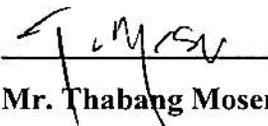




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<b>Signed By:</b>	 <b>Mr. Thabang Mosena</b> <b>President</b>

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## **ABBREVIATIONS**

**LMPS:** Lesotho Mounted Police Service

**LPPA:** Lesotho Planned Parenthood Association

**DCEO:** Directorate of Corruption and Economic Offences

## 1. DEFINITIONS OF TERMS

1.1 **A complaint** is an expression of dissatisfaction. It can relate to malpractice, the standard of service received from LPPA, action or lack of action by LPPA, or the behaviour of LPPA volunteers, staff or anybody directly involved in the delivery of LPPA work, including contractors.

1.2 **Whistle-blower:** is the term used to describe a person who raises public interest concerns about malpractice whether in their workplace or otherwise, using appropriate procedures.

1.3 **Whistleblowing:** refers to the process whereby an individual or institution raises a concern with LPPA, whether verbally, anonymously or in writing, about a possible malpractice that could threaten customers, employees, volunteers, stakeholders, the public and/or LPPA's reputation.

1.4 **Malpractice:** It includes, but is not limited to the issues listed below:

- i) Financial wrongdoing including theft, bribery, fraud, money laundering and aid diversion;
- ii) Failure to comply with any legal obligations;
- iii) Bullying and harassment including sexual harassment of another staff member or volunteer, but not usually of the whistle-blower themselves;
- iv) Abuse or exploitation, including sexual, of children, vulnerable adults or beneficiaries;
- v) Breach of LPPA Code of Conduct;
- vi) Abuse of authority;
- vii) Danger to the health and safety of individuals or damage to the environment;
- viii) Improper conduct or unethical behaviour;
- ix) Activity which would bring the Association into serious disrepute;
- x) Deliberate concealment of information relating to any of the matters listed above.

1.5 **Detriment** occurs when an individual is subjected to a disadvantage e.g. losing a job, exclusion, demotion, denial of promotion, blocking access to training, resources, etc or a refusal of service or reduction in the quality of service offered or provided.

1.6 **A vexatious complaint or concern** has no merit and is intended to cause inconvenience, harassment or expense to the organisation.

1.7 **A frivolous complaint or concern** has no serious purpose or value. It may have little merit and be trivial such that investigating it would be out of proportion to the seriousness of the issues raised.

1.8 **Grievance procedure** is the internal procedure for dealing with concerns and complaints about individual contracts, working conditions or bullying and harassment issues.

1.9 **Stakeholder** refers to all parties that have a direct or indirect interest in LPPA, and includes but not limited to the following:

- All employees and management within LPPA
- LPPA Volunteers

- LPPA Board members
- LPPA Board Sub-Committee members
- Contractors/suppliers appointed at LPPA
- All customers and beneficiaries for services of the LPPA
- General public
- Government
- Partners and Donors

## **2 INTRODUCTION**

2.1 LPPA expects that those working for and representing the Association will act with honesty and integrity including by not discriminating on the basis of age, sex, sexual orientation, gender, gender identity or expression, race, ethnic or national origin, religion or belief, partnership status, pregnancy or parental status, disability, health or any other personal status.

2.2 LPPA recognises that the right to be free from abuse, exploitation and harassment is enshrined in international and local human rights legislation. LPPA additionally acknowledges that sexual harassment and abuse are a form of gender-based violence.

2.3 LPPA is accountable to the communities where it works, its beneficiaries, donors and supporters, as well as to its volunteers and staff. An open, fair and central complaints and whistleblowing process supports LPPA in creating a culture of speaking up.

2.4 Understanding, responding to and learning from complaints and concerns is an essential part of LPPA's transparency and accountability processes. Complaints, concerns and feedback allow LPPA as an organisation to reflect on and identify how LPPA needs to change and to adapt. LPPA views this process as a positive opportunity to learn, develop and improve.

2.5 LPPA is committed to protecting its volunteers and staff from any detriment, victimisation, harassment or bullying as a result of raising a concern or whistleblowing. Complaints of any such behaviour will be taken seriously and managed appropriately through the relevant disciplinary hearing process.

2.6 LPPA is committed to supporting good management practice and a culture of being able to speak up, where volunteers and staff can raise concerns about their colleagues' and supervisors' conduct informally with them in the first instance and that these concerns will be listened to and taken on board without victimisation.

## **3. PURPOSE**

The purpose of this policy is to:

3.1 Ensure that any concerns raised regarding any misconduct, malpractice or improper state of affairs or circumstances in relation to the Association's business are dealt with effectively, securely and appropriately.

3.2 Set out the mechanism by which employees, volunteers, contractors, consultants, suppliers, and members of the public can confidently and anonymously, if they so wish, raise concerns in a responsible manner without fear of discriminatory treatment.

3.3 Encourage and enable stakeholders to raise concerns about seemingly improper activities happening within LPPA, rather than overlooking a problem or blowing the whistle to inappropriate channels.

## **4.OBJECTIVES**

The Policy aims to:

- 4.1 Encourage LPPA employees and volunteers to bring unethical and illegal, actual or suspected fraud, malpractice and/or activity which come to their notice to an internal authority so that corrective action can be taken timeously;
- 4.2 Provide a platform and channel with which all LPPA' stakeholders may raise all improper business practices;
- 4.3 Minimise LPPA exposure to the damage that can occur when employees and volunteers circumvent internal mechanisms/procedures;
- 4.4 Provide necessary safeguards for protection of employees and volunteers from reprisals or victimisation;
- 4.5 Encourage timely, safe and open reporting of alleged malpractices, potential illegal activity or suspected impropriety;
- 4.6 Ensure consistent and timely institutional response;
- 4.7 Ensure appropriate reporting of whistle-blower investigations.

## **5. SCOPE OF APPLICATION**

- 5.1 The policy applies to all LPPA employees, volunteers including the Governing Board, Sub Committees, contractors/consultants, suppliers, members of the public as well as other stakeholders. All are expected to adhere and report according to this policy and such reports shall be received and dealt with accordingly.
- 5.2 This policy, however, should not replace the normal duties of managers and supervisors of ensuring proper conduct in line with the Human Resources Policy and existence of internal controls. All work-related grievances will be dealt with in line with the Grievance Policy and Procedures.
- 5.3 For the purpose of this policy, the reports that are required and expected include but are not limited to;
  - 1) serious violation of LPPA business ethics, values, policies and procedures
  - 2) use of LPPA property, resources or authority for personal gains
  - 3) violation of national laws and applicable international laws and regulations
- 5.4 Typically, the following should be reported
  1. theft
  2. embezzlement
  3. defrauding or attempting to defraud the Association or the client
  4. accepting or offering bribes in respect of any LPPA business
  5. unauthorised removal of property from LPPA premises
  6. removing, altering or destroying official documents and records

7. tampering in any way with LPPA's infrastructure
8. abuse of office
9. providing false or misleading information or evidence
10. any form of dishonest behaviour
11. undeclared conflict of interest
12. any other malpractice as defined in Clause 1

5.5 If an employee uncovers any of 5.4 above or suspects that it has occurred, it is a disciplinary offence not to report the incident immediately to a member of Management or Governing Board.

5.6 The public in general and all stakeholders of LPPA are also encouraged to report all forms of misconduct that come to their attention to LPPA Management or Governing Board.

5.7 Failure of Supervisors or Heads of Departments or any other officer to relay all reported cases to Management will also be viewed as a serious disciplinary offence.

## **6. GUIDING PRINCIPLES**

LPPA is committed to ensuring that it responds to the actions of individuals who raise relevant concerns or complaints or bring grievances as follows:

### **6.1 Fair**

6.1.1 LPPA will listen to the person raising the complaint or concern and take the time to understand what the complaint or concern is about, the reasons for it and the outcome the person expects.

6.1.2 Complaints and concerns will be dealt with consistently and the persons investigating and making decisions will be impartial. LPPA endeavours to ensure that all its processes pay due regard to the needs of anyone who may have been subject to ill-treatment or abuse and that where a complaint or concern relates to such conduct, the needs of its recipient remain at the forefront of any investigation process.

6.1.3 No volunteer or staff member will be subject to any detriment, victimization, harassment or bullying as a result of raising a concern.

6.1.4 If the person is receiving a service from LPPA, making a complaint or raising a concern will not affect the service they receive.

### **6.2 Confidential**

6.2.1 All complaints and concerns will be processed, managed and stored in line with the applicable policy. Information about a complaint or concern will be provided only to those people who need to know about it, in order for the complaint or concern to be actioned properly. Personal details about the complainant or whistleblower and any alleged perpetrators will remain confidential.

6.2.2 Where confidentiality is requested, every effort will be made to maintain this and identities will not be disclosed without prior consent, unless required by law.

6.2.3 Where any identities are likely to or do become known, the implication of this, and any protection or support requirements which flow from it, will be discussed with the individual concerned.

6.2.4 The direct report by a whistleblower of concerns to the media or otherwise to organisations outside LPPA may, depending on the appropriateness of the recipient of the information, negate the whistleblower's rights under this policy.

6.2.5 LPPA recognizes that non-disclosure agreements do not prevent individuals from making disclosures in the public interest.

### **6.3 Transparent and Accountable**

6.3.1 LPPA will ensure that the process to be applied to, and the possible outcomes of, the complaint/concern are clearly explained to those involved. LPPA will give clear, evidence-based explanations and reasons for any decisions made.

6.3.2 All complaints/concerns to be logged and monitored, and anonymized data concerning complaints will be included in LPPA's annual reporting.

6.3.3 LPPA will ensure that all feedback and lessons learnt from complaints and concerns contribute to service improvement and staff welfare. LPPA will share information about learning with volunteers and staff in a confidential manner through a report summary.

### **6.4 Accessible**

6.4.1 LPPA is committed to making the process of submitting a complaint/concern as easy as possible in line with the procedures stipulated in this policy.

### **6.5 Efficient and timely**

6.5.1 LPPA will acknowledge and aim to resolve complaints and concerns in a timely manner, in line with the timelines stipulated in this policy. LPPA will keep all parties informed of the process and of any delays.

## **7. REPORTING METHODS AND PROCEDURES**

7.1 Any discovery or suspicion of malpractice should be reported in the first instance to the Supervisor/Senior Staff member/Head of Department/Chief Executive or Board Chairperson if it involves the Chief Executive.

7.2 If the report is made verbally, the person receiving it should put it in writing as soon as is practicable to ensure accuracy of information.

7.3 If the supervisor is suspected to be involved in the malpractice or the whistleblower is not comfortable to report to the supervisor/immediate manager for whatever reason, the

whistleblower may report directly to the Head of Department or the Chief Executive or the Board Chairperson.

7.4 If the whistleblower is not satisfied with the response received, he/she is encouraged to take the issue further to the Chief Executive or the Board Chairperson if not satisfied with the response from the Chief Executive.

7.5 The discovery or suspicion to be reported should not be discussed with any other person, as confidentiality must be maintained initially to ensure meaningful preliminary investigation.

7.6 The report may be written or verbal and may be submitted anonymously or with a request to remain confidential.

7.7 The written report or verbal information must be sufficiently detailed, especially the anonymous reports, to ensure clear understanding of the issues by the recipients. Details such as names, places and dates should form part of the report.

7.8 LPPA would rather receive an anonymous complaint or concern than not to have it reported at all. However, it may be difficult for the Association to properly investigate matters disclosed if a report is submitted anonymously, especially if they are not adequately substantiated and therefore, the whistleblower is encouraged to share his/her identity when making a disclosure, however it is optional.

7.9 Where LPPA is unable to investigate an anonymous complaint or concern, it will nevertheless be reviewed and logged.

7.10 Whistleblowers should understand that remaining anonymous may affect the ability of LPPA to act on any future claims of unfair treatment, which may arise as a result of that whistleblowing.

7.11 Individuals concerned about being identified are encouraged to request confidentiality.

7.12 The following methods may be used to report;

a) Personal (face to face) reporting

b) Telephonic reporting

c) Electronic reporting (email)

d) Surface mail (postal) reporting

e) Suggestion box

7.7 Every officer in 7.1 above, who receives a report, shall acknowledge receipt of the reported or suspected violation immediately on receipt and relay it to the higher Authority.

7.8 The Chief Executive shall report to the Chairperson of the Board within twenty-four hours of receipt and they shall together determine the extent and magnitude of the investigation to be undertaken.

7.9 All reports will be promptly investigated and appropriate action taken.

- 7.10 Where a report involves the Chief Executive, the matter shall be dealt with by the Chairperson of the Board in consultation with other Members of the Board.
- 7.11 Where one feels uncomfortable making an internal report, or where one has made an internal report, but no action has been taken within one month or reasonable time depending on the magnitude of the concern, the report may be disclosed to the Association's members of the Board.
- 7.12 Any information contained in the report will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to the Association.
- 7.13 Reported incidences may be;
- i) investigated by any team nominated by Management/the Board
  - ii) referred to the Auditors/Consultants
  - iii) referred to the DCEO
  - iv) referred to LMPS
- 7.14 It should be understood that whistleblowers are not investigators. They should allow those responsible for finding facts to do so. They cannot determine if corrective measures are necessary nor can they determine the appropriate measures to be taken.

## **8. WHISTLEBLOWERS' PROTECTION**

8.1 Management recognises that employees are often the first to notice wrong doings in organisations and that due to fear of friction with, and retaliation from their colleagues, or victimisation from superiors, many fail to raise alarm.

8.2 To protect individuals raising alarm in good faith against reprisal, management and the Governing Board provide, and will vigorously implement the following guidelines to ensure that no individual is victimized for raising concern on gross misconduct.

8.2.1 LPPA management and the Governing Board will respect the confidentiality request of whistle-blowers. Reports of violations or suspected violations will be kept confidential to the extent possible and consistent with the need to conduct adequate investigations, however, may be disclosed to regulatory authorities, law enforcement agencies or professional advisors to the Association as required by the law or where disclosure is necessary.

8.2.2 This policy prohibits any form of discrimination, harassment, discharge, reassignment, adverse employment consequences or retaliation against any whistle-blower who reports wrongful conduct or any other person who participates in the subsequent investigation of the allegations.

8.5 If an investigation establishes that the head of department, supervisor or any other employee is engaged in conduct or action constituting discrimination, harassment and/or retaliation in violation of this policy, immediate and appropriate action will be taken in accordance with LPPA Disciplinary Procedures, which may result in termination of appointment.

8.6 LPPA Management will not retaliate against a whistleblower who in good faith, has raised a concern against malpractices of LPPA or of individuals or an entity with whom LPPA has a business relationship, if the practice is in violation of the laws of Lesotho or applicable international rules and regulations.

8.7 An employee is protected from retaliation only if he/she:

- a) brings the suspected unlawful activity or malpractice to the attention of the person that he/she reasonably believes to be the right person.
- b) keeps the information confidential and provides LPPA with a reasonable opportunity to investigate and correct the suspected unlawful activity.

8.8 Individuals who have been victimised, harassed or disadvantaged in any form based on their report of alleged misconduct are encouraged to contest the action by filing a written complaint of reprisal with the Head of Department, office of the Chief Executive or Board Chairperson.

8.9 The external parties will be protected to the extent that LPPA will be capable. If discrimination, retaliation or ill-treatment is suffered at the hands of LPPA's contractors, such contracts will be subject to review which could result in termination.

8.10 Individuals will not be subjected to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

## **9. EXCEPTION TO DISCLOSURE**

9.1 Notwithstanding Section 8 above, LPPA will maintain confidentiality of whistle-blowers' identity except in cases where;

- a) the person making the report volunteers to be identified;
- b) it is the requirement by law or according to the Association's Regulations in internal disciplinary proceedings where false reports/accusations have been made;
- c) the person accused is entitled to information as a matter of legal right.

## **10. DUTY TO ACT IN GOOD FAITH**

10.1 Anyone filing a complaint concerning a violation or suspected violation according to this policy must be acting in good faith. Alarm is raised in good faith if an allegation of misconduct is made by an individual who honestly believes that malpractice has occurred or is about to take place and;

- i) his/her intent must be honest and without malice
- ii) he/she must have reasonable grounds for believing the incident disclosed to be misconduct or illegal activity
- iii) he/she must reasonably believe that the disclosed information is substantially true

10.2 An allegation is not in good faith if it is made maliciously or with wilful ignorance of facts that would disprove the allegation.

10.3 LPPA may decide not to investigate a complaint or concern if it is frivolous or vexatious. In considering if a complaint or concern is frivolous or vexatious, LPPA recognises that:

- i) Individuals submitting a complaint or concern may be aggrieved and frustrated so the focus must be on careful consideration of the merits of the case not the attitude of the individual.
- ii) Every complaint or concern must be considered on its own merits. Even if someone has made a frivolous or vexatious complaint or concern in the past, it must not be assumed that any other complaint or concern they submit will also be frivolous or vexatious.

10.4 Vexatious and/or persistent or repetitive frivolous complaints or concerns submitted by volunteers and staff result in disciplinary action. It is important to stress that disciplinary action will not be taken in respect of complaints or concerns that are merely regarded as mistaken or incorrect, and that disciplinary action will only be taken when the nature of the complaints or concerns is such that they can fairly be categorised as malicious and/or harassing and/or brought in bad faith.

10.5 Any unsubstantiated allegations which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

10.6 Management or Governing Board of LPPA will not protect or assist in any form, any person who deliberately raises false alarm in order to defame or damage the reputation of an employee of the Association or any party against which a report was made.

## **11. OTHER MATTERS**

11.1 Any breach of this policy will be taken seriously and may result in disciplinary action up to termination.

11.2 Employees are encouraged to read this policy in conjunction with other relevant Association policies, including:

- Code of Conduct
- Human Resources Policy
- Grievance Policy

11.3 No employee or volunteer is expected to approach the media with any sort of whistle blow information and doing so is an offense to the Association, which may lead to disciplinary action.

## **12. REVIEW AND REVISION**

12.1 This policy shall be reviewed every 3 years or whenever found necessary.