



## BIOCOOR WHISTLEBLOWING

February 2021

### 1.0 INTRODUCTION

Rwanda, in 2017, revised the law on whistleblowers to effectively protect them from penalisation for having reported offences, or illegal acts or behaviours. As per Rwandan legislation a whistleblower is 'any person who discloses information in his/her possession or which has been brought to his/her attention which is connected to offences, illegal acts or behaviour.

The UN Convention against Corruption and the Organisation for Economic Co-operation and Development 2004 includes whistleblowers protection "Whistleblower protection frameworks, compendium of best practices and guiding principles for legislation".

It is essential that anyone connected with BIOCOOR who suspects or knows that wrongdoing has taken place, is taking place, or is likely to take place reports their concerns. The Whistleblowing Policy should be used alongside other policies (e.g. fraud, safeguarding). The Whistleblowing Policy provides protection for the person reporting (where they have reasonable grounds for concern) from dismissal, penalisation, victimisation or any other detrimental treatment by BIOCOOR as a result of them reporting.

### 2.0 SCOPE

This policy and procedure cover everybody working for BIOCOOR (including board members, management, staff, volunteers, consultants) to deliver on its mission. BIOCOOR will ensure that those who raise concerns of suspected serious wrongdoing are protected from dismissal, penalisation, victimisation or any other detrimental treatment by BIOCOOR.

### 3.0 PURPOSE

The purpose of this policy is to provide an effective procedure for people to raise their concerns when they believe that abuse, wrongdoing or professional misconduct has taken place, is taking place or is likely to take place and to provide protection for those raising such concerns.

### 4.0 DEFINITIONS

**Whistleblowing:** means the reporting by employees (or others connected with the organisation) of suspected misconduct, illegal acts or failure to act within BIOCOOR's policies.

There are **two types of whistleblowing**. The first **type** is internal **whistleblowing**. This means that the **whistleblower** reports misconduct to another person within the organization. The second **type** is external **whistleblowing** when the whistleblower reports to someone outside the organisation (e.g. a donor, authorities).



**A Worker:** includes staff, board, volunteers, interns, and consultants.

**A Whistleblowing disclosure:** a complaint or concern to which this policy may apply. That is that the worker can be protected against from penalisation.

**Relevant Wrongdoing:** is where the worker has a reasonable belief that wrongdoing has taken place. The term “Wrongdoing” covers instances where someone working with or for BIOCOOR appears to be acting improperly, negligently or criminally.

**Wrongdoing (Examples):**

- that an offence has been, is being or is likely to be committed, which includes criminal activity (e.g. fraud, theft, etc.)
- that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker’s contract of employment;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;
- that an unlawful or otherwise improper use of funds or resources of a BIOCOOR or donor money, has occurred, is occurring or is likely to occur;
- that an act or omission by or on behalf of BIOCOOR is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement.
- that relates to abuse, exploitation or harassment; victimisation; penalisation; breaches of the BIOCOOR Code of Conduct, including Safeguarding, Gender or other BIOCOOR policies
- that involves the covered up or concealing of any of the above

The list is not exhaustive. BIOCOOR reserves the right to examine and potentially investigate any information disclosed about wrongdoing.

**Penalisation:** means any act or omission that affects a worker to the worker’s detriment, and in particular includes:

- suspension, lay-off or dismissal;
- demotion or loss of opportunity for promotion;
- transfer of duties, change of location of place of work, reduction in wages or change in working hours;
- the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty);
- unfair treatment;
- coercion, intimidation or harassment;
- discrimination, disadvantage or unfair treatment;
- injury, damage or loss; and
- threat of reprisal.



## 5.0 ROLES AND RESPONSIBILITIES

Role (s)	Responsibilities
Managers	Have an obligation to ensure that workers are informed about this policy as well as the applicable law for whistleblowing
All staff	Be familiar with this policy and associated policies. Endeavour to use internal reporting mechanisms in the first instance.

## 6.0 CONSIDERATIONS FOR REPORTING

It is essential that anyone connected with BIOCOOR who suspects or knows that wrongdoing has taken place, is taking place, or is likely to take place reports their concerns. BIOCOOR Code of Conduct includes a duty for BIOCOOR workers to report breaches or suspected breaches of the Code of Conduct and of other BIOCOOR policies. This policy provides protections for workers making such reports.

**Reasonable belief:** A worker needs to have some facts and information on which to base a whistleblowing disclosure. A worker should not carry out their own investigation. BIOCOOR welcomes disclosures even if the worker does not think they have sufficient information to prove wrongdoing.

Settlement agreements or other legal agreements which include confidentiality clauses or similar provisions do not prevent workers from making disclosures in the public interest under this policy.

**Knowingly false reporting:** A worker making reports which they know to be false is a breach of the BIOCOOR's policy and could result in disciplinary action. The motivation of the worker in making a disclosure is irrelevant and does not invalidate the protections afforded by this policy and by law. So long as the worker has reasonable belief that wrongdoing has taken place their motivation for reporting wrongdoing is irrelevant.

**A grievance** raised by an employee may or may not be a whistle blowing disclosure. If the grievance made includes reasonable belief of wrongdoing (as outlined in definitions above) then it is a whistleblowing disclosure and this policy should be used alongside a Grievance Procedure. If the grievance does not include reasonable belief of wrongdoing, then the Grievance Procedure alone should be used.

**Related Policies:** It is important for the person to whom wrongdoing is reported to ascertain at the outset what other policies need to be used alongside this Whistle blowing policy. Other policies to be used alongside this policy may include:

- Gender Policy
- Safeguarding
- Code of Conduct



## 7.0 PROCEDURES FOR REPORTING

There are different ways of making a disclosure:

- Internally, to BIOCOOR;
- to a 'prescribed body' (for example, a public body); or
- to other third parties under specified conditions set out in legislation and contracts (for example, a donor).

**BIOCOOR strongly encourages you to make disclosures internally.**

### 7.1 Making a report

In most cases, workers should raise any concerns with their line manager. This may be done **orally or in writing (which includes email)**. A worker does not need to be certain about the facts in their disclosure, it is sufficient that the worker has reasonable belief that the information provided may tend to show one or more relevant wrongdoings and the information came to the attention of the worker in connection with their employment. Certain types of wrongdoing need to be reported to designated individuals. For example safeguarding concerns should be reported to the Safeguarding Focal Person. The specific policy for the relevant category of alleged wrongdoing should be consulted for further guidance.

If for some reason, (e.g. the manager may be implicated) this is not possible, they should speak to a more senior manager.

### 7.2 Taking an issue forward

There may be circumstances when the person raising the concern feels unable to do so with the relevant line manager, for example when he/she feels that his/her line manager is involved, or that he/she has previously raised this concern and feels that no action has been taken about his/her concern. In these circumstances, he/she should contact a more senior manager such as the Executive Director or, if he/she believes that the matter cannot be dealt with within the management structure of BIOCOOR, the chairperson of the Board will be the point of contact.

BIOCOOR will take all reasonable measures to maintain confidentiality (see point 5 below on confidentiality). Any worker who makes a Whistleblowing disclosure and who believes their confidentiality has been breached should report this to their line manager or another appropriate person. BIOCOOR will not ask a worker (or former worker) to waive their right to make a whistleblowing disclosure under any circumstances.

### 7.3 Management responsibility

- Managers have a responsibility to treat concerns raised seriously. They have a responsibility to ensure reports of wrongdoing are recorded and that they are investigated thoroughly by the appropriate person(s) under BIOCOOR policy and in accordance with BIOCOOR's values and policies.



- Managers must make themselves aware of other appropriate BIOCOOR policies and procedures, and in each case decide whether one or more of these should be used alongside this policy.
- The manager dealing with the allegation will acknowledge receipt of the disclosure within seven days and will diligently follow-up on the disclosure and endeavour to ensure that feedback is given to those who raise concerns on what action/s have been taken to address them as soon as possible but, as a minimum, within three months. However, there may be circumstances where, given the confidential nature of the allegations or the material covered, it will not always be possible to give feedback on actions taken (e.g. safeguarding).
- Where feedback is possible this will be given as soon as possible. Some situations may be resolved promptly; others may take longer because they require formal investigation or hearings.
- Management have an obligation to ensure that workers are informed about this policy as well as the applicable law for whistleblowing.

#### **7.4 Protection**

- All workers working with BIOCOOR are protected by this policy to ensure consistency and transparency for all those working towards BIOCOOR's Vision, Mission and Values.
- Any concerns raised will be investigated carefully and thoroughly. BIOCOOR will ensure that fair treatment will be followed at all times. Any person accused of alleged wrongdoing will have the right to put their account of events forward at the earliest opportunity.
- All those who raise concerns will be treated fairly
- If a worker believes they have been penalised for making a whistleblowing disclosure they should report this to their line manager or another senior manager as soon as possible.
- If someone tries to prevent an individual from making a confidential report or penalises that person for raising their concerns, BIOCOOR will treat this as a serious disciplinary offence which will be investigated in accordance with BIOCOOR's disciplinary policy and procedure.

#### **7.5 Confidentiality**

The identity of the persons who raise concerns will be kept confidential as far as possible. If the person concerned has a personal interest in the matter, they must disclose this at the outset. However, due to the nature of some investigation processes it may not be possible to retain complete confidentiality. This includes situations where the police are involved, where statutory child protection procedures need to be adhered to, or when disciplinary investigations are held and individuals need to make a statement, which may be seen by third parties. In relation to safeguarding issues, BIOCOOR adopts a survivor centred approach which will guide the process for dealing with the disclosures made.

#### **7.6 Anonymous reporting**



Anonymous reporting is where an individual sends a letter or other correspondence or makes a phone call to management and makes an allegation or statement without leaving their name. Confidential reporting is where an individual makes an allegation or statement to management, but wants their identity kept secret from those that they have accused of wrongdoing/misconduct. Anonymous reporting is very difficult to act upon, as there may be no or little corroborated evidence to substantiate the allegations. However, this does not mean that there is no wrongdoing or misconduct taking place. Management will carry out pre-investigation work and initiate formal proceedings if corroborating evidence is found.

BIOCOOR understands that some people may wish to report their concerns anonymously and accepts that this may occur from time to time. Anonymous reporting can make it difficult to clarify the issues, substantiate claims and investigate concerns properly. It may be possible to communicate with an anonymous discloser where they have provided a means of communicating e.g. an email address. However, BIOCOOR encourages people to put their name to disclosures where possible. There is no right to anonymity under this policy or the legislation. Workers making anonymous reports enjoy the same protections under this policy but anonymous reporting may make it more difficult to prove that a worker was penalised for making a whistleblowing disclosure.

#### **7.7 Feedback and outcome of the investigation**

Feedback and the progress of any concerns raised will be given as soon as possible. Some situations may be resolved promptly, whilst others may take longer because they require formal investigation or hearings. It may not be possible to give detailed feedback, particularly in relation to sensitive cases. Workers should be advised of any delays or difficulties in providing feedback.

#### **7.8 Potential Outcome**

Once the investigation is complete appropriate action will be taken to resolve the issue. This may involve taking disciplinary action if a clear case of wrongdoing can be proved and reporting to the police if a criminal offence such as fraud or theft has been committed. Cases of serious wrongdoing may result in dismissal.

#### **7.8 Nominated persons**

If there are concerns that workers feel they cannot raise through line management they may contact the BIOCOOR Executive Director or the Board of BIOCOOR

#### **7.9 External reporting**

The external reporting can be sent to the Chairperson of Joint Development Forum of NGOs in the District where BIOCOOR has the main office.