



KENYA UTALII COLLEGE

WHISTLEBLOWER PROTECTION POLICY

NOVEMBER, 2021



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1.0 INTRODUCTION

1.1 The Kenya Utalii College (KUC) is committed to ensuring the highest possible ethical standards in delivering the services it provides. To this end, this policy demonstrates KUC's Management commitment to recognize and take action in respect of malpractice, illegal acts or omissions by its employees. It is the responsibility of all staff to ensure that if they become aware of any act or omission that compromises this objective, they are expected to report the matter in the safe knowledge that this will be treated seriously and sensitively.

1.2 The Kenya Parliament is in the process of passing a law that will protect whistle blowers. As such, it is important for KUC to develop a whistle blowing policy and Procedures to protect staff who acting in good faith disclose information that might be considered relevant, in terms of initiating an investigation.

2.0 SCOPE OF THE POLICY

2.1 This policy applies to all staff of KUC.

2.2 Situations may arise when staff may feel unable to report incidents through the usual management channels. This may include, inter alia:

- a) Suspected fraud or corruption.
- b) A criminal offence is, has or is likely to be committed.
- c) Disregard for legislation e.g. Public Officer Ethics Act, 2003.
- d) A breach of code of conduct.
- e) Damage to the environment
- f) Breach of the standing financial rules and regulations.
- g) Showing undue favor over a contractual matter or to a job applicant.



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- h) Where evidence may be concealed or destroyed.
 - i) Where there has been a previous disclosure of the same information.
- The list is not exhaustive.

3.0 RESPONSIBILITIES

3.1 All staff have a responsibility to ensure adherence to the professional codes of conduct. Staff are advised to:

- a) Raise any concerns of any malpractice that might compromise the rules contained in the code of conduct.
- b) Raise concerns with an appropriate officer as outlined in Corruption Prevention Policy.
- c) Not raise concerns with any malicious intent or vexatious nature.

3.2 KUC staff may report suspected cases of fraud and corruption to any of the following:

- a) College Council
- b) Principal
- c) Head of Internal Audit
- d) Heads of Departments
- e) Corruption Prevention Committees (CPCs)
- f) Integrity Assurance Officers (IAOs)

3.3 If the staff member prefers to remain anonymous, then, she/he can report through the confidential reporting channels; reportcorruption@utalii.ac.ke, reporting boxes



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- 3.4 The CPC, or whoever receives the information, has a duty to:
- a) Treat concerns in a confidential manner.
 - b) Take staff concerns seriously
 - c) Consider them carefully and undertake an investigation.
 - d) Understand the difficult position a member of staff may be in
 - e) Seek appropriate advice
 - f) Take appropriate action to resolve the concern or refer it on to an appropriate person.
 - g) Keep the member of staff informed of the progress.
 - h) Monitor and review the situation
 - i) Inform their seniors
 - j) Ensure that individuals who genuinely report concerns are not penalized in any way.

4.0 SAFEGUARDS

4.1 KUC is committed to good practice and high standards and supportive to all its employees. The College recognizes the difficulty staff may face in voicing concerns and assures them of support and confidentiality during the investigation process. The College will not tolerate any harassment or victimization levered against the whistle blowers. However, where the College concludes that false or malicious allegations was made it may pursue disciplinary action against the purported whistleblower.

4.2 The College will not do the following on the whistleblower:

- a) Retaliate
- b) Discrimination; transfer, demote, suspend, threaten, harass or in any other manner discrimination



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5.0 CONFIDENTIALITY

KUC will protect the confidentiality of all matters raised by concerned employees. In case of any breach of confidentiality by any of the officers named in 3.2, the employee raising concern can take the appropriate action under College's complains procedures.

6.0 ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegations whenever possible. To this extent possible, any complaint should be factual rather than speculative or conclusory, and should contain as much information as possible to allow for proper assessment. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the KUC. In exercising this discretion, the factors to be taken into account would include:

- a) The seriousness of the issues raised
- b) The credibility of the concern
- c) The likelihood of confirming the allegation from attributable source.

7.0 UNTRUE ALLEGATIONS

If a staff member makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against him/her. If however, as an employee you make the allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against him/her.



8.0 PROCEDURES

8.1 A whistle blower can raise a concern orally or in writing. If you write, mark the envelope 'personal, private or confidential.' If the concern is serious, hand deliver the envelope to the person you wish to report the matter to. An employee who wishes to discuss the matter orally, should indicate this in the submission and include a telephone number at which she might be contacted if it is deemed appropriate.

8.2 The whistleblower should identify, indicate or provide evidence of the following:

- a) Why you are concerned and the background information
- b) Any other procedures which you have already used and what happened.
- c) The section or location of the alleged behavior.
- d) Key personnel involved in the alleged behavior.
- e) The nature of the alleged incident.
- f) The time period over which the alleged incident has occurred.
- g) An estimate of the monetary value, if appropriate, associated with the alleged incident.
- h) Documentary evidence in support of the alleged incident.
- i) Names and jobs of other employees who may support your concern.

8.3 The person (s) receiving the concerns will be required to investigate the allegations thoroughly. The staff member will receive an initial response within ten working days, including details of any further action to be taken and full written response within seven working days of the completion of the investigation where appropriate. These time scales may be extended, if necessary, by mutual agreement.



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8.4 The earlier you express your concern, the easier it will be to take action.

8.5 Although you will not be expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate that there is a reasonable ground of the concern.

8.6 You may find it easier to raise the matter jointly if there is another employee that has the same concern and will support your allegations.

8.7 You would be advised to invite a colleague or another person to be present during any meetings or interviews in connection with the concern raised.

9.0 HOW THE AUTHORITY WILL RESPOND

9.1 One of those named in 3.2 will first decide whether to carry out an investigation and determine which procedures are appropriate to use.

9.2 If it is decided that the matter should be taken further under these procedures the concern will be:

- 1) Investigated by the Head of Internal Audit,
- 2) Referred to the Police (Investigation and Enforcement Department)
- 3) Referred to the Auditor General's Office.
- 4) The subject of an independent inquiry.

Interviews can be conducted by the person investigating the matter.



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9.3 In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

9.4 The person to whom concern has been received from will be contacted in writing within 10 working days detailing the following:

- a) Acknowledge that the concern has been received.
- b) Indicate how the College intends to deal with the matter.
- c) Give an estimate of how long it will take to provide a final response.
- d) Provide any feedback to the whistleblower
- e) Inform you whether further investigation will take place and if not, why not.

9.5 The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and availability of information. Wherever possible, you will be told of the final outcome of any investigation.

9.6 KUC will take steps to minimize any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in a criminal or disciplinary proceedings, the College will arrange for you to receive advice about the procedure.



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10.0 IF YOU ARE NOT SATISFIED WITH KUC'S RESPONSE

10.1 This procedure is meant to give everyone an effective way to raise a concern within the KUC (if possible resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:

- a) The Auditor General's Office (AGO)
- b) A relevant professional or regulatory body.
- c) A relevant voluntary organization.
- d) Efficiency Monitoring Unit (EMU)
- e) Ethics and Anti-Corruption Commission (EACC)
- f) Directorate of Criminal Investigations (DCI)

11.0 THE RESPONSIBLE OFFICER

11.1 KUC Principal shall nominate the "Contact Person" for the purposes of maintenance and operation of this policy.

11.2 Records of (all written statements along with the results) any investigations relating thereto shall be kept on a separate secured file in the Head of Internal Audit's office for seven years. It is illegal and against the College's Policy to destroy any audit records that may be subject to or related to an investigation by KUC.

This procedure is subject to monitoring and shall be reviewed by the CPC.



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11.3 Approval And Commencement

This policy has been approved by the Principal and the College Council.

Dated this 23rd day of June 2022

SIGNED

A handwritten signature in black ink, appearing to be 'M' followed by a long horizontal stroke.

PROF. CHARLES MUSYOKI, PhD, OGW
PRINCIPAL & CHIEF EXECUTIVE OFFICER

SIGNED

A handwritten signature in black ink, appearing to be 'M. M. Muliro'.

MUKASA MWAMBU MULIRO
COUNCIL CHAIRMAN