



WHISTLEBLOWING POLICY

MAY 2017

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DOCUMENT CONTROL REVISION HISTORY

Page	Reason for Change	Revised by	Revision date

1.0 Policy Statement

1.1 An important aspect of accountability and transparency is a mechanism to enable staff, stakeholders of the Authority and the general public to voice genuine concerns in a responsible and appropriate manner.

1.2 Insurance Regulatory Authority (“the Authority”) is committed to promoting and maintaining high standards of transparency, accountability, ethics and integrity at the service of the Authority.

1.3 This Policy is designed to support the Authority’s core values and facilitate reporting of employees’ and other parties’ concerns about possible improprieties at the earliest opportunity to ensure that concerns can be raised without fear of reprisal or detrimental action.

1.4 The procedures contained in this Policy provide a process of managing disclosures of improper conduct that is transparent without compromising the confidentiality of persons involved.

1.5 This Policy is adapted to promote alignment with the Witness Protection (Amendment) Act 2010, The Leadership and Integrity Act 2012, and all applicable laws and regulations in Kenya. However, this Policy does not absolve employees and stakeholders from any statutory obligations contained in any Act or Regulation to report criminal offences or breaches of law with the relevant enforcement agencies.

1.6 This Policy is to be read together with the Authority’s Code of Conduct and Ethics and provisions made on code of conduct and disciplinary control in the Authority’s Human Resource Management Policies and Procedures Manual and other internal, statutory or regulatory reporting procedures.

2.0 Definitions

2.1 **“Whistleblowing”** is the disclosure based on one’s reasonable belief that any person has engaged, is engaging or preparing to engage in improper conduct.

2.2 **“Whistleblower”** is a person who discloses information of improper conduct in accordance with this Policy.

2.3 **“Improper Conduct”** is any conduct which if proved, constitutes a breach of integrity.

2.4 **“Appointed Officer”** means authorised person appointed to receive reports on Whistleblowing matters.

2.5 **“Disciplinary Offence”** means any action or omission which constitutes a breach as provided by law or the Authority’s code of conduct and ethics, policies or a contract of employment.

2.6 **“Detrimental Action”** includes:

- a) Action causing injury, loss or damage;
- b) Intimidation or harassment;
- c) Interference with the lawful employment or livelihood of any person; or
- d) Threat to take any of the actions referred to above.

2.7 **“Confidential Information”** includes:

- a) Information about the identity, occupation, residential address, work address or whereabouts of:
 - (i) A Whistleblower; and
 - (ii) A person against whom a Whistleblower has made a disclosure of improper conduct;
- b) Information disclosed by a Whistleblower; and
- c) Information that, if disclosed, may cause detriment to any person.

2.8 **“Investigating Officer”** means a person assigned to conduct an investigation of an Improper Conduct.

3.0 Objectives

3.1 The objective of this Policy is to:

- a) provide employees and other parties dealing with the Authority with proper procedures in disclosing cases of Improper Conduct;
- b) manage disclosures of Improper Conduct in an appropriate and timely manner;
- c) provide protection to Whistleblowers from Detrimental Action that may result from the disclosure of Improper Conduct; and
- d) provide fair treatment to both the Whistleblower and the alleged wrongdoer when a disclosure of Improper Conduct is made.

4.0 Scope

This Policy applies to all employees and members of the board of the Authority.

5.0 Disclosure of Improper Conduct

5.1 An employee, member of the board of the Authority or third party who becomes aware of an alleged Improper Conduct shall make a disclosure as provided for in the policy.

5.2 For the purpose of this policy an Improper Conduct includes:

- a) Criminal offences, unlawful acts, fraud, corruption, bribery and blackmail;
- b) Failure to comply with legal or regulatory obligations;
- c) Misuse of the Authority's funds or assets ;
- d) An act or omission which creates a substantial and specific danger to the lives, health or safety of the employees or the public or the environment;
- e) Unsafe work practices;
- f) Abuse of power by an officer of the Authority; and
- g) Concealment of any of the above.

5.3 The Whistleblower while making a report needs to have a reasonable belief of the occurrence of Improper Conduct.

5.4 In order to give the Authority an opportunity to investigate the alleged Improper Conduct and to take the necessary internal corrective actions, Whistleblowers are encouraged to lodge a report by providing, to the extent that is possible, the following information: -

- a) Description of the people or parties that are involved in the improper conduct;
- b) Details of the Improper Conduct, including the relevant dates of occurrence;
- c) Particulars of witnesses, if any; and,
- d) Particulars or production of documentary evidence, if any.

5.5 A disclosure of Improper Conduct may be made even though the person making the disclosure is not able to identify a particular person to which the disclosure relates.

6.0 Reporting

6.1 A disclosure of Improper Conduct may be made orally in person to the Appointed Officer, via toll free line 0800724499, in writing via a letter or electronic e-mail to ethics@ira.go.ke.

6.2 Where the Whistleblower prefers to remain anonymous, then, he or she can report through the confidential reporting hotline as shall be established by the Authority.

6.3 When a disclosure is made orally, the person receiving the disclosure shall, as soon as practicable, reduce the same in writing.

6.4 If the Improper Conduct involves the Appointed Officer or any of the members of the board of the Authority, the Whistleblower is to report the matter directly to the Chief Executive officer in case the appointed officer or the Chair of the Board or appointing Authority in case of the members of the Board.

6.5 In order to ensure protection of Whistleblowers, the Authority may outsource the function of reporting of Improper Conduct.

7.0 Conduct of Investigation

7.1 In respect of disclosures made to the Appointed Officer, he or she will assess the same to determine whether it is related to an Improper Conduct or excluded from the scope of this Policy. The Appointed Officer shall, within seven (7) days from the date the disclosure was made, prepare an assessment report to the Chief Executive Officer (CEO) appraising him of the result of the assessment, and recommend either to ignore the disclosure or to take further action. The CEO may extend the time for the completion of the assessment report.

7.2 In respect of disclosures made against the Appointed Officer or a member of the board, the receiving party shall assess the same to determine whether it is related to an Improper Conduct or excluded from the scope of this Policy before deciding on the next course of action.

7.3 For the purpose of the clause above the receiving party shall be the Chief Executive Officer and the chair of the board or the appointing authority in the case of the Appointed Officer and the member of the board respectively.

7.4 Within seven (7) days from the date the Assessment Report is received, so far as is practicable, the CEO or the chair of the board or the appointing Authority as the case may be, shall have the authority to make final decisions including, but not limited to, any of the following:

- a) Rejection of the disclosure(s), either in part or in total, if it falls outside the scope of this Policy;
- b) Directing the matter or any part thereof to be dealt with under other appropriate internal procedures;
- c) Directing an investigation into the disclosure(s) made on any persons involved or implicated;
- d) Designating the Appointed Officer or any other persons from within or outside of the Authority to conduct investigations or to take any other action pursuant to this Policy;

- e) Obtaining any other assistance from other parties such as external auditors or obtaining legal advice whether from internal or external advocates; and,
- f) Referring the matter to an appropriate law enforcement agency in case further investigation is necessary.

7.5 Where the reporting is made to an outsourced function, the assessment report shall be made to the Chief Executive Officer as soon as reasonably practicable.

7.6 The Investigating Officer shall have free and unrestricted access to all records of the Authority and shall have the authority to examine, obtain or make copies of all or any portion of the contents of documents, files, desks, cabinets, and other storage facilities of the Authority so far as it is necessary to assist in the investigation of the Improper Conduct.

7.7 At the conclusion of the investigation, the Investigating Officer will submit an Investigation Report of the findings to the CEO, chair of the board, the appointing authority as the case may be.

7.8 The Investigation Report will contain the following:-

- a) The specific allegation(s) of Improper Conduct;
- b) All relevant information or evidence received and the grounds for accepting or rejecting them. Copies of interview transcripts and any documents obtained during the course of the investigation shall accompany the investigation report; and
- c) The conclusions and recommendations thereof.

7.9 The CEO, chair of the board or the appointing Authority shall act in accordance with recommendations of the investigations report.

8.0 Confidentiality

Reasonable steps will be taken to maintain the confidentiality of the Whistleblower's Confidential Information.

9.0 Protection of the Whistleblower

9.1 Upon making a disclosure in good faith, based on reasonable grounds and in accordance with and pursuant to this Policy:

- a) The Whistleblower shall be protected from any Detrimental Action within the Authority as a direct consequence of the disclosure; and
- b) The Whistleblower's identity and such other Confidential Information of the Whistleblower shall not be disclosed.

9.2 The protection against Detrimental Action is extended to any

person related to or associated with the Whistleblower.

9.3 A Whistleblower may lodge a complaint to the Authority of any Detrimental Action committed against the Whistleblower or any person related to or associated with the Whistleblower, by any employee of the Authority.

9.4 The Whistleblower protection conferred under this Policy is not limited or affected notwithstanding that the disclosure of the Improper Conduct does not result in any disciplinary action of the person against whom the disclosure was made.

10.0 Administration of the Policy

10.1 The Appointed Officer is responsible for the administration, interpretation and application of this Policy.

11.0 Roles and Responsibilities

This policy will be implemented by the Chief Manager Human Capital Development and Administration in collaboration with all Heads of Divisions.

