

Whistleblowing Policy

Caritas Sri Lanka – SEDEC



Caritas Sri Lanka – SEDEC WHISTLEBLOWING POLICY

Introduction

At all times CSL - SEDEC seeks to conduct its activities professional, honestly and with integrity. However, as with all organizations, we too face the risk of unprofessional conduct, criminal behaviour or mismanagement. CSL - SEDEC believes it is the responsibility of the Leadership and Management to take appropriate measures to identify such situations and attempt to remedy them.

CSL – SEDEC is committed to ‘the Realization of a just Sri Lankan Society based on Gospel values of love, forgiveness, peace, unity and equality, lived, promoted and protected irrespective of cast, creed and nationality’ and where members of Standing Committees, the Catholic National Commission for Justice, Peace & Human Development, Board of Management, Diocesan Caritas Commission Members, employees, contractors, suppliers, community members and volunteers of CSL - SEDEC and others acting on its behalf and members of the general public are encouraged to raise concerns about unethical and unacceptable conduct & behavior and can do so in a safe environment and without intimidation.

The purpose of this policy is to strengthen CSL - SEDEC’s core values by empowering all representatives and stakeholders to report any wrongful acts in good faith and in the best interest of the organization.

This policy is intended to provide reporting mechanisms and the means through which all representatives regardless of their office location, are able to report alleged or suspected wrongful acts.

The CSL - SEDEC National Director is to ensure that all representatives are made aware of this policy, who to report concerns to and any amendments to it.

Definitions

Whistleblowing is defined as deliberate, voluntary disclosure of individual or organizational wrongdoing by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organization.

Whistleblower refers to any representatives who attempts to make or wish to make a report in connection with a wrongful act as per the policy and who wish to avail themselves of the protections offered by this policy.

A **wrongful act** includes, but is not limited to:

- breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
- criminal offences; mismanagement of funds; actual or suspected fraud;
- abuse of authority;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorized use of organizational funds
- possible fraud and corruption;
- sexual or physical abuse of clients;
- other unethical conduct; or
- the concealment of any of the above.

Policy

CSL - SEDEC seeks to provide representative with a supportive work environment in which they feel able to raise issues of legitimate concern.

CSL - SEDEC will take steps to protect its personnel from detrimental treatment or dismissal if they report actual or suspected wrongful acts in good faith

CSL - SEDEC undertakes to act in accordance with relevant legislation on disclosure of wrongful acts in its National Office and in all Diocesan Centres.

Principles

- All representative have an obligation to report wrongful acts or suspected wrongful acts in accordance with this policy;
- All representative have the right to speak freely and honestly to report wrongful acts in a safe environment without fear of retaliation or reprisal; and CSL - SEDEC will respond in a timely, respectful and confidential manner to all disclosures of wrongful acts.

Policy in Action

1. Confidentiality

If a wrongful act or a suspected wrongful act is reported under this policy, CSL - SEDEC will endeavour to protect the whistleblower's identity. In order not to jeopardize the investigation into the alleged wrongful act, the whistleblower is also expected to keep the fact they have raised a concern, the nature of the concern and the identity of those involved confidential.

Generally, CSL - SEDEC will not disclose the whistleblower's identity unless:

- the whistleblower consents to the disclosure;
- the disclosure is required or authorized by law; and/or
- the disclosure is necessary to further the investigation.

Mostly, reports made under this policy will be treated confidentially. However, when a report is investigated it may be necessary to reveal its substance to people such as other representative, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. At some point it may also be necessary to disclose the fact and the substance of a report to the person who is the subject of the report.

CSL - SEDEC will take reasonable precautions to store any records relating to a report of a wrongful act securely and to permit access by authorized personnel only.

Unauthorized disclosure of information relating to a report, the identity of the whistleblower or information from which the identity of the whistleblower could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

2. Protection of whistleblowers

A person who raises genuinely held concerns in good faith under this policy will not be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes, but is not limited to, unwarranted disciplinary action and victimization in any of the following forms:

- dismissal;
- demotion;
- any form of harassment;
- discrimination;
- current or future bias; or
- threats of any of the above.

Any such retaliatory action will be treated as serious misconduct and will result in disciplinary action which may include dismissal. If a whistleblower believes retaliatory action has occurred or has been threatened, the whistleblower has the right to make a submission to the CSL - SEDEC Chairman. The CSL - SEDEC Chairman is independent of management and will arbitrate the matter.

3. Whistleblowers implicated in a wrongful act

Even though a whistleblower may be implicated in the wrongful act, they will not be subjected to any actual or threatened retaliatory action or victimization in reprisal for making a report under this policy.

However, making a report will not necessarily shield the whistleblower from the consequences flowing from that person's involvement in the wrongful act. In some circumstances an admission may be a mitigating factor when considering disciplinary or other action.

4. False disclosures

CSL - SEDEC will treat all disclosures of wrongful acts seriously and protect those who raise concerns in good faith. However, while protection is provided to whistleblowers under this policy, deliberate false reports will not be tolerated and anyone found making a deliberate false claim or report will be subjected to disciplinary action, which could include dismissal.

5. Procedure for raising a concern

If a representative believes that the actions of anyone (or a group of people) working, contracting to or volunteering for CSL - SEDEC do or could constitute a wrongful act they should raise the matter with the National Director. If however, the National Director is involved in the alleged wrongful act in some way, the matter should be raised with CSL - SEDEC Chairman.

Representatives may raise their concerns verbally or in writing and should include full details together with any supporting evidence that may be available. They should state they are using the Whistleblowing Policy and specify whether they wish for their identity to be kept confidential. People choosing to raise their concerns in writing must use the template provided (see Annexure A).

6. How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used:

- a) The whistleblower must disclose at the outset, any personal interest they may have in the matter. This must include full disclosure of any involvement the whistleblower has had in the matter.
- b) The person to whom it was raised shall manage the disclosure (National Director)
- c) The National Director will identify a suitable individual who will be instructed to conduct an investigation into the allegation. The person may be internal or external. CSL - SEDEC undertakes to start the investigation within one week of the disclosure.
- d) The whistleblower may be asked to provide more information during the course of the investigation.
- e) The person investigating the disclosure will prepare an investigation report that will be reviewed by the National Director
- f) Appropriate action will be decided by the National Director in discussion with relevant senior managers and the executive team. Action may include: initiating a disciplinary process, or informing external authorities if a criminal action has been committed, e.g. fraud or theft. If referral to an external authority is necessary the Board will be advised and the whistleblower will be informed, although if CSL - SEDEC considers it appropriate to do so, such a referral may need to be made without the whistleblower's knowledge or consent.

- g) If it is found that there is not sufficient evidence of a wrongful act, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be appropriate for the National Director to take a more informal approach to dealing with the matter. In this circumstance possible outcomes of the investigation could be that:
- The allegation could not be substantiated; or
 - Action has been taken to ensure that the problem does not arise again.
- h) If the whistleblower is not satisfied with the response they have received they have the option to raise the matter directly with the Chairman of CSL - SEDEC directly.

Corrective action and compliance

Should allegations be found to be unsubstantiated, every effort will be made to address any negative effects on the reputation and morale of personnel involved.

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable CSL - SEDEC to minimize the risk of the recurrence of any wrongful act that has been disclosed. The National Director, or a designated senior manager, will be responsible for reviewing and implementing these recommendations.

Communication with the whistleblower

Provided the disclosure was not submitted anonymously, the whistleblower will be kept informed of the progress of the investigation by the National Director. The whistleblower will be informed of the outcomes of the investigation subject to the considerations of privacy of those against whom the allegations have been made.

Management of a person against whom a report is made


Generally a person, who is the subject of any report that is investigated, will:

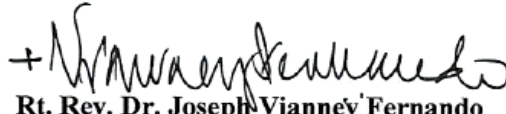
- be informed as to the substance of the allegations;
- be given the opportunity to answer the allegations before any investigation is finalized;
- be informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalized; and
- have their defense set out fairly in any report.

CSL - SEDEC recognizes that individuals against whom a report is made must also be supported during the handling and investigation of the alleged wrongful act. CSL - SEDEC will take reasonable steps to ensure the person who is the subject of a report, is treated fairly, particularly during the assessment and investigation process. Support provided by CSL - SEDEC thus may include referral for counselling.

Where a person is named by a whistleblower as being suspected of a possible wrongful act but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted then the whistleblower will be informed of this outcome and the matter laid to rest.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.


Fr. Mahendra Gunatilleke
National Director
Caritas Sri Lanka – SEDEC


Rt. Rev. Dr. Joseph Vianney Fernando
Chairman
Caritas Sri Lanka - SEDEC

14, March 2018

Note: If you wish to remain anonymous do not complete items 1 – 4 of this questionnaire.

I authorize the use of the information provided in this report in accordance with the Whistleblowing Policy

I would like a summary of my concerns and proposed action to be provided to me

1. Please state your full name	
2. Please state your position title and your office location	
3. What is your work telephone number and email address?	
4. What is your work telephone number and email address?	
5. What is the name of your immediate manager?	
6. Please describe in detail the matter you would like to disclose:	
7. How was the matter discovered?	

8. Over what period of time has the suspected activity occurred?	
9. Why do you consider this matter to be a wrongful act?	
10. Please name all the people involved in the suspected wrongful act:	
11. Are there any witnesses? If “yes” please state their names:	
12. Do you have any supporting evidence?	
13. Where is the evidence located?	
14. Is the evidence in danger of being lost or destroyed?	
15. Please explain how this evidence can be retrieved by the person involved in investigating the matter OR provide the evidence with your report.	

16. Have you been told about this matter by someone else?	
17. Who else knows about this matter?	
18. Please state (in detail) if you have any concerns regarding reprisals or recriminatory action taken or that might be taken against you.	
19. Please include any other details which you believe are relevant. This should include whether you have any personal interest in the matter.	

Name: Signature:..... Date:.....
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