



WHISTLE BLOWERS POLICY

SEPTEMBER, 2024

Ports DT Sacco Ltd

Table of Contents

FOREWORD	3
PREAMBLE	5
1.0 INTRODUCTION	6
BACKGROUND OF THE SACCO	6
INTRODUCTION OF THE POLICY	6
2.0 PURPOSE OF THE POLICY	7
3.0 SCOPE OF THE POLICY	7
4.0 RESPONSIBILITIES	7
5.0 SAFEGUARDS	8
6.0 CONFIDENTIALITY	9
7.0 ANONYMOUS ALLEGATIONS	9
8.0 UNTRUE ALLEGATIONS	9
9.0 PROCEDURES	9
10.0 HOW THE SACCO WILL RESPOND	10
11.0 IF YOU ARE NOT SATISFIED WITH THE SACCO'S RESPONSE	11
12.0 THE RESPONSIBLE OFFICER	12
13.0 BOARD APPROVAL OF THE POLICY	12

Foreword

This Whistleblowers policy has been developed as a guide towards providing a uniform level of understanding in the interpretation and administration of various information on fraud and corruption matters at Ports Dt Sacco.

The management of this confidential information at the society shall be carried out in compliance with intentionally recognized and relevant statutes rules and regulations as well as those that may be issued by the society's Top Management and the Government of the Republic of Kenya.

BOAZ N. OMWANSA

Ag. Chief Executive Officer

FORWARD

This Whistleblowers policy has been developed as a guide towards providing a uniform level of understanding in the interpretation and administration of the fraud and corruption matters at Ports DT Sacco Limited. The policy shall address the fraud and corruption issues with an aim of ensuring ethics and integrity is upheld among the members, staffs, suppliers, stakeholders and the Board of Directors. This will go a long way in ensuring strong governance, that guarantees, effective, efficient and prudent management in the SACCO.

In light of significant changes in the environment, additions, deletions and changes to the policy and procedures manual may be made from time to time by the board of Directors and become effective only when adopted by the Board of Directors resolution. This policy is expected to be reviewed after two years.

BEN JUMA CHEPKECHIR

Ports Sacco DT Sacco Limited - Chairman

PREAMBLE

- 1.1.1 Employees are often the first to realize that there may be something seriously wrong within the SACCO. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the SACCO. However, they may fear harassment or victimization. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.1.2 The SACCO is committed to the highest possible standard of openness, probity, and accountability. In line with the commitment, we expect employees and others that the SACCO deals with who have serious concerns about any aspect of the SACCO's work to come forward and voice those concerns. It is recognized that most cases will have to proceed on a confidential basis.
- 1.1.3 This policy document makes it clear that the employees can do it without fear of victimization, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the SACCO rather than overlooking a problem or blowing the whistle outside.
- 1.1.4 The policy applies to all employees and those contractors working for the SACCO. It also covers suppliers and those providing services under a contract with the SACCO on their own premises.
- 1.1.5 These procedures are in addition to the SACCO's Code of conduct grievances procedures and other statutory reporting procedures.
- 1.1.6 Where this policy is in conflict with an Act enacted by the parliament of Kenya, then the Act will take precedence over this policy.
- 1.1.7 Responsibility for ensuring compliance with the policy rests with the policy rests with the internal Audit Manager. The internal Audit is responsible for keeping the policy up to date, defining the extent to which powers and duties vested in him/her may be exercised and performed by officers under him/her giving direction to ensure the proper exercise of the powers and performance of the duties.

INTRODUCTION

Background of the Sacco

PORTS DT SACCO LIMITED is a savings and Credit Society Registered under Cooperatives Societies Act no. 12, 1997. The society was registered on 7th NOVEMBER 1966. The Society derives the bulk of its membership from Kenya Ports Authority who forms the original members of the Society. The operations of the Sacco can be summed up as Back Office Service Activity (BOSA) and Front Office Service Activity (FOSA) SACCO Society Regulatory Authority (SASRA) regulated.

Ports DT Sacco society Limited engages in one of the crucial task of governance, which is the election of its directors by the members. However, looking at the complexity of the financial sectors in which the SACCO operates like other competitors, there is more that is required other than just guarding the integrity of all the stakeholders in the SACCO. Strong governance, integrity and ethics structures, is crucial in the financial sectors as the customers will rest assured as their savings and investments are protected and fraud and corruption reported adequately. Hence the need for this whistleblowers policy.

Vision

To be a formidable financial institution by providing competitive financial solutions to a happy healthy and prosperous people.

Mission

To strengthen social economic well-being of our customers through prudent management and innovative products and services.

Values

Caring
Equity
Consistency

Introduction of the Policy

- 1.1.1 The SACCO is committed to the highest possible standards of care and the highest possible ethical standards in delivering the services it provides. To this end, this policy demonstrates the SACCO's commitment to recognize and take action in respect of malpractice, illegal Acts or omission by its employees and ex -employees. It is the responsibility of all staff to ensure that if they become aware that actions of other staff or officers of the Sacco might compromise this objective, they will be expected to

report the matter in the safe knowledge that this will be treated seriously and sensitively.

- 1.1.2 The Kenya Parliament passed a law (Witness Protection Bill) that this is protecting whistle blowers, it is important for the Sacco also to develop a whistleblowing policy and procedures to protect staff who acting in good faith disclose information about the SACCO and its activities or those of any of its staff or officers which might be considered as fraudulent or corrupt behavior. Management shall ensure that the policy is in tandem with the Witnesses Protection Bill that has been passed in Parliament. This policy and procedures have been developed to support and assist staff in bringing genuine concerns to the attention of appropriate people within the SACCO who can initiate an investigation into matters raised.

2.0 Purpose of the Policy

The policy is designed to:

- a) Support our values of customer first, one passion, integrity and excellence.
- b) Ensure employees can raise concerns without fear of suffering retribution.
- c) Provide a transparent and confidential process for dealing with the concern.

3.0 SCOPE OF THE POLICY

- 3.1 This policy applies to all staff and officers of the SACCO, including Board of Directors and temporary staff.
- 3.2 Situations may arise when it is not appropriate or staff feel unable to report incidents through the usual management channels. This may include, inter alia:
- a) Suspected fraud or corruption
 - b) A criminal offence is, has or is likely to be committed.
 - c) Disregard for legislation e.g. a breach of code of conduct, damage to the environment, breach of standing financial rules and regulations, showing undue favor over a contractual matter or to a job applicant, where evidence may be concealed or destroyed, where there has been a previous disclosure of the same information. The list is not exhaustive.

4.0 RESPONSIBILITIES

- 4.1 All staff have a responsibility to ensure that the best possible standards of care are achieved and to act in accordance with the professional codes of conduct. Staff are advised to:

- a) Report to an appropriate staff member as outlined in this procedure, any concerns that something is happening which might compromise the rules contained in the code of conduct.
 - b) Raise concerns in good faith with that a malpractice has occurred.
 - c) Not raise concerns with any malicious intent or vexatious nature.
- 4.2 Staff members may report suspected cases of fraud and corruption to any of the following:
- a) Board of Directors
 - b) Chief Executive Officer
 - c) Heads of Department
 - d) Human Resource Management
 - e) Head of internal Audit
- If the staff members prefer to remain anonymous, then he/she can report through the confidential reporting hotline (to be established).
- 4.3 Heads of Departments or whoever receives the information have a duty to:
- a) Treat concerns in a confidential manner
 - b) Take staff concerns seriously
 - c) Consider them carefully and undertake an investigation
 - d) Understand the difficult position a member of staff may be in.
 - e) Seek appropriate advice
 - f) Take appropriate action to resolve the concern or refer it onto an appropriate person.
 - g) Keep the member of staff informed of the progress.
 - h) Monitor and review the situation
 - i) Inform their seniors
 - j) Ensure that individuals who genuinely report concerns are not penalized in any way.

5.0 SAFEGUARDS

- 5.1 The SACCO is committed to good practice and high and wants to be supportive of employees. The SACCO recognizes the difficulty staff may face in voicing concerns and assures the of support and confidentiality during the investigation process. It will not tolerate any harassment or victimization and will protect you if you raised concern in good faith. Where the Sacco concludes that false or malicious allegations have been made it may be necessary to take action under the SACCO's disciplinary procedures against the complainant (HR disciplinary Handbook).

- 5.2 The Sacco will not retaliate and will not allow any retaliation or discrimination by its employees of any kind against any employee who submitted complaint in good faith. Specifically, the Sacco will not discharge, demote, suspend, threaten harass or 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 a violation of Anti fraud laws or participate in or otherwise assist with a proceeding relating to such potential violations by the SACCO or employees.

6.0 CONFIDENTIALITY

- 6.1 The SACCO will protect the confidentiality of all matters raised by concerned employees. In case of any breach of confidentiality by any of the officers named in 3.2, the employees raising concern can take the appropriate action under the SACCO's grievances procedures.

7.0 ANONYMOUS ALLEGATIONS

- 7.1 This policy encourages you to put your name to your allegations whenever possible. To the extent possible, any complaint should be factual rather than speculative or conclusive and should contain as much information as possible to allow for proper assessment. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the SACCO.

In exercising this discretion, the factors to be taken into account would include:

- a) The seriousness of the issue raised.
- b) The credibility of the concern and
- c) The likelihood of confirming the allegations from the attributable source.

8.0 UNTRUE ALLEGATIONS

- 8.1 If a staff member makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against him/herself, however, as an employee you make the allegation frivolously, maliciously or for personal gain, disciplinary action must be taken against him or her.

9.0 PROCEDURES

9.1 RAISING A CONCERN

- 9.2 You can raise your concern orally, (I e. Face to face or over the phone) or in writing. If you write mark the envelope "personal, private and confidential." If the concern is of a serious nature hand deliver the envelope to the person you wish to report the matter to. If an employee wishes to discuss the matter orally, he or she should indicate

this in the submission and include a telephone number at which she might be contacted if the Chief Executive Officer deems it appropriate.

- 9.3 Whichever way you choose please give enough information as you can. The complainant should identify or give evidence of the following to the extent that this detail is known or available to the complainant.
- a. Why you are concerned and the background of the information.
 - b. Any other procedures which you have already used and what happened.
 - c. The section or location of the alleged behavior.
 - d. Key personnel in the alleged behavior.
 - e. The nature of the alleged incident
 - f. The time period over which the alleged incident has occurred.
 - g. An estimate of the monetary value, if appropriate, associated with the alleged incident.
 - h. Documentary evidence in support of the alleged incident.
 - i. Names and jobs of other employees who may support your concern.
- 9.4 The person(s) receiving the concerns will be required to investigate the allegations thoroughly. The staff member will receive an initial response within 10 working days including details of the further actions. To be taken and full written response within seven working days of the completion of the investigation where appropriate. This time scales may be extended if necessary, by mutual agreement.
- 9.5 The earlier you express your concern the easier it will be to take action.
- 9.6 Although you will not be expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate that there is a reasonable ground of the concern.
- 9.7 You may find it easier to raise the matter jointly if there is another employee that has the same concern and will support you're your allegations
- 9.8 You would be advised to invite a colleague or another person to be present during any meetings or interviews in connection with the concern raised. In this case you can remain anonymous when the concern is being raised but you may have to be involved personally if the matter goes further.

10.0 HOW THE SACCO WILL RESPOND

- 10.1 One of those mentioned 3.2 will first decide whether to carry out an investigation and determine which procedures are appropriate to use.
- 10.2 If it is decided that the matter should be taken further under these procedures the concern will be:
1. Investigated by the Human Resource Manager
 2. Internal Audit head

3. Referred to the police (Investigation and Enforcement Department).
4. Referred to the external Auditor
5. The subject of an independent inquiry. You may be interviewed by the person investigating the matter.

10.3 In order to protect individuals accused of possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without need of an investigation. If urgent action is required, this will take place before an investigation is undertaken.

WHAT YOU WILL BE TOLD

- 10.4 The person to whom you have raised your concern will contact you in writing within 10 working days detailing the following.
- a) Acknowledge that the concern has been received
 - b) Indicate how the Sacco 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 whistleblower.
 - e) Inform you whether further investigation will take place or not, why not.
- 10.5 The amount of contact you have with people considering the matter will depend on the type of concern, the potential difficulties of the investigation and availability of information. Wherever possible, you will be told of the final outcome of any investigation.
- 10.6 The SACCO will take steps to minimize any difficulties you may experience as a result of raising a concern. For example if required to give evidence in a criminal or disciplinary proceedings, the SACCO will arrange for you to receive advice about the procedure.

11.0 IF YOU ARE NOT SATISFIED WITH THE SACCO'S RESPONSE

- 11.1 This procedure is meant to give everyone an effective way to raise a concern within the SACCO (if possible, resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:
- a) Kenya National Audit Office (KNAO)
 - b) SASRA- The regulator
 - c) A relevant voluntary organization.
 - d) Efficiency Monitoring Unit (EMU)
 - e) Ethics and Anti- corruption commission (EACC)
 - f) Criminal Investigation Department (CID)

g) Witness Protection Agency.

12.0 THE RESPONSIBLE OFFICER

- 12.1 The SACCO's CEO in consultation with Board shall nominate the "Contact person" for the purpose of maintenance and operation of this policy.
- 12.2 Records of (all written statements along with the results) any investigations relating thereto shall be kept on a separate secured file in the head of internal auditors office for seven years. It is illegal and against the SACCO's policy to destroy any audit records that may be subject to or related to an investigation by the SACCO. This procedure is subject to monitoring and shall be reviewed by the Head of Internal Audit.

13.0 BOARD APPROVAL OF THE POLICY

This document may be cited as the **Whistle blowers Policy** for **PORTS DT SACCO Ltd** and has been discussed and adopted for implementation this

.....^{28th}..... day of SEPTEMBER 2024.

POLICY DECLARATION

This document may be cited as the **Whistleblowers Policy** for **PORTS DT SACCO Ltd** and has been discussed and adopted for implementation this

.....^{28th}..... day of SEPTEMBER 2024.

SIGNED FOR AND ON BEHALF OF PORTS DT SACCO SOCIETY LTD

CHAIRMAN:

CHIEF EXECUTIVE OFFICER:

DATE:

6/10/2024



Ports DT Sacco Ltd

+254 0111 173 000

www.portsacco.co.ke

 Ports Sacco  @PortsSacco  portssacco