

Whistleblower Protection Policy

Youth for Green Action Kenya (YGAK)

1. Introduction

Youth for Green Action Kenya (YGAK) is committed to fostering a culture of integrity, transparency, and accountability. Whistleblowing promotes these values by enabling individuals to disclose misconduct without fear of retaliation. This policy provides a framework for reporting corruption, malpractice, safeguarding concerns, or other improper conduct, while safeguarding whistleblowers and ensuring fair investigation processes.

2. Policy Statement

YGAK maintains a zero-tolerance approach to retaliation against whistleblowers. All disclosures made in good faith will be treated seriously, confidentially, and investigated promptly. Whistleblowers will not suffer adverse consequences for reporting misconduct.

3. Purpose

This policy aims to:

- Encourage reporting of misconduct in YGAK's operations.
 - Protect whistleblowers from retaliation or discrimination.
 - Ensure timely, fair, and impartial investigations.
 - Strengthen donor confidence and public trust in YGAK's mission of youth empowerment and climate justice.
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4. Scope

This policy applies to all individuals associated with YGAK, including:

- Employees, volunteers, and board members.
 - Consultants, contractors, and vendors.
 - Donors, partners, and community members engaged in YGAK programs.
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5. Definitions

- **Whistleblowing:** Reporting suspected misconduct, corruption, malpractice, safeguarding violations, or breach of organizational policies in the public interest.
 - **Whistleblower:** Any person who makes such a report in good faith.
 - **Good Faith:** An honest belief that misconduct has occurred, even if investigations do not substantiate the allegation.
 - **Disclosure:** Communication of information regarding suspected misconduct, corruption, malpractice, or safeguarding concerns.
 - **Misconduct:** Fraud, corruption, harassment, misuse of resources, environmental malpractice, safeguarding violations, or violation of YGAK policies.
 - **Retaliation:** Any adverse action against a whistleblower, including dismissal, demotion, harassment, discrimination, or denial of benefits.
 - **Confidential Information:** Identity of whistleblower or suspect, details of disclosure, and substance of investigations.
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6. Types of Corruption, Malpractice, and Safeguarding Concerns

Covered disclosures include:

- Financial malpractice, fraud, bribery, theft, misappropriation of funds.
 - Irregularities in recruitment, promotion, or selection of staff, volunteers, or contractors.
 - Misuse of donor funds, grants, or organizational resources.
 - Professional malpractice, negligence, or abuse of authority.
 - Nepotism, favoritism, tribalism, or discrimination.
 - Sexual exploitation, abuse, or harassment (SEAH).
 - Irregular procurement of goods, services, or assets.
 - Diversion of resources intended for beneficiaries.
 - Environmental malpractice (illegal logging, pollution, misuse of conservation resources).
 - Falsification of records, reports, or documents.
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7. Reporting

7.1 Who Can Make a Disclosure

Any individual associated with YGAK — employees, volunteers, board members, partners, contractors, donors, or community members — who reasonably believes misconduct has occurred.

7.2 Procedure for Making a Disclosure

Disclosures may be made:

- Orally (in person or by phone).
- In writing (letters or official forms).
- Through electronic media (email, secure online reporting channels).

Reports shall be submitted directly to the **Designated Office** (Chief Executive Officer or delegated officer).

If the disclosure involves senior management, reports shall be submitted to the **Chairperson of the Board**.

Anonymous reports will be accepted.

7.3 Independent Reporting Channel

YGAK shall maintain a **dedicated whistleblowing email address and secure phone line**, managed by the Designated Office, with options for anonymous and multilingual reporting.

8. Action Following Disclosure

Upon receipt of a disclosure, the Designated Office shall:

1. Acknowledge receipt within **24 hours**.
 2. Assess whether the disclosure falls within the scope of this policy and determine whether:
 - o (i) Investigations are necessary, and if so, the form of investigation.
 - o (ii) The matter should be referred to another YGAK body under appropriate policies.
 - o (iii) The matter should be referred to external authorities such as the **Ethics and Anti-Corruption Commission**, the **Police**, or relevant donors.
 - o (iv) The matter should be closed.
 3. Notify the whistleblower of the action taken within **30 days**.
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9. Reporting and Investigation of Breaches by Senior Officials (Level 2 Reporting)

9.1 Scope

Reports concerning senior officials shall be classified as **Level 2 reports**. These include disclosures against:

- The Chief Executive Officer.
- Board members (executive or non-executive).
- The Chairperson of the Board.

9.2 Reporting Channels

- If the subject is the **CEO**, forward directly to the Chairperson of the Board.
- If the subject is a **Board member (not Chair)**, submit directly to the Chairperson of the Board.
- If the subject is the **Chairperson of the Board**, submit directly to the Chairperson of the Finance & Audit Committee (currently held by the Treasurer).

9.3 Review and Determination

- The receiving Chairperson shall review the report and may consult with other Board members not subject to the report.
- A determination on admissibility shall be made within **15 days**.
- If admissible, an **ad-hoc committee of at least two Board members** shall be constituted to investigate.
- Any person subject to the disclosure or with a conflict of interest shall **recuse themselves** from all stages of intake, review, investigation, and decision-making.

9.4 Notification of Subject

The subject shall be formally informed of the disclosure, provided with sufficient details, and given a reasonable opportunity to respond before any adverse decision is made.

9.5 Decision and Communication

- A decision shall be communicated to the whistleblower and subject within **two months** of determination.
 - If a breach is confirmed, the ad-hoc committee shall make recommendations to the Board for action.
 - The whistleblower shall be informed in writing of the decision.
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10. Investigation Process

Where the Designated Office decides to investigate:

- Determine who should undertake the investigation (internal committee or external expert).
- Establish the procedure to be followed.
- Identify when the suspect will be informed.
- Define the scope of the concluding report.

Timeliness: Deliver the investigation report within **three months**.

Records: Maintain secure records in line with YGAK's Data Protection Policy.

Retention: Records shall be retained for **seven years** or longer if required by law or donor agreements.

11. Protections for Whistleblowers

Whistleblowers making disclosures in conformity with this policy will not face:

- Dismissal, demotion, or denial of promotion.
 - Withholding of salary, benefits, or opportunities.
 - Harassment, discrimination, or intimidation.
 - Suspension, exclusion, or unfair treatment (for volunteers, students, or community members).
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12. Protection of Suspects

Individuals accused of misconduct are presumed innocent until proven otherwise. They will be given the right to be heard and to respond to allegations before any adverse decision is made.

13. Withdrawal of Protection

Whistleblower protection may be revoked if investigations reveal that:

- The whistleblower participated in the misconduct.
 - The disclosure was false, malicious, or made in bad faith.
 - The disclosure was intended to harm others or obstruct YGAK's mission.
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14. Sanctions

- Whistleblowers who act maliciously or file false reports will face disciplinary action.
 - Any person who suppresses information, interferes with investigations, or retaliates against whistleblowers will be subject to disciplinary measures, including termination of engagement or referral to authorities.
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15. Legal Framework

This policy is guided by:

- Constitution of Kenya (2010).
- Anti-Corruption and Economic Crimes Act (2003).

- Leadership and Integrity Act (2012).
 - Witness Protection Act (2006).
 - Public Procurement and Asset Disposal Act (2015).
 - Relevant NGO governance codes and international conventions.
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16. Roles and Responsibilities

- **Board of Directors:** Provide oversight; ensure accountability; constitute ad-hoc committees; receive and act on investigation reports; ensure non-retaliation.
 - **Chairperson of the Board:** Receive escalated reports; initiate Level 3 reviews; ensure subjects are notified; oversee fairness and timeliness.
 - **Chairperson, Finance & Audit Committee (currently Treasurer):** Receive reports when the Board Chair is the subject; lead Level 3 reviews; ensure independent handling and documentation.
 - **Secretariat/CEO:** Operate the Designated Office; receive and log disclosures; ensure acknowledgments and updates; coordinate investigations; maintain records and confidentiality.
 - **Staff, volunteers, partners, and contractors:** Uphold ethical standards; report concerns promptly; cooperate with investigations; maintain confidentiality.
 - **Donors and external partners:** May receive anonymized summaries of cases affecting donor-funded projects; entitled to cooperation in audits and compliance reviews.
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17. Commitment

YGAK commits to:

- Upholding natural justice in investigations.
 - Protecting whistleblowers from reprisals.
 - Promoting openness and accountability.
 - Sensitizing staff, volunteers, partners, and community members on this policy.
 - Cooperating fully with donor audits and compliance reviews.
 - Maintaining independent reporting channels accessible in English, Kiswahili, and local languages.
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18. Review and Approval

This policy shall be reviewed every two years or earlier if required. It takes effect upon approval by the YGAK Board of Directors and remains in force until amended.

Prepared by:

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Approved by:

Chairperson, YGAK Board of Directors

Date: _____