads over time, while ensuring necessary skills to manage complex cases.

9. On staffing matters, as recommended by the Joint Inspection Unit of the United Nations System and the Programme, Budget and Administration Committee at its thirty-sixth meeting,¹ and following advice from the Independent Expert Oversight Advisory Committee, the Director-General has approved non-renewable seven-year term limits for the heads of oversight and ethics functions. For the future recruitment of the Director of the Office of Internal Oversight Services the revised post description reflects this term limit. Meanwhile, the new Head of Investigations started work in October 2022. For investigations of workplace abuses, including sexual exploitation and abuse, sexual harassment and other abusive conduct, the previous Head of Investigations ad interim retains the overall responsibility as the Chief, Investigations of Sexual Misconduct and other Abusive Conduct, and the new Head of Investigations reports to her in this area.

10. In addition to these structural and staffing reforms, the Secretariat has responded to additional recommendations of the Executive Board, the Independent Commission, the Independent Expert

¹ Document EB151/2, noted by the Executive Board at its 151st session; see also document EB151/REC/1, summary record of the first meeting, section 5.

Oversight Advisory Committee, the Independent Oversight and Advisory Committee for the WHO Health Emergencies Programme, the Joint Inspection Unit and the independent audit through the improvements detailed below.

(a) Investigative capacity was scaled up to address the backlog of investigations into allegations of sexual exploitation and abuse and sexual harassment, with the investigation team clearing the full backlog of these cases by May 2022 and setting and meeting a 120-day benchmark for completing investigations into such allegations.

(b) Ensuring the increased capacity of the investigative team is also used to handle the backlog of investigations into allegations of other forms of abusive conduct.

(c) In response to decision EB148(4) (2021) on preventing sexual exploitation, abuse, and harassment (SEAH) – in which the Director-General was requested, *inter alia*, to raise the investigative capacity of WHO – the budget of the Office for Internal Oversight Services for the biennium 2022–2023 was increased by US\$ 4.2 million over the 2020–2021 budget figure to stand at US\$ 15.2 million.

(d) Various WHO policies, procedures and processes were developed or revised, including, as reported in the accompanying Director-General’s report,¹ a new comprehensive policy framework that comprises: a new WHO policy on preventing and addressing sexual misconduct; amendments to the WHO policy on preventing and addressing abusive conduct; and, a new policy on preventing and addressing retaliation to replace the former policy and procedures of 2015.

(e) Additional policies and guidance are in development, including an updated Code of Ethics and a new WHO legal framework for addressing non-compliance with standards of conduct, with accompanying implementation guidance and tools, and end-to-end procedures for incident management.

(f) The WHO integrity hotline has been streamlined and moved from the Department of Compliance, Risk Management and Ethics to the misconduct investigation team in the Office of Internal Oversight Services so as to further increase efficiency and reduce delays.

11. The various reforms implemented and actions taken over the past 12 months, as described in this report and facilitated by the temporary suspension of Financial Rule XII, 112.1, in part, have already improved the efficiency, quality, capacity and transparency of the Secretariat’s investigatory functions. However, the remaining backlog of investigations into allegations of abusive conduct, along with new allegations requiring investigation, pose a major challenge for the Secretariat.

12. Therefore, in order to clear this backlog fully, the Board is requested to consider extending the temporary suspension of Financial Rule XII, 112.1, in part, until its next session.

¹ Document EB152/31.

ACTION BY THE EXECUTIVE BOARD

13. The Board is invited to note the report and consider the following draft decision:

The Executive Board, having considered the report by the Director-General,¹

Decided to extend the temporary suspension of Financial Rule XII, 112.1, in part, as set out in the Annex to this decision, with this provision to remain in effect until the 153rd session of the Executive Board.²

¹ Document EB152/48.

² This decision is taken due to exceptional circumstances and does not set a precedent.

ANNEX

**PROVISION REQUIRING THE EXTENSION OF THE TEMPORARY
SUSPENSION OF FINANCIAL RULE XII, 112.1**

1. During this suspension, the Chief, Investigations of Sexual Misconduct and other Abusive Conduct shall be responsible for all investigations of allegations and complaints of sexual exploitation and abuse and abusive conduct. In this capacity the Chief, Investigations of Sexual Misconduct and other Abusive Conduct shall have the same reporting lines, the same type of access, the same channels for reporting the results of work undertaken, including to the Executive Board, and the same authority as those currently granted to the Director, Internal Oversight Services, in this area.
2. All other investigations that are not investigations of sexual exploitation and abuse or abusive conduct as referred to above remain under the overall responsibility of the Director, Internal Oversight Services.
3. This provision will remain in effect until the 153rd session of the Executive Board in May 2023.

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