



**FSD AFRICA**

**WHISTLEBLOWING POLICY**

**11 May 2020**

<b>Title</b>	<b>Whistleblowing Policy</b>	
Owner	Chief Finance Officer	
Board Committee	FARC	
Review date	(Proposed after 1 year and biennially thereafter)	
Background	<p>Availing whistleblowing facilities helps to foster a culture of accountability, transparency and integrity. Whistle-blower protection has become a worldwide concern leading to global recommendations such as the 2019 EU directives on whistleblowing. Organisation recognise the need to enhance better complaint capturing mechanisms that fosters early detection of incidences, giving those involved an avenue to speak up.</p> <p>FSD Africa has instituted whistleblowing facilities that foster anonymity to protect those who report concerns. These are complemented by guidelines and procedures written in various manuals including the HR manual and due diligence questionnaires.</p> <p>Further to a board meeting held in March 2020, the directors recommended that a whistleblowing policy be created to complement the underlying procedures.</p>	
Reviews	CFO	
	COO	Done
	Compliance Consultant	
	Board Advisor	
Executive summary	<p>This policy communicates FSD Africa stance of zero tolerance to risks that hamper the safety of staff. It lays out the commitment to protect those who report concerns from reprisal, victimisation and discrimination</p> <p>The policy lays out the type of concerns that should be reported through the whistleblowing channel, informs the Whistle-blower what to expect once a report has been made, assign roles and responsibilities in the reporting of concerns and outlines FSD Africa's commitment to reporting externally.</p>	

## **WHISTLEBLOWING POLICY**

<b>Date of Review:</b>	<b>(1 year after operational date, biennially thereafter)</b>
<b>Policy Owner</b>	<b>Chief Finance Officer</b>
<b>Confidentiality:</b>	<b>Public</b>

### **1. Policy statement**

FSD Africa is committed to providing a safe environment which fosters accountability, integrity and ethics. FSD Africa does not tolerate unethical behaviour which includes but is not limited to fraud and corruption, sexual exploitation and abuse, bullying and harassment. It is important that the people who work with FSD Africa i.e. employees, partners, suppliers and beneficiaries feel safe to report concerns of suspected malpractice or any unethical conduct without fear of discrimination, victimisation or reprisal. FSD Africa has zero tolerance for actions or practices that undermine the safety of staff, partners or 'end-user' beneficiaries. FSD Africa takes all concerns of malpractice and unethical conduct seriously and commits to responding to them consistently and fairly in accordance with laid down investigation procedures.

### **2. Purpose of the policy**

This policy aims to:

1. Encourage our employees and the third parties who interact with us or our programmes to raise concerns of malpractice at the earliest opportunity
2. Inform our employees and third parties of the avenues of raising concerns and what to expect after they raise their concerns
3. Assure those who raise concerns of protection from possible reprisal and victimisation

### **3. Scope of the policy**

This policy applies to FSD Africa and its subsidiary FSD Africa Investments' staff, partners, suppliers, beneficiaries and third parties/associated persons to which we have contractual or legal obligations.

This policy does not comprise the terms and conditions of any contract that FSD Africa enters into and may be subject to change at any time at the discretion of management.

FSD Africa considers reportable unethical behaviour or malpractice to include:

1. Safeguarding concerns i.e. concerns of sexual exploitation, abuse and harassment
2. Failure to comply with FSD Africa's policies and procedures
3. Criminal offence that has been committed, is being committed or is likely to be committed; this includes fraud, theft, corruption or money laundering
4. Failure to comply with legal obligations
5. Miscarriage of justice that has occurred or is likely to occur
6. Dangers to health and safety

7. Damage to the environment
8. Deliberate concealment of any of the above malpractice or unethical conduct

#### **4. Definitions**

**Whistleblowing** is when an employee or associated third party such as a supplier or grantee, goes outside the normal management channels to report suspected wrongdoing at work, i.e. speaking out in a confidential manner. This can be done via internal processes set up by the organisation (internal whistleblowing) or to an external body such as a regulator (external whistleblowing).

**A whistle-blower** is an individual who alerts, via the appropriate channels, an organisation on serious malpractice or actions that endanger the firm's employees or assets. The individual could be an internal party (e.g. Employee) or an external party (e.g. suppliers, grantees or the general public).

#### **5. Raising a whistleblowing concern**

Staff who have concerns should normally raise them with their line manager. Staff are also encouraged to raise concerns to a more senior manager including the Chief Executive Officer, should they feel unable or unwilling to speak to their line manager. Names and addresses of staff members are available through the FSD Africa website.

Third parties with whom FSD Africa has a contractual relationship (e.g. grant) should report concerns to the staff member at FSD Africa with whom they normally interact or to his/her line manager. They are also strongly encouraged to raise concerns to another senior manager within FSD Africa, including the Chief Executive Officer, should they feel unable or unwilling to raise the matter with the person, or team, with whom they normally interact.

Third parties with whom FSD Africa does not have a contractual relationship should report concerns to any senior manager at FSD Africa, including the Chief Executive Officer.

Safeguarding concerns should be raised with the designated Safeguarding Officers. (Refer to Safeguarding policy section 6)

Should staff or FSD Africa's associated persons be unable to raise concerns with line management or the Safeguarding Officers, they are encouraged to whistle blow using the following available channels.

**Calling the following free hotline:**

**0800 722 626 (available in Swahili and English)**

**Emailing: [fsdafrica@tip-offs.com](mailto:fsdafrica@tip-offs.com)**

Concerns of sexual harassment and/or any breach of FSD Africa's Code of Conduct may be reported directly to DFID through:

**[reportingconcerns@dfid.gov.uk](mailto:reportingconcerns@dfid.gov.uk)**

FSD Africa's whistleblowing hotlines are managed by a third party which guarantees confidentiality and ensures anonymity of the whistle-blower. Settlement agreements entered into by FSD Africa staff do not prohibit them from raising concerns in the interest of the public.

#### **6. Managing the concern**

When reports are received, a designated independent official will respond to the whistle-blower and where necessary seek more clarity on the concern. Reports made anonymously are therefore likely to have a limited response.

FSD Africa commits to respond to **all** concerns received thoroughly and fairly upholding confidentiality at all times. Where appropriate an investigation will be conducted in line with FSD Africa investigation guidelines and actions taken accordingly. An independent incident manager will be appointed by the Chief Executive Officer (or, if applicable, by the Chairman of the Board) to oversee the resolution of the concern fairly and objectively.

The process of managing a safeguarding concern is outlined in the '**procedures for dealing with a safeguarding concern**'.

The process of managing fraud and corruption concerns will be outlined in the **Anti-corruption and Integrity policy and procedures**.

## **7. Protection of whistle-blowers**

Persons who wish to raise concerns are encouraged to do so without fear of reprisal, discrimination or victimisation. FSD Africa will handle all reports from whistle-blowers with utmost confidentiality to protect the whistle-blower from any retaliation.

Any staff member who believes that they have subject to interference, threats, reprisals, retaliation, coercion or intimidation because they have raised a concern under this reporting mechanism should inform FSD Africa immediately. This may be through the whistleblowing hotlines.

Victimising, discriminating or intimidating anyone who raises a concern is considered gross misconduct and will be subject to disciplinary measures. Breach of confidentiality will also be considered a disciplinary matter.

## **8. Malicious reporting**

Employees are encouraged to make reports in good faith. Employees who deliberately make malicious reports to the detriment of another will be subjected to disciplinary measures. Reports made in good faith, even though unsubstantiated or unproven will not be considered malicious.

## **9. Responsibilities**

### **8.1 All**

Everyone covered within the scope of this policy is required to:

1. Read, understand and comply with this policy
2. To use the avenues mentioned in this policy to report any concerns they may have

### **8.2 Managers**

Managers are required to:

1. Treat all concerns that come to their attention with utmost confidentiality and impartiality employing due care
2. Ensure that the employees in their teams receive an induction of this policy
3. To provide necessary support such as mediation and/or the rebuilding of trust after a disclosure has been made

### **8.3 Chief Financial Officer**

1. The Chief Financial Officer will ensure that an appropriate and confidential record of matters raised under this reporting mechanism, and their resolution, are maintained.
2. The Chief Financial Officer will at least once annually, report to FSD Africa's Board of Directors on the workings and effectiveness of the policy on whistle-blowing and complaints and any reports received. These will be anonymised for confidentiality.

### **8.4 FSD Africa Board**

The Board is ultimately responsible to provide oversight over the effective implementation of this policy. The FSD Africa's board has delegated this task to the Finance Audit and Risk Committee, who will:

1. Ensure that there are adequate systems processes and procedures to effectively govern the whistleblowing arrangements of FSD Africa.
2. Ensure adequate resources are availed for the implementation of this policy

## **10. Independent assurance**

FSD Africa commits to having an independent assurance of its whistleblowing mechanism. This is to provide assurance over the integrity and efficacy of the whistleblowing process.

## **11. Training and Communication**

FSD Africa will communicate this policy and its implementation to its staff, grantees and all who are covered within the scope of this policy. Communication will be done through various mechanisms including (internal) training and (external) posting on the website. FSD Africa commits to train all employees on the contents of this policy; this will include underlying laws, handling of whistle-blower complaints, whistle-blower protection mechanisms.

FSD Africa's annual report and accounts will include a report on the workings and effectiveness of this policy. FSD Africa will publish a statement on its whistle-blowing policy on its website.

## **12. External reporting**

FSD Africa is subject to laws and regulations of the countries it operates in and is committed to fully comply with them. Any external reporting to regulators or other bodies will be made in line with these laws and regulations and any agreements signed by FSD Africa.

## **13. Data protection**

FSD Africa will abide by the data protection act of Kenya and general data protection regulations in handling the whistleblowing concerns. FSD Africa respects confidentiality and has a responsibility to protect sensitive personal data. Information will only be shared on a *need to know* basis, that is, access to the information must be necessary for the conduct of one's official duties. Only individuals who have legitimate reasons to access the information are allowed to receive it. For more information, please refer to the **data protection policy**.

## **14. Review of this policy**

The Chief Finance Officer is responsible to ensure that this policy is reviewed on a timely basis. This policy will be reviewed one year after operation and thereafter biennially.

## **15. Related policies**

This policy should be read in conjunction with:

1. Safeguarding policy (Section 7)
2. Data protection policy (Section 3 and 4)
3. Code of conduct
4. Procedures for responding to a safeguarding concern
5. Anti-corruption and integrity policy and procedures (section 2 and 5)
6. Disciplinary policy and procedures
7. Terms of reference for safeguarding officers