

**Private Sector Health**

**Alliance of Nigeria (PSHAN)**

**Whistleblowing Policy**



# Overview

PSHAN seeks to conduct its business honestly and with integrity, expecting that all members of staff will maintain these same standards of business conduct while reporting any wrongdoing that falls short of the Alliance’s fundamental principles. It is the responsibility of all employees, contractors and other relevant stakeholders to raise any concerns that they might have about malpractices in the workplace.

In furtherance of this, the Alliance seeks to provide a channel for its employees and relevant stakeholders to raise these concerns in a confidential manner, enabling due investigation. This Whistleblowing Policy has been developed to provide such a platform.

For the purpose of this policy, whistleblowing is the act of reporting perceived unethical conduct or wrongdoing of employees, management, directors, and other stakeholders by an employee or other persons to appropriate authorities. The purpose of the Policy is to encourage employees to disclose any malpractices or misconduct which they observe. More so, it is important to highlight the fact that persons who report allegations of malpractice will be protected, as confidentiality is key to the effective implementation of a whistle blowing program.

In addition, this policy document reinforces the value that PSHAN places on staff to be honest and respected members of their individual professions. It provides a method of properly addressing bona fide concerns that individuals within the Alliance might have, while also offering whistle-blowers protection from victimization, harassment or disciplinary proceedings.

All employees are encouraged to raise genuine concerns about misconduct, malpractice, and unethical behaviour in good faith, at the earliest opportunity, and in an appropriate manner.

# Objectives

This policy has been developed to:

1. Support PSHAN’s corporate philosophy of accountability and integrity;
2. Ensure that all employees and stakeholders are encouraged to speak up confidently and report matters which they suspect may involve improper, unethical, or inappropriate conduct within the Alliance;
3. Encourage all employees to identify and challenge all improper, unethical or inappropriate behaviour at all levels of the organization.
4. Provide clear procedures for reporting and handling such concern(s);
5. Proactively prevent and deter misconduct which could impact the Alliance’s performance and/or damage the Alliance‘s reputation; and
6. Provide assurance that all disclosures made will be handled seriously, treated as confidential, and managed without fear of reprisal in any form.

# Definitions

**Concern**: a perceived misconduct, malpractice or unethical concern that is subject to investigation by the appropriate authority.

**Corruption**: the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party.

**Good Faith**: when a report or concern is made without malice or consideration of personal benefit and the Whistleblower has a reasonable basis to believe that the report is true. A report, however, does not have to be proven to be true to have been made in good faith. Good faith is lacking when the disclosure is known to be malicious or false.

**Fraud**: any act or omission, including a misrepresentation, that knowingly and recklessly misleads, or attempts to mislead a party to obtain financial or other benefit or to avoid an obligation.

**Investigation**: a process designed to gather and analyze information in order to determine whether misconduct has occurred and, if so, the party or parties responsible.

**Misconduct**: a failure by a member of staff or other relevant stakeholder to observe the rules of conduct or standards of behaviour as prescribed the Alliance.

**Retaliation**: an action or threat of actions which is/are unjustly detrimental to the whistleblower because of his/her report, including, but not limited to harassment, discrimination and acts of vindictiveness, whether direct or indirect. Retaliation could be in the form of victimization or reprisal through dismissal, termination, redundancy, undue influence, duress, withholding of benefits and/or entitlements, or other acts that have a negative impact on the whistleblower.

**Whistleblower**: any person(s) including employees, management, directors, donors, service providers and other stakeholders of the Alliance who reports any form of unethical behaviour or dishonesty to the appropriate authority.

**Whistleblowing**: the act of reporting an observed/perceived unethical misconduct of employees, management, directors, donors, and other stakeholders of the Alliance by an employee or other person to appropriate authority. It is an early warning system that enables the Alliance to find out when something is going wrong in time to take necessary corrective actions.

# Appropriate Concerns to Report

A genuine concern should be reported if there are reasonable grounds for believing that:

1. A criminal offence such as fraud, tax evasion, money laundering or financing of terrorism has, is being, or is likely to be committed.
2. A person has failed, is failing, or is likely to fail to comply with their legal obligations, for instance by making misleading or deceitful statements to the authorities, self-dealing, not disclosing related third-party transactions, accepting/giving bribes or kickbacks, aiding or not reporting incidences of money- laundering.
3. The health and safety of any individual has been, is being, or is likely to be endangered.
4. There are offences against the Alliance’s ethics such as corruption, coercive practices intended to impair or harm, or threatening to impair or harm, directly or indirectly; collusive arrangement between two or more parties designed to achieve an improper purpose.
5. There are cases of bullying, physical/sexual harassment, or general malpractice such as immoral, illegal or unethical conduct.
6. There is any other activity which undermines the Alliance’s operations and corporate philosophy.

In general, this policy covers actions or omissions that are illegal, contrary to policy or established procedure, or outside the scope or any individual’s authority or actions which could damage the Alliance’s reputation and conflicts with the interests of the Alliance.

# Whistleblowing Procedure

Whistleblower reports can be submitted by sending an e-mail to the CEO or the Head of HR as appropriate. Each report must indicate:

1. The date of the issue(s);
2. The background and details thereof; and
3. Reasons why there is a concern.

A whistleblower may elect for his/her identity to be disclosed or choose to remain anonymous. A written consent is required for any whistleblower who would prefer a disclosure of his/her identity.

All concerns submitted by external whistleblowers should be forwarded to the CEO, or the Chairman of the Board’s Finance and Governance Committee as appropriate. Disciplinary measures shall be taken against any staff who receives concerns from an external whistleblower and fails to pass same to the appropriate authority.

# Roles and Responsibilities

## Whistleblower

Whistleblowers are expected to act in good faith and should refrain from making false accusations when reporting their concern(s). They must also provide evidence at their disposal to aid investigation of the issues reported. All employees of PSHAN, its directors as well as any other person/company that provides services to the Alliance including contractors, consultants, and vendors are potential Whistleblowers.

## Suspect

The suspect has a duty to cooperate with investigators during the period of investigation, including provision of relevant information, documents, or other materials as may be required.

## CEO

The CEO is expected to oversee the investigation of all reports with high professionalism, confidentially, and timeliness. He/she shall act in an independent and unbiased manner during the investigation.

The purposes of an investigation are to:

1. Establish whether or not wrongdoing has occurred based on the concern(s) raised, and if so to what extent; and
2. To minimize the risk of further wrongdoing, prevent any further loss of assets, damage to the Alliance’s reputation and, where possible, protect all sources of evidence.

## Head of HR

The Head of Human Resources shall handle the report of investigations that relate to the Alliance’s employees in line with any applicable laid down disciplinary procedures. The head of HR has the responsibility of acknowledging all concern(s) reported and reporting on the progress of investigation to the Whistleblower. The Head of HR will also be responsible for the administration as well as periodic reviews/updates of this Policy, as allowed by Board approvals.

## Board Finance and Governance Committee

The CEO shall make available a periodic report on whistleblowing to all Finance and Governance Committee members, and also treat all whistleblowing concern(s) brought to the attention of the Committee with sensitivity and discretion.

# Investigation

Whistleblowing reports will be passed to the CEO who shall, upon receipt and acknowledgement thereof, commence investigation immediately.

If the preliminary investigation shows that the concern falls within the

whistleblowing reportable concerns, then further investigation shall be carried out. If otherwise, or if the concern is outside the reportable misconduct, then the CEO shall refer the matter to appropriate quarters such as the Police or EFCC for further action.

If the concern raised by the whistleblower is frivolous or unwarranted, the CEO shall ignore such concern and, where necessary, disciplinary measures in line with HR policies shall apply to the staff member(s) or stakeholder(s) who raised the concern out of malice.

Upon conclusion of an investigation, the CEO shall submit same to Human Resources or the appropriate authority for further action(s) with a copy to the Chairman of the Board’s Finance and Governance Committee.

All disciplinary actions relating to the report shall follow the Alliance‘s disciplinary procedure as contained in the staff hand book where it relates to a member of staff.

If the concern(s) relates to an Executive Director, the matter shall be referred to the Chairman of the Board’s Finance and Governance Committee for further action.

If the concern(s) relates to an external party (service provider), the Alliance shall immediately review the Service Level Agreement with such service provider, and if necessary terminate the agreement.

# Feedback

As a general rule, all whistleblowers will be provided with feedback, subject to any privacy, confidentiality, or other legal considerations. All concerns reported under this policy will be taken seriously. The way a matter is handled will depend on the type of concern raised.

# Confidentiality

Every effort will be made to keep the identity of an individual who makes a disclosure under this Policy confidential. In order not to jeopardize the investigation into the alleged concern, the Whistleblower will also be expected to keep the fact that he/she has raised a concern, the nature of the concern, and the identity of those involved confidential.

# Protection and Support for Whistleblowers

No member of staff who raised genuinely-held concerns in good faith under this procedure will be dismissed or subjected to any detriment or retaliation as a result of whistleblowing. If you believe that you are being subjected to detriment or retaliation within the workplace as a result of raising concerns under this Policy, you should inform the CEO or the Chairman of the Board’s Finance and Governance Committee immediately. This is without prejudice to the fundamental right of the whistleblower to seek redress in a court of law.Workers who victimize or retaliate against those who have raised concerns under this Policy will be subject to disciplinary action.

If an investigation under this Policy concludes that a disclosure has been made maliciously, vexatiously, in bad faith, or with a view to personal gain, the Whistleblower may be subject to disciplinary action. Any such determination is however subject to review by the Board’s Finance and Governance Committee. **11 Rights of Persons Implicated**

Any PSHAN member of staff implicated by reports of irregularities must be notified in due course of the allegations made against them, provided that this notification does not impede the progress of the procedure for establishing the circumstances of the case.

It is important to note also that the fundamental rights of any member of staff implicated by the reported incidents will be respected, whilst ensuring that the procedures provided for are effective.

**Note**: Where there is a justifiable need to act outside the guidelines stated in this policy, the CEO is required to report such actions to the Board of Directors at the next Board meeting.

Effective Date: This policy manual shall be effective from 1st June 2020.

**As approved on behalf of the Board:**

## Chairman of Finance Committee Board Member/CEO