



WHISTLE BLOWING POLICY

Contents

1.0 Policy Statement	3
2.0 Definitions	3
3.0 Objectives	3
4.0 Scope.....	4
6.0 Reporting	4
7.0 Conduct of Investigation.....	4
8.0 Confidentiality	5
9.0 Protection of the Whistleblower.	5
10.0 Administration of the Policy	6
11.0 Roles and Responsibilities	6

WHISTLE BLOWING POLICY

1.0 Policy Statement

An important aspect of accountability and transparency is a mechanism to enable staff and stakeholders of HealthRight Kenya and the public to voice concerns in a responsible and appropriate manner. HealthRight Kenya is committed to promoting and maintaining high standards of transparency, accountability, ethics and integrity. This policy is designed to support HealthRight Kenya's core values and facilitate reporting of employees' and other parties' concerns about possible improprieties at the earliest opportunity to ensure that concerns can be raised without fear of reprisal or detrimental action. The procedures contained in this policy provide a process of managing disclosures of improper conduct that is transparent without compromising the confidentiality of the persons involved. This policy is adapted to promote alignment with the Witness Protection (Amendment) Act 2010, The Leadership and Integrity Act 2012, and all applicable laws and regulations in Kenya.

2.0 Definitions

2.1 Whistleblowing: Is the disclosure based on one's reasonable belief that any person has engaged, is engaging or preparing to engage in improper conduct.

2.2 Whistleblower: is a person who discloses information of improper conduct in accordance with this policy

2.3 Improper Conduct: is any conduct which if proved, constitutes a breach of integrity

2.4 Appointed Officer: means authorized person appointed to receive reports on whistleblowing matters

2.5 Disciplinary Offence: means any action or omission which constitutes a breach as provided by law or the organization's code of conduct and ethics, policies or a contract of employment

2.6 Detrimental Action: Includes:

- a. Action causing injury, loss or damage
- b. Intimidation or harassment
- c. Interference with the lawful employment or livelihood of any person
- d. Threat to take any of the actions referred to above

2.7 Confidential Information: Includes information about the identity, occupation, residential address, work address or whereabouts of a whistleblower or a person against whom a whistleblower has made a disclosure of improper conduct, information disclosed by a whistleblower and information that, if disclosed, may cause detriment to any person.

2.8 Investigating Officer: Means a person assigned to investigate improper conduct.

3.0 Objectives

The objective of this policy is to:

- I. Provide employees and other parties dealing with the organization with proper procedures in disclosing cases of improper conduct
- II. Manage disclosures of improper conduct in an appropriate and timely manner

- III. Provide protection to whistleblowers from detrimental action that may result from the disclosure of improper conduct
- IV. Provide fair treatment to both the whistleblower and the alleged wrongdoer when a disclosure of improper conduct is made.

4.0 Scope

The Whistle blowing Policy applies to all employees, interns, volunteers, contractors and all stakeholders of HealthRight Kenya.

5.0 Disclosure of Improper Conduct

An employee, an intern, a contractor, a volunteer, a member of the board, a supplier, a partner or a third party who becomes aware of an alleged improper conduct shall make a disclosure as provided for in the policy. An improper conduct involves:

- I. Criminal offences, unlawful acts, fraud, corruption, bribery and blackmail
- II. Failure to comply with legal or regulatory obligations
- III. Misuse of the organization's funds or assets
- IV. An act or omission which creates a substantial and specific danger to the lives, health or safety of the employees or the public or the environment
- V. Unsafe work practices
- VI. Abuse of power by an employee
- VII. Concealment of any of the above

The whistleblower, while making a report needs to have a reasonable belief of the occurrence of improper conduct. Whistleblowers are encouraged to lodge a report by providing, to the extent that is possible, the following information:

- I. Description of the people or parties that are involved in the improper conduct
- II. Details of the improper conduct, including the relevant dates of occurrence
- III. Particulars of witnesses, if any
- IV. Particulars or production of documentary evidence, if any.

A disclosure of Improper Conduct may be made even though the person making the disclosure is not able to identify a particular person to which the disclosure relates.

6.0 Reporting

A disclosure of improper conduct may be made orally or in person to the HR manager via the office phone number +254 797 570253, in writing via an email or letter to hrkenya@healthright.org or to the country director via Peter.ofware@healthright.org

When a disclosure is made orally, the person receiving the disclosure shall, as soon as practicable, reduce the same in writing.

7.0 Conduct of Investigation

In respect to the disclosures made, the HR manager will assess the same to determine whether they

are related to improper conduct or excluded from the scope of this policy. He or she should, within seven days (7) from the date the disclosure was made, prepare an assessment report to the country director (CD) appraising him of the result of the assessment, and recommend either to ignore the disclosure or take further action. The CD may extend the time for completion of the assessment report.

In respect of disclosures made against the HR manager or a member of the board, the CD director shall assess the same to determine whether it is related to an improper conduct or excluded from the scope of this policy

Within seven (7) days from the date the assessment report is received, so far as is practicable, the CD or the chair of the board, shall have the authority to make the final decisions including, but not limited to, any of the following:

- I. Rejection of the disclosures either in part or in total, if it falls outside the scope of this policy
- II. Directing the matter or any part thereof to be dealt with under other appropriate internal procedures
- III. Directing an investigation into the disclosure(s) made on any persons involved or implicated
- IV. Designating the HR manager or any other person from within or outside of the organization to conduct investigations or to take any other action pursuant to this policy
- V. Obtaining any other assistance from other parties such as external auditors or obtaining legal advice whether from internal or external advocates
- VI. Referring the matter to an appropriate law enforcement agency in case further investigations are necessary.

At the conclusion of the investigation, the HR manager will submit an investigation report of the findings to the Country Director or the chair of the board. The investigation report will contain the following:

- I. The specific allegation(s) of improper conduct
- II. All relevant information or evidence received and the grounds for accepting or rejecting them. Copies of interview transcripts and any documents obtained during the investigations shall accompany the investigation report
- III. The conclusions and recommendations thereof

The country director or the chair of the board shall act in accordance with the recommendations of the investigation report.

8.0 Confidentiality

Reasonable steps will be taken to maintain the confidentiality of the whistleblower's confidential information

9.0 Protection of the Whistleblower.

Upon making a disclosure in good faith, based on reasonable grounds and in accordance with and pursuant to this policy:

- I. The whistleblower shall be protected from any detrimental action within the organization as a direct consequence of the disclosure
- II. The whistleblower's identity and such other confidential information of the whistleblower shall not be disclosed.

The protection against detrimental action is extended to any person related to or associated with the whistleblower.

A whistleblower may lodge a complaint to the organization of any detrimental action committed against him/her or any person related to or associated with the whistleblower by an employee of HealthRight Kenya.

The Whistleblower protection conferred under this Policy is not limited or affected notwithstanding that the disclosure of the Improper Conduct does not result in any disciplinary action of the person against whom the disclosure was made.

10.0 Administration of the Policy

The Human Resource Manager is responsible for the administration, interpretation and application of this policy

11.0 Roles and Responsibilities

This policy will be implemented by the Human Resource and Administration manager in collaboration with all managers and the senior leadership team.

Approved By
Peter Ofware,
Country Director.
HealthRight Kenya

Date: 5th August 2024

Signature:

