

Introduction

An important aspect of accountability and transparency is a mechanism to enable individuals and groups to voice concerns in a responsible and effective manner, when they discover information which they believe shows serious malpractice or which are unethical.

Decisions and actions by mutual consultation are at the heart of the culture of Consumer Unity & Trust Society (CUTS). This whistle-blower policy is, therefore, fundamental to CUTS professional integrity. In addition, it reinforces the value that CUTS places on staff to be honest and respected members of society. It also offers whistle-blowers protection from victimization, harassment or disciplinary proceedings, if the whistle-blower acted in good faith and had no malicious intent.

It should be emphasized that this policy is meant to assist individuals and groups who believe they have discovered malpractice or impropriety in operations of the organization.

What Does this Policy Cover?

This policy covers situations where an individual or group of people (whistle-blowers) raise a concern about a risk, malpractice, or wrongdoing that involves and affects CUTS and its partners (including donors, partner NGOs, grantees, sub-grantees, business partners, vendors, suppliers etc.).

What is Whistleblowing?

Whistleblowing is confidential disclosure by an individual, or a group of people, of any concern encountered in the workplace relating to a perceived wrongdoing or malpractice.

Examples of wrongdoing and malpractice include, but are not limited to:

- Fraud – such as theft or misuse of CUTS funds or other resources by an employee or a third party; falsification of costs or expenses; forgery or alteration of documents; destruction or removal of documents; paying of excessive prices or fees to third parties with the aim of personal gain
- General malpractice – such as illegal or unethical conduct (including where someone's health & safety has been put in danger)
- Gross misconduct – such as sexual harassment, blackmail, extortion or physical abuse
- Infractions of CUTS policies, including the Conflict of Interest Policy
- Infractions of applicable laws

Who Does this Policy Apply to?

This policy applies to everyone who carries out work for CUTS, including:

- All board members of CUTS;
- All regular full time employees of CUTS;
- All employees working on any programs of CUTS;

What are the Fundamental Elements of this Policy?

- CUTS require whistle-blower(s) to disclose themselves by providing their name, date of birth, and phone number. Anonymous calls will neither be entertained nor investigated, in order to guard against potential abuse of this policy.
- The Whistle-blower(s) is/are protected from victimization, harassment or disciplinary action as a result of any disclosure, where the disclosure is made in good faith and is not made maliciously or for personal gain.
- Disclosures will be investigated fully including interviews with all the witnesses and other parties involved.
- While CUTS can provide internal anonymity, it cannot guarantee this will be retained if external legal action flows from the disclosure.
- A formal investigation shall be conducted by an Ethics Committee appointed by the Secretary General or any other officer nominated by him.

Ethics Committee and its Role

Ethics Committee will receive all formal complaints on behalf of the organization.

The Ethics Committee will comprise of:

- a) Any one member from senior management - Secretary General/Executive Director/Deputy Executive Director;
- b) Head of Finance and,
- c) Head of HR.

An investigation undertaken by Ethics Committee will be in accordance with the principles of natural justice and will be undertaken confidentially and as expeditiously as possible. Investigation to be completed within 60 days of receipt of complaint. Any delay in completion shall be done for reasons given in writing.

The HR department will be responsible for maintaining the record and documentation of all such proceedings. If any one of the members of the Ethics Committee is the subject of whistle-blower's allegations then he or she will be replaced on the Committee for that case by the Committee.

After conducting investigations, if the Ethics Committee feels that the issue raised by the whistle-blower is critical to the operations of CUTS and threatens to have pervasive

negative implications, the Committee will escalate the matter to the Board for further deliberation.

Raising the Concern and Investigations by Committee

The Ethics Committee can be contacted through email by any individual or group of people to raise a concern, show intention to disclose or make an actual discloser.

Upon receipt of a disclosure, an initial enquiry will be carried out by the Committee or any other officer designated by it, as the case may be to decide whether an investigation is appropriate and if so, what form it should take. Some concerns may also be resolved by an agreed action without the need for investigation. If the Committee as the case may be after the preliminary investigation comes to the conclusion that the matter needs to be investigated in detail, Committee will proceed to investigate it further.

Conducting Investigation

Having considered the conditions, the Ethics Committee will follow the steps as under:

- Give the whistle-blower the opportunity to present his or her case
- Look at the merit of the case as per the conditions for moving on a Whistle-blower Disclosure
- If an investigation is warranted, set out a timetable
- Identify witnesses as needed
- Speak with the subject(s) of the disclosure, as needed
- Analyse findings
- Come to conclusions (systemic malpractice or isolated incident)
- Determine action to be taken against whistle-blower or subject, if any
- Hand over recorded action to appropriate person or department

If the Ethics Committee concludes that the malpractice or control weakness relates to operations, the findings should be forwarded to the Secretary General of the organisation.

However, if the Ethics Committee concludes that the malpractice or the control weakness is systemic in nature or is policy or strategy related, the findings should be taken to the Board.

Disclosing information related to the investigation of a whistleblowing event is a breach of confidentiality and may put the whistle-blower at risk. Therefore, inquiries and comments about an allegation will be made within the whistle-blower database that will be maintained with Human Resources (HR under lock and key. Notes will be taken of all discussions about the whistle-blower report, but will be documented in a separate whistle-blower case file with HR, including specific details sufficient to preserve a record of the allegations and the case chronology.

Improper Complaints

This policy shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complainant to disciplinary or corrective action. However, failure to prove a claim does not constitute proof of a false and / or malicious accusation.

CUTS will ensure that neither the victim nor the witnesses nor the complainant are victimized or discriminated against while dealing with complaints. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

In case the whistle-blower is deemed by the Ethics Committee to have acted maliciously or in bad faith, the whistle-blower's identity will be disclosed and no extra care will be taken to hide the corrective measures taken against him/her, which may include, but are not limited to:

- A financial penalty and/or termination if the malicious whistle-blower is an employee.
- Scaling down or termination of the existing grantee, sub-grant or program partner or blacklisting of the party from being eligible for future grants, if the malicious whistle-blower is a sub-grantee
- Legal action including libel and/or slandering charges

Possible Outcomes

There will be no adverse consequences for anyone who does whistleblowing in good faith.

The following actions may be taken after investigation of the concern;

- Disciplinary action (up to and including dismissal) against the wrongdoer dependent on the results of the investigation;
- Disciplinary action (up to and including dismissal) against the whistle-blower if the claim is found to be malicious or otherwise in bad faith;
- No action if the allegation proves unfounded, and the committee concludes that the whistle-blower did not operate with a malicious intent or in bad faith.

The whistle-blower will be kept informed of progress and the outcome of the investigation, within the constraints of maintaining confidentiality or observing legal restrictions generally.