



Zihi
Institute

Whistleblower Protection **Policy**

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Organization	Zihi Institute
Policy Name	Whistleblower Protection Policy
Policy Category	Ethical Engagement and Compliance Policies
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1. Introduction

Zihi Institute (hereinafter referred to as "the Organization") is dedicated to fostering a culture of integrity, transparency, and accountability by encouraging the reporting of unethical, illegal, or fraudulent activities without fear of retaliation. Whistleblowing plays a critical role in the early detection and prevention of misconduct, enabling organizations to take appropriate corrective actions and uphold its mission and values.

The Organization recognizes the importance of protecting individuals who come forward to report misconduct, ensuring they are safeguarded against discrimination, harassment, or any form of retaliation. The Organization provides a structured and confidential mechanism for reporting concerns and is committed to thorough and impartial investigations.

This Whistleblower Protection Policy outlines the procedures and protections in place to facilitate the reporting of misconduct while ensuring compliance with relevant laws and international best practices. The policy aligns with the following legal and regulatory frameworks:

- **Kenyan Legal Frameworks:**
 - The Witness Protection Act, 2006.
 - The Anti-Corruption and Economic Crimes Act, 2003.
 - The Leadership and Integrity Act, 2012.
 - The Public Officer Ethics Act, 2003.
- **International Best Practices:**
 - United Nations Convention Against Corruption (UNCAC).
 - OECD Guidelines for Whistleblower Protection.
 - Transparency International's Best Practices for Whistleblower Protection.

2. Purpose of the Policy

The purpose of this policy is to:

- **Establish a Comprehensive Framework:** Provide a clear structure for the prevention, detection, and response to corruption at all levels of the Organization.
- **Ensure Legal and Regulatory Compliance:** Align organizational practices with applicable anti-corruption laws and international best practices to avoid legal liability and uphold the Organization's integrity.
- **Promote Ethical Conduct and Accountability:** Foster a culture of transparency and honesty by encouraging employees and stakeholders to act with integrity in all organizational dealings.
- **Safeguard Organizational Resources:** Protect financial, human, and material resources from fraudulent and corrupt practices that could jeopardize the Organization's mission and operations.

- **Encourage Reporting and Whistleblowing:** Provide a safe and confidential environment for individuals to report suspected or actual corruption without fear of retaliation.
- **Establish Clear Roles and Responsibilities:** Define the duties of employees, management, board members, and external partners in upholding anti-corruption measures.
- **Continuous Improvement:** Support ongoing evaluation and enhancement of anti-corruption practices to respond effectively to evolving risks and regulatory changes.

3. Scope

This policy applies to all individuals and entities associated with the Organization, ensuring a comprehensive approach to anti-corruption efforts across all operational areas. The following categories of individuals and interactions fall within the scope of this policy:

- **Internal Stakeholders:**
 - Board members, including the Management Advisory Board and Scientific Advisory Board.
 - Executive Leadership Team members.
 - Employees, including full-time, part-time, and temporary staff.
 - Volunteers, interns, and consultants engaged by the Organization.
- **External Stakeholders:**
 - Partners, implementing agencies, and subcontractors engaged in joint initiatives.
 - Suppliers, vendors, and service providers involved in procurement and contracting processes.
 - Beneficiaries and community stakeholders receiving services from the Organization.
- **Operational Areas:**
 - All programs, projects, and operational activities undertaken by the Organization.
 - Procurement and financial transactions, including grant management and asset utilization.
 - Interactions with government entities, regulatory bodies, and the public sector.
 - Fundraising, sponsorship, and public relations engagements.

4. Definitions of Key Terms in the Policy

- **Whistleblower:** An individual who reports suspected wrongdoing in good faith, with the honest belief that a violation has occurred or is about to occur, without seeking personal gain.
- **Wrongdoing:** Includes but is not limited to fraud, corruption, abuse of authority, gross mismanagement, health and safety violations, environmental hazards, discrimination, harassment, and breaches of organizational policies or applicable laws.
- **Retaliation:** Any adverse action taken against a whistleblower for reporting wrongdoing, including but not limited to termination, demotion, harassment,

intimidation, discrimination, or any other action that would dissuade a reasonable person from reporting misconduct.

- **Good Faith Report:** A disclosure made with a reasonable belief that the information provided is true, even if it later proves to be incorrect.
- **Anonymous Reporting:** The option for a whistleblower to report concerns without disclosing their identity to ensure protection against potential retaliation.
- **Ethics and Compliance Officer:** The designated official responsible for receiving, reviewing, and overseeing investigations of whistleblower reports within the Organization.
- **Confidentiality:** The obligation of the Organization to ensure that the identity of the whistleblower and the details of the report are kept secure and disclosed only on a need-to-know basis.
- **Protected Disclosure:** Information provided by a whistleblower that reveals evidence of misconduct and qualifies for protection under this policy and applicable laws.
- **Investigation Team:** A group of appointed individuals tasked with conducting impartial inquiries into whistleblower reports and providing recommendations for corrective actions.
- **Whistleblower:** An individual who reports suspected wrongdoing in good faith.
- **Wrongdoing:** Includes but is not limited to fraud, corruption, abuse of authority, health and safety violations, environmental hazards, and breaches of organizational policies.
- **Retaliation:** Any adverse action taken against a whistleblower for reporting wrongdoing.

5. Reporting Mechanisms

Whistleblowers may report their concerns through the following channels:

- **Form:** A dedicated secure form for reporting concerns directly designated team that will be shared with anyone involved with the organization and also available in the Organization's website platform.
- **Physical Drop Box:** Secure drop boxes placed at key locations within the Organization.
- **In-Person Reporting:** Direct reporting to the Ethics and Compliance Officer or Chairperson of the Management Advisory Board or Executive Director where the issue involves a member of the Executive Leadership.

Reports should include sufficient details such as dates, names of individuals involved, and supporting documentation where available.

6. Key Issues to be Reported via Whistleblowing

Whistleblowing should be used to report serious concerns that could harm the integrity and operations of the Organization. The following issues should be reported through the whistleblowing channels:

- **Fraud and Financial Misconduct:**
 - Misappropriation of funds or assets.
 - Falsification of financial records or expense claims.
 - Unauthorized financial transactions.
- **Corruption and Bribery:**
 - Offering, giving, or receiving bribes.
 - Facilitation payments to influence business decisions.
 - Kickbacks in procurement processes.
- **Conflict of Interest Violations:**
 - Undisclosed relationships influencing decision-making.
 - Personal financial interests conflicting with organizational responsibilities.
- **Abuse of Power or Position:**
 - Misuse of authority for personal gain.
 - Nepotism and favouritism in hiring or awarding contracts.
- **Legal and Regulatory Violations:**
 - Breaches of national or international anti-corruption laws.
 - Non-compliance with donor regulations.
 - Violations of procurement guidelines.
- **Harassment and Discrimination:**
 - Workplace harassment, including sexual harassment.
 - Discriminatory practices based on race, gender, or other factors.
- **Health and Safety Violations:**
 - Failure to comply with occupational safety regulations.
 - Endangerment of employees or beneficiaries.
- **Retaliation Against Whistleblowers:**
 - Any form of retaliation for reporting misconduct.
 - Intimidation or threats against whistleblowers.

It is important to note that the issues listed above are not exhaustive, and any concerns that could impact the Organization's ethical and operational standards should be reported through the whistleblowing mechanism.

7. Issues That Do Not Qualify for Whistleblowing

While the Organization encourages reporting of corruption-related misconduct through whistleblowing channels, certain concerns do not qualify under this policy and should be addressed through appropriate internal mechanisms. These include:

- **Employment Grievances:** Issues related to personal employment conditions such as salary disputes, performance evaluations, workplace conflicts, and disciplinary actions should be reported to the Human Resources Department following the Organization's grievance procedures.
- **Routine Operational Concerns:** Operational inefficiencies, resource allocation issues, and general administrative matters should be discussed with the relevant supervisor or department head.
- **Customer Service Complaints:** Concerns related to service delivery, delays, or dissatisfaction with program execution should be escalated through the Organization's feedback mechanisms.
- **Policy Interpretation Questions:** Questions about policy implementation or interpretation should be directed to the Compliance or Legal departments.

8. Whistleblower Protection

The Organization is committed to protecting whistleblowers through the following measures:

- **Confidentiality:**
 - All reports will be handled with the strictest confidentiality to the extent permitted by law.
 - The identity of the whistleblower and the nature of the report will be disclosed only on a need-to-know basis.
 - Information related to reports will be stored securely with restricted access.
- **No Retaliation:**
 - Whistleblowers will be protected against dismissal, demotion, harassment, discrimination, intimidation, or any form of retaliation.
 - Any individual found to be engaging in retaliatory actions will face disciplinary measures, including possible termination of employment or contract.
 - The Organization will take immediate corrective actions if retaliation is reported or suspected.
- **Legal Protections:**

- Whistleblowers are protected under the Kenyan Witness Protection Act, 2006, ensuring they receive legal support if needed.
- The Organization will provide access to independent legal counsel where necessary to safeguard the whistleblower's rights.
- **Support Mechanisms:**
 - Whistleblowers will have access to counselling services to address any stress or anxiety resulting from reporting.
 - Designated personnel within the Ethics and Compliance Office will provide guidance and assistance throughout the reporting and investigation process.
- **Anonymous Reporting Protection:**
 - Anonymous reports will be fully investigated without requiring the whistleblower to reveal their identity.
 - The Organization guarantees that whistleblowers choosing anonymity will not be disadvantaged in any way.
- **Follow-Up and Updates:**

The Organization is committed to keeping whistleblowers informed of the status and outcome of their reports whenever possible. However, due to the confidentiality and anonymity of the whistleblowing process and sensitive internal details, the Organization may not always be able to provide detailed feedback to the whistleblower. Anonymous reports may present challenges in providing follow-ups, but all efforts will be made to communicate general progress through secure channels where possible.

The Organization will ensure that:

- Acknowledgment of receipt of reports is provided within 2 weeks.
- Periodic updates are given to whistleblowers who have identified themselves, subject to legal and confidentiality constraints.
- Upon conclusion of an investigation, a final notification will be issued where permissible, outlining whether the matter has been resolved or if further action is required.

As shared above, every effort will be made to keep whistleblowers informed, some cases may involve sensitive details that cannot be disclosed due to legal or operational considerations.

9. Investigation Process

Upon receiving a report, the Organization will follow the below steps:

1. **Acknowledgment:** The whistleblower will receive an acknowledgment of receipt within 2 weeks.
2. **Preliminary Assessment:** The Ethics and Compliance Officer or the delegated personnel will conduct an initial review to determine the credibility of the report.

3. **Formal Investigation:** A designated investigation team will be appointed to gather evidence and conduct interviews.
4. **Findings and Recommendations:** A detailed report will be submitted to the Executive Leadership team for appropriate action.
5. **Closure and Feedback:** The whistleblower will be informed of the outcome where legally permissible.

10. Responsibilities

- **Management Advisory Board:** Oversee the implementation and effectiveness of the policy.
- **Executive Leadership Team:** Ensure compliance with this policy and foster a whistleblower-friendly culture.
- **Ethics and Compliance Officer:** Manage the reporting process and oversee investigations.
- **Employees and Stakeholders:** Uphold the principles of transparency and report any unethical behavior.

11. False Reporting

False or malicious reporting undermines the integrity of the whistleblowing process and the trust within the Organization. Knowingly providing false information with the intent to harm an individual or the Organization is strictly prohibited and may result in disciplinary action.

10.1 Definition of False Reporting

- **False Report:** A report made with knowledge of its falsity or with reckless disregard for its truth.
- **Malicious Intent:** Providing misleading information with the intention of causing harm, personal vendetta, or reputational damage.

10.2 Consequences of False Reporting

Individuals found to have deliberately made false or malicious allegations may face the following actions:

- **Disciplinary Measures:**
 - Written warnings.
 - Suspension or termination of employment or contract.
 - Legal proceedings as per applicable laws.
- **Legal Consequences:**
 - False reporting may result in legal action under relevant provisions of the Kenyan legal framework, including defamation laws.

- **Reputational Impact:**

- Individuals proven to have made false claims may be subject to public disclosure if deemed necessary to protect the Organization's credibility.

10.3 Prevention of False Reporting

The Organization encourages:

- Proper understanding of what constitutes a reportable wrongdoing before making a disclosure.
- Encouraging individuals to report with sincerity and in good faith.
- Awareness training to educate stakeholders on the implications of false reporting.

By maintaining a fair and ethical reporting culture, the Organization ensures that whistleblowers act responsibly and uphold the integrity of the whistleblower protection mechanisms.

12. Training and Awareness

- Regular training sessions will be conducted to educate all stakeholders on whistleblower rights and responsibilities.
- Awareness campaigns will be implemented to promote the available reporting mechanisms and emphasize the importance of ethical conduct.
- Ignorance of this policy and related legal requirements will not be considered a defence for failing to report misconduct.

13. Enforcement and Disciplinary Actions

The Organization is committed to ensuring strict enforcement of this policy and taking appropriate disciplinary actions against any violations. Enforcement of the policy is designed to deter misconduct, protect whistleblowers, and uphold organizational integrity.

12.1 Investigation and Enforcement Process

The Organization will follow a structured and transparent process when investigating reports and enforcing disciplinary measures:

1. Receipt and Acknowledgment of Report:

- All reported concerns will be formally acknowledged within [insert timeframe].
- Initial screening will be conducted to determine if the report falls within the scope of the policy.

2. Assessment and Preliminary Inquiry:

- The Ethics and Compliance Office will conduct an initial review to assess the credibility and scope of the allegations.
- If warranted, an official investigation will be launched.

3. Formal Investigation:

- A dedicated investigation team will gather evidence, interview relevant parties, and analyze data.
- The whistleblower will be kept informed of the investigation progress where legally permissible.

4. Decision and Corrective Actions:

- Based on the findings, appropriate corrective actions will be recommended.
- The Executive Leadership Team will review and approve disciplinary measures.

12.2 Disciplinary Measures

Employees, contractors, or stakeholders found guilty of violations may face the following disciplinary actions depending on the severity of the misconduct:

• For Minor Violations:

- Verbal or written warnings.
- Mandatory training or reorientation on compliance.
- Increased monitoring and supervision.

• For Moderate Violations:

- Suspension with or without pay.
- Reduction in responsibilities or demotion.
- Revocation of access to sensitive organizational resources.

• For Severe Violations:

- Termination of employment or contract.
- Legal action, including criminal or civil proceedings.
- Reporting to relevant regulatory authorities, such as the Ethics and Anti-Corruption Commission (EACC) in Kenya.

12.3 Appeals Process

Individuals subject to disciplinary actions have the right to appeal the decision through the following steps:

- Submit a written appeal to the Ethics and Compliance Office within [insert timeframe].
- The appeal will be reviewed by an independent panel to ensure fairness and adherence to due process.
- A final decision will be communicated within [insert timeframe] after thorough review.

12.4 Monitoring and Compliance

- The Organization will regularly monitor enforcement effectiveness through audits and compliance assessments.
- Reports on disciplinary actions and policy effectiveness will be submitted to the Board of Directors for oversight.

12.5 Confidentiality and Protection Measures

- All enforcement actions will be conducted with the highest level of confidentiality to protect the identities of involved parties.
- Retaliation against individuals who report in good faith will not be tolerated and will result in additional disciplinary actions.

The Organization remains committed to ensuring fair, consistent, and transparent enforcement of this policy in line with Kenyan laws and international best practices.

14. Monitoring and Review

- This policy will be reviewed periodically to ensure effectiveness and alignment with legal and operational requirements.
- Internal audits will be conducted to assess compliance with whistleblower protection measures.

15. Relationship with Other Policies

This Whistleblower Protection Policy should be read in conjunction with the following policies:

- Anti-Corruption Policy.
- Code of Conduct Policy.
- Conflict of Interest Policy.
- Financial Management Policy.

16. Acknowledgement

By signing a contract, terms of reference, employment agreement, or any other engagement with Zihi Institute, anyone involved with the Organization acknowledges their commitment to upholding and adhering to this Whistleblower Protection Policy. The policy can also be utilized by an external individual or party who detect an issue that requires reporting.

17. Review and Amendments

This policy will be reviewed **every 3 years** or as necessary to accommodate changes in the operating environment. Amendments will be approved by the Executive Director and the Management Advisory Board.

18. Approval

Approved by:

Daniel Waruingi



Executive Director, Zihi Institute



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