

AURAT FOUNDATION

WHISTLEBLOWER POLICY

**Approved by the Board of Governors
March 2013**

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Section 1 – Introduction

An important aspect of accountability and transparency is a mechanism to enable individuals and groups to voice concerns in a responsible and effective manner, when they discover information which they believe shows serious malpractice or which are unethical.

Decisions and actions by mutual consultation are at the heart of the culture of Aurat Foundation (AF). Care is taken in this context to not place on individual staff members the burden of resolving difficult unethical situations. If staff members come across unethical practices or instances of malpractice they should, in the first instance, consult their line managers (Chiefs, Directors, Managers, Specialists, Officers) or with Human Resources (HR). If uncomfortable about raising the matter through AF's normal reporting channels or with HR department, a staff member or a group of staff members, may want to seek assistance from this whistleblower policy.

This whistleblower policy is, therefore, fundamental to AF's professional integrity. In addition it reinforces the value that AF places on staff to be honest and respected members of society. It provides a method of properly addressing bona fide concerns that individuals or groups within or outside of AF might have related to AF's operations. It also offers whistleblowers protection from victimization, harassment or disciplinary proceedings, if the whistleblower acted in good faith and had no malicious intent.

It should be emphasized that this policy is meant to assist individuals and groups who believe they have discovered malpractice or impropriety in operations of the organization. It is not designed to question program, financial or business decisions taken by AF.

Section 2 - What Does this Policy Cover?

This policy covers situations where an individual or group of people (whistleblowers) raise a concern about a risk, malpractice, or wrongdoing that involves and affects AF and AF's partners (including donors, partner NGOs, grantees, sub-grantees, business partners, vendors, suppliers etc.).

Section 3 - What is Whistleblowing?

Whistleblowing is confidential disclosure by an individual, or a group of people, of any concern encountered in the workplace relating to a perceived wrongdoing or malpractice. The whistleblower must identify himself or herself, as explained later in this document. This will be kept confidential by the Ethics Committee and/or unit handling whistleblowing.

Examples of wrongdoing and malpractice include, but are not limited to:

- Fraud – such as theft or misuse of AF's funds or other resources by an employee or a third party; falsification of costs or expenses; forgery or alteration of documents; destruction or removal of documents; paying of excessive prices or fees to third parties with the aim of personal gain
- General malpractice – such as illegal or unethical conduct (including where someone's health & safety has been put in danger)
- Gross misconduct – such as sexual harassment, blackmail, extortion or physical abuse
- Infractions of AF's policies, including the Conflict of Interest Policy
- Infractions of applicable laws

Section 4 - Who Does this Policy Apply to?

This policy applies to everyone who carries out work for AF, including:

- All members of the Board of Governors of AF
- All employees of AF
- All employees working on all programs of AF
- All employees of AF's partners (including partner NGOs, grantees, sub-grantees, business partners, vendors, suppliers etc.)

Section 5 - What are the Fundamental Elements of this Policy?

- AF requires whistleblowers to identify themselves by providing their name, date of birth, CNIC number and phone number. Anonymous calls will **neither** be entertained **nor** investigated, in order to guard against potential abuse of this policy
- The Whistleblower is protected from victimization, harassment or disciplinary action as a result of any disclosure, where the disclosure is made in good faith and is not made maliciously or for personal gain
- Disclosures will be investigated fully including interviews with all the witnesses and other parties involved
- The identity of the whistleblower will be held confidential at all stages by the Ethics Committee.
- While AF can provide internal anonymity, it cannot guarantee this will be retained if external legal action flows from the disclosure

Section 6 - What is a Protected Disclosure?

A protected disclosure is any good faith communication that discloses or demonstrates an intention to disclose information that may evidence (a) an improper AF activity, or (b) any condition that may significantly threaten the health or safety of employees or the public. A protected disclosure may lead to a whistleblowing disclosure.

Section 7 – Ethics Committee and its Role

The Ethics Committee will comprise: a) one member from the Board of Governors of the organization; b) Director HR and; c) Head of the Internal Audit. In the absence of Director of HR, the second slot will be filled by another Board Member. The HR Manager will be secretary of all meetings, and will be kept in the loop by the Ethics Committee throughout the proceedings of the case. The present Ethics Committee includes:

1. **Ms. Anis Haroon**, Member Board of Governors (anisharoon3@gmail.com)
2. **Mr. Mohammed Tahseen**, Member Board of Governors (tahseen@sappk.org)
3. **Mr. Aurfan Farooq Kiyani**, Internal Auditor (ia@af.org.pk) grievance

The HR department will be responsible for maintaining the record and documentation of all such proceedings. If any one of the members of the Ethics Committee is the subject of whistleblower's allegations then he or she will be replaced on the Committee for that case by the Committee.

After conducting investigations, if the Ethics Committee feels that the issue raised by the whistleblower is critical to the operations of AF and threatens to have pervasive negative implications, the Committee will escalate the matter to the Board of Governors for further deliberation.

7.1 *Raising the Concern*

The Ethics Committee can be contacted through email and postal mail by any individual or group of people to raise a concern, show intention to disclose or make an actual disclosure. The Ethics Committee is then bound to consider the submission.

7.2 *Investigations*

Once the whistleblower makes it clear that she or he is making the disclosure within the terms of AF's Whistleblower Policy, the Ethics Committee will consider the matter and take the necessary action to investigate the disclosure.

7.3 *Dealing with Malicious Whistleblowing*

All whistleblowing disclosures made to the Ethics Committee will be treated as confidential, unless the Committee concludes that the allegations were malicious, mala fide or not in good faith.

Examples of malicious whistleblowing include, but are not limited to, allegations that are based on:

- Misogyny (e.g. not wanting to report to, or work with, a member of the opposite sex)
- Religious or cultural beliefs
- Hearsay
- Personal dislike or dispute
- Documents that are either subject to forgery (eg email threads, photocopies etc.) or lie outside the legal ambit (eg telephone transcripts obtained from phone companies without a warrant)

In case the whistleblower is deemed by the Ethics Committee to have acted maliciously or in bad faith, the whistleblower's identity will be disclosed and no extra care will be taken to hide the corrective measures taken against him/her, which may include, but are not limited to:

- A financial penalty and/or termination if the malicious whistleblower is an AF employee.
- Scaling down or termination of the existing grantee, sub-grant or program partner or blacklisting of the party from being eligible for future grants, if the malicious whistleblower is a sub-grantee
- Legal action including libel and/or slandering charges

Section 8 – Preliminary Steps for Investigation and Documentation of Allegations

Disclosing information related to the investigation of a whistleblowing event is a breach of

confidentiality and may put the whistleblower at risk. Therefore, inquiries and comments about an allegation will be made within the whistleblower database that will be maintained with Human Resources (HR) at Aurat Foundation under lock and key. Notes will be taken of all discussions about the whistleblower report, but will be documented in a separate whistleblower case file with HR, including specific details sufficient to preserve a record of AF's treatment of the allegations and the case chronology.

The Ethics Committee will determine the preliminary steps as under:

- Identifying who will take the lead on the investigation (regional office or HQ)
- Determining how to best preserve confidentiality
- Identifying who, outside the Ethics Committee, should be included in the correspondence and process.
- Assigning who will be the lead in terms of keeping the Ethics Committee informed on progress

It is important at this time for the Ethics Committee to assess the materiality of the alleged fraud, and whether it was allegedly perpetrated by exploiting a one-time, temporary gap in internal controls, or a systemic weakness that is present in one department or project, other departments or regional offices. If the allegation is material or indicates a potential systemic weakness, the team must determine if operations should be suspended, modified to reduce the risk of further loss or the weakness addressed and fixed.

Section 9 – Conducting Investigation

The matter must be acted upon by the Ethics Committee when any of the following conditions are met:

- The matter is the result of a significant internal control or policy deficiency that is likely to exist in other units within AF
- The matter is likely to receive media or other public attention
- The matter involves the misuse of AF's resources or creates exposure to a liability in potentially significant amounts
- The matter involves potential loss of donor funds
- The matter involves allegations or events that have a significant possibility of being the result of a criminal activity (such as disappearance of cash)
- The matter involves disregard of AF's policies including Conflict of Interest Policy
- The matter is judged to be significant or sensitive for other reasons

Having considered the conditions, the Ethics Committee will follow the steps as under:

- Give the whistleblower the opportunity to present his or her case
- Look at the merit of the case as per the conditions for moving on a Whistleblower Disclosure
- If an investigation is warranted, set out a timetable
- Identify witnesses as needed
- Speak with the subject(s) of the disclosure, as needed
- Analyze findings
- Come to conclusions (systemic malpractice or isolated incident)

- Determine action to be taken against whistleblower or subject, if any
- Hand over recorded action to appropriate person or department

If the Ethics Committee concludes that the malpractice or control weakness relates to operations, the findings should be forwarded to the COO.

If the Ethics Committee concludes that the malpractice or the control weakness is systemic in nature or is policy or strategy related, the findings should be taken to the Board.

Section 10 - Communication Strategy

Understanding, agreeing upon and complying with the communication strategy is critical throughout the process. An expedient and reassuring communication from an appropriate member of the Ethics Committee to the whistleblower should confirm that the report was received and that it will be handled in accordance with AF's policies and procedures. Generally, it is helpful to appoint a single person or as few individuals as possible to be the primary point of contact with the whistleblower. Initially, for the safety of the investigation team and to preserve evidence and the investigation environment, the alleged perpetrator should not be made aware of allegations.

Regarding communications beyond AF staff, the Chairman of Audit Committee of the Board of Aurat Foundation must receive a notification of the reported event.

All investigations should culminate in an internal report and an assessment of whether communication to donors, partner NGOs, grantees, sub-grantees, business partners, vendors, suppliers, law enforcement officials or other government officials is required or advised.

Section 11 - Possible Outcomes

There will be no adverse consequences for anyone who *does whistleblowing in good faith*.

The following actions may be taken after investigation of the concern;

- Disciplinary action (up to and including dismissal) against the wrongdoer dependent on the results of the investigation
- Disciplinary action (up to and including dismissal) against the whistleblower if the claim is found to be malicious or otherwise in bad faith
- No action if the allegation proves unfounded, and the committee concludes that the whistleblower did not operate with a malicious intent or in bad faith

The whistleblower will be kept informed of progress and the outcome of the investigation, within the constraints of maintaining confidentiality or observing legal restrictions generally.

(See Frequently Asked Questions about Whistleblowing in attached Annexure)

ANNEXURE

Frequently Asked Questions about Whistleblowing

A Definition of Whistleblowing

1. What is Whistleblowing?

Whistleblowing is a confidential disclosure by an individual, or group of people, of any concern encountered in the workplace relating to a perceived wrongdoing.

2. What is the difference between whistleblowing and making a complaint?

In practical terms, whistleblowing occurs when a worker raises a concern about danger or illegality that affects others. The person blowing the whistle is usually not directly or personally affected by the danger or illegality. Consequently, the genuine whistleblower rarely has a personal interest in the outcome of any investigation. As a result, the whistleblower should not be expected to prove his or her case - rather he or she raises the concern so others can address it. This is different from a complaint. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint, and, for this reason, is expected to be able to prove their case.

B Procedures to be followed by the Whistleblower

1. Can concerns be raised confidentially or anonymously?

The best way to raise a concern is to do so openly (as opposed to anonymously). Openness will make it easier for AF to assess the issue, work out how to investigate the matter, understand any motive and get more information. An individual raises a concern confidentially if he or she gives his or her name, date of birth, CNIC number and phone number on the condition that it is not revealed, unless the Ethics Committee concludes that the whistleblower had acted maliciously or in bad faith. An individual raises a concern anonymously if he or she does not give his or her name and other details. Clearly, if AF does not know who provided the information, it is not possible to reassure or protect him or her. Anonymous whistleblowing may also result in more calls with malicious intent and thus a waste of investigators' time. Therefore, at AF, whereas all concerns raised will be treated with utmost confidentiality, anonymous calls or emails sent fictitiously will not be entertained.

2. What information should a whistleblower provide?

The whistleblower should state the facts with as much specific information as possible so that the allegations can be investigated. The whistleblower should not speculate or draw conclusions, and should be prepared to be questioned further. Below are basic questions the whistleblower should answer to help describe the situation in an email:

- Identify the person(s) engaged in the wrongdoing.
- Is the management involved? Or is it known that the management is involved?
- Is management aware of this problem?

- What is the nature of the wrongdoing?
- Where did this incident or violation occur?
- How long has this problem been going on?
- How did the whistleblower become aware of this violation or wrongdoing?
- Provide all details regarding the alleged violation, including the locations of witnesses and any other information that could be valuable in the evaluation and ultimate resolution of this situation.

3. Is there a deadline for filing a whistleblower report?

No, but it is important to file a report as soon as the whistleblower has enough assurance to make a good faith report. Ideally, the whistleblower should report as soon as possible after discovery of the wrong-doing or improper activity. If delayed, evidence becomes stale, hampering investigation, and then AF may not be able to resolve the problem.

4. What happens after a whistleblower report is filed?

A preliminary investigation will be conducted by the Ethics Committee and the whistleblower may be contacted with additional questions. The preliminary investigation will determine if a full investigation should be undertaken and by whom.

5. How can the whistleblower help with the investigation?

The whistleblower can provide as much factual information and evidence as possible in order to allow the investigation to proceed. *However, the whistleblower should not obtain any evidence for which he/she does not have right of access. He or she should not do his or her own investigation.* Conducting their own investigation can pose safety and legal risks to the whistleblower, others, and AF. The whistleblower should be prepared to be interviewed and to provide all the information he/she knows about the allegations.

6. Will the whistleblower be informed of the outcome of his/her report?

The whistleblower generally has the right to be informed of the disposition of his/her disclosure and the findings of any investigation, although there might be overriding legal or public interest reasons not to do so. Any action taken against an employee as a consequence of the findings of the investigation, however, may be personal and confidential, in which case it cannot be disclosed.

7. Can the whistleblower discuss the matter with friends and colleagues?

If the whistleblower self-discloses his/her identity, AF will no longer be obligated to maintain their confidentiality. To protect their confidentiality and the confidentiality of the investigation, it is advisable for the whistleblower not to discuss the matter with friends and colleagues. Keep in mind that propriety information regarding AF may not be disclosed to any unauthorized party outside AF.

8. What happens to the whistleblower if the allegations are not sustained?

If the whistleblower had a reasonable belief that an improper AF activity had occurred and made a good faith report that disclosed or demonstrated an intention to report the activity, it is a protected disclosure under the policy. If the whistleblower knowingly or recklessly made an

allegation or disclosure that proves to be unsubstantiated, he or she may be subject to discipline, up to and including dismissal.

9. What if there is retaliation towards the whistleblower?

It is AF's policy and practice that none of its staff shall discharge, demote, suspend, threaten, harass, or in any manner discriminate against an employee reporting in good faith within the scope of this whistleblower policy.

10. What if word gets out about a whistleblower and people are making it difficult for him/her to work here?

If the whistleblower feels that he/she is being retaliated against for being a whistleblower, he/she may file a written retaliation complaint with Human Resources department as per HR policy.

11. What is considered to be "retaliation?"

Examples of retaliation are management actions that violate the personnel policies applicable to the whistleblower or that adversely affect the terms and conditions of employment, such as termination, compensation decreases, poor work assignments and threats of physical harm.

12. What are the basic requirements for a retaliation complaint?

A retaliation complaint must be filed within 12 months of the alleged act or threat of interference or retaliation. In order for a retaliation complaint to be accepted pursuant to any of the above processes, the whistleblower must previously have:

- filed a report alleging improper activities
- alleged that the whistleblower was threatened, coerced, commanded, or prevented by intimidation from filing a whistleblower report; or
- refused to obey an illegal order

13. What information should the whistleblower include in his/her retaliation complaint?

The complaint must set forth in enough detail the necessary facts, including dates and names of relevant persons. It must contain facts supporting the alleged retaliatory acts, and the effects of the alleged retaliatory acts on the whistleblower.

14. Who will investigate the whistleblower's retaliatory complaint?

Human Resources and/or a third party as appointed under AF's HR Policy

15. How long will an investigation take?

Every attempt will be made to investigate and reach a decision as quickly as possible. However, it depends upon the fact-gathering process.

16. What if the whistleblower does not agree with the decision?

A decision based on the substance of the complaint is final. However, a decision that the complaint was not filed on a timely basis or that the complaint does not qualify for review can be appealed to the Chief Operating Officer.

17. If retaliation is found, will the whistleblower be informed of the action taken?

The whistleblower will be informed of any appropriate relief for him/her, but the whistleblower will not necessarily be informed of any corrective action taken against the person who retaliated against him/her. There might be overriding legal or public interest reasons not to do so.

C. Procedures to be Followed by the Subject of a Whistleblower Investigation

1. If a person is accused of committing an improper activity and an investigation takes place, will the subject have the opportunity to explain his/her actions?

Yes, but keep in mind that the decision to conduct an investigation is not an accusation – it is a neutral fact-finding process. The subject will be given opportunities for input during the investigation, and he/she will be given an opportunity to respond to material points of evidence to be used in the investigation report unless there are compelling reasons not to do so.

2. Can the subject of a whistleblower investigation consult a lawyer?

The subject has a right to consult with anyone, including a lawyer.

3. Will the subject be informed of the outcome of the investigation?

Yes, the subject has a right to be informed of the outcome of the investigation.

4. What happens if the allegations are sustained? Will disciplinary action be taken against the subject?

Any disciplinary action will be determined by management and will be administered in accordance with applicable employee conduct and disciplinary procedures.

5. What happens to the subject if the allegations are not sustained?

If the allegations are not sustained, the case will be closed.

D. Procedures to be followed if a Manager receives a Whistleblower Disclosure

1. If a Manager at any level receives from an employee, partner, grantee, sub-grantee, vendor or other party a whistleblower disclosure that pertains to a reportable violation or situation, he or she should handle it with utmost care and immediately refer to the Ethics Committee.