



REPUBLIC OF KENYA



**NATIONAL SYNDemic DISEASES
CONTROL COUNCIL**

WHISTLE BLOWER PROTECTION POLICY AND PROCEDURES MANUAL

REVISED DECEMBER 2024

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Preface

National Syndemic Diseases Control Council (NSDCC) is committed to upholding institutional integrity and accountability in accordance with the national values and principles of governance as per the provisions of the Constitution of Kenya, 2010.


This is reflected in the Council's core values of transparency and accountability, professionalism, and customer focus consistent with our vision of being a global leader in the provision of people-centered solutions in epidemics.

The Council has formulated the Whistleblowing Protection Policy to deepen these values within the organization and to enhance achievement of good governance practices; and an effective way of detecting corruption and other malpractices.

This Policy also recognizes that whistleblowing acts as an early warning system to enhance preemptive action. Accordingly, this Policy demonstrates the Council's commitment to engage in proactive measures against corruption and malpractice at the Council.

This Policy sets out the organizational approach and obligation to the detection and prevention of corruption and provides a procedure for making good faith disclosures, protection of those who make such disclosures from reprisals, and a mechanism for appropriate investigation and response to such disclosures.

This policy is benchmarked with and informed by international best practices, the Constitution of Kenya, 2010, national legal and policy frameworks, and the Council's code of conduct and Ethics.



Mr. Geoffery Gitu
Board Chairperson,
National Syndemic Diseases Control Council

Foreword

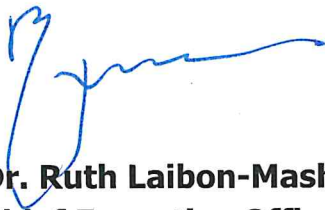
At the NSDCC, integrity, transparency, and accountability are the foundation of everything we do. We are committed to fostering a culture where employees and stakeholders feel empowered to speak up when they encounter conduct that does not align with our values.

This whistle-blower Protection Policy provides a safe, confidential, and transparent framework for raising concerns about suspected wrongdoing, misconduct, or unethical behavior. We recognize that reporting such matters can be challenging and we are committed to protecting those who act in good faith from retaliation or adverse consequences.

Your voice matters. By reporting concerns, you contribute to maintaining the highest ethical standards, ensuring compliance with legal and regulatory obligations, and strengthening trust within our organization and the communities we serve.

I encourage everyone to read this policy thoroughly and utilize the channels provided should the need arise. Together, let us continue building a workplace defined by honesty, respect, and accountability.

Thank you for your commitment to upholding our values.



Dr. Ruth Laibon-Masha, PhD, EBS.
Chief Executive Officer
National Syndemic Diseases Control Council

Definition of Terms

In this policy unless the context otherwise requires:

"Confidential information" includes information about the identity of:

- a) a whistleblower.
- b) a person against whom a whistleblower has disclosed improper conduct;
- c) information disclosed by a whistleblower;
- d) Matter under investigation; or
- e) source of information.

"Corruption" – means corruption as defined under Section 2 of the Anti-Corruption and Economic Crimes Act, Cap 65.

"Detrimental action" refers to any adverse action taken by the Council, or any individual doing work for or on behalf thereof against a whistleblower and includes, but is not limited to:-

- a) action causing physical, emotional, and psychological injury, loss or damage.
- b) intimidation or harassment.
- c) reprisal which includes retaliatory acts such as to harass, discriminate, threaten, demote, discipline, suspend, dismiss or otherwise disadvantage the individual, adversely affect the individual's employment, enrolment, working conditions or learning conditions, or deny the individual a benefit or threat to take any of the foregoing measures as a direct result of the individual, in good faith, disclosing perceived malpractice.
- d) interference with the lawful employment, livelihood or freedom of any person, discrimination, discharge, demotion, suspension, disadvantage, 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 that would curtail the exercise of rights protected by this Policy; or
- e) a threat to take any of the actions referred to in paragraphs (a) to (d).

"Disclosure" means any written or oral submission of information reporting alleged malpractice and which in the reasonable belief of a person, is detrimental to institutional and public interest.

"Good faith" means honestly 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.



"Malpractice" means improper, illegal, or negligent professional activity or treatment.

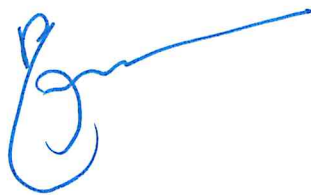
"Protected disclosure"- means a disclosure that relates to any of the matters covered under the definition of disclosure above, has been made in good faith and in accordance with the procedure established by this policy.

"Public interest" means considerations affecting the welfare of the general public.

"the Council" means the National Syndemic Diseases Control Council.

"Whistleblower" means a person who reports in good faith and on reasonable grounds to the Designated Officer any facts concerning corruption or malpractice at the Council in accordance with this policy.

"Whistleblowing" means the disclosure in good faith by a person to the competent authorities, which the person reasonably believes, is evidence of corruption or malpractice and in accordance with this Policy.

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PART I - PRELIMINARY

1.0 Policy Statement

The Council is committed to ensuring high standards of care and ethical practices in delivering services. The Council recognizes the importance of information provided by staff or stakeholders towards enhancing the integrity of its operations. To this end, this policy demonstrates the Council's commitment to recognize and take action in respect of malpractice, illegal acts or omissions by the Board, Management, and Employees. It is the responsibility of all to ensure that if they become aware of the actions of others that might compromise this objective, to report the matter in the safe knowledge that this will be treated seriously and sensitively and without any retaliation against them.

1.2 Justification of the Policy

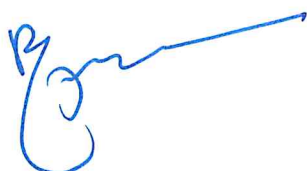
The Council's whistleblowers need to be protected to effectively reduce corruption and malpractice in the organization. Fear of reprisals, detrimental actions, and inaction – lead to reluctance by staff and management to report corruption or malpractices.

This policy is developed in compliance with the laws and regulations that require entities to put in place measures for the protection of whistle-blowers, informants, and witnesses.

2.0 Legal Framework

This policy will be guided by the relevant legal and policy frameworks, which include:

- a) Constitution of Kenya, 2010
- b) Anti-Corruption and Economic Crimes Act, Cap 65
- c) Anti-Bribery Act, Cap 79B
- d) Commission on Administrative Justice Act, Cap 7J
- e) Ethics and Anti-Corruption Commission Act, Cap 7H
- f) Fair Administrative Action Act, Cap 7L
- g) Leadership and Integrity Act, Cap 185C
- h) Official Secrets Act, Cap 187
- i) Penal Code, Cap 63
- j) Public Officer Ethics Act, Cap 185B
- k) Public Procurement and Asset Disposal Act, Cap 412C
- l) Proceeds of Crime and Anti-Money Laundering Act, Cap 59A
- m) Public Audit Act, Cap 412B
- n) Public Finance Management Act, Cap 412A
- o) Witness Protection Act, Cap 79
- p) NSDCC Legal Notice No. 143 of 2022



3.0 Objectives

The objective of this Policy is to encourage members of staff and other relevant stakeholders to report information relating to improper conduct. Specific objectives of the Policy are to:

- a) Foster a culture of transparency, accountability, and integrity within NSDCC.
- b) provide avenues for any person to make disclosures of improper conduct.
- c) Protect people who report and disclose alleged improper conduct from reprisal, unfair treatment, or other detrimental actions for disclosures made in good faith.
- d) manage disclosures of improper conduct in an appropriate and timely manner.
- e) provide fair treatment to both the whistleblower and the alleged wrongdoer when a disclosure of improper conduct is made.
- f) Provide assurance that all disclosures will be treated confidentially.

4.0 Scope and Applicability

This Policy applies to the NSDCC Board, Management, Employees, and Stakeholders.

5.0 Guiding Principles

The Policy shall be guided by the following principles:

- a) Principles of good governance, integrity, transparency and accountability.
- b) Principles of equality, equity, human rights and non-discrimination.
- c) Principles of natural justice and good faith.
- d) Confidentiality.
- e) Effectiveness and efficiency.


PART II—ADMINISTRATION OF THE POLICY

The Policy shall be administered by the Council and the Chief Executive Officer who shall, where appropriate, appoint an ad hoc committee to investigate matters brought to the attention of NSDCC.

PART III—WHISTLEBLOWING PROCEDURE AND INVESTIGATION

6.0 Obligations to Make a Disclosure

Every employee and stakeholder have a duty to report any suspicious form of improper conduct including acts of corruption and bribery through the reporting channels set out in this Policy.



7.0 What to Disclose

This Policy covers the disclosure of information which, in the reasonable belief of the person making it, is in the public interest and disclosed in good faith.

Forms of improper conduct to be disclosed and reported in accordance with this policy include but are not limited to : -

- a) Criminal offenses, unlawful acts, fraud, corruption, bribery, and blackmail.
- b) Failure to comply with legal or regulatory obligations.
- c) Misuse of the Council's funds or assets.
- d) An act or omission that creates a substantial and specific danger to the lives, health, or safety of the employees, the public, or the environment.
- e) Unsafe work practices.
- f) Abuse of office by an officer of the Council or Board Member
- g) Deliberating concealing the fact that any of the above has occurred.

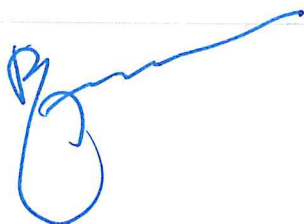
8.0 Contents of a Disclosure

A disclosure shall provide as much information as possible to facilitate full and proper investigation. Details of the disclosure may include:

- a) The full name and contact details of the whistleblower, unless the disclosure is made anonymously.
- b) The nature of improper conduct in respect of which the disclosure is being made.
- c) Details of the person or persons alleged to have engaged in improper conduct including the name and contact information, if known.
- d) The time, date, period, and location where the alleged improper conduct is taking place, took place or is likely to take place.
- e) Where applicable, identify details of any other person who may have witnessed or have information regarding the improper conduct, including the name and contact information, if available.
- f) An estimate of the monetary value, where relevant, associated with the alleged incident.
- g) Documentary evidence in support of the alleged incident, where need be.
- h) Names and roles of other stakeholders and employees who may support the Whistle Blower's Concern.
- i) Details on whether the report on the alleged improper conduct is being observed and reported for the first time, and if not, details of previous occurrences and reporting.
- j) Any other relevant information.

9.0 Reporting Procedure

9.1 Whistleblower reports may be channeled through the following:



- (i) Chief Executive Officer or a designate
- (ii) The Chairperson of the Council
- (iii) The Board

9.2 A whistleblower may use either of the reporting channels depending on their assessment of the most suitable channel based on the circumstances.

9.3 Where a Whistle Blower feels uncomfortable reporting the alleged improper conduct through any of the above channels, then he/she should use the confidential reporting channels that include (but are not limited to);

Hotline Number; 0759174571,

Telephone Number; +254 020 2715000,

Postal address No. National Syndemic Diseases Control Council

P.O Box 61307-00200

Nairobi - Kenya

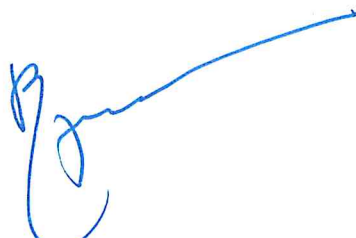
Email address: hotline@nsdcc.go.ke or other channels provided by law.

9.4 Concerns raised via telephone or in-person shall be reduced into writing, for record purposes, by a person designated by the CEO.

10.0 Procedures to be followed upon receipt of the disclosure

10.1 Upon receipt of the whistleblower's information:

- a) The CEO or where the CEO is implicated, the Chairperson of the Council, shall, in confidence, acknowledge in writing the receipt of the information within seven (7) days.
- b) The CEO will evaluate the nature and substance of the complaint and in appropriate cases, appoint an *ad hoc* committee that shall analyze and investigate the alleged improper conduct.
- c) Minor complaints that can be addressed directly by the CEO will be resolved without forming a committee.
- d) Where an *ad hoc* committee is formed, it shall submit its report to the CEO within 14 days. The report shall include the findings and proposed recommendations.
- e) Upon receipt of the Committee's report, the CEO shall within fourteen (14) days communicate to the whistleblower the action taken which may include:
 - (i) Reporting the matter to the relevant external agencies for further investigation.
 - (ii) Instituting disciplinary action against the concerned employee.
 - (iii) Implementing corrective measures within NSDCC.



- 10.2 Where a complaint relates to the CEO, the complaint shall be made to the Chairperson of the Board or any member of the Board. Where a complaint relates to the Chairperson, the complaint shall be made to any member of the Board. Where a complaint relates to a member of the Board, a complaint shall be made to the Chairperson of the Board.
- 10.3 In case of complaints received under 10.2, an *ad hoc* committee of the Board will investigate and issue a report to the full Board.

11.0 External Disclosures

If, having exhausted this procedure, the whistleblower is not satisfied with the Council's response and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true, he or she is at liberty to take the matter further by raising it with the appropriate agencies established by law such as:

- a) Commission on Administrative Justice
- b) Kenya National Commission on Human Rights
- c) Ethics and Anti-Corruption Commission
- d) National Police Service.

12.0 Confidentiality

The Council shall treat disclosures made under this policy with utmost confidentiality. The substance of an investigation will remain confidential and may only be disclosed in the following circumstances:

- a) Where the law requires disclosure.
- b) The whistleblower has waived the right to confidentiality.
- c) The identity of the whistleblower or substance of disclosure is already publicly known.
- d) The information is given on a strictly confidential basis to obtain professional advice.

PART IV—PROTECTION FOR WHISTLEBLOWERS

13.0 Whistleblower's Protection

13.1 The Council shall ensure the protection of whistleblowers from any forms of intimidation, reprisals, harassment, or any detrimental actions.

13.2 If a member of staff discloses in conformity with this Policy, the officer shall not:

- a) be dismissed from employment.
- b) have salary increases or employment-related benefits withheld.
- c) be transferred or reassigned.



- d) be denied a promotion that the employee otherwise would have received, or
- e) be demoted.

13.3 Any person who takes detrimental action against a whistleblower will be subject to disciplinary or legal action by the Council as appropriate.

14.0 Withdrawal of Protection

The Council may revoke the whistleblower protection conferred under this Policy if it believes, based on its investigation or during its investigation, that:

- a) the whistleblower has participated in the corruption or malpractice disclosed.
- b) the whistleblower willfully made in his/her disclosure of corruption or malpractice a material statement that he knew or believed to be false or did not believe to be true.
- c) the disclosure of corruption or malpractice is malicious or baseless.

If the whistleblower protection has been revoked, the Council will give a written notification to that effect to the whistleblower.

15.0 Reward for Whistleblowers

The Council will facilitate the rewarding of whistleblowers by giving non-monetary awards and commendations as appropriate.

16.0 Sanctions

A whistleblower, who is within the employment of the Council, and who does not act in good faith or makes an allegation without having reasonable grounds for believing it to be substantially true, or makes it maliciously, will be subject to disciplinary proceedings.

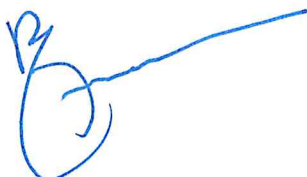
PART V—POLICY IMPLEMENTATION

17.0 Commitment

17.1 The NSDCC Board of Directors and management shall provide a conducive environment and support for the implementation of this Policy.

17.2 The NSDCC is committed to implementing this Policy by:

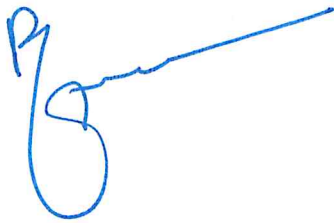
- a) Ensuring that the principles of natural justice apply to all investigations of matters covered under the Policy to ensure fairness for both the person disclosing the information and the person who is subject to the disclosure.
- b) Ensuring that the rights of the whistleblower who is the subject of, or is in some way associated with, a disclosure is safeguarded.



- c) Ensuring the interests of the whistleblower are protected to mitigate any reprisals or retaliatory action against the whistleblower.
- d) Promoting the culture of openness and accountability; and
- e) Sensitizing the Council's Board, management, employees, and stakeholders on this policy.

18.0 Policy Review

This policy will be reviewed after every three (3) years or as the need arises.

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