

## ActionAid's Whistleblowing Policy

June 2019

### **A. Introduction**

1. The ActionAid Whistle-blowing system aims to reinforce the organisation's commitment to conducting its business with honesty and integrity and to comply with its policies, values, attitudes and behaviours.
2. This Policy applies equally to all units of the AA Federation and all units are expected to comply with the provisions contained here. References to "AA" in this Policy refers to AA International, all members and all Country Programmes.
3. The system provides a channel for reporting of suspected wrongdoing as quickly as possible, in the knowledge that concerns will be taken seriously and investigated appropriately and, in a way, which ensures that those who raise genuine concerns can do so without fear of reprisals.

### **B. Aims & Scope of this Policy**

4. This policy aims to:
  - Encourage Whistle-blowers to feel confident about raising concerns about relevant wrongdoings;
  - Provide avenues for Whistle-blowers to report relevant wrongdoings and receive feedback on any action taken;
  - Reassure Whistle-blowers that they will be protected from reprisals for making a disclosure in accordance with this policy.
  - Display the organisations commitment to honest practices, and responsible conduct of its employees, partners and stakeholders, and to recourse should these not be adhered to.

### **C. Policy**

5. This Policy applies to all activities and operations of AA, including projects and programmes funded by donor partners as well as those implemented by partner organisations.
6. The policy encourages anyone to whom it applies to report wrongful acts committed by anyone involved in the activities and operations of AA.
7. The Whistle-blowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.
8. This procedure does not replace other policies and procedures such as the AAI Code of Conduct, the complaints procedure, the Grievance and Harassment and Bullying Policies, Anti-

Fraud and Corruption, SHEA and Safeguarding policies and other policies with specifically laid down statutory reporting procedures but will complement such procedures.

9. Wrongful acts in this sense may include, but are not limited to;

- criminal activity;
- failure to comply with any legal or professional obligation or regulatory requirements;
- miscarriages of justice;
- improper conduct or unethical behaviour;
- danger to health and safety;
- damage to the environment;
- bribery under the Organisation's Anti-Fraud and Corruption Policy;
- financial fraud or mismanagement;
- participation in or facilitation of criminal tax evasion
- breach of the Organisation's policies and procedures;
- conduct likely to damage the Organisation's reputation or financial wellbeing (or that of its subsidiaries);
- unauthorised disclosure of confidential information;
- negligence;
- harassment, bullying;
- sexual harassment;
- sexual exploitation and abuse
- child or adult at risk abuse
- modern slavery or trafficking
- discrimination (e.g. against someone on the basis of their race or gender);
- manager/employee relations;
- abuse or excessive use of power;
- abuse of trust;
- fraudulent procurement;
- undeclared conflict of interest;
- the deliberate concealment of any of the above wrongful acts.

10. A Whistle-blower is any person who raises a bona fide or genuine concern relating to any of the above wrongful acts, including wrongful acts which may or may not be explicitly covered in the policy, but which may nevertheless be considered a violation of ActionAid's code of conduct.

11. Should a Whistle-blower acting in good faith face any direct or indirect victimisation, including any form of retaliation, then disciplinary measures or further actions will be taken against any such victimizers or wrongdoers.

12. Members of staff whilst still in the employment of the organisation are encouraged to report any wrongful act whenever possible.

#### **D. What should not be reported under this Whistle-blowing policy?**

13. Complaints relating to personal circumstances in the workplace or to terms of employment (excluding the aforementioned wrongful acts listed above) should not be reported under the ActionAid Whistle-Blowing policy.

14. While ActionAid takes concerns relating to personal circumstances and terms of employment seriously they should be raised with the appropriate authority handling such concerns, namely HR, by using the grievance procedure included within the Staff Handbook.

#### **E. Responsibility for the Policy**

15. The relevant sub-committee of the Board of ActionAid International has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

16. ActionAid's International Internal Audit team has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training during the International Internal audit country reviews.

17. Policy awareness sessions must also be carried out with all staff during the International Internal audit visits.

18. The International Audit Team, in conjunction with the relevant sub-committee of the AAI Board should review this policy from a legal and operational perspective every two years.

#### **F. Reporting a Case**

19. All ActionAid Staff are encouraged to report wrongful acts or suspected wrongful acts in accordance with this Whistle-Blowing policy, and in line with the AAI Code of Conduct. Members of staff of partner organisations may also report such wrongful acts committed by ActionAid Staff or their own staff in the execution of their partnership agreements. Reports can be made as follows;

- Country Offices

20. Any employee of ActionAid or that of a partner organisation who observes any improper practice or wrongful conduct on the part of an ActionAid member of staff or of a partner organisation should report such observations to one of the following:

- a. Local Internal Audit
- b. Country Director
- c. Line Manager
- d. HR Representative

21. In cases where alleged wrongdoing relates to the respective Country Board, the case should be reported to the International Director for Federation Development and International Internal Audit.

22. All reports should be properly investigated by a Committee set up by Country management/local Internal Auditor and or International Internal Audit where applicable.

23. The composition of investigation committees should be carefully considered, and allow for possible appeals, and as far as possible, appeals should be handled by the most senior representative of the organisation. Reported cases may also be investigated by International Internal Audit, where applicable.

24. Complaints relating to Sexual Harassment, Exploitation and Abuse including child abuse and abuse of adults at-risk can be raised to the country SHEA and Safeguarding Focal Point and/or to the AAI Global SHEA and Safeguarding Team ([safeguarding@actionaid.org](mailto:safeguarding@actionaid.org)). The Global SHEA and Safeguarding Team must be informed of all concerns relating to SHEA and Safeguarding. For more information please review the SHEA and Safeguarding Overarching Policy

- Global Secretariat

25. Any employee of ActionAid who observes any improper practice or wrongful conduct at any Regional Office or the Global Secretariat should report such cases to:

- a. International Internal Audit
- b. International Director
- c. Line Manager
- d. HR Representative

26. Where the alleged wrongdoing relates to the conduct of an International Leadership Team Director, the case should be reported to the Secretary General.

27. Where the alleged wrongdoing relates to the conduct of the Secretary General, the case should be reported to the AAI board.

28. In cases where alleged wrongdoing relates to the International Board, the case should be reported to the Head of International Internal Audit.

29. If a concern relates to International Internal Audit, the case should be reported to the Secretary General and the AAI Board.

30. Complaints relating to Sexual Harassment, Exploitation and Abuse including child abuse and abuse of adults at-risk can be raised to the AAI Global SHEA and Safeguarding Team ([safeguarding@actionaid.org](mailto:safeguarding@actionaid.org)). The Global SHEA and Safeguarding Team must be informed of all concerns relating to SHEA and Safeguarding. For more information please review the SHEA and Safeguarding Overarching Policy.

## **G. Raising a Concern using the Whistle-blowing Mechanism**

31. Whistle-blowers are encouraged to raise their concerns under the ActionAid Whistleblowing policy within their respective countries/section as a first option. However, it is also recognised that the Whistle-Blower may prefer to use an alternative mechanism for reporting an allegation (or, in the case of external parties or ex-employees, may not have access to those mechanisms). Therefore, this policy provides for reporting to the email address [whistleblowing@actionaid.org](mailto:whistleblowing@actionaid.org) as well.

32. ActionAid encourages Whistle-blowers to provide as much detail about their concern/s as possible, however at the same time, it is noted that it is not the Whistle-blower's role to investigate. Provision of the following information is recommended where possible:

- Provide a description of the alleged wrongdoing;
- Where possible provide any existing information that supports the allegation (e.g. emails, photographs)
- Date the disclosure;
- Provide contact details for follow-up by AA on the concern raised.

## **H. Confidentiality**

33. Cases may be reported on a confidential basis or may be reported anonymously using the email address [whistleblowing@actionaid.org](mailto:whistleblowing@actionaid.org) which will be monitored by the Head of International Internal Audit.

34. ActionAid encourages both anonymous and open disclosures, however we note that investigations may be more difficult if there is a need to obtain further information in the case of an anonymous report.

35. While every effort will be made to keep a Whistle-blowers' identity confidential, there may be circumstances in which it will be necessary to disclose an identity; this may occur in connection with associated disciplinary or legal investigations or proceedings.

36. ActionAid will work with Whistle-blowers to ensure that they receive information about their status under national law (for example, if their identity will need to be disclosed). Thus, the security of the Whistle-blower will be paramount.

37. Whistle-blowers, who are concerned about possible reprisals if their identity is revealed, should come forward, after which appropriate measures will be taken to preserve confidentiality.

38. If it is deemed necessary that the investigating party involved be informed of a Whistleblowers' identity, it will be discussed with the Whistle-blower in advance. ActionAid hopes that individuals will feel able to voice Whistle-blowing concerns openly under this policy. However, if the individual wishes to raise concerns anonymously, ActionAid will make every effort to keep their identity secret.

## **I. Protection and Support for Whistle-blowers**

39. It is understandable that Whistle-blowers are sometimes concerned about possible repercussions emanating out of the complaints or concerns lodged. ActionAid therefore aims to encourage openness and will support staff and others who raise genuine concerns under this policy, even if such concerns turn out to be of a mistaken nature.

40. No individual raising genuinely held concerns in good faith under this policy will be dismissed or be subject to any detrimental consequences arising from their actions such as unwarranted disciplinary action, victimisation, threats or other unfavourable treatment.

41. If any person/s is subjected to detriment as a result of making a disclosure, they should inform the appropriate authority immediately using the methods and channels as set out in this policy. If the matter is not remedied, they should raise it formally using ActionAid's in country or International Grievance Procedure where applicable.

42. AA Staff must not in any way threaten or retaliate against Whistle-blowers. If any member of staff is found to be guilty of such conduct, that staff member will be subject to disciplinary action.

43. If any ActionAid staff member is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment. It is important to note that if a case is not upheld that does not always mean that the complaint was false, but rather in some cases that there was insufficient evidence to uphold the allegation or complaint in question.

44. Support will be offered to Whistle-blowers as appropriate, regardless of whether a formal response is carried out (e.g. an investigation). This may include specialist psycho-social counselling, medical support, legal support and/or access to other specialist and appropriate support as needed.

45. Whistle-blowers can decide if and when they would like to utilise the support options available to them. ActionAid is committed to taking Whistle-blowers guidance and concerns, where safe and appropriate, on board. In this regard, ActionAid is furthermore committed to working with local NGOs and women's rights groups in ensuring that the support it offers to whistle-blowers are appropriately diverse in nature.

## **J. Handling of reported cases**

46. Disclosures may, depending on the seriousness and nature of the allegations, be referred immediately to the appropriate authorities in the country concerned e.g. the police. Likewise, if urgent action is required (for example to remove a health and safety hazard) such action will be taken before any other investigation is conducted. Risk assessments will subsequently be carried out throughout the process to ensure the safety and wellbeing of everyone involved.

47. All concerns raised will be responded to. In order to ensure natural justice and prevent malicious allegations, an initial inquiry will be made to decide whether an investigation is appropriate, and if so, what form it should take. Where appropriate, the matters reported may:

- Be investigated by management, local Internal Audit or be referred to the International Internal Audit function; cases relating to SHEA and Safeguarding will be managed by the SHEA and Safeguarding Focal Point and/or the Global SHEA and Safeguarding Team; cases relating to HR will be managed by the Global HROD Team.
- Be referred to external enforcement agency or regulator in country;
- Form the subject of an independent (third party) inquiry;
- For cases that involve more than one kind of wrongful act (e.g a SHEA and Safeguarding concern alongside a fraud allegation) and/or that are high risk, a committee consisting of representatives from HROD, Global SHEA and Safeguarding and International Internal Audit will be convened to address the allegation in question. This process can be carried out at the country level as well as the Secretariat level, as needed.
- Be referred to a decision-making panel to review the outcome of the investigation and decide on appropriate corrective action

48. Within seven working days of receiving a report the appropriate role/team will (e.g The Country Director, Head of International Internal Audit or a member of the International Directors' team or Secretary General or relevant sub-committee of the AAI Board):

- Acknowledge to the Whistle-blower that the report has been received;
- Where appropriate, indicate in summary form how the relevant investigating authority proposes to deal with the matter;
- Where necessary, give an estimate of how long it will take to provide the next response and or when investigative updates will be provided; or
- If possible, provide an approximate date by which the Whistle-blower will receive the final communication; or
- Set out why no investigation will take place.

49. Where allegations are received at country level, cases will be properly investigated by a Committee set up by management or a local Internal auditor where applicable.

50. Reported cases may also be investigated by the International Internal Audit team, where appropriate (for example, if a case has escalated as outlined above).

51. Upon investigation, management and or a decision-making panel will take the appropriate corrective action necessary as per the investigative outcome

## **K. Communicating of Investigation Outcomes**

- Internal Communication

52. The Head of International Internal Audit and respective Head of Country Support should be notified of the outcome of an investigation which took place at Country level.

53. For investigations carried out by the International Internal Audit team, a report will be communicated to a higher authority as appropriate and corrective actions will be suggested.

54. The respective International Director together with the donor relationship managers, Global Fundraising Team and or grants compliance managers must be notified as part of the internal communication as well.

55. A higher reporting authority may include the relevant sub-committee of the ActionAid's International Board.

- External Communication

56. In some circumstances, it may be necessary to notify external bodies such as donors and regulators (e.g. The Charity Commission) of an allegation when it is initially reported and on the outcome of the investigation, once it is finalised.

57. In these instances, the respective International Director together with the donor relationship managers, the global fundraising team and or grants compliance managers will manage the communication to the respective donors and regulators as per the relevant contractual requirements.

58. The Whistle-blower will also be notified of the outcome of an investigation whenever it is feasible to do so.

59. On an annual basis, and on a case by case basis as needed, concerns raised through the above Whistle-blowing process will be tracked and reported to the relevant sub-committee of the International Board.

## **L. False Allegations**

60. Any false allegation/s which proves to have been made maliciously or with a view to personal gain will be viewed as a serious disciplinary offence and may result in disciplinary action.

## **M. Right of Appeal**

61. Persons are entitled to appeal in this process following any decision arising from the assessment stage or investigation stage of the process.

62. Notice of appeal shall be in writing and must be submitted within 5 working days of the decision to the relevant investigating body.

63. The appeal for cases reported at country level will be referred to International Internal Audit and appeal cases reported at Global Secretariat level will be referred to the relevant sub-



committee of the ActionAid International Board. No person presiding over an appeal will have been involved at any stage of the assessment or investigation stages of the process.

**N. Notification**

64. All departmental heads and in particular human resource managers are required to notify and communicate the existence and contents of this policy to the employees of their department and to all new employees respectively.

65. Country Directors are responsible for creating a working culture that enables staff and others to raise concerns. Those Directors should accordingly also ensure that partners with whom project Memorandum of Understandings have been signed with are made aware of this policy and the partners responsibility to report any wrongful conduct of ActionAid Staff in the execution of their duties.

66. This policy will be monitored and reviewed for its effectiveness every two years

<b>Whistle-blowing Helpline</b>	<b>Contact Details</b>
AA International Internal Audit	whistleblowing@actionaid.org

APPENDIX 1

PROCESS FLOW GUIDE FOR WHISTLE-BLOWING HANDLING MECHANISM IN ACTIONAID INTERNATIONAL

(it should be noted that there may be allegations reported within unique contexts, requiring a different investigative approach to the one described below, in which case the process flow described below will not be applicable)

