



Providing Family Support To Help Vulnerable Children Thrive

L - WHISTLEBLOWING POLICY

1. Tushinde's Whistleblowing Commitment

- a. We have an 'open-door' policy for reporting:
 - i. Any concerns of mistreatment of staff, stakeholders or third parties
 - ii. Any concerns of mismanagement of operational risks that are putting staff, stakeholders or third parties at risk.
 - iii. Acts of bribery, corruption or illegal acts by staff, stakeholders or third parties.
 - iv. Genuinely suspected potential acts of bribery, corruption or illegal acts by staff, stakeholders or third parties.
 - v. Offers of a bribe from stakeholders or other third parties.
 - vi. Requests for a bribe from a public official (foreign or domestic), stakeholder or other third party
 - vii. Any other breaches of this policy by staff or stakeholders
- b. Staff who report a breach of this policy in good faith, even if they are mistaken, will have our support and shall be protected from subsequent detrimental treatment or recrimination.

2. Introduction

- a. Tushinde Children's Trust is committed to an environment that is conducive of integrity, honesty and transparency in what we do and say, and accepting responsibility for our individual and collective actions. It is expected that those working for, and representing Tushinde Children's Trust shall act with integrity.
- b. In order for stakeholders of Tushinde Children's Trust to have confidence in our honesty and integrity, this policy aims to provide a supportive process that

encourages and enables employees or workers to raise concerns about misconduct within Tushinde Children's Trust without repercussion and will give them confidence that their concerns will be properly investigated and resolved in a timely manner.

1. Legal and Policy legislation

- a. This policy considers the following legislation:
 - Human Rights Act (1998)
 - Kenya Bribery Act (2016)
 - Kenyan Employment act (2007)
- b. Where an employee has a concern about their terms and conditions of work, their working relationship with Tushinde Children's Trust, or how a concern they raised was addressed, they are encouraged to refer to the Tushinde Children's Trust complaints and grievance policy / procedure.
- c. In the event that an employee feels they are being bullied or harassed in the workplace for either blowing the whistle, or for any other reason they are encouraged to refer to the Bullying and Harassment Policy.
- d. The Tushinde Children's Trust operations manual outlines its vision, mission, programme principles and values. All workers are expected to operate within these and where there is reasonable evidence that these are not being followed it will be addressed by the line manager.
- e. Similarly if an employee is found to have raised a complaint or a false allegation for malicious reasons, the employee will be disciplined, which may result in their dismissal. Where the disciplinary process does not apply (for example to contractors/consultants) steps may be taken to terminate their relationship with Tushinde Children's Trust.

1. Scope

- a. This policy applies to all employees, contractors/consultants and agency workers, trustees, interns, volunteers or those on work-placement working on behalf of Tushinde Children's Trust. Throughout the document, the term "worker" will apply to collectively define these groups.

3. Objectives

- a. To provide direction to all Tushinde Children's Trust workers on what is unacceptable practice within Tushinde Children's Trust, and to provide a safe and secure environment to blow the whistle on unacceptable practice.
- b. To protect workers who raise a concern in good faith and who have a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- c. To provide reassurance to those workers who raise concerns in good faith and with reasonable suspicion that they will not experience any repercussions for doing so.
- d. This policy aims to make workers aware of their rights and responsibilities with regard to upholding the values and standards of practice at Tushinde Children's Trust and how to raise concerns when these standards of practice are not up-held.
- e. Whilst this is not an exhaustive list, malpractice would include the following:
 - i. A criminal offence, including theft, fraud or corruption.
 - ii. A failure to comply with a legal obligation, (including but not limited to those under the NGO Board of Kenya, OSCR (UK) or financial regulations).
 - iii. A miscarriage of justice.
 - iv. Accepting gifts which are intended to influence decision making.
 - v. The endangerment of an individual's health and safety, and well-being: this would include towards a beneficiary, staff member, worker or visitor to Tushinde Children's Trust.

- vi. Damage to the environment or conduct which conflicts with Tushinde Children's Trust's interests.
- vii. Deliberate disregard or serious breach of Tushinde Children's Trust principles and values, including abuse, bullying and harassment, and discrimination.
- viii. Deliberate concealment of information to any of the above.

2. Responsibilities

- a. The Executive Director is accountable for ensuring the effective implementation of this policy throughout Tushinde Children's Trust and representing Tushinde Children's Trust interests/concerns in the event of publicity or litigation resulting from a whistle-blowing allegation.
- b. Line managers (anyone with a direct report) are responsible for ensuring that the principles of this policy are communicated and understood throughout their teams. They are also responsible for putting the policy into practice.
- c. These responsibilities include:
 - i. Ensuring that all concerns raised by workers are taken seriously where appropriate.
 - ii. Ensuring that concerns are investigated properly, objectively and in a timely manner.
 - iii. Ensuring that the worker is kept informed of progress.
 - iv. Ensuring that action is taken to resolve the concern.
- d. The HR Officer (with support from the Country Director) is responsible for providing coaching, advice and guidance to line managers on the implementation and use of the policy.

3. How to raise a concern

- a. As a general principle, concerns should be raised initially with the line manager. If the Whistleblower feels that the line manager is involved, the concern can be taken to a higher level, either to a more senior manager, the Executive Director (Megan Wright) or to the Kenyan board of directors or the UK board of trustees (see contacts below). The whistleblower can also take the matter further if they have reported their concern to their line manager and feel that he or she has not taken it seriously or has not taken adequate action to protect Tushinde, it's staff or beneficiaries. Locked suggestion boxes are located in both offices and staff or partners are able to report a whistleblowing concern via the boxes. The boxes are checked periodically by a member of the Kenyan board of directors.

Contact information for the Executive Director and the Chairpersons of the Kenyan and UK boards:

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- b. Please see [Appendix L1 Whistle-blowing Staff Guidance](#) for more details.
- c. The person receiving a report of the concern will need to complete a Significant Event Analysis form and share with the board.

- d. Investigation timelines: The process for investigation will depend on the seriousness and scope of the issue raised. Line managers are trained and will bring concerns to the senior leader team immediately, if necessary. The SLT meets weekly and will review any whistleblowing concerns. In addition, the Risk and Governance Committee meets quarterly and reviews all Significant Event Analysis forms and concerns raised. If the issue involved a legal matter or criminal activity it will be brought to the Kenyan and UK boards immediately. If necessary, the police will be notified and legal action may be taken.