

## ARK DEVELOPMENT ORGANIZATION



# WHISTLEBLOWER POLICY AND PROCEDURES

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## 1.0 Introduction

Ark Development Organization (ADO) has developed this Whistleblowing Policy to demonstrate its commitment to open and accountable management. This policy is designed to allow staff to disclose information that they believe shows malpractice, unethical conduct or illegal practices in the workplace, without being penalized in any way. This includes protecting staff from any detriment or discrimination if they do report (ie 'blow the whistle on') improper or illegal conduct within the organisation.

### 1.1 Aim of this Policy

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally. However, the law recognizes that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage any member of staff to seek advice before reporting a concern to anyone external. ADO is committed to maintaining an open culture with the highest standards of honesty and accountability, where staff can report as soon as possible any legitimate concerns in confidence in every area of its operation.

### 1.2 Scope

This policy applies to all ADO employees and associates, including part time, temporary and contract employees, as well as former staff, volunteers, trainees or recruits.

For the purposes of the policy, the scope of reportable matters ("concerns") is intended to be broad and comprehensive and to include any matter which, in the view of the person expressing the concern or complaint, is illegal, unethical, contrary to the Code of Conduct or policies of the Company or in some other manner not right or proper. Concerns are not limited to Accounting and Auditing Concerns alone.

## 2.0 Definitions

- A *Complaint* is an allegation or concern known to the Executive Director (Investigative Office) that is subject to investigation by the Investigative Office.
- A *Complainant* is any party who conveys a concern, allegation or information indicating fraud, corruption or misconduct.
- An *Investigation* is a process designed to gather and analyze information in order to determine whether an act of fraud, corruption, or other misconduct has occurred and if so, the party or parties responsible.
- *Fraudulent and Corrupt Practices* include:
  - ✓ A Corrupt Practice is the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
  - ✓ A Fraudulent Practice is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
  - ✓ A Coercive Practice is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
  - ✓ A Collusive Practice is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.
- *Misconduct* is a failure by a staff member to observe the rules of conduct or standards of behaviour prescribed by the Bank (the Organization).

- *The Standard of proof* that shall be used to determine whether a complaint is substantiated, is defined for the purposes of an investigation as information that, as a whole, shows that something is more probable than not.

### **3.0 Safeguards**

#### **3.1 Harassment or victimization**

- ADO is committed to good practice and high standards and wants to support its employees and associates.
- ADO recognizes that the decision to report a concern can be a difficult one to make. If what a member of staff is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
- ADO will not tolerate any harassment or victimization (including informal pressures) that occurs as a result of a member of staff seeking to raise such concerns and it will take appropriate action to protect staff when they raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee or that may be under way in relation to them.

#### **3.2 Confidentiality**

All concerns will be treated in confidence and every effort will be made to retain the employee's or associate's anonymity if they so wish. At the appropriate time, however, they may need to come forward as a witness.

#### **3.3 Anonymous allegations**

This policy encourages staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the organization. In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

#### **3.4 Untrue allegations**

If an ADO employee or associate makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee or associate makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

### **4.0 How to Raise a Concern**

As a first step, the employee or associate should normally raise concerns with their manager or their supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee or associate believes that management is involved (or that they cannot go to their line manager) they should approach the Executive Director. In the event that an employee or associate has a concern about these individuals, they should approach the Board.

Concerns may be raised orally or in writing. Staff who wish to make a written report should include:

- ✓ The background and history of the concern (giving relevant dates); and
- ✓ The reason why they are particularly concerned about the situation.

The earlier an employee or associate expresses the concern the easier it is to take action. Although they are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Staff may obtain advice/guidance on how to pursue matters of concern by contacting the Executive Director. If ultimately a member of staff feels that they have to take the matter externally, possible contacts are listed at the end of this policy.

## **5.0 How ADO Will Respond**

ADO will respond to concerns raised by an employee or associate who must not forget that testing out concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised will:

- Be investigated by management or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor; and/or
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle that ADO will have in mind is the public interest. Concerns or allegations that fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Usually within ten working days of a concern being raised, the responsible person will write to the employee or associate:

- ✓ Acknowledging that the concern has been received;
- ✓ Indicating how ADO proposes to deal with the matter;
- ✓ Giving an estimate of how long it will take to provide a final response;
- ✓ Telling them whether any initial enquiries have been made;
- ✓ Supplying them with information about staff support mechanisms; and
- ✓ Telling them whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and the employee or associate will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, ADO will seek further information from the employee or associate.

ADO will take steps to minimize any difficulties that a member of staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings ADO will arrange for them to receive advice about the procedure.

ADO accepts that the employee or associate needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, it will inform them of the outcome of any investigation.

### ***5.1 The responsible officer***

The Executive Director has overall responsibility for the maintenance and operation of this policy. That officer will maintain a record of any concerns raised and the outcome (but in a form that does not endanger an employee or associate's confidentiality) and will report as necessary to the ADO's Board.

### ***5.2 How the matter can be taken further***

This policy is intended to provide staff with an avenue within ADO to raise concerns. ADO hopes that staff will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside ADO, the following are possible contact points:

- The Public Prosecutor
- The Auditor General
- Coalition units
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation; and
- Ghana Police Service

If an employee or associate does take the matter outside ADO, they should ensure that they do not disclose confidential information. They should check with the contact point they have approached.

### **6.0 Hotline**

ADO shall make available hotline to potential whistleblowers and complainants. The existence of such facilities is a deterrent in itself and a strong reminder to Bank Personnel of an organizational commitment to fight corruption and fraud. The available facilities shall include a secured telephone line (+233 244101915) as well as secured e-mail addresses ([adotransparencytip-off@gmail.com](mailto:adotransparencytip-off@gmail.com)). The facilities shall be operated by the Executive Director and/or outsourced and shall entail round-the-clock confidential service available 24 hours a day and 365 days a year. Complaints will be receivable in English or any other Ghanaian language from where the compliant is made.