



**COUNTY GOVERNMENT
OF BUNGOMA**

COUNTY ASSEMBLY OF BUNGOMA

WHISTLE BLOWERS POLICY

December, 2023

COUNTY ASSEMBLY SERVICE BOARD

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FOREWORD

The County Assembly of Bungoma is deeply committed to upholding openness, probity, and accountability for the benefit of all our stakeholders. In this regard, we expect all individuals and entities engaged with the County Assembly to come forward with any information that can help us address malpractices, fraud, or corruption effectively.

To safeguard and protect our stakeholders, the County Assembly has established a Whistleblower Policy, which clearly outlines the channels for reporting such information. This policy complements our existing Code of Conduct, Grievance Procedures, and statutory reporting mechanisms. It is important to note that if this policy conflicts with any Act enacted by the Parliament of Kenya, the Act will take precedence. The responsibility for ensuring the adherence to this policy lies with the Corruption Prevention Committee (CPC). The Clerk to the County Assembly, who serves as the Chair of CPC, is tasked with maintaining the policy's relevance, defining the extent to which powers and duties may be delegated to officers under their purview, and issuing directives to ensure the proper exercise of these powers and duties.

By providing a well-defined framework for reporting, the policy empowers stakeholders to actively participate in the County Assembly's efforts to combat corruption and misconduct. It underscores our commitment to creating an environment where all stakeholders can contribute to the institution's success by safeguarding its reputation and resources. In doing so, we collectively work towards a County Assembly of Bungoma that upholds the highest ethical standards and serves the interests of the community and the region.

A handwritten signature in blue ink, reading "Emmanuel M. Situma".

Hon. Emmanuel M. Situma
Chairperson, County Assembly Service Board



PREFACE

The County Assembly of Bungoma (CAB) takes great pride in its unwavering commitment to upholding the highest ethical standards within our institution. As we continue our mission to serve the people of Bungoma County and fulfill our responsibilities, it is imperative that we maintain transparency, accountability, and integrity at the forefront of all our operations. To this end, we are pleased to introduce our Whistleblower Policy, a cornerstone of our commitment to ethical governance and responsible stewardship.

This policy is driven by a set of fundamental objectives that underpin our commitment to good governance and accountability. First and foremost, we aim to create an environment where stakeholders, both internal and external, can actively participate in our efforts to combat malpractices, fraud, and corruption.

We have also taken great care in establishing efficient reporting mechanisms, providing well-defined channels for stakeholders to report perceived or actual malpractices. The process is designed to be straightforward and confidential, further encouraging individuals to report any concerns that may arise. This simplicity in reporting ensures that issues are promptly and effectively addressed, aligning with our commitment to responsible governance.

As we implement this policy, we are resolute in our dedication to efficiently carry out anti-corruption strategies and to continuously monitor and evaluate our efforts. In summary, our Whistleblower Policy is not merely a document but a reflection of our values and our commitment to responsible governance. We believe that by creating an environment where reporting is encouraged and protected, we can achieve the transparency, accountability, and integrity that are essential to our role in the County Assembly of Bungoma.

A handwritten signature in blue ink, appearing to read 'Charles W. Wafula', with a large, stylized loop at the beginning.

Charles W. Wafula
Secretary, County Assembly Service Board

LIST OF ABBREVIATIONS AND ACRONYMS

CAB	-	County Assembly of Bungoma.
CPC	-	Corruption Prevention Committee.
BCRAM	-	Bribery Corruption Risk Assessment and Mitigation Plan.
EACC	-	Ethics and Anti-Corruption Commission.
IAO	-	Integrity Assurance Officers.

DEFINITION OF TERMS

Corruption:

Is a form of dishonesty or fraud or criminal offence undertaken by a person or organization entrusted with a position of authority, to acquire illicit benefit or abuse of power for one's private/personal gain?

Corruption Prevention Committee (CPC):

This is a CAB committee consisting of heads of departments whose main responsibility is to keep constant check County Assembly's operations and procedures to ensure that there are no opportunities for corruption in the institution.

Complaint:

An allegation or concern that is subject to investigation by the CAB or appropriate authority.

Designated Officer:

This is an Officer appointed by the Clerk to handle specific tasks under this policy.

Integrity Assurance Officer (IAO):

This is an Officer within the CAB selected, trained and assigned the duties to offer technical expertise on the implementation of corruption prevention activities.

Investigation:

A process of gathering and analyzing information in order to determine whether misconduct has occurred and the party or parties responsible.

Whistle Blower:

A person including employee, management, service providers and other stakeholders of the County Assembly who reports or makes public disclosure of any form of unethical behavior or wrongdoing to the appropriate authority.

Whistle blowing:

The act of drawing public attention, or the attention of an authority, to perceived wrongdoing, misconduct, unethical activity within the CAB.

1.0 INTRODUCTION

The Whistleblower Policy of the County Assembly of Bungoma (CAB) is a comprehensive framework aimed at promoting transparency, accountability, and integrity within the institution. Rooted in CAB's commitment to upholding the highest ethical standards, this policy encourages stakeholders to report malpractices, fraud, and corruption in a safe, secure, and fear-free environment. It prioritizes whistleblower protection, ensuring their safety while disclosing concerns, and provides efficient reporting mechanisms for straightforward and confidential reporting. Emphasizing efficient implementation and ongoing monitoring, the policy reflects CAB's unwavering dedication to upholding ethical standards and fostering an environment where integrity and accountability are celebrated in service to the community and the region.

1.1 Mandate of the County Assembly of Bungoma

The County Assembly of Bungoma is entrusted with the legislative authority to make and pass laws that govern Bungoma County. This vital institution plays a central role in shaping the legal and regulatory framework for the county's governance and development. With this mandate comes the responsibility to maintain the highest standards of ethical conduct, transparency, and accountability, setting an example for good governance and upholding the trust of the citizens.

1.2 Rationale for Developing the Policy

The development of the Whistleblower Policy is essential to provide a structured and secure mechanism for stakeholders to report perceived or actual malpractices, fraud, and corruption within the County Assembly of Bungoma (CAB). It serves as a critical component of CAB's commitment to transparency, accountability, and integrity, aiming to create an environment where reporting is encouraged and protected. This policy recognizes the significance of safeguarding whistleblowers from any form of victimization, ensuring their security while disclosing concerns. By offering efficient reporting mechanisms and emphasizing proactive implementation and ongoing monitoring, the policy aligns with CAB's dedication to upholding the highest ethical standards and promoting responsible governance within the institution.

1.3 Guiding Principles

The guiding principles for the CAB whistleblower policy encompass the commitment to confidentiality, non-retaliation, fair and timely investigation, transparency, accessible reporting channels, protection of whistleblower identity, documented procedures, provision of support and counseling, accountability and follow-up, legal compliance, educational and awareness programs, and a dedication to continuous improvement. These principles collectively ensure that the policy creates a safe, transparent, and accountable environment for individuals to report perceived or actual malpractices, fraud, and corruption while safeguarding their well-being and maintaining legal compliance and ethical standards.

1.4 Policy Scope

The scope of the CAB Whistleblower Policy encompasses the reporting of perceived or actual malpractices, fraud, and corruption within the County Assembly of Bungoma (CAB). It applies to all stakeholders, including employees, contractors, suppliers, and the public, and covers a wide range of concerns related to unethical conduct, financial irregularities, abuse of power, and any activities that may undermine the integrity, transparency, and accountability of CAB's operations. The policy's scope ensures that all stakeholders have a structured and secure avenue to report wrongdoing, fostering a culture of responsibility and ethical governance within CAB.

1.5 Objectives of the Policy

The primary objectives of the County Assembly of Bungoma's Whistleblower and corruption policy are to: The objectives of a Whistleblower Policy typically include:

- i) To encourage stakeholders to report perceived or actual malpractices, fraud, or corruption, thereby fostering transparency in an organization's operations.
- ii) To deter potential wrongdoings by creating a mechanism for early detection and reporting, discouraging unethical behavior.
- iii) To safeguard individuals who come forward with information from any form of retaliation or victimization, ensuring their security.
- iv) To hold individuals responsible for misconduct accountable for their actions through thorough investigations and appropriate actions.
- v) To promote a culture of integrity, accountability, and responsible governance by

actively involving stakeholders in the reporting process.

- vi) To enable the prompt and effective resolution of reported concerns, thereby mitigating the potential impact of wrongdoing.
- vii) To ensure that the organization operates within the framework of relevant legal requirements and regulations.
- viii) To periodically review and revise the policy to incorporate lessons learned and adapt to changing circumstances, thereby enhancing its effectiveness over time.

1.6 Policy Statement

The County Assembly of Bungoma (CAB) Whistleblower Policy underscores our steadfast commitment to transparency, accountability, and integrity within our institution. In line with this commitment, we have established a framework that encourages stakeholders to report perceived or actual malpractices, fraud, and corruption, while providing assurance through the Witness Protection Act Section 3(1) and (2). This Act extends its protection to witnesses in criminal proceedings and those required to give evidence in prosecutions or inquiries held before foreign courts, commissions, or tribunals in specific situations. It deems a person a protected person under various circumstances, including their relationship with a witness or their testimony provided. CAB is dedicated to ensuring that this policy operates in accordance with such legal provisions, further reinforcing the safety and security of whistleblowers and the promotion of ethical governance within our assembly.

2.0 LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS

This section highlights the various legal and policy instruments guiding the formulation of this workplace policy.

Legal and Policy Instruments

This policy is anchored on the following legal instruments:

- a) The Constitution of Kenya 2010.
- b) The National Ethics and Anti-Corruption Policy-Sessional Paper No. 2 of 2018.
- c) Public Finance Management Act, 2012.
- d) Public Procurement and Asset Disposal Act, 2015.
- e) The National Ethics and Anti-Corruption Policy-Sessional Paper No. 2 of 2018.
- f) Anti-Corruption and Economic Crimes Act, No. 3 of 2003.

- g) Public Officer Ethics Act, No. 4 of 2003.
- h) Ethics and Anti-Corruption Commission Act, No. 22 of 2011.
- i) Leadership and Integrity Act, No. 19 of 2012.
- j) Bribery Act, No. 47 of 2016.
- k) Whistleblower Act, 2003.
- l) Witness Protection Act, 2010.
- m) Data Protection Act, 2019.
- n) County Governments' Act, 2012.
- o) County Assembly Services Act, 2017.
- p) Employment Act, 2007.
- q) The Pensions Act (cap 189).
- r) County Assembly Human Resource Policy and Procedures Manual, 2022.
- s) Bribery and Anti-Corruption Policy, 2023.
- t) County Assembly of Bungoma Strategic plan.
- u) All other enabling laws.

2.1 Scope and Application

The policy applies to all County Assembly staff and its stakeholders

2.2 Institutional Framework for Whistleblowing

Whistleblower policy will be administered by the following:

- i) CASB
- ii) Office of the Clerk
- iii) CPC
- iv) IAOs
- v) Whistleblowing Committee
- vi) Heads of Department
- vii) All members of staff and Members of the County Assembly
- viii) Partners and service providers

3.0 IMPLEMENTATION STRUCTURE FOR WHISTLEBLOWING AT THE COUNTY ASSEMBLY OF BUNGOMA

The County Assembly Service Board shall:

- i) Be responsible for ensuring that the Assembly fulfills its responsibilities for promoting an environment that is conducive for promotion of whistle blowing and whistle blower protection;
- ii) Receive quarterly progress report on the monitoring and implementation of the Policy from the Clerk; and
- iii) Monitor the evaluation and reporting on the implementation of the Policy and provide advice where necessary.

The Clerk of the County Assembly shall:

- iv) Be the custodian of this Policy;
- v) Appoint at least three members from amongst the IOAs as members of the Whistleblowing committee;
- vi) Submit to CASB quarterly reports on whistleblowing;
- vii) Treat all whistleblowing concern(s) brought to his/her attention with confidentiality; and
- viii) Facilitate implementation of the Policy.

Corruption Prevention Committee (CPC) shall:

- i) Develop, implement, review, and monitor the corruption prevention framework, which includes the corruption prevention policy, whistle-blowing protection mechanism, gifts and conflict of interest registers, codes of conduct and ethics, and reporting mechanisms.
- ii) Prepare an annual corruption prevention plan, including resource mobilization and responsibilities.
- iii) Coordinate bribery and corruption risk assessment and management.
- iv) Address complaints related to alleged corruption and unethical conduct.
- v) Coordinate the preparation and submission of quarterly reports to the Commission.
- vi) Identify and recommend training needs regarding ethics, integrity, and anti-corruption.

- vii) Collaborate and cooperate with anti-corruption stakeholders.
- viii) Supervise the activities of the Integrity Assurance Officers.
- ix) Monitor and evaluate the effectiveness of anti-corruption initiatives.

Integrity Assurance Officers (IAO) shall:

- a) Provide secretariat services to the CPC.
- b) Conduct bribery and corruption risk assessments and develop risk mitigation plans.
- c) Develop and implement an action plan for the Corruption Prevention Plan.
- d) Train and sensitize staff on matters of integrity and anti-corruption.
- e) Prepare and submit progress reports to the CPC.
- f) Record and present reports on corruption and unethical conduct to the CPC.

Whistle Blowing Committee

- i) Receiving Whistleblower Reports and ensuring that whistleblowers have a safe and confidential channel through which to report concerns.
- ii) Assisting the IAOs in reviewing and investigating any misconduct arising from the complaints received
- iii) Protect the identity of whistleblowers and ensuring their information is not disclosed without their consent.
- iv) Conducting Preliminary Investigations to assess the credibility and seriousness of whistleblower reports. o investigate the reported unethical conduct;
- v) Referring Reports for Investigation to the appropriate authorities or investigative bodies for a thorough investigation.
- vi) Protecting Whistleblowers from any form of retaliation.
- vii) Providing Support and Guidance by offering assistance, clarifying the reporting procedure, and provides information on the protection mechanisms available to whistleblowers.
- viii) Reporting to the IAO Committee regularly on its activities and findings ; including summary of the number of whistleblower reports received, the status of investigations, and any appropriate recommendations.

- ix) Promote awareness to County Assembly members and staff about the importance of whistleblowing and the protection available to those who report wrongdoing.
- x) Continuous reviews and assesses the County Assembly's whistleblowing policies and procedures to identify areas for improvement.

The Heads of Department and section shall:

- i) Put the Policy and its strategies and procedures into practice;
- ii) Ensure all staff are aware of their responsibilities, and receives support and training;
- iii) Treat in confidentiality any information communicated to them by any whistle blower;
- iv) Not disclose any confidential information in their custody except to the relevant office;
- v) Forward in confidence to the Clerk any received complaints related to corruption; and
- vi) Where necessary make a follow-up on any alarm raised and ensure the matter is concluded by the relevant office.

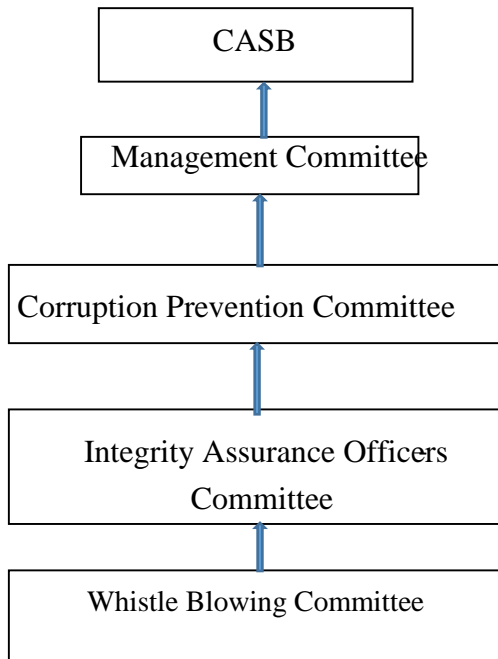
The Members of Staff shall:

- i) Raise concerns in good faith whenever a malpractice has occurred and should refrain from making false accusations when reporting any case;
- ii) Provide evidence at their disposal to aid investigations of reported case(s);
- iii) Raise concerns with the Clerk or the Chairman of CASB;
- iv) Participate in training sessions organized on whistle blowing and whistle blower protection;
- v) Maintain a conducive environment for promotion of whistle blowing and whistle blower protection; and
- vi) Participate in surveys on whistle blowing and whistle blower protection.

Partners and Service Providers

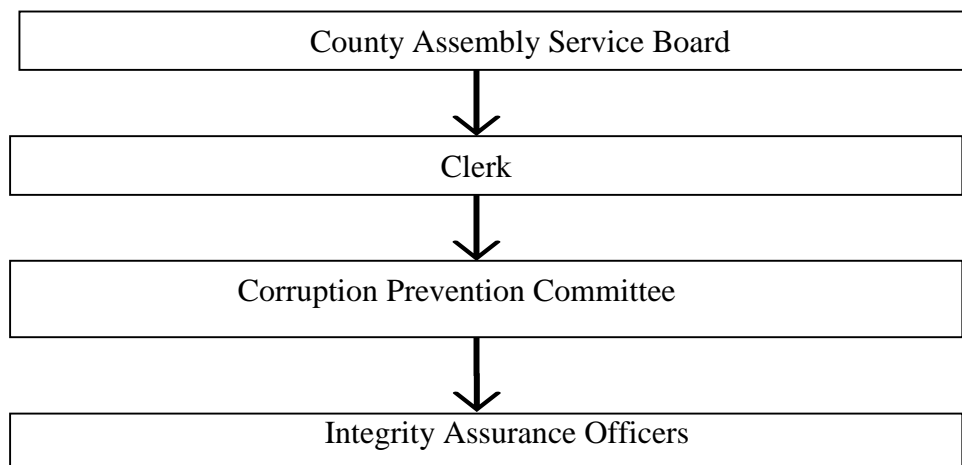
All partners, associates, contractors, professional, statutory and accredited bodies, and those who provide services to the Assembly are responsible for complying with the Whistle Blower Policy.

3.1 The Management Structure of the Policy



3.2 The Administrative Structure

The Administrative Structure for direct implementation of Whistle Blower Policy by the Assembly will be as given in Figure 2.



4.0 REPORTING MECHANISM

- i) Establishing a dedicated phone line or hotline specifically for whistleblower reports, where individuals can leave anonymous messages or speak directly with a designated contact.
- ii) Providing a secure web-based platform where whistleblowers can submit their reports anonymously, with encryption and strong cyber security measures in place to protect their identity.
- iii) Creating an email address specifically for receiving whistleblower reports, ensuring that the email account is monitored discreetly by authorized personnel.
- iv) Placing physical drop boxes in locations within the organization, allowing whistleblowers to submit written reports or evidence confidentially.
- v) Providing the option for whistleblowers to report concerns in person to a designated officer with assurances of confidentiality.
- vi) Providing whistleblowers with access codes or identifiers to track the status of their report without revealing their identity.

4.1 Anonymous Disclosures

Whistleblowers making disclosures under this policy are encouraged to reveal their identity. Anonymous disclosures may prove difficult to investigate but will be considered at the discretion of the Assembly. In exercising this discretion, the Designated Office will take into account the following:

- a) seriousness of the issues raised;
- b) credibility of the information disclosed; and
- c) likelihood of confirming the information from other sources.

4.2 Confidentiality

The Assembly 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 advice.

4.3 Protection for Whistleblowers

If a member of staff makes a disclosure in conformity with this Policy, the member may not:

- a) be dismissed from employment;
- b) have salary increases or employment related benefits withheld;
- c) be transferred or reassigned;
- d) be denied a promotion that the employee otherwise would have received; or
- e) be demoted.

If any other member of the Assembly community or the public makes a disclosure in conformity with this policy, the Assembly will not subject them to detrimental action.

Any member of the Assembly community who takes the above detrimental action against a whistleblower will be subject to disciplinary action.

4.4 Protection of the Suspect

In the interest of natural justice, the suspect will be presumed innocent and will be accorded the right to be heard. The suspect will be taken through a fair due process.

4.5 Withdrawal of Protection

The Assembly may revoke the whistleblower protection conferred under this Policy if it is of the opinion, based on its investigation or in the course of its investigation finds that:

- a) the whistleblower has participated in the corruption or malpractice disclosed;
- b) the whistleblower willfully made in his/her disclosure of corruption or malpractice a material statement which he knew or believed to be false or did not believe to be true;
- c) the disclosure of corruption or malpractice is malicious or baseless; and
- d) the disclosure of corruption or malpractice principally involves questioning the merits of government policy, including policy of a public body.

If the whistleblower protection has been revoked, the Designated Office will give a written notification to that effect to the whistleblower.

4.6 Obligations

The designated office will:

- a) Receive all disclosures;
- b) Investigate disclosures;
- c) Maintain confidentiality;
- d) Protect whistleblowers who have made disclosures in good faith from any sanctions, retaliation or reprisals resulting from such disclosure; and
- e) Recommend rewards.

4.7 Capacity Building

The management is dedicated to regularly educating and training staff on matters related to whistleblower policy.

4.8 Monitoring, Evaluation, Reporting and Learning

The monitoring and evaluation of the Whistleblower Policy for the County Assembly of Bungoma (CAB) will be a continuous and rigorous process to ensure its effectiveness and adherence to established objectives. Regular assessments, overseen by the Corruption Prevention Committee (CPC), will gauge the policy's performance and engage all relevant stakeholders in the process. Additionally, interim policy review audits will be conducted to maintain policy relevance and adapt to evolving developments impacting corruption and unethical practices. An Anti-Corruption Strategy will serve as a practical framework for policy implementation, detailing activities, timelines, responsible individuals, measures, indicators, and targets. This comprehensive approach to monitoring and evaluation reinforces CAB's commitment to transparency, accountability, and ethical governance, striving for the highest standards in its operations.

POLICY REVIEW

This policy document shall be subjected to periodic review of three (3) years or as required to keep it up to date with the changes to the relevant regulations or best practice upon approval of the Management.



**COUNTY GOVERNMENT OF
BUNGOMA**

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