



**Biosafety Appeals Board**

# **BIOSAFETY APPEALS BOARD WHISTLE BLOWER POLICY 2023**



## **Acronyms**

**BSAB:** Biosafety Appeals Board

**WBC:** Whistle Blower Committee

**IO:** Integrity Officer

## **Definition of terms**

**Whistleblowing:** The official name for Whistleblowing is 'making a disclosure in the public interest'. It means that if you believe there is wrongdoing in your workplace, you can report this by following the correct processes and your employment rights are protected.

**Malpractice:** could be improper, illegal or negligent behavior by anyone in the workplace.

**Disclosure:** means any written or oral submission of information reporting alleged malpractice and which in the reasonable belief of a person, tends to show one or more of the misconducts outlined in this policy under the "disclosure of improper conduct"

**Good faith:** means honestly intended action based on a reasonable belief and is evident when the report is made without malice and the individual has a reasonable basis to believe that the report is substantially true.

**Ad hoc committee:** An ad hoc committee is a temporary committee established to resolve a specific issue. The ad hoc committee is typically appointed by executive leadership.

**Board:** The board means Biosafety Appeals Board

## **FOREWORD**

At BSAB, we value transparency, integrity, and accountability in all of our actions. We recognize that our employees may come across information that raises concerns about potential misconduct or violations of laws, regulations, or organization policies. We want to ensure that all employees feel comfortable reporting any such concerns, without fear of retaliation.

To that end, we have implemented a Whistle-blower Policy, which provides a confidential and anonymous means for employees to report any concerns they may have. This policy is designed to protect employees from retaliation for reporting in good faith, and to ensure that all reports are investigated and addressed in a timely manner. We take all reports seriously, and we will investigate them thoroughly, fairly and confidentially.

BSAB will ensure that all channels used are appropriate and in compliance with anonymity standards. We believe that by fostering an open and transparent culture, we can create a safe and secure environment for our employees to report any concerns they may have.

This policy is not limited to employees only but also key stakeholders therefore, we encourage all contractors, vendors, and other stakeholders to come forward with any concerns they may have, and to use the channels provided in the whistle-blower Policy to report corrupt incidents.

Together, we can create a culture of integrity and accountability, and maintain the trust of our stakeholders.

**Chairperson**

## **Acknowledgement**

We would like to acknowledge the importance of having a strong and effective Whistleblower Policy in place. We understand that our employees, contractors, vendors, and other stakeholders may come across information that raises concerns about potential misconduct or violations of laws, regulations, or organization policies. We endeavor to ensure that all employees and other stakeholders feel comfortable reporting any such concerns, without fear of compromise and retaliation.

We are committed to fostering a culture of transparency, integrity, and accountability in all of our actions. This Policy provides a confidential and anonymous means for individuals to report any concerns they may have, and to protect whistle-blowers from retaliation for reporting in good faith.

We would like to express our gratitude to all employees and other stakeholders who have come forward in the past to report concerns, and we encourage them to continue to do so in the future.

We would also like to extend our appreciation to all those who have helped in the development of this policy. This include the BSAB employees and the team from the State Department For Higher Education and Research, your dedication and input is highly appreciated.

We take the responsibility of protecting whistleblowers and ensuring a transparent and fair investigation process very seriously and we will continue to review and improve our policy to ensure that it meets the highest standards of compliance and integrity.

**Judy Wamae**

**Chief Executive Officer**

## **preliminary**

The Biosafety Appeals Board was established under section 35 of the Biosafety Act 2009, although it came to effect in the year 2014 when the first Board was appointed. The Board is a quasi-judicial body mandated to adjudicate appeals emanating from the decisions made by the National Biosafety Authority (NBA). The Board in its full execution of the Kenyan constitution 2010, has developed the Draft Rules and Regulations which will guide them on how the appeals will be filed and managed.

## **Vision Statement**

A dynamic expeditious Biosafety dispute resolving Board in the world.

## **Mission Statement**

To provide an efficient & effective process for realization of fair Biosafety dispute

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## Introduction

At BSAB we are committed to higher levels of integrity and ethical standards. We believe that it is the responsibility of every employee to report any illegal or unethical conduct that they may witness within the Board. To support this commitment, we have established this Whistleblower Policy to provide a clear and confidential process for employees to report any concerns they may have. This policy will henceforth ensure that the information provided will be handled with the highest standards of confidentiality, anonymity and professionalism.

## Policy statement

Occasionally, an employee may come across information indicating misconduct or improper behaviour within the Board. In these situations, the employee should be able to report the information to the Chairperson/C.E.O or Integrity Officer without fear of retaliation.

In line with the above, this Policy is intended to provide various channels for reporting actual or suspected wrong-doings committed by any staff, supplier, service provider, contractor or other stakeholders dealing with the Board for investigation and appropriate action as well as assurance that the staff making the report ("Whistle-blower") will be protected from reprisals, retaliation or any adverse treatment.

All employees and associates of BSAB are encouraged to raise genuine concerns about possible improprieties in matters of corruption, bribery, fraud and other malpractices at the earliest opportunity and in an appropriate way (disclosure in good faith)



## Scope

This Policy applies to all employees of BSAB and members of the Board. It also sets out the framework for the disclosure of information, which is in the public interest, in particular information on corruption or malpractices, as outlined in this Policy.

## Objectives

1. Encourage employees to report any suspected illegal or unethical conduct without fear of retaliation to Promote a culture of transparency and integrity within the Board.
2. Establish a clear and confidential process for employees to report any concerns and establish clear guidelines for handling and reporting violations of laws and regulations.
3. Provide protection for employees who report concerns from retaliation or discrimination and educating them on their rights and responsibilities as whistleblowers.
4. Ensure that all reports are kept confidential to protect the identity of the whistleblower.

## Disclosure of improper conduct

An employee of BSAB, member of the board or any stakeholder who becomes aware of an alleged Improper Conduct shall make a disclosure as provided below. The improper conduct includes but not limited to;

- a) Criminal offences, unlawful acts, fraud, corruption, bribery and blackmail
- b) Irregularities in the hiring or promotion of staff
- c) Failure to comply with legal or regulatory obligations
- d) Misuse of the Boards funds or assets
- e) An act or omission which creates a substantial and specific danger to Occupational Health and Safety of the employees
- f) Practicing of nepotism, tribalism, clannism
- g) Irregular procurement of goods and services

- h) Falsification of data or documents/records
- i) Improper conduct or unethical behaviour that undermines universal and core ethical values such as integrity, respect, honesty, accountability and fairness
- j) Non-disclosure of interests
- k) Abuse of power by an officer of the Board

## Reporting

1. A whistleblower may raise concern through any of the following media (this can be done either by declaration or in confidence/ anonymously):
  - i. Formal letter to the Chairman Board or the Chief Executive Officer of BSAB.
  - ii. Dedicated phone number/ communicator (0783364819).
  - iii. Dedicated email address  
[whistleblowing@biosafetyappeals.go.ke](mailto:whistleblowing@biosafetyappeals.go.ke).
  - iv. Via the Board website:  
[www.biosafetyappeals.go.ke/whistleblowing](http://www.biosafetyappeals.go.ke/whistleblowing).
2. Where the disclosure is received by staff other than the Chairperson of the Board or Chief Executive Officer, the recipient of such concerns shall be required to;
  - i. Immediately pass the disclosure to the Chief Executive Officer.
  - ii. If the concerns affect the Chief Executive Officer, the Chairperson of the Board shall be notified; and where the Chairperson is involved, such concern shall be directed to the Integrity Officer (IO).
3. Upon receipt of the 'disclosure' and the above conditions (No 2) are met the designated officer(chairperson/CEO/IO) shall constitute an Ad hoc committee to investigate and adjudicate the concern.

4. The 'disclosure' shall be presented in the following format;
  - i. Background of the concerns/disclosure (with relevant dates).
  - ii. Reason(s) why the whistleblower is particularly concerned about the situation.
5. Disciplinary measures in line with the Human Resource Manual shall be taken against any staff that receives whistleblower disclosures and fails to escalate to the designated officers(Chairperson/CEO/IO).
6. Disciplinary measure shall also be taken against a whistleblower who acted out of malice.

### Protection of whistle blowers

Upon making a disclosure in good faith, based on reasonable grounds and in accordance with and pursuant to this Policy:

- a) The Whistle-blower shall be protected from any Detrimental Action within the Board as a direct consequence of the disclosure; and
- b) The Whistle-blower's identity and such other Confidential Information of the Whistle-blower shall not be disclosed.

Any retaliation, including, but not limited to, any act of discrimination, reprisal, harassment, suspension, dismissal, demotion, vengeance or any other occupational detriment, direct or indirect, recommended, threatened or taken against a whistle blower because he/she has made a disclosure in accordance with this Policy will be treated as gross misconduct and will be dealt with accordingly.

A Whistle-blower may lodge a complaint to the Board on any detrimental action committed against himself/herself or any person related to or associated with him/her.

The Whistle-blower protection conferred under this Policy is not limited or affected notwithstanding that the disclosure of the Improper Conduct, does not result in any disciplinary action of the person against whom the disclosure was made. In other words, the whistle blower will still be protected, even if no action is taken against the person they reported.

Whistle-blowers must ensure that they do not make disclosure outside of the prescribed channels (e.g. media-print ,electronic(tv/radio)or social media), lest their disclosures may not be protected.

### Confidentiality

The Board shall treat disclosures made under this policy with utmost confidentiality. The substance of an investigation including the identities of the parties will remain confidential and may only be disclosed in the following circumstances:

- a) Where the law requires disclosure;
- b) The whistleblower has waived his/her right of confidentiality;
- c) The identity of the whistleblower or substance of disclosure is already publicly known; and
- d) The information is given on strictly confidential basis for the purpose of obtaining professional advise.

### Investigating The Disclosures

Where assessment of the disclosure reveals the need for an investigation, the investigation will be guided by the provisions in this Policy. The Ad hoc Whistle Blowing Committee, in consultation with any other relevant authority may also appoint an investigator to carry out the investigation. The objectives of an investigation will be:

- a) To collate information relating to the allegation as quickly as possible.  
This may involve taking steps to protect or preserve documents, materials and equipment
- b) To critically analyse the information collected and draw conclusions objectively and impartially
- c) To maintain procedural fairness in the treatment of witnesses and the person who is the subject of the disclosure
- d) To protect the identity of the whistleblower and

- e) To make recommendations arising from the conclusions drawn concerning remedial or other appropriate action to the relevant parties

### The Whistle Blowing Committee (WBC)

There shall be an Ad hoc Whistle Blowing Committee (WBC) which shall be appointed/constituted by the Board on need basis.

The composition of the committee will include staff in all cadres of the board deemed fit to ensure that the committee carries its investigative mandate to its logical conclusion.

The WBC shall appoint a chair from amongst the members.

The disclosure of suspected improper activity or detrimental action (as defined by this policy) may be presented in its original form to the WBC.

### The WBC Terms of Reference

The WBC shall receive, handle, investigate and recommend appropriate action in respect of all reports received from the appointed third party (Professional Firms) to ensure the policy is effective and in particular:

- a) To receive, process and to act on the reports from the third party
- b) To record and be custodians of all disclosures made by staff.
- c) To resolve all disclosures through a structured investigation process that will ensure timely feedback is provided to the employee raising the concern.
- d) To report on all data processed and make recommendations as appropriate to the Board's Management or any other authorities as may be deemed appropriate on quarterly or on a regular basis as may be directed.

### Monitoring and Evaluation

The Board will ensure that this policy is monitored and evaluated. The management will monitor the implementation and provide the necessary guidance to improve the policy.

## Review

The Policy will be reviewed after every three (3) years or earlier as need arises with an aim to enhance efficient delivery of effective outcomes.