





**KUCCPS/INTEGRITY/01/2022**

# **WHISTLE BLOWING POLICY**

**2022**

**A. DOCUMENT REVIEW AND APPROVAL SHEET**

The signatures below certify that this policy has been reviewed and accepted, and demonstrate that the signatories are aware of all the requirements contained herein and are committed to ensuring their provision.

	<b>Name &amp; Signature</b>	<b>Designation</b>	<b>Signature</b>	<b>Date</b>
<b>Prepared by</b>	Ms. Faith Musya	<b>Chair Integrity Assurance committee</b>		30/9/22
<b>Approved by</b>	Dr. Agnes Mercy Wahome	<b>Chief Executive Officer</b>		30/9/22

### C. ABBREVIATIONS AND ACRONYMS

<b>ABBREVIATIONS</b>	<b>ACRONYMS</b>
<b>CEO</b>	Chief Executive Officer
<b>HoD</b>	Head of Department
<b>KUCCPS</b>	Kenya Universities and Colleges Central Placement Service

- d. interference with the lawful employment, livelihood or freedom of any person, discrimination,
- e. discharge, dismissal, demotion, suspension, disadvantage, redundancy, termination or adverse treatment in relation to a person's employment, career, profession, trade or business or the taking of disciplinary action, or any other discriminatory action or withholding of benefit and/or entitlements and any other act that has negative impact on the whistle-blower or that would curtail the exercise of rights protected by this Policy;
- f. a threat to take any of the actions referred to in paragraphs (a) to (e).

**“disclosure”** means any written or oral submission of information reporting alleged malpractice and which in the reasonable belief of a person, tends to show one or more of the following:

- a. An unlawful, corrupt, or irregular use of public funds or public resources;
- b. An act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment;
- c. An act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offenses and the right to a fair trial;
- d. An act, omission, or course of conduct that constitutes an offense;
- e. An act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

**“good Faith”** means honesty intended action based on a reasonable belief and is evident when the report is made without malice and the individual has a reasonable basis to believe that the report is substantially true.

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

**“malpractice”** means improper, illegal, or negligent professional activity or treatment.

**“misconduct”** means a failure by a staff member or other relevant stakeholder to observe the rules of conduct or standards of behaviour prescribed by the Placement Service or any written law, rule and regulation.

**“protected disclosure”**- means a disclosure that relates to any of the matters covered' under the definition of disclosure above, has been made in good faith and in accordance with the procedure established by this policy:

- a. it relates to one of the broad categories of malpractice covered under the definition of disclosure above
- b. the disclosure has been made in good faith
- c. the disclosure has been made according to the procedure established by this policy

**“public interest”** means considerations affecting the welfare of the general public and includes but is not limited to the following matters:

- a. freedom of thought and expression;
- b. the proper management of KUCCPS;
- c. public health and safety;

## **1. INTRODUCTION**

Kenya Universities and Colleges Central Placement Service (KUCCPS) is a State Corporation established under Universities Act, 2012 to coordinate placement of Government-sponsored students to Universities and Colleges; disseminate information on available programmes, their cost and areas of study as prioritized by the Government; collect and retain data relating to University and College placement; develop career guidance programmes for the benefit of student; and advise the Government on matters relating to universities and College placement among others.

Kenya Universities and Colleges Central Placement Service (KUCCPS) in ensuring a high ethical standard in all its operations has established a Whistleblowing Policy which sets out the standard of conduct expected in the management of its strategic initiatives.

The aim of this Policy is to enable employees of KUCCPS and stakeholders to report genuine concerns about fraud and corruption malpractices.

### **1.1 Vision Statement**

The vision of KUCCPS is to be “an equitable, fair and efficient Placement Service”.

This policy forms a key part in realizing this vision.

### **1.2 Mission Statement**

To nurture careers through advisory services and placement to education and training institutions.

### **1.3 Core Values**

In delivering services to members, the Placement Service is bound by the following values and principles:

1. Customer centricity
2. Integrity
3. Access and Equity
4. Innovativeness
5. Teamwork

## **2 SCOPE AND APPLICABILITY OF THE POLICY**

This Policy sets out the framework for the disclosure of information, which is in the public interest and in particular information on corruption or malpractices within KUCCPS.

## **3 PURPOSE AND OBJECTIVES**

### **3.1 Purpose**

The purpose of this policy is to provide guidelines that create an enabling environment and encourage a culture of disclosing corruption or malpractices in good faith while at the same time offering protection to the whistleblowers.



S/N	Person(s)	RESPONSIBILITIES
4.	All persons who are recipients of information	<ul style="list-style-type: none"> <li>▪ Treat concerns with a confidential manner</li> <li>▪ Take staff concerns seriously</li> <li>▪ Consider them carefully including undertaking an investigation</li> <li>▪ Establish an enabling environment which ensures that corrective measures are taken to address any operating procedures that may contribute to such violations</li> <li>▪ Seek appropriate advice</li> <li>▪ Take appropriate action to resolve the concern or refer it on to an appropriate person</li> <li>▪ Keep the member of staff informed of the progress and monitor and review the situation</li> <li>▪ Ensure that those who in good faith report suspected violations or misconduct are not penalized</li> </ul>

## 8 WHISTLEBLOWING PROCEDURE

The whistleblowing procedure involves steps that should be taken by the whistle-blower in reporting misconduct, and steps required for the investigation of the reported misconduct. The following procedures shall guide the whistle blowing process:

### 8.1 Internal Whistleblowing Procedure

Internal whistleblowing involves staff members across KUCCPS raising concerns about unethical conduct. Any internal whistle-blower can report his/her grievance(s) to the:

- a) Head of Department,
- b) Head of Internal Audit,
- c) Chief Executive Officer/Secretary to the Board,
- d) Board Chairman or any other member of the Board.

The Reporting channels include;

- i. E-mail: [integrity@kuccps.ac.ke](mailto:integrity@kuccps.ac.ke)
- ii. Corruption reporting form (KUCCPS website)
- iii. Corrupting reporting boxes
- iv. Telephone/Hotline: 020 513 7400
- v. Postal address: P. O. Box 105166 – 00101 Nairobi

### 8.2 External Whistleblowing Reporting:

Employees and stakeholders who feel uncomfortable with the internal reporting mechanism and/ or written response are entitled to channel their concern to other relevant state agencies, which include;

- a) Ethics and Anti-Corruption Commission (EACC)
- b) Office of The Auditor General (OAG)

- c) Directorate of Criminal Investigations (DCI)
- d) Commission of Administrative Justice /Office of the Ombudsman (CAJ)
- e) Any other government agency

### **8.3 Anonymity and confidentiality Reporting**

Whistleblowers making disclosures under this policy are encouraged to reveal their identity. Anonymous disclosures may prove difficult to investigate but will be considered at the discretion of the Placement Service. In exercising this discretion, the Designated Office will take into account the following:

- a) seriousness of the issues raised;
- b) credibility of the information disclosed; and
- c) likelihood of confirming the information attributable to other sources
- d) To the extent possible, any complaint should be factual rather than speculative.

Further, the Placement Service shall treat disclosures made under this policy with utmost confidentiality. The substance of an investigation including the identities of the parties will remain confidential and may only be disclosed in the following circumstances:

- (a) Where the law requires disclosure
- (b) The whistleblower has waived his/her right of confidentiality
- (c) The identity of the whistleblower or substance of disclosure is already publicly known
- (d) The information is given on strictly confidential basis for the purpose of obtaining professional advise

## **9 PROTECTION OF WHISTLE BLOWER**

It shall be the Policy of the Placement Service to protect whistleblowers who disclose concerns, provided the disclosure is made in the reasonable belief that it is intended to show malpractice or impropriety:

- a) To an appropriate person or authority; and
- b) In good faith without malice or mischief.

While all disclosures resulting from whistleblowing shall be treated with high level of confidentiality, staff and other relevant stakeholders are encouraged to disclose their name to make the report more credible.

The Placement Service shall not subject a whistleblower to any detriment. Where a whistleblower feels unfairly treated owing to his/her actions, the whistleblower shall be at liberty to report to any other regulatory body. This is without prejudice to the right to take appropriate legal action.

Any retaliation, including, but not limited to, any act of discrimination, reprisal, harassment, suspension, dismissal, demotion, vengeance or any other occupational detriment, direct or indirect, recommended, threatened or taken against a whistleblower because he/she has made a disclosure in accordance with this Policy will be treated as gross misconduct and dealt with accordingly.

Whistleblowers must ensure that they do not make disclosure outside of the prescribed channels (e.g. media-print or electronic), or their disclosures may not be protected