

ActionAid International Whistleblowing Policy

<i>Revision No.</i>	<i>Date</i>	<i>Approval</i>
V001	June 2019	AAI General Assembly
V002	June 2022	AAI General Assembly

Whistleblowing Policy

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Introduction

1. The ActionAid Whistle-blowing system aims to reinforce the organization's commitment to conducting its business with honesty and integrity and to comply with its policies, values, attitudes and behaviors.
2. This Policy applies equally to everyone (Including the Global Secretariat, all Action Aid members and Country Programmes and external stakeholders) across the AA Federation and everyone is expected to comply with the provisions contained here. References to "AA" in this Policy refer to AA International, all Members and all Country Programmes. All activities and operations of AA, including projects and programmes funded by donor partners as well as those implemented by partner organizations are included in the scope of this policy.
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 timely, in a way which ensures that those who raise genuine concerns can do so without fear of reprisals.
4. Donors may also have whistle blowing clauses in their contracts. Any conflicts between a donor contract and this policy should be discussed and resolved with the donor prior to contract signature.

A. Objectives of this Policy

5. This policy aims to:
 - Encourage Whistle-blowers to feel confident in 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 organization's commitment to honest practices, and responsible conduct of its employees, partners, and other stakeholders, and to recourse should these not be adhered to.

B. Policy

6. This policy is global and overarching, and Members and Country Programmes should note that where this policy does not fulfil all national requirements, they should create their own local versions, or complementary memorandums, aligned to this policy and acknowledging and addressing local and national legal requirements, which may go even further than the requirements of this policy. In the absence of a localized policy this policy shall be applied in its completeness.
7. The policy encourages anyone to whom it applies to report wrongful acts committed by anyone involved in the activities and operations of AA.
8. The Whistle-blowing Procedure sets out the framework for dealing with whistleblowing reports made under this policy.
9. 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 Anti-Corruption, SHEA and Safeguarding policies and other policies with specifically laid down statutory reporting procedures but will complement such procedures.
10. Wrongful acts under this policy include, but are not limited to:

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- Fraud and Corruption as defined in the Anti-fraud and Anti-Corruption Policy or under any other definition. Fraud and Corruption are not restricted to monetary or material benefit but could also include intangible benefits such as status or information.
 - Criminal activity.
 - Deliberate failure to comply with any legal or professional obligation or regulatory requirements.
 - Miscarriages of justice.
 - Improper conduct or unethical behavior.
 - Danger to health and safety.
 - Damage to the environment.
 - Breach of the Organization's policies and procedures.
 - Conduct likely to damage the Federations' reputation or financial wellbeing (or that of its individual members and country programmes).
 - Helping or supporting someone to commit any of the above wrongdoings.
 - The deliberate concealment of any of the above wrongful acts.
11. A Whistle-blower is any person who reports a bona fide or genuine concern, in good faith 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.
 12. Retaliation against whistleblowers whether direct or indirect will be regarded as gross misconduct and the appropriate disciplinary measures will apply.
 13. The appropriate sanctions will be applied against non-staff who retaliate against whistleblowers and those who make vexatious or malicious whistleblowing reports.
 14. ActionAid will accept all whistleblowing reports whether by its staff or those outside the organisation. However, members of staff are encouraged to report any wrongful acts whilst still in the employment of the organization.

C. What should not be reported under this Whistle-blowing policy?

15. Complaints relating to personal circumstances in the workplace (such as bullying, harassment and discrimination) or to terms of employment should be reported using the grievance and complaints procedures provided through the available HR (Human Resources) policies. While ActionAid takes concerns relating to personal circumstances and terms of employment seriously, they should be raised with the appropriate authority handling such concerns, unless systemic issues have been identified with reporting to such authority. A systemic issue is a problem which is a consequence of issues inherent in the overall system, rather than due to a specific, individual, isolated factor.
16. This policy is not designed to create a platform for questioning any financial or business decisions that ActionAid makes.
17. The policy is also not intended as an appeal process to reconsider any matter that has already been dealt with through other formal processes unless the matter falls under the definition of wrongful act in paragraph 10.

D. Responsibility for the Policy

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18. The AAI Board as well as the National Boards directly or through their relevant sub-committees have overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
19. Management has day-to-day operational responsibility for this policy and must ensure that all board members, all general assembly members, all managers, and all staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
20. Policy awareness sessions must also be carried out with all staff during organization-wide training and awareness sessions.
21. The International Internal Audit Team, in conjunction with the relevant sub-committee of the AAI Board shall review this policy from a legal and operational perspective every three years.

E. Reporting a Case

22. 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 organizations may also report such wrongful acts committed by ActionAid Staff or their own staff in the execution of their partnership agreements. Other members of the public may also report actual or suspected wrongful acts by ActionAid staff and that of its Partners. Reports can be made as follows.

Country Offices

23. Any employee of ActionAid or that of a partner organization, or a member of the public 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:
 - Country Internal Audit or other country level equivalent figure of authority
 - Country Director
 - Line Manager
 - HR Representative
 - Any other locally available internal reporting mechanism (such as an independently managed tip-offline, mailbox or website)
24. In cases where alleged wrongdoing relates to the respective Country Director or Country Management Team Member, the case should be reported to the National Board Chairperson, or the relevant delegated Board member where applicable (e.g., Chair of the Audit Committee) for members & affiliates and to the Secretary General for country programmes.
25. In cases where alleged wrongdoing relates to the respective Country Board, the case should be reported to the International Director and International Internal Audit.
26. All reports should be thoroughly investigated by a committee set up by Country management/Country Internal Auditor and or International Internal Audit where applicable.
27. The composition of investigation committees should be carefully considered, and allow for 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.
28. 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). The Global SHEA and

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Safeguarding Team must be informed of all concerns relating to SHEA and Safeguarding within 24 hours. For more information, please review the SHEA and Safeguarding Overarching Policy.

Global Secretariat

29. 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:
 - International Internal Audit
 - International Director
 - Line Manager
 - HR Representative
30. Where the alleged wrongdoing relates to the conduct of an International Leadership Team Director, the case should be reported to the Secretary General.
31. Where the alleged wrongdoing relates to the conduct of the Secretary General, the case should be reported to the AAI board.
32. In cases where alleged wrongdoing relates to the International Board, the case should be reported to the International Head of Internal Audit¹.
33. If a concern relates to International Internal Audit, the case should be reported to the Secretary General and the AAI Board.
34. 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). The Global SHEA and Safeguarding Team must be informed of all concerns relating to SHEA and Safeguarding within 24 hours. For more information, please review the SHEA and Safeguarding Overarching Policy

F. Raising a Concern using the Whistle-blowing Mechanism

35. 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 a concern (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 as well.
36. 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 concern (e.g., emails, photographs)
 - Date the disclosure.
 - Provide contact details for follow-up by AA on the concern raised.

¹ International Head of Internal Audit describes the role of a person in a senior position responsible for effectively managing the internal audit activity within the Global Secretariat in accordance with the internal audit charter irrespective of the job title that they have been given.

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G. Confidentiality

37. Cases may be reported on a confidential basis or may be reported anonymously using the email address whistleblowing@actionaid.org which will be monitored by the International Head of Internal Audit and Forensic Auditor².
38. 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.
39. 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 and where relevant legislation requires disclosure of identity of a whistleblower
40. 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).
41. 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.
42. 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.
43. The investigating team should ensure that the Case Manager is kept aware of developments as appropriate but further communication outside of the applicable stakeholder panel and investigation team should be avoided until the investigation is complete. It is also recommended that a communication register be maintained to monitor potential breaches of confidentiality.

H. Protection and Support for Whistle-blowers

44. 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 (as appropriate) who raise genuine concerns under this policy, even if such concerns turn out to be of a mistaken nature.
45. It is recommended to seek legal advice for complex cases to ensure that relevant protection is offered to the whistleblower in accordance with the national laws.
46. 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, victimization, threats, or other unfavorable treatment.
47. If any person/s is subjected to detriment as a result of making a disclosure, they should inform the person to whom they initially made the whistle blow. If the matter is not remedied, they should raise it formally using ActionAid's in country or International Grievance Procedure.

² Anonymous reporting means that the whistleblower does not provide any personal information that could possibly give away their identity while confidential reporting means that the whistleblower provides personal information (e.g. name, email address, phone number), but the terms of the confidentiality agreement limit those who will know of this personal information.

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48. 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.
49. In cases where the exposure of the whistleblower identity is at risk and/or where they are facing the risk of retaliation, the person managing the case will ensure that they engage the security focal person to guide on appropriate safety and security measures.
50. 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.
51. Whistle-blowers can decide if and when they would like to utilize 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 is appropriately diverse in nature.

I. Handling of Reported Cases

52. Disclosures may, depending on the seriousness and nature of the concerns, 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.
53. All concerns raised will be responded to. Upon receiving the whistleblowing report the recipient will acknowledge receipt to the whistleblower within 24 hours.
54. A case manager must be appointed (this may be the Country Director/Executive Director, National or International Head of Internal Audit, or Board representative or any other appropriate figure of authority). The case manager is tasked with overseeing the case including ensuring that an investigator is in place and an investigation takes place where appropriate, ensuring communication on the case takes place appropriately and ensuring that the investigation report is completed in a timely manner and issued to the relevant parties.
55. To ensure natural justice and prevent malicious concerns, an initial inquiry may be made within 10 working days, to decide whether an investigation is appropriate, and if so, what form it should take. The initial inquiry will be made by the recipient of the initial complaint or any other independent official. Where an investigation is necessary it should commence within 30 days³ of the initial report or as soon as it is safe and practicable to do so.
56. At the conclusion of the initial enquiry, the whistleblower will be informed of in summary form of the next steps (whether it be to investigate or not), of how future communication will be maintained and an estimate of how long the process is expected to take and how the outcome will be communicated to them at the end of the investigation
57. In some cases, in order to pave the way for an efficient investigation, members of staff may be suspended or requested to take special leave. Suspension or the request for special leave does not mean that the outcome of the investigation has been preempted or that a decision has been taken

³ Provision is made within these 30 days to obtain the necessary legal advice, perform a risk assessment and identify mitigation plans, and mobilize the appropriate resources to conduct the investigation.

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on the guilt or innocence of any party. The appropriate support will be provided to suspended / on special leave staff on a case-by-case basis.

58. Where appropriate, the matters reported may:
 - Be investigated by management, Country Internal Audit or be referred to the International Internal Audit function; cases relating to SHEA and Safeguarding will be managed by the relevant SHEA and Safeguarding officials.; cases relating to individual HR issues will be managed by the Global HROD Team.
 - 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 concern) and/or that are high risk, the case management process will follow the most stringent of the applicable policies.
59. Where concerns are received at country level, cases will be thoroughly investigated by a committee set up by management or a Country Internal auditor where applicable.
60. In some cases, reports that are made through international whistleblowing mailbox may still be referred for investigation at country level.
61. AA staff have a duty of care to record, store, and make available any records in all cases of suspected fraud/corruption.
62. All AA staff have a responsibility to cooperate with all duly authorized audits, inspections, investigation, or other evaluations.
63. Upon investigation, management and or a decision-making panel will take the appropriate corrective action necessary as per the investigative outcome. Donor appropriate reports will be agreed upon with the Grants & Compliance Lead.

J. Communicating of Investigation Outcomes

Internal Communication

64. The International Head of Internal Audit and respective Head of Country Support should be notified of the outcome of an investigation which took place at Country level, where the initial whistle blow report had been submitted through the international whistleblowing mailbox. (For fraud related cases, please refer to the reporting requirements as stated in the anti-fraud and anti-corruption policy.
65. For investigations carried out at an International level, the report will be communicated to a stakeholder panel which is responsible for ensuring that the relevant parties receive the report.
66. A progress update on all whistle blowing cases reported at an international level will be provided to the relevant sub-committee of ActionAid's International Board on a periodic basis. A similar update should be provided to National Boards (through the relevant sub-committees where applicable) for country level cases.

External Communication

67. ActionAid is committed to informing donors about fraud cases as soon as it is safe and practicable to do so. Where the concerns have a direct link to donor funding, we will aim to inform donors after the initial enquiry has been carried out and a formal complaint has been recorded, relevant legal advice on the matters has been sought, a risk assessment has been carried out, and a decision made to take forward a formal response (e.g., investigation, reporting to police). The relevant donors will

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be informed of the incident type, relationship of those involved to AA, and actions planned or undertaken. Direct donors and other relevant external bodies will also be informed of the outcome once the investigation is finalized.

68. The Investigation team will use their discretion on what information will be shared with the whistleblower. The investigation team or any other official involved in the whistle blowing case, is under no obligation to share the complete investigation report with the whistle blower.

K. Misuse of the Whistleblowing Mechanism

69. Vexatious or malicious use of the Whistleblowing procedure will not be tolerated. If there is evidence that any ActionAid staff member is making vexatious or malicious use of the Whistleblowing procedure, the matter will be referred for disciplinary action.
70. Any false concern/s which prove to have been made maliciously or with a view to personal gain will be viewed as a serious disciplinary offence and will result in disciplinary action. If any ActionAid staff member is found to have made concerns 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 concern or complaint in question.

L. Right of Appeal

71. Persons are entitled to appeal in this process following any decision arising from the assessment stage or investigation stage of the process.
72. Notice of appeal shall be in writing and must be submitted within 5 working days of the decision to the relevant investigating body.
73. 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.

M. Notification

74. 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.
75. Country Directors are responsible for creating a work culture that enables staff and others to raise concerns. Those Directors should also ensure that partners with whom project Memorandum of Understandings have been signed are made aware of this policy and the partners responsibility to report any wrongful conduct of ActionAid Staff in the execution of their duties.
76. Management is responsible for ensuring appropriate oversight of partner compliance, ensuring that partners are aware of our whistleblowing minimum standards and that they are transferred to partners
77. This policy will be monitored and reviewed for its effectiveness **every three years** or when there are major changes in the organizational structure or global regulatory requirements.

N. Related Policies

78. This policy is complemented by the following AA policies:

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- AA Code of conduct
- AA Anti-fraud and anti-corruption policy
- AA Safeguarding policies
- AA Financial management framework and local financial management policies
- AA Anti- terrorist funding policy
- AA Global and Local HR Policies
- AA Data protection related policies
- And all other AA policies as they become relevant from time to time

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APPENDIX 1

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

(it should be noted that there may be concerns 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)

