



**Help**

**Hilfe zur Selbsthilfe**

**Help – Hilfe zur Selbsthilfe**

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**Implementation Manual Chapter x.x.**

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**Code of Conduct:  
Whistleblowing Policy & Procedures**

**Revised Version V 1.1 as of 15.11.2016**

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**Effective Date: 01.12.2016**

## Introduction

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“Help – Hilfe zur Selbsthilfe” is committed to apply the highest standards of honesty, propriety and integrity in its work and expects its staff to act correspondingly in the exercise of their duties. However, we acknowledge that all organisations face the risk of unknowingly harbouring malpractice. We believe that we have a duty to take appropriate measures to identify such situations and make all reasonable efforts to resolve them. Therefore, *all staff is responsible for assisting in the identification and/or investigation of any wrongdoing or malpractice.*

Help encourages all its staff to raise genuine concerns about possible serious malpractice at the earliest opportunity, and in an appropriate way.

The objective of this policy is to provide an effective procedure for our staff to raise their concerns when they believe that abuse, serious malpractice or professional misconduct has taken place, is taking place or is likely to take place. This policy also aims to ensure that our staff can raise concerns without fear of suffering retribution, provided that they act in “good faith”.

“Good faith” means where a disclosure is made with honest intentions and without malicious reasons or spite.

## Authority for Whistleblowing Policy

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Overall authority for this policy sits with the Managing Director at Help Headquarters (HQ).

Managers and leading staff have a specific responsibility to facilitate the implementation of this policy and to ensure that staff and volunteers feel able to raise concerns without fear of reprisals, in accordance with the procedures set down below.

## Definitions and Scope

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Whistleblowing can be defined as the act of raising concerns about serious malpractice or misconduct, or an imminent threat thereof, within the organization.

The term '**serious malpractice**' covers instances where someone working with or for Help appears to be acting improperly, negligently or criminally and consequently, breaching Help's Code of Conduct. It includes, but is not exhaustive of:

- Harassment and sexual abuse;
- Corruption, bribery or fraud;
- Conflict of interest;
- Criminal offences;
- Breaches of legal or regulatory obligations;
- Miscarriages of justice;
- Endangering the health and safety of an individual or a group of individuals;
- Damage to the environment which causes an immediate threat to humans, animals, plants and the ecosystem;
- Other actions that could damage or bring into dispute Help's activities, mission and mandate;
- Concealment of any of the above.

This policy applies to all Help staff, contracted consultants and volunteers globally. The set of procedures within this document primarily addresses serious misconduct, or an imminent threat thereof, by Help or a Help staff member, against Help or its beneficiaries, staff and stakeholders.

## Principles

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Within the context of this policy and procedures the following principles shall apply:

- Any Help staff who believes she/he has knowledge of a serious misconduct by Help or breach of Help's Code of Conduct by a Help staff member or contracted consultant have the right and the duty to report the matter to Help.
- All concerns raised will be treated fairly and properly.
- Help will not tolerate the harassment or victimization of anyone raising a genuine concern. Disciplinary action may be applied in such cases, as appropriate.
- Any individual making a disclosure will retain their anonymity unless they agree otherwise.
- Help will ensure that any individual raising a concern is aware of who is handling the matter.
- Help will ensure that no one will be at risk of suffering any form of retribution as a result of raising a concern in good faith even if the concern turns out to be unfounded. However, Help does not extend this assurance to someone who maliciously raises a matter they know to be untrue or who is involved in the malpractice in any way.

If the member of staff believes that she/he is being subjected to a detriment within the workplace as a result of raising concerns under this procedure, we encourage the staff to inform the direct supervisor or higher management team or, ultimately, the Help HQ Internal Revision Unit or ombudsperson immediately.

The staff who *discriminate or retaliate against those, who have raised concerns* under this policy will be subject to disciplinary action.

### **Anonymous Reporting:**

Anonymous disclosures are very difficult to act upon as there may be little or no evidence to substantiate the allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback or ascertain whether your disclosure was made in good faith. Therefore, Help does not accept anonymous reporting as Help considers it more appropriate for individuals to come forward with their concerns.

## Confidentiality

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Whistleblowers' identities will not be disclosed without prior consent. Where concerns are unable to be resolved without revealing the identity of the person raising the concern (e.g. if their evidence is required in court), we will enter into dialogue with the staff member concerned as to whether and how we can proceed. All reasonable steps will be taken to protect you from any victimization or detriment as the result of having made a disclosure.

In order not to jeopardize the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential.

## Procedure for Raising a Concern

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### Right and duty to report

If any staff member believes reasonably and in good faith that malpractice exists in the work place, then she or he shall report this immediately. Any Help staff member who believes she/he has knowledge of a breach of Help's Code of Conduct on the part of anyone associated with Help has the **right and duty to report** the matter to Help. It is a breach of Help's Code of Conduct by a Help staff member not to report a suspected breach of the Code of Conduct which may lead to disciplinary action.

### Serious concerns / serious breaches of Help's Code of Conduct

Serious concerns or serious breaches of Help's Code of Conduct (as per explanation above), or the imminent threat thereof, shall be reported directly to the Country Director. However, when the person raising the concern feels that the Country Director is involved, or when she/he has previously raised this concern with the Country Director and feels that no action has been taken about her/his concern), the person raising the concern may address directly to either the responsible Help HQ Programme Coordinator, the Help HQ Internal Revision Unit, or ultimately to the appointed ombudsperson for Help in Germany. Please refer to the reporting mechanism as illustrated in the model whistleblowing and investigation process chart at the end of this document.

### Minor concerns

Minor concerns shall be addressed through the normal line of management. Such concerns must be reported to the immediate supervisor (line manager). However, if for any reason, the person raising the concern feels unable to do so (e.g. when she/he feels that her/his line manager is involved), the concern should be reported to the next senior manager. If the matter is still not resolved after this process or, if the person raising the concern feels that also the senior manager is involved, the concern should be reported to the Country Director, or ultimately to Help HQ. Please refer to the reporting mechanism as illustrated in the model process chart for reporting and investigation of minor concerns at the end of this document.

### Raising a concern

The concerns must be raised in writing, the report must be dated and name and contact details provided, and the suspected or witnessed malpractice must be described concisely including plausible details which answer the questions "Where", "When", "Who" and "What". When possible, include supporting evidence and include as much relevant information as possible that may help shed light on the allegations.

However, the whistleblower is not the investigator, and therefore, should not do any of the following:

- Contact the suspected individual(s) directly in an effort to determinate facts, demand explanations or restitution.
- Attempt to gather evidence that are not easily at hand, nor, under any circumstances, break the law to obtain such evidence.
- Discuss the issue with anyone within Help other than the people in the whistleblowing line.
- Discuss the issue with anyone outside Help, except as required by law.

Please disclose at the outset if you have any personal interest in the raised matter. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential. Your disclosure under this policy will be acknowledged in writing confirming that the matter will be investigated and that Help will get back to you in due course.

**Concerns reporting should be addressed in writing to:**

- 1) Help Country Director, or
- 2) Help HQ Internal Revision Unit:
  - a. by post, addressed to *Internal Revision, Help – Hilfe zur Selbsthilfe e.V.*, Reuterstraße 159, 53113 Bonn, Germany, marked as “private and confidential”
  - b. by email to [internal\\_revision\(at\)help-ev.de](mailto:internal_revision(at)help-ev.de)
- Or,
- 3) Ombudsperson, appointed for Help in Germany:
  - a. by post, addressed to Ombudsperson, Help – Hilfe zur Selbsthilfe e.V., Reuterstraße 159, 53113 Bonn, Germany, marked as “private and confidential”
  - b. by email to [ombudsperson\(at\)help-ev.de](mailto:ombudsperson(at)help-ev.de)

**Ombudsperson**

The Ombudsperson works independently in this function and is not bound by instructions or subject to directives. The person acting as ombudsperson does so voluntarily and receives no remuneration. Only expenses necessary to fulfil the task of the Ombudsperson will be reimbursed.

The Ombudsperson must be a person who, from her/his personal and professional background, ensures the proper performance of the tasks.

The Ombudsperson shall not have any personal or business relations with Help and/or Help’s staff or associates and/or project partners who may be in a position to impair or undermine the ombudsperson’s neutrality. Personal relations must be disclosed to the General Assembly as the appointing body of Help. Business relations must not have existed during the last three years prior to the appointment and must not exist during the term of office. During the term of office, the Ombudsperson shall be prohibited from any activity which may affect the neutrality or impartiality of the exercise of the office.

**Feedback to Whistleblowers**

Staff members who have raised concerns internally will be informed of who is handling the matter (“Investigation Manager”), how contact will be made between the respective person and the concern raiser and if there is any further assistance required. The witness / raiser of concern will receive as much feedback as is possible without any infringement on a duty of confidence owed by Help to someone else. The witness / raiser of concern will receive written notification of the outcome of the investigation, though not all the details or a copy of the report. If the witness / raiser of concern is not satisfied with the response received, she/he is encouraged to raise the matter directly to the Internal Revision Unit at Bonn HQ Office outlining his/her reasons.

**Dealing with Raised Concerns of Malpractice****Filing a report**

For each Help Country Programme, it is the Country Director’s responsibility to appoint an individual staff member who will be in charge of administratively managing reported concerns. Administratively managing reported concerns means to maintain a log file which contains the date of receipt of the report, details on the reported concern, details on the staff who raises the concern, feedback given etc. All files shall be kept confidential and are to be protected correspondingly.

On HQ level, the Internal Revision Unit is in charge of this task. When reports are directed to the ombudsperson, the ombudsperson her/himself is responsible to maintain the log file.

### Managing the Investigation

When receiving a report on field level, the Country Director shall take the role of the “Investigation Manager” which comprises the following responsibilities and tasks:

- Inform the HQ about the reported concern and consult and decide upon the planned action to deal with the case in cooperation with the responsible HQ Programme Coordinator and/or the HQ Internal Revision Unit.
- Appoint a suitable investigation team, ensuring that it has the necessary technical expertise as appropriate for the case reported. No member of the investigation team shall have a previous involvement in the matter. Depending on the individual case an internal or external team shall be appointed, as adequate and/or required. Where necessary, external expertise should be co-opted to an internal investigation team.
- Set up Terms of Reference for the investigation team and instruct the team to conduct an investigation into the allegation.
- Ensure that no member of the investigation team has any conflict of interest in the matter that everyone involved in the investigation signs a Declaration of Confidentiality.
- If the person raising the concern has asked to remain anonymous the Investigation Manager is obliged to ensure the confidentiality of the person’s identity.
- Receive and review the investigation report, decide upon and take adequate action in coordination and cooperation with the responsible HQ Programme Coordinator (disciplinary action, involve local authorities, e.g. the police etc.).
- Ensure that the HQ, especially Internal Revision Unit / Quality Assurance Unit is adequately informed about the incident and the action that was taken, so that follow-up and organisational learning from the incident is ensured.

### Investigation

All disclosures will be taken seriously. All investigations will be carried out **confidentially, objectively and independently**. We aim to start the investigation within two weeks of the disclosure. The investigation team shall first confirm or disapprove the reported suspicion or accusation. The length and scope of the investigation will depend on the subject matter. Initial assessment of the disclosure will be done in order to determine the necessity for a more detailed investigation. The investigation should be carried out as quickly and fairly as possible, discretely with respect for the integrity of all persons involved, and in a way which minimises the risk of compromising evidence. The investigation team shall report its progress to the Investigation Manager on a regularly basis (at least once a week) and submit its findings, conclusions and recommendations in a written report to the Investigation Manager who will review the report.

### Follow-up

If the raised concern has been confirmed as valid, the Investigation Manager, in consultation with the responsible HQ Programme Coordinator and/or the HQ Internal Revision Unit, will initiate appropriate action, which may cover internal disciplinary action or further criminal proceeding, depending on the individual case. In some cases it may be necessary to ensure that deadlines for reporting incidents to the police or other authorities are not being failed. The person who has raised the concern will be informed, if a referral to an external authority is about to or has taken place. In some cases, *when considered as appropriate*, Help may need to make such a referral without informing the whistleblower.

Action shall be taken to ensure that the problem does not arise again. No details about the action taken will be given out, as this could breach the human rights of the person(s) involved.

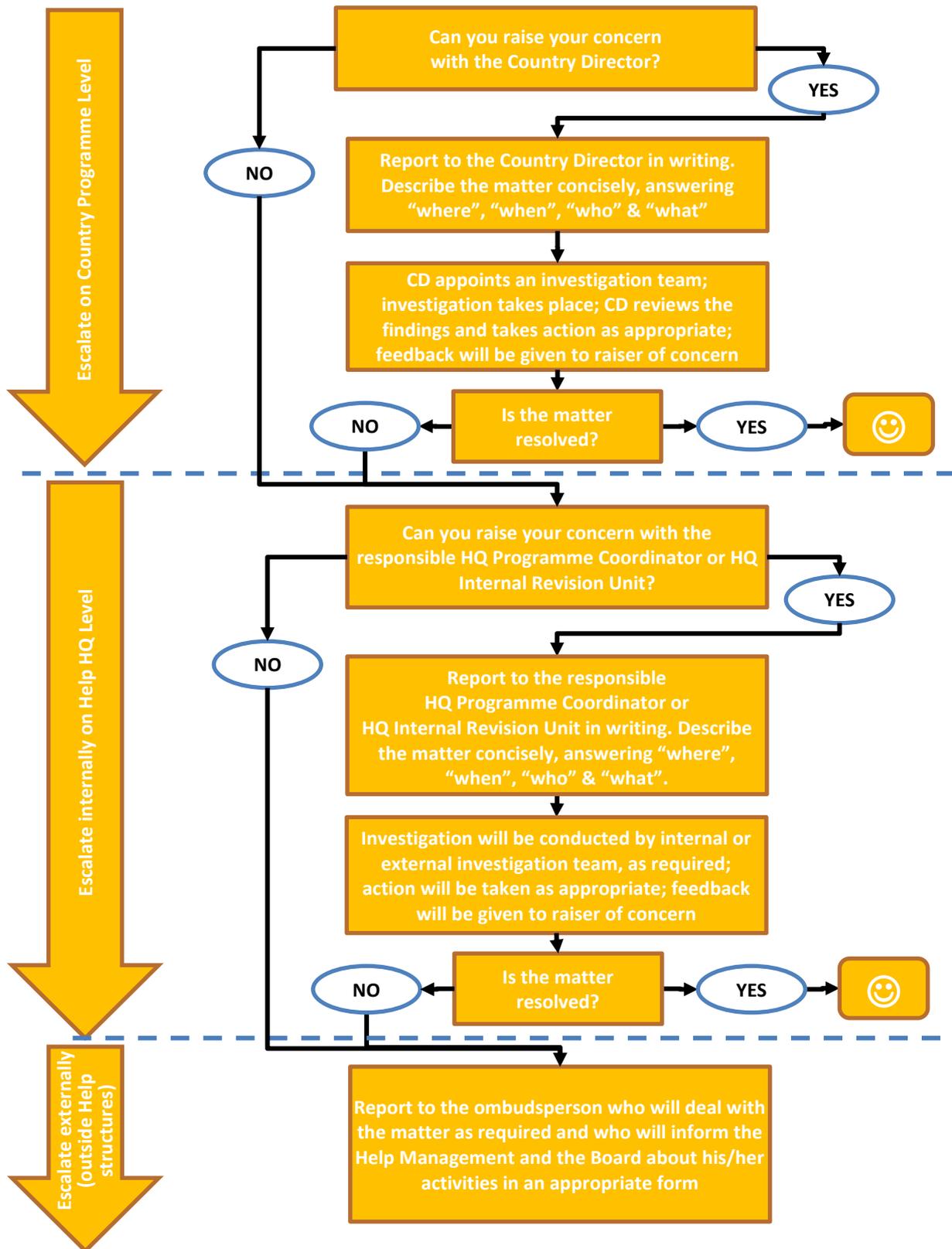
If there is no sufficient evidence of malpractice or, the actions of the individual(s) are not serious enough to warrant disciplinary action, the Investigation Manager will take an informal approach to deal with the matter.

However, if the raised concern is verified as an untruthful and malicious deceitful act, internal disciplinary action or further criminal proceeding may be applied against the staff, who knowingly raised the deceitful accusation.

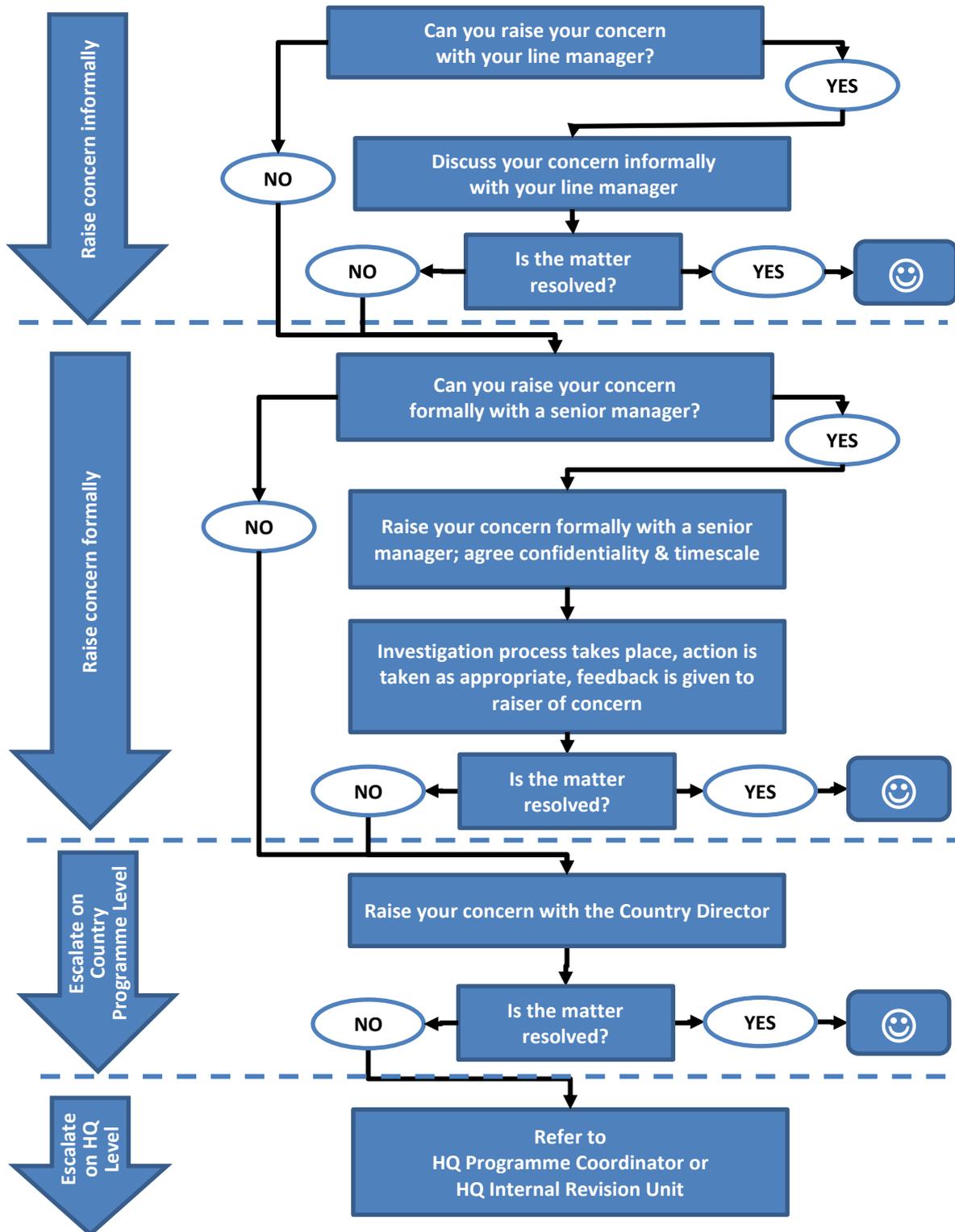
**Organisational Learning**

The Internal Revision Unit in cooperation with the Quality Assurance Unit will regularly review the anonymised information recorded regarding raised concerns of malpractice in order to ensure that all reports are properly addressed and that the issues raised are identified and addressed. Internal Revision and Quality Assurance Units will report to the management in order to ensure that systemic weaknesses are addressed.

### Model Whistleblowing & Investigation Process Chart: Serious Concerns / Serious Breaches of Help's Code of Conduct



### Model Process Chart: Reporting and Investigation of Minor Concerns



## Annex

### Affirmative statement for Help staff

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I hereby confirm that I have received, read, and understood the Whistleblowing Policy and Procedures which is part of Help's Code of Conduct.

I declare that I shall carry out my duties to comply with the abovementioned rules of behaviour and work for the implementation thereof. This, to the highest professional standards and in the best interests of Help.

I am fully aware that failure to comply with the Code of Conduct requirements may be cause for disciplinary action, which may include contractual consequences and dismissal.

Employee name:

Position:

Date:

Signature: