WASAARADDA TAMARTA IYO

KHEEYRAAD KA BIYAHA GALAMUDUG

MINSTRY OF ENERGY AND WATERT

RESOURCES GALMUDUG-STATE SOMALIA

WHISTLEBLOWING POLICY

Date of Adoption: July 2021
Next review: July 2025

1. Introduction

"Whistleblower" is defined by this policy as an employee who reports, to one or more of the parties specified in this policy, an activity that he/she considers to be illegal, dishonest, unethical, or otherwise improper.

"Employee," or "public employee," means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for the district.

"Matter of public concern" means a. a violation of a state, federal, or municipal law, regulation, or ordinance; b. a danger to public health or safety; and/or c. gross mismanagement, substantial waste of funds, or a clear abuse of authority.
"Public body" includes an officer or agency of a. the federal government; b. the state; c. a political subdivision of the state including a municipality or a school district; and d. a public university in the state

Employees and Members are often the first to realize that there may be something seriously wrong within the Ministry. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Ministry. They may also 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.

The Ministry is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees (including contractors) and Members with serious concerns about any aspect of the Ministry 's work to come forward and voice those concerns. This policy document also makes it clear that employees can do so without fear of reprisals.

This Whistleblowing Policy has been produced in accordance with the provisions of the Public Interest Disclosure Act 1998.

This policy supports the Ministry's Anti-Fraud and Anti-Corruption Strategy. It is intended to encourage and enable employees and Members to raise serious concerns within the Ministry, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally. Similarly, anyone else who has a genuine concern about the conduct of an employee is encouraged to report their concerns. It is recognized that certain cases will have to proceed on a confidential basis.

This policy does not replace the Corporate Complaints Procedure, the Harassment Policy or the Disciplinary Procedure, nor is it concerned with complaints about the conduct of Ministry. Complaints about the conduct of Ministry lords will normally be dealt with using the Guidance "How to make a complaint about a Member of the Ministry procedure as published on the Ministry's website.

2. Aims and Scope of this Policy

2.1 There are existing procedures in place to enable employees to make complaints about service quality or lodge a grievance relating to their own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of those procedures, including concerns by Ministry Staff Members.

2.2 That concern may be about something that:

- Is unlawful;
- Is contrary to the ministry's Standing Orders or policies;
- Falls below established standard or practice; or
- Amounts to improper conduct

For example, (this list is not exhaustive):

- Misconduct or ill treatment of a client/customer;

- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, particularly in relation to health and safety at work;
- Breach of Financial Regulations, Contract Standing Orders, ICT Security Policy;
- Showing undue favor over a contractual matter or to a job applicant;
- Falsification or manipulation of financial records;
- A breach of any code of conduct or protocol;
- Information on any of the above has been, is being, or is likely to be concealed;
- Falsifying of job application details.

2.3 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

2.4 The earlier concerns are raised, the easier it is to take action. Anyone with a concern about an employee's conduct but is unsure whether a particular practice is unacceptable to the ministry is encouraged to ask either the director general, the policy and planning director, Finance Services, the relevant Executive Director, the Personnel Services Manager, the Monitoring Officer or the Audit Manager in case their concerns are unfounded or fall within another MoEWR policy or strategy.

3.0. Safeguards Harassment or Victimization

3.1 The Ministry recognizes that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Ministry will not tolerate harassment or victimization (including informal pressures) and will take action to protect employees when they raise a concern in good faith. The Ministry will treat any claims of harassment or victimization seriously and will investigate the complaint in accordance with the Ministry 's Policy Statement on Harassment at Work, which could lead to disciplinary proceedings.

3.2 This does not mean that if, where an employee is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their whistleblowing.

Confidentiality

3.3 The Ministry will do its best to protect a whistleblower's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by an employee may be required as part of the evidence.

Anonymous Allegations

3.4 This policy encourages whistleblowers to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Ministry .

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

- Seriousness of the issues raised;
- Credibility of the concern; and
- Likelihood of being able to independently confirm the allegation.

Untrue Allegations

3.6 If an employee or Member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is found to be malicious, frivolous or vexatious, or gives personal gain to the whistleblower as a result of the allegation, disciplinary action may be taken against them (if such an allegation is made by a Member, the Standards Committee may investigate the matter).

4. Reporting Suspicions

4.1 Anyone wishing to raise a concern that falls within the scope of other Ministry procedures will not be dealt with in this procedure, but will be advised on the appropriate

procedure to use. Employees will still receive protection as detailed in this policy. 4.2 If an employee/member has a concern they should not:

- Do nothing;
- Be afraid to raise the concerns – they will not suffer any recriminations from the Ministry as a result of raising a legitimate concern;
- Directly approach or accuse individuals they have concerns about;
- Try to investigate the matter themselves. There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by anyone not familiar with these rules could destroy the case;
- Convey their concerns to anyone not in the list below (there is a duty to maintain the confidentiality of the matter under investigation). However, an employee may invite a trade union representative or work colleague to raise the matter on their behalf. Members may wish to consult with their party Leader before raising the matter.
- Raise vexatious concerns or concerns they know to be untrue – they could be disciplined of they do;

4.3 If fraud or corruption is suspected, then the matter should be reported without delay. Employees should report to their director general. If it is thought that the director general may be involved, or that there may be a conflict of interest, the matter should be reported directly to DG.

5. How the MoEWR will respond?

5.1 The action taken by the Ministry will depend on the nature of the concern and may be:

- Resolved by agreed action without the need for investigation;
- Investigated internally;
- Referred to the police or another investigating agency;
- Referred to the external auditor.

5.2 As soon as a fraud or act of corruption is reported, the Executive Director receiving the concern will:

- Obtain a written record of the concerns from the person making the allegations. This should include:
- Background details and nature of the suspicions (including relevant names, dates and locations);
- Details of the job and areas of responsibility of the individuals implicated;
- Why the person raising the matter is concerned;
- Action taken to date, if any;
- A description of the systems, controls and procedures that should be operating within the area where the fraud is alleged to be taking place.
- Take care, at this stage, to ensure that the suspect(s) are not alerted to the potential investigation and the confidentiality of informants is not compromised;
- Seek guidance from the Director, Finance Services, and the Audit Manager as appropriate before taking any action, including interviewing, or observing suspects in connection with the suspected act(s). This is to ensure that evidence is collected in a way that complies with relevant legislation and does not compromise the investigation and/or subsequent disciplinary procedures/prosecutions.

5.3 The case will be discussed by the Director, Finance Services, Central and Audit Manager plus either the Personnel Services Manager (regarding allegations concerning employees) or Monitoring Officer (regarding allegations concerning) and the relevant Director general (i.e. the Director general responsible for the work area in which the suspect works) to decide what action needs to be taken to investigate the allegation. The discussion will need to consider whether there needs to be an initial covert investigation.

In order to initiate disciplinary/criminal proceedings against suspected financial misconduct, it is essential that evidence is secured in a legally admissible form, without alerting suspects at the outset of the investigation.

Here are two main reasons for this:

- Evidence may be hidden or removed;
- To avoid wrongly damaging the reputation of anyone suspected but subsequently found innocent of wrongful conduct.

5.4 Following this discussion and if it is decided that further information is required, the relevant Director general should appoint one or more Investigating Officers. The role of the Investigating Officer(s) is to:

- Identify the issues;
- Establish the facts (e.g. Who, Why, Where, What, When and How?);
- Decide whether there is a case to answer.

5.5 If an investigation is required, the relevant Director will advise the first minister. The Director general will also write to the whistleblower:

Acknowledging that an investigation will be carried out, giving details as to who the investigating officer(s) will be;

- Give an estimate of how long it will take to provide a final response;
- Telling them whether any initial enquiries have been made;
- Advising them that the investigation will be carried out in the strictest confidence.
- If there is to be no investigation, give the reasons as to why not

6. The Monitoring Officer

6.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy and will liaise as necessary with the minister; the director general; the Director, policy and M&E director, the Audit Manager, as necessary.

7. Procedures

1. If an employee has knowledge of or a concern of illegal or dishonest/fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Director. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor to the Human Resources Director,

who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the Human Resource Director should be reported to the chief executive officer.

2. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.
3. Examples of illegal or dishonest activities include violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action.

8. The Law

This policy is intended to encourage Board members, staff (paid and volunteer) and others to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviors or practices) without retribution.

1. The Whistleblower should promptly report the suspected or actual event to his/her supervisor.
2. If the Whistleblower would be uncomfortable or otherwise reluctant to report to his/her supervisor, then the Whistleblower could report the event to the next highest or another level of management, including to an appropriate Board committee or member.
3. The Whistleblower can report the event with his/her identity or anonymously.
4. The Whistle blower shall receive no retaliation or retribution for a report that was provided in good faith – that was not done primarily with malice to damage another or the organization.
5. A Whistleblower who makes a report that is not done in good faith is subject to discipline, including termination of the Board or employee relationship, or other legal means to protect the reputation of the organization and members of its Board and staff.

6. 6. Anyone who retaliates against the Whistleblower (who reported an event in good faith) will be subject to discipline, including termination of Board or employee status.
7. Crimes against person or property, such as assault, rape, burglary, etc., should immediately be reported to local law enforcement personnel.
8. Supervisors, managers and/or Board members who receive the reports must promptly act to investigate and/or resolve the issue.
9. The Whistleblower shall receive a report within five business days of the initial report, regarding the investigation, disposition or resolution of the issue.
10. If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the Whistleblower's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.
11. The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the organization are subject to subpoena.

    This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. This policy statement and strategy will be reviewed every four years in the year following a new ministry Strategy / work Plan or sooner if deemed appropriate.

Date of Adoption: July 2021
Next review: July 2025