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Antenna Foundation Nepal (AFN)

Whistle Blowing Policy 2019

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April 2019

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Whistle Blowing Policy

1. Preamble

Employees are often the first to realize that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Organisation. They may also fear harassment or victimization. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Antenna Foundation Nepal (AFN) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the management's work to come forward and voice those concerns. It is recognized that most cases will have to proceed on a confidential basis.

The policy document makes it clear that you can do so without fear of victimization, subsequent discrimination or disadvantage. This whistle-blowing policy is intended to encourage and enable employees to raise serious concerns within the Organisation rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees and those contractors working for AFN Organisation and within its premises, for example, daily wage workers etc. It also covers suppliers and those providing services under a contract with AFN in their own premises.

These procedures are in addition to AFN's complaint/grievance procedures and other statutory reporting procedures. We are responsible for making service users aware of the existence of these procedures.

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2. **Aims and Scope of this Policy**

This policy aims to:

- ✓ Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- ✓ Provide avenues for you to raise those concerns and receive feedback on any action taken;
- ✓ Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- ✓ Reassure you that you will be protected from possible reprisals or victimization if you have a reasonable belief that you have made any disclosure in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The whistle-blowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorized use of public funds
- Possible fraud and corruption
- Sexual or physical abuse, or
- Other unethical conduct

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or employees of the Organisation or others acting on behalf of the management can be reported under the whistle-blowing policy. This may be about something that:

- ✓ Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe Organisation subscribes to; or
- ✓ Is against the AFN 's Standing Orders and policies; or
- ✓ Falls below established standards of practice; or
- ✓ Amounts to improper conduct.

This policy does not replace the corporate complaints/ grievance procedure.

3. **Commitment to implement this policy**

To demonstrate AFN's commitment to Whistle Blowing policy the following steps have been taken:

- The Policy has been approved by the AFN Board.
- The Policy is an integral part of AFN Employees Terms and Conditions.
- The Policy is embedded in AFN's operations.

The policy recognizes that everyone at AFN has a responsibility as well as an obligation to contribute to the minimize fraud and corruption risk. Therefore, AFN has devised a following facets to underline its commitment and to ensure compliance with the Policy.

3.1 *A Culture of Integrity and Ethics*

The most persuasive and effective method of whistle blowing is the promotion of an ethical and transparent environment that encourages staff at all levels to actively participate in protecting the organization's reputation, resources and encourage them to report against any types of unethical conduct.

This involves:

- A clear statement of ethical values in the AFN Code of Conduct , which all Staff Members have an obligation to comply with and promote with third parties, and which the organization applies and enforces consistently;
- Establishing, disseminating and enforcing this Policy, including sanctions for wrong doing;
- Clarifying and addressing types of unethical conduct;
- Establishing and applying personnel policies that focus on the honesty and integrity of employment candidates and require background checks sufficient to the level and sensitivity of the position;
- Maintaining staff morale, reasonable working hours, and common basic standards in local working conditions.

3.2 *Risk Management and Internal Control*

Risk management is at the heart of ensuring effective compliance with this Policy. The Executive Committee is responsible for assessing risk on a regular basis and for taking appropriate mitigation steps to reduce the organization's risk profile. AFN management provides regular updates on risk to the EC.

3.3 *Awareness and Training*

Awareness and training underpin Whistle Blowing. AFN will ensure that all employees are aware of the types of unethical conduct and should also be aware of the reporting channels.

Low *RA* *BA* *Shams* *Yol* *Diana* *RA* *Q* *HA*

As part of the induction program new staff will be introduced to the following subjects as they relate to whistle blowing:

- Definition of whistle blowing – with AFN examples to illustrate the breadth of fraud and the fact that it can involve the pursuit of tangible and intangible benefits;
- The need for ethical behavior and the fact that this is everyone's responsibility;
- How to identify wrong doings, breach of law, miscarriage of justice, risks, misuse of public funds, fraud and corruption, sexual or physical abuse or other unethical conduct;
- Steps to take if corruption or fraud is reasonably suspected;
- Responsibilities for handling allegations and inquiries into cases at AFN;
- The role of the Executive Committee, Executive Director, Managers of Program Operations, AFN's legal Advisor, Audit Committee, Procurement committee, Recruitment committee and members
- Available remedies and measures;

4. Safeguards

4.1 Harassment or Victimization

- ✓ AFN is committed to good practice and high standards and wants to be supportive of employees.
- ✓ We as an Organisation recognize that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing the service.
- ✓ The management will not tolerate any harassment or victimization (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- ✓ Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4.2 Confidentiality

- ✓ All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

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Roni *@* *Shams* *Yol* *Dilma* *@* *Yol*

4.3 Anonymous Allegations

- ✓ This policy encourages the staff member put their name to the allegation whenever possible.
- ✓ Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Executers.
 - In exercising this discretion the factors to be taken into account would include:
 - The seriousness of the issues raised
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from attributable sources.

5. Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

5.1 How to raise a concern

- ✓ As a first step, you should normally raise concerns with your immediate manager/ their superior/line HR. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- ✓ If your concerns are related to the Finance and Administration Manager (HR Manager) or the Executive Director then it is your responsibility to report directly to the members of AFN's Executive Committee.
- ✓ Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the grievance reporting format attached with this policy.

The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

Shams *Roni* *Yol* *Dilma* *@* *Yol*

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5.2 How would the Organisation respond?

The Organisation will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- Be investigated by management, internal audit, decisions made by the Executive Committee or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Organisation will have in mind, is the organizational and public interest.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted. The person responsible will write within ten working days of a concern being raised with the following:

- ✓ Acknowledging that the concern has been received;
- ✓ Indicating how we propose to deal with the matter;
- ✓ Giving an estimate of how long it will take to provide a final response;
- ✓ Telling you whether any initial enquiries have been made;
- ✓ Supplying you with information on staff support mechanisms, and
- ✓ Telling you whether further investigations will take place and if not, why not.

If you do intend to raise the matter outside the Organisation, you should ensure that you do not disclose confidential information and need to verify the same with the person responsible.

6. Responsible Officer

The Finance and Administration Manager of AFN has overall responsibility for the maintenance and operation of this policy. S/he would maintain the records of concerns raised and the outcome and will report as necessary to the Management. If this complaint is regarding the FAM or Executive Director you may wish to file complain to the Executive Committee.

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7. Disciplinary Action

Where an investigation reveals that a AFN Staff Member has committed some unethical conduct against the welfare of the staff or the organization, the EC will pursue disciplinary or legal action. Disciplinary action, unless prevented by country's legal restrictions, will result in immediate termination of employment and for Partners immediate termination or suspension of the contract.

8. Follow-up Actions

Following a case of such unethical conduct, the EC will ensure that all staff affected during the process and outcome of the investigation should also be a follow-up with the individual(s) who reported the initial allegations, to provide assurance that their claims have been taken seriously.

9. Related Policies for Further Guidance

The AFN Whistle Blowing Policy is to be incorporated by reference into all instruments regulating the employment, contractual or institutional relationship between AFN and natural or legal persons, and is to be read and applied in conjunction and consistent with the following resources:

- AFN Code of Conduct;
- AFN HR Policy
- AFN Fraud and Corruption Prevention Policy
- AFN Child Protection Policy
- AFN Employees Terms and Conditions
- AFN Admin and Finance Policy

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Sharma J.P. *guy* *GA* *GA* *Dhanka* *Roni*
GA *GA*

Annex 1

Antenna Foundation Nepal

Employee Grievance Form

Employee Name ----- Date-----

Job Title-----

Date, Time and event leading to grievance

Detail account of incidents

Please state the policies, procedures, guidelines that you feel have been violated

Proposed solutions to grievances

Employee Signature

Date

Forwarded by

Date

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