



ACEPO WHISTLEBLOWER/RETALIATION POLICY

In the context of this policy, a complaint is an external grievance made against ACEPO or any of its members more specifically against one of its employees, associated “consultants” or partners where the organization has allegedly made mistakes, acted wrongfully, breached the Codes of Conduct to which ACEPO subscribes or failed to meet a commitment. Such a commitment might be related to ACEPO’s activities, our use of resources, our mission and values, staff conduct / behavior or a legal requirement.

We value the people employed by ACEPO as well as our partners, suppliers and other recipients who come to ACEPO with reports of potential misconduct or breaches of the law. Whistleblowers provide ACEPO with important information and help us enforce the regulations we administer and address and prevent harm to our staff, partners, suppliers’ beneficiaries and other recipients.

We appreciate that whistleblowers can find themselves in difficult and stressful circumstances, and may risk their careers or even their personal safety. We take the concerns whistleblowers raise with ACEPO seriously.

How we deal with the information you provide

We value and consider all reports and information that we receive, but not every matter brought to our attention requires ACEPO to take regulatory action. Any inquiries we make will focus on the breaches you have disclosed. What is important is that we get the information you believe relates to potential misconduct or activity. This information is valuable to ACEPO and helps us do our job.

We will contact you and follow up with you to obtain the information you have. We will keep that information and your identity confidential. However, in very limited circumstances – for example, if a court summons us to do so – we may be compelled to provide it. If this happens, we will speak with you ahead of time and seek to protect your identity and disclosure.

Anonymous disclosures

You can give us information anonymously, but the value of that information may be limited and we will not be able to follow up with you for further information if necessary or to tell you what steps we may take based on your information. However, anonymous disclosures can still qualify for the whistleblower protection.

When we will act on your information

All information, complaints, or reports of alleged misconduct and breaches of the ACEPO’s regulations and policies (including those from whistleblowers) reported to ACEPO are initially considered by a team lead by the Country Director and 1 Director and the Human Resource Manager. This team will provide you with information about the whistleblower rights and protections if we think you might fall within the whistleblower definition.

During our consideration, we will need to take an objective view of the information provided and consider if the misconduct or activity is something we need to make further inquiries about. Often these matters occur in the context of an employment dispute or issue. We are not likely to focus on those issues, but on the alleged misconduct or breaches of our regulations and policies disclosed or reported to ACEPO. We cannot investigate every allegation that is made to ACEPO; we must prioritize.

Alleged misconduct outside of ACEPO's regulatory responsibilities

Apart from being a means to receive tip-offs and insider information, ACEPO's role to receive and consider whistleblower reports can be important for whistleblowers to access their legal rights and protections if need be. This includes where a whistleblower is not comfortable first reporting their concerns internally or fears reprisals for doing so.

While we consider all reports of misconduct we receive, we can only enforce the regulations we are responsible for. However, by reporting to ACEPO, even if your concerns are not breaches of the regulations ACEPO enforces, you are still able to access the whistleblower platform and we will assist or guide appropriately.

During our consideration of your report, we may conclude that another organization or law enforcement agency can best respond to your concerns. In these circumstances, we will encourage you to raise your concerns with the appropriate organization or law enforcement agency directly.

In addition, we may also refer your report to another organization or law enforcement agency ourselves. Generally, we will do this if:

- the concerns relate to a serious breach, compliance failure, or risk of harm to employees, beneficiaries, partners, and/or suppliers
- the organization director, officer or senior employee has been involved in the alleged misconduct
- an entity or person for example whom we partner with, consultant or auditor has been involved in the alleged misconduct outside of our regulation responsibilities, or
- there is a risk you may suffer detriment in the future.

Before we refer your concerns to another organization or law enforcement agency, we will generally discuss this with you and seek your consent.

Alleged breaches of the whistleblower protections

Whether or not your whistleblower report relates to a matter within ACEPO's regulatory responsibilities, we will consider allegations that a person has:

- caused you or threatened you with detriment for reporting your concerns, or
- breached your confidentiality

CAUSING OR THREATENING DETRIMENT TO A WHISTLEBLOWER

ACEPO considers it a violation of our Code of Conduct for someone to cause or threaten detriment a whistleblower because they believe or suspect that you have made, may have made, or could make a whistleblower disclosure.

ACEPO's whistleblower policy will apply even if you have not made a whistleblower report, but the offender causes or threatens detriment to you because they believe or suspect you have or might make a report.

We can pursue allegations that a person caused or threatened detriment to you, but we would need your assistance to investigate the claim. Note, this may result in a penalty to the individual but not necessarily any compensation.

You can seek compensation through a court if you suffer loss, damage or injury for making your disclosure.

Breaching a whistleblower's confidentiality

ACEPO considers it a violation of the whistleblower policy for someone to disclose your identity, or information likely to lead to your identification, as a whistleblower unless it is an authorized disclosure.

An authorized disclosure' of your identity or information is a disclosure:

- to ACEPO, law enforces
- to a lawyer for advice about the whistleblower protections, or
- with your consent.

In addition, ACEPO's investigation of the concerns raised in your report, ACEPO will take reasonable steps to ensure that information likely to lead to your identification is not disclosed.

We can pursue allegations that a person made an unauthorized disclosure of your identity or information likely to lead to your identification as a whistleblower, but we would need your assistance to investigate the allegations.

Getting advice

If you believe you may be a whistleblower or are unsure what protections may apply to you, it is important to seek legal advice. We are not able to give personal legal advice and can only provide general information on these issues.

Only a properly accredited legal practitioner who understands your circumstances can give you legal advice. This is especially important if you are thinking of acting on the rights the whistleblower protections give to you.

Our communication with whistleblowers

If you are a whistleblower, we recognize that you may have an ongoing interest in the matter and we will contact you regularly to update you as best we can. As we conduct our inquiries into your report, a dedicated Whistleblower Officer within ACEPO will contact you regularly. However, for confidentiality reasons, we may not be able to provide much detail during the course of our review or any subsequent investigation or action:

If we decide not to take any further steps following our inquiries, we will let you know. We will explain the reasons why and give some guidance on what you can do next. For example, we may suggest you seek private legal advice about any rights or remedies that may be available to you.

If your report to ACEPO is about matters that fall within the responsibilities of the law enforcement agency, we may refer you to a more appropriate agency to consider the concerns – such as the police or another regulatory body. In addition, we may not be able to inform you of the actions taken by the other regulator or agency. You may need to contact them directly for an update. This may be relevant if you are considering making a public interest disclosure to a journalist or government official.

The role of ACEPO's Office of the Whistleblower

ACEPO has formed a team to handle whistleblower's reporting to improve our ability to:

- identify, assess, and inquire into whistleblower reports
- communicate with you throughout our inquiries, and inform you of any status update or referral
- liaise with other regulators and industry stakeholders on whistleblower handling and the whistleblower protections.

The Whistleblower team will ensure that we maintain regular communication with you and, if our handling of or action in a matter concludes, that we explain the outcome and reason for that outcome to you (within the limitations of what ACEPO can and cannot say). The Office of the Whistleblower oversees the handling of whistleblower matters across all of ACEPO's teams, rather than handling or dealing with individual whistleblower matters directly.

As noted above, if you believe you are a whistleblower with information that relates information regarding possible wrongdoing, violations of ACEPO's Code of Conduct or our Policies, you should report it to **The Country Director, ACEPO** and fill in the confidential form below. This form goes directly to ACEPO's Country Director. ACEPO reviews all reports of possible wrong doing it receives to determine whether the report should be investigated.

A person reporting alleged misconduct should not fear any retribution and/or consequences when filing a report, he/she believes is true. Retaliation of a report made in good faith is a violation of ACEPO's Code of Conduct, and any ACEPO employee, consultant, or partner found to retaliate will face significant disciplinary action.

Providing contact information is optional. If you chose not to provide this information, the form will be submitted anonymously. While we will review all reports we receive, please note that submitting an anonymous report can significantly reduce ACEPO's ability to investigate and address the alleged misconduct.



ACEPO WHISTLEBLOWER MISCONDUCT REPORT FORM

You may send the below Whistleblower Questionnaire to the attention of **The Country Director, ACEPO** via kadar@acepoafrica.org

Brief Description of misconduct/improper activity reported: *

Name(s) of ACEPO's employee(s), supplier or partners involved in the misconduct: *

Location where the incident occurred: *

Date(s) incident(s) occurred (or if you aren't sure, date when you became aware of the misconduct or activity): *

To your knowledge, is the misconduct still happening: *

- Yes
 No

Do you have in your possession any documentation which would provide evidence of the misconduct: *

- Yes
 No

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Date of reporting: *

Authority to whom reported: *

Was this misconduct or activity previously reported: *

- Yes
 No

If possible, please provide additional information on why you are submitting this report:

If you wish to remain anonymous, please describe the reason:

Title *

Full names (First, Middle, Last) *

Country *

Phone number *

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Preferred time to be contacted*

Your email information (or a generic email address) is necessary to contact you for follow up*

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