

Background

The aim of this policy is to help TLM-Nigeria (TLMN) staff to apply the commitments of this policy in practice.

This policy sets out the commitments TLMN makes to investigate issues and to protect staff members who raise or disclose concerns about malpractice. The accompanying procedures are written to help staff to raise or disclose concerns about malpractice in the workplace at an early stage and in the right way, and to help TLMN to investigate in a way that protects innocent persons. The policy and procedures apply in all cases where there are genuine concerns, regardless of where this may be and whether the information involved is confidential or not.

What is Whistle-blowing?

Whistle-blowing is a term used to describe the action of a member of staff in informing the organisation of evidence of malpractice, improper conduct and law breaking. It does not include complaining about mismanagement which arises from poor management rather than malpractice. Nor is it about personal grievances against individuals or breaches of an employee's own contract of employment. TLMN's grievance procedures in-country, as outlined in Human Resources Manual and which incorporate Christian principles, should be used in those cases.

Why is Whistle-blowing important?

As a Christian organisation TLM-Nigeria always wants to work in ways that glorify God so at all times it seeks to conduct itself honestly and with integrity. We are committed to the highest standards of openness and accountability. Truth and justice are important to God, "I will make justice the measuring line and righteousness the plumb line;" Isaiah 28:17 and so they are to us. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice.

We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. It is important to TLMN that any fraud or inappropriate behaviour by staff is reported and properly dealt with. Jesus has called us to be light and salt and this means speaking out against wrong as He did. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff members are encouraged to raise genuine concerns about malpractice in the workplace without fear of reprisals and TLMN will protect them from victimization and dismissal.

The term 'malpractice' includes but is not exhaustive of:

- Criminal offences;
- Breaches of legal obligations (including negligence, breach of contract, breach of administrative law)
- Miscarriages of justice in the conduct of organisational/corporate processes
- Abuse of authority
- Fraud or corruption

- Breaches of financial regulations or policies
- Acts creating risk to health and safety e.g. neglect and poor treatment of people affected by leprosy;
- Sexual, physical or emotional abuse of members of staff or beneficiaries
- Acts causing damage to the environment;
- The concealment of any of the above.

TLMN's commitments

- TLMN commit to investigate issues raised thoroughly, promptly and confidentially, and report the outcome of the investigation back to the staff member who raised the issue.
- TLMN will ensure that no staff member will be victimised for raising a matter under the whistleblowing procedure.
- TLMN commit to being open and accountable as an organisation if misconduct is discovered as a result of any investigation under this procedure, TLMN's Service Rule will be used, in addition to any appropriate external measures if, for example, laws have been broken.
- TLMN commit to protecting the innocent; maliciously making a false allegation is a disciplinary offence.
- TLMN commit to truth and integrity. An instruction to cover up wrongdoing is itself a disciplinary offence.

If told not to raise or pursue any concern, even by a person in authority such as a manager, staff members should not agree to remain silent. They should report the matter to the manager's manager.

Procedure for raising a concern

If a staff member believes that the actions of anyone (or a group of people) working or volunteering for TLM-Nigeria do or could constitute malpractice, he or she should raise the issue with their Unit Head. If the staff member reasonably believes that his or her Unit Head is involved in the alleged malpractice in some way, the matter should be raised with the person that the Unit Head reports to. In exceptional circumstances, the matter may be raised with the National Director. **Concerns may be expressed in writing and sent by email to: tlnnigeriawhistleblower@gmail.com**

Confidentiality

Every effort will be made to keep the staff member's identity confidential. Staff members are also expected to keep confidential the fact that they have raised a concern, the nature of the concern and the identity of those involved. If, because of the nature of the investigation or disclosure, it is necessary to reveal the identity of the member of staff, efforts will be made to inform the staff member that his or her identity is likely to be revealed. During the investigation, steps will be taken to protect staff from any victimisation or detriment as a result of having made a disclosure.

Anonymous reporting

Anonymous disclosures are very difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. TLMN does not encourage anonymous reporting as it feels as a Christian organisation that it is more appropriate for individuals to come forward with their concerns.

False or malicious disclosures

TLMN will treat all disclosures of malpractice seriously and will protect staff members who raise concerns in good faith, believing them to be true. However, action will be taken in accordance with the disciplinary policy against any staff member who is found to have made a disclosure maliciously. This means that the staff member knew that the disclosure was not true or did not have reasonable grounds to think that it was accurate. This may result in dismissal.

If a staff member has a personal interest in the matter they have raised they must disclose this at the outset. This Procedure is not intended to replace the Grievance Procedure which continues to be the appropriate way to raise grievances related to employment.

Investigation

All disclosures will be taken seriously and the following procedure will be used:

- a. The disclosure will be acknowledged in writing, confirming that the matter will be investigated and that The Leprosy Mission Nigeria will get back to the staff member in due course.
- b. A suitable person will be identified to manage the investigation. This will be someone who is in a position to take any necessary action as an outcome.
- c. A suitable individual will be instructed to conduct an investigation into the allegation. For details of the responsibilities of the investigator and conduct of the investigation, see below.
- d. There will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation or whether the disclosure is, for example, based on erroneous information. This should normally happen within two weeks of the disclosure.
- e. The investigation report will be reviewed by the person managing the disclosure.
- f. The staff member will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.

Outcome of the investigation

- a. If the allegation is substantiated, appropriate action will be taken. This could involve initiating a disciplinary process, or informing external authorities if a criminal action has been committed, such as fraud or theft. TLMN will endeavour to inform the staff member that raised the concern if a referral to an external authority is about to or has taken place, but has the right to make such a referral without the staff member's knowledge or consent if considered appropriate.
- b. If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not serious enough to warrant disciplinary action, the manager may take a more informal approach to dealing with the matter.
- c. As part of the investigation, recommendations for change will be invited from the investigator to enable TLMN to minimise the risk of the recurrence of any

malpractice or impropriety which has been uncovered. The National Director will be responsible for reviewing and implementing these recommendations.

- d. If an individual raises a genuine concern and is acting in good faith, even if later discovered to have been mistaken, he or she will not be at risk of losing their job or suffering any form of retribution as a result. This assurance is not extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice.

Role of the investigator

The investigator will have the following responsibilities to TLMN:

- a. Arrange individual interviews with relevant witnesses or individuals.
 - Establish the facts/obtain statements/collect documentary evidence.
 - Maintain detailed records of the investigation process.
 - Make any recommendations for action.
- b. The investigator will have the following responsibilities towards the staff member who raised the disclosure:
 - Hold a formal meeting with the employee making the complaint to discuss the matter.
 - Keep the employee up to date with progress on the matter.
 - Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview.
 - Give details of employee support mechanisms available.
- c. The investigator will have the following responsibilities towards the employee against whom the disclosure is raised:
 - Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations, and any supporting evidence.
 - Advise in writing of the procedure to be followed.
 - Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence.
 - Give details of employee support mechanisms available.
- d. The investigator may also be required to act as a witness at any subsequent disciplinary hearing if required.

Review of the Policy

TLMN will regularly review the implementation and relevance of this policy and revise as per the needs of the organisation.

Policy Review

This Policy will be reviewed in 5 years.

Revision History

Version	Date	Author	Summary
1	11 September 2018	Sunday Udo	New draft created for next revision

Document Approval

Version	Date	Approved by
1.0	November 8, 2018	TLM-Nigeria Board