



AGRICULTURE AND FOOD AUTHORITY

WHISTLE-BLOWING POLICY

REVISED
JUNE 2020

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FOREWORD

This policy has been formulated to provide advice and guidance to employees and stakeholders of Agriculture and Food Authority (AFA) who wish to report cases of corruption or malpractice in the Authority. The policy takes cognizance of the need to protect whistleblowers as enshrined in the Witness Protection Act, 2006 and Witness Protection (Amendment) Act, 2010. It, therefore, follows that all activities carried out within the policy shall adhere to the contents.

The policy elaborately defines the procedure to be followed in reporting corruption cases and other violations of the AFA code of conduct and ethics. It also provides for the protection and support of whistleblowers to encourage them to report without fear of victimization or discrimination. It is hoped that the guarantees contained in this policy will provide sufficient assurance to employees and stakeholders to enable them to whistle blow openly.

The Authority is committed to the effective implementation of this policy as a proactive initiative in the fight against corruption.



ANTHONY MURIITHI
AG. DIRECTOR GENERAL

1. PREAMBLE

Employees are often the first to realize that there may be potential exposure to the risk of loss arising from unethical or improper acts within an organization. However, they may not express their concerns because of fear of harassment or victimization. In these circumstances, it may be easier to ignore the concern rather than report what may be a suspicion of malpractice. Early detection of malpractice enables the Authority to take the necessary steps to deter its occurrence and safeguard its interests and those of the stakeholders.

Agriculture and Food Authority (AFA) is committed to fostering a mechanism where employees and other stakeholders can report cases of corruption or malpractice without fear of victimization, subsequent discrimination or disadvantage. It is against this background that the Authority establishes a whistle blower's policy.

2. DEFINITIONS

In this policy, unless the context otherwise requires: -

- **"Whistleblower"** - means an employee or any stakeholder making a protected disclosure under this policy
- **"Whistleblowing"** - making disclosure in the public interest or exposing alleged misconduct, dishonest, and illegal activities occurring in the Authority.
- **"Protected disclosure"** – means any communication made in good faith that discloses or demonstrates information that may evidence unethical or improper acts
- **"Policy"** - refers to the whistleblowing policy
- **"Authority"** - the Agriculture and Food Authority (AFA)
- **"Employee"** - is a member of staff of the Authority
- **"His/Him"** - implies both gender i.e. male and female.

3. PURPOSE OF THE POLICY

This policy is intended to provide an internal mechanism for reporting cases of corruption or malpractice within the Authority. It also assures whistleblowers that they will be protected from possible reprisals or victimization. This policy prescribes the channels and procedures of reporting cases of corruption and malpractice within the Authority.

4. SCOPE OF THE POLICY

This policy applies to all AFA staff, Board Members and stakeholders. It is intended to cover concerns that fall outside the scope of the human resource grievance procedure and public complaints. Corruption handling procedure shall be dealt with according to the AFA anti-corruption policy.

This policy does not cover any staff or person who willfully provides information which he knows or has reason to believe it's untrue, malicious, meant to mislead the Authority or meant to create anxiety against any staff or any person. Such a person will be deemed to have violated this policy and appropriate action will be taken.

5. PROCEDURE FOR WHISTLEBLOWING

To the extent possible, any concern raised should be factual rather than speculative, conclusory, frivolous, malicious or for personal gain; and should contain as much information as possible to allow for proper assessment.

5.1 Procedure for raising a concern

- (i) A concern may be raised orally or in writing;
- (ii) A whistleblower who chooses to raise a concern orally may do so face to face or over the phone to an integrity assurance officer or a member of the

corruption prevention committee. He can also report to the Authority through a dedicated hotline;

- (iii) A whistleblower who chooses to raise a concern in writing may enclose his submission in an envelope marked 'personal, private and confidential'. The envelope may be posted to the Authority or dropped into the corruption reporting box located within the premises of the Authority. The whistleblower may also write an anonymous note and drop it into the corruption reporting box;
- (iv) A whistleblower who chooses to raise a concern through email shall do so through a dedicated email address for reporting corruption or on the Authority's website;
- (v) Whichever method the whistleblower chooses, he shall provide sufficient details of the occurrence to the extent known such as:-
 - a) The areas of concern and sequence of events;
 - b) The section or location of the alleged malpractice;
 - c) The key persons involved in the alleged malpractice;
 - d) Nature and period over which the alleged incident occurred;
 - e) An estimate of the monetary value associated with the alleged incident;
 - f) Documentary evidence supporting the alleged incident;
 - g) Names and roles of employees or other stakeholders who may support the whistleblower's concern;
 - h) Whether this is the first instance the issue has been reported;
 - i) In case this is not the first time, details of the previous occurrence and reporting;
- (vi) The person receiving information of any malpractice from the whistleblower will be required to record the issue confidentially and investigate the allegations thoroughly. The whistleblower will receive an initial response within ten (10) working days including details of any further action to be taken and

written feedback within seven (7) working days on completion of the investigation where appropriate;

- (vii) Although a whistleblower will not be expected to prove beyond a reasonable doubt he will need to demonstrate that there is a reasonable ground for the concern;
- (viii) The whistleblower may raise the matter jointly with another concerned person who has a similar concern and who would support the allegations;
- (ix) A whistleblower may be advised to invite a colleague or another person of his choice to be present during any meeting or interviews in connection to the concern raised if he deems fit.

5.2 Response and Investigation

- (i) The response and investigation of matters reported in 5.1 above shall be dealt with according to section 11 of the anti-corruption policy on handling corruption cases;
- (ii) To protect the rights of officers accused of possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without an investigation. If urgent action is required, this will take place before an investigation is undertaken.

5.3 Response to the whistleblower

- (i) The person who receives the concern raised by the whistleblower will contact him in writing within ten (10) working days detailing the following:-
 - a) Acknowledge that the concern has been received;
 - b) Indicate how AFA 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 Whistle Blower;
 - e) Inform the whistleblower whether a further investigation will take place and if not, why not.

- (ii) The extent of contact a whistleblower will 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, the whistleblower will be informed of the outcome of any investigation;
- (iii) The Authority will take steps to minimize any difficulties the whistleblower may experience in the course of investigations related to the concern. For example, if required to give evidence in a criminal or disciplinary proceeding, the AFA will arrange for the whistleblower to receive appropriate support.

6. PROTECTION OF WHISTLEBLOWERS

(i) Harassment or victimization

- a) The Authority will not tolerate any harassment, victimization, subsequent retaliation, discrimination or disadvantage against a whistleblower who raises malpractice in good faith. Specifically, the Authority will not discharge, demote, suspend, threaten, harass or in any other manner discriminate or retaliate against any employee who lawfully provides information to the authorities regarding any conduct which the employee reasonably believes constitutes an act of corruption or malpractice.
- b) Any staff of AFA who victimizes or reprimands a whistleblower shall be deemed to have violated this policy and shall be subject to appropriate disciplinary action.
- c) However, where false or malicious allegations are made, appropriate remedial action will be taken as provided by the disciplinary procedure for members of staff, or other appropriate action in case of board members and stakeholders.

(ii) Confidentiality and Anonymity

- a) As far as possible, the Authority will protect the identity of a whistleblower who does not want his identity to be disclosed. While the Authority is committed to ensuring the confidentiality of the identity of the whistleblower and information

provided, it must be appreciated that an investigation process may reveal the source of the information and a statement by the whistleblower may be required as part of the evidence. In such circumstances, confidentiality may not be guaranteed. This will however be discussed with the whistleblower and the procedure of disclosure.

- b) Any staff of AFA who willfully discloses the identity of the whistleblower or the content of the information provided to unauthorized persons shall be deemed to have violated this policy and shall be subject to the appropriate disciplinary procedure of the Authority.
- c) Any person not being an employee of AFA willfully discloses the identity of the whistleblower or the content of the information to any unauthorized persons shall be deemed to have violated this policy and shall be subjected to the appropriate criminal proceedings.
- d) All malpractices reported anonymously shall be considered and investigated by the Authority.

(iii) Support for whistleblowers

If a whistleblower is an employee and has to be relocated as a consequence of assisting the Authority in applying this policy then he will not suffer the burden of such changes without compensation. His entitlements shall be protected by the Authority. The Human Resource function shall ensure such employees get full support in adjusting to the changed work circumstances.

7. REWARD OF WHISTLEBLOWERS

To promote the culture of whistleblowing in AFA, a whistleblower who makes a disclosure that leads to a successful investigation and conviction of an alleged person, shall be rewarded according to the AFA Rewards and Sanctions Policy.

8. RESPONSIBILITIES

- (i) The overall responsibility for ensuring compliance with this policy rests with the Director General (DG). The DG is also responsible for the operationalization of the policy and shall ensure that records of reported malpractices and the outcomes are maintained and secured in a form that does not infringe confidentiality and is reported to the Board as necessary. He may, however, delegate such responsibilities to the management or the corruption prevention committee.
- (ii) The person or committee appointed by the Director-General to receive corruption cases has a responsibility to maintain the confidentiality of the whistleblower and the malpractices raised.
- (iii) The corruption prevention committee has responsibility for monitoring the implementation of this policy.

9. REVIEW

The policy will be reviewed periodically as the need may arise. The Corruption Prevention Committee shall determine the need to review the policy based on changes in the operating environment.

10. EFFECTIVE DATE

This policy comes into effect this 30th day of JUNE 2020

Issued this 30th day of JUNE 2020

ANTHONY MURIITHI
AG. DIRECTOR GENERAL