



PRIVATIZATION COMMISSION

Enhancing Kenya's Productive Capacity

PROTECTION OF WHISTLE-BLOWERS POLICY

MAY 2017

Signed by  Date 31st May 2017
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Executive Director/CEO

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1. POLICY STATEMENT

Privatization Commission is committed to the code of good governance and the eradication of corruption in public service. Towards this end the Commission has developed an anti-corruption policy to guide its efforts in preventing and eradicating corruption within the Commission. The policy under clause 10, introduces the need for protecting whistle-blowers at the Commission. Identification of corruption includes but is not limited to anonymous reporting by Commission Members, staff, the public, internal and external auditors.

The Commission encourages whistle-blowing and is supportive of both the Commissioners and staff members raising alerts on any irregular acts that may come to their attention in the course of their duty. The Commission has therefore developed this Whistle-blowers policy with an aim of ensuring that Commission Members, staff and the Public who act as whistle-blowers are protected against any malice and victimization.

2. DEFINITION

Whistle-blowing is the act of alerting relevant authorities of irregular acts taking place within an institution or parts of it. A whistle-blower is therefore the person who volunteers to alert the relevant authorities or the institutions' leaders of the irregular acts that have come to their notice. A whistle-blower can be an organizational insider or an external party.

Victimization refers to treating someone cruelly or unfairly; to subjugate or coerce. This may include refusal to offer required services, insult, disdain, make public spectacle, or unfairly dismiss. Victimization may happen as a result of a person acting out of good faith such as in cases of whistle-blowing.

3. METHODS OF WHISTLE-BLOWING

The Commission is through its Complaints Handling procedures has outlined and made provision for different methods of reporting and giving feedback to the Commission. These are as follows:

- i. Anonymous emails through: complaints@pc.go.ke;
- ii. Anonymous telephone calls through: (020)2212311
- iii. Anonymous Website feedback at: www.pc.go.ke;

- iv. Anonymous letters through the complaints/corruption reporting box;
- v. Direct reporting through the complaints handling Officer or the Executive Director/CEO.

Whistle-blowing reports received through any of these channels will be treated in the same manner as prescribed in the Complaints Handling procedure (PC/RC/PR/005) and responded to accordingly.

4. PROTECTION POLICY

The Commission seeks to ensure that any whistle-blower is protected by ensuring the following:

i. Victimization

All whistle-blowers will be protected against victimization by this policy for provision of sensitive information to the Commission. The Commission will invoke its disciplinary measures in cases where victimization happens against the people protected by this policy, this may include appropriate legal actions.

ii. Confidentiality

All information provided by the whistle-blower will be held in complete confidentiality by the Commission and shared only with the relevant state organs responsible for addressing corruption and governance.

iii. Identity

The identity of the whistle-blower shall be kept secret and highly confidential.. Any unauthorized divulgence of information provided by whistle-blowers will attract disciplinary measures. In cases where it is necessary to share the identity, prior consent shall be sought from the whistle-blower.

iv. Investigation

Speedy investigation shall be conducted once the whistle-blower relays the information to the Commission to verify or refute the allegations made. No protection will be accorded to any person for malicious, self-serving, vexation or baseless allegation or disclosures.

v. Reporting and Escalating

Where allegations have been verified to be true, the Commission shall make arrangements to report to the relevant State Agency responsible for dealing with the issue. As part of the protection policy, undue delays shall be avoided. Relevant State Agencies that are included for purposes of this Policy include:

- a) Commission on Administrative Justice
- b) Ethics and Anti-Corruption Commission
- c) Office of the Auditor General
- d) National Police Service
- e) Criminal Investigation Department
- f) Inspectorate of State Corporations
- g) State Corporations Advisory Committee

Whistle-blowers are encouraged to get in touch with any of these agencies in case they are not satisfied with the response of the Commission to their reports.

5. TRAINING AND AWARENESS CREATION

The Commission through the Integrity and Complaints Handling Committees shall ensure that all staff, the Commission Members and the Public are made aware on a continuous basis of the protection of whistle-blowers policy. The Committees may use different modes of transmitting this information including:

- a) Classroom seminars.
- b) Email circulations.
- c) Regular publications on the Commission's Newsletter.
- d) Formal training of the Committee members.

6. DISCIPLINARY

A disciplinary action shall be carried out to any staff member of the Commission found to have committed an offence contrary to the provisions of this policy. The Commission's disciplinary procedure PC/FA/HR/PR/004 will be applicable in such cases.

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7. REVIEW

The Commission will monitor and evaluate the effectiveness of this policy. The Policy shall be reviewed every three (3) years or as need arises to take into account emerging issues and international trends.

8. APPROVAL

This Policy has been approved for use at the Commission.

