



KMTC is ISO 9001:2015 Certified

Kenya Medical Training College



Whistle Blowing policy

MAY 2019

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PREFACE

On behalf of the Kenya Medical Training College (KMTc) Board of Directors, I am delighted to approve this Policy for use by Management. The KMTc Board is determined to improve access to and equity of quality medical training and to ensure that the institution plays its role in the realization of Sustainable Development Goals (SDGs), Vision 2030, health sector policies and the government agenda on the “Big Four”.

Towards this end, the KMTc Board of Directors under my leadership is determined to critically address the task of defining long-term strategies for addressing the constraints to training and development of quality health care providers through:

- i. Improved policy and corporate governance for enhancing accountability and decision making.
- ii. Enhanced access, quality, relevance and equity in medical training.
- iii. Prudent resource utilization and good infrastructural management.
- iv. Increased visibility of Kenya Medical Training College nationally and internationally as a premier institution focusing on training, research and consultancy.
- v. Improved resource base, partnership and linkages.

The Board and Management are aware that a robust internal system for employees and other relevant stakeholders to disclose workplace malpractices without fear of reprisal shows that employees take their responsibilities seriously, and also helps to avoid the negative publicity that often accompanies disclosures to external parties.

Hence the Board of Directors is committed towards promoting a culture of openness, accountability and integrity, and will not tolerate any harassment, victimization or discrimination of a whistle blower provided such disclosure is made in good faith with reasonable belief that what is being reported is factual.

I believe successful implementation of the Policy will be realized through total commitment of the entire staff, students and other key stakeholders.



Prof. Philip Kaloki, MBS,

Chairperson, KMTc Board of Directors.

FOREWORD

The Mission of the College is to provide quality training and development of competent multidisciplinary health professionals. The College is also mandated to undertake research and consultancy to enhance the existing knowledge in the health sector. Its Vision is to be a model institution in the training and development of competent multidisciplinary health professionals in the region and beyond. To realize these two goals, an effective Whistle Policy is paramount.

The aim of the Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The College is committed to conducting its business with honesty, integrity and expect its entire staff to maintain high standards in realisation of its mandate and to ensure that as a public institution, good ethical conduct, integrity, accountability and zero tolerance to corruption is observed in line with the Constitution of Kenya and all relevant and applicable laws. To ensure this, the College through this Policy aims at cultivating a culture of openness and accountability which is essential in order to prevent situations occurring or to address them when unethical conduct is exhibited.

This Policy aims to encourage staff, students and all stakeholders to report suspected wrongdoing as soon as possible and to also outline guidance on how to raise such concerns. The mechanisms outlined in the Policy shall ensure that reports made shall be made without fear of reprisals.



Prof. Michael Kiptoo,

Chief Executive Officer.

ABBREVIATIONS

CEO	-	Chief Executive Officer
KMTC	-	Kenya Medical Training College

VISION

A model institution in the training and development of competent health professionals

MISSION

To produce competent health professionals through training and research, and provide consultancy services

CORE VALUES

Accountability

Integrity

Responsiveness

Equity

Teamwork

Professionalism

Creativity and innovation

DEFINITION OF TERMS

Complaint:	An allegation or concern that is subject to investigation by the College or an appropriate authority.
Detriment:	Victimization or reprisal of a whistle-blower which can take any or a combination of the following forms; dismissal, termination, redundancy, undue influence, duress, withholding of benefit and/or entitlements and any other act that has negative impact on the whistle-blower.
Good Faith:	This is evident when a report or concern is made without malice or consideration of personal benefit and the employee, student or stakeholder has a reasonable basis to believe that the report is true; provided, however, a report does not have to be proven to be true to be made in good faith. Good faith is lacking when the disclosure is known to be malicious or false.
Investigation:	A process designed to gather and analyse information in order to determine whether misconduct has occurred and if so, the party or parties responsible.
Misconduct:	A failure by a staff member or other relevant stakeholder to observe the rules of conduct or standards of behaviour prescribed by the College or any written law, rule and regulation.
Suspect:	A person who is alleged to have committed a misconduct and subject of investigation.
Whistle-Blower:	Any person(s) including employee, students, Management, Directors, service providers and other stakeholders of the College, who report any form of unethical behaviour or dishonesty to the appropriate authority.
Whistleblowing:	The act of reporting an observed/perceived unethical misconduct of employees, Management, Directors and other stakeholders of the College by an employee or other person to appropriate authority. It is an early warning system that enables an organization to find out when something is going wrong in time to take necessary corrective action where appropriate and applicable.

1.0 INTRODUCTION

KMTC in ensuring a high ethical standard in all its business activities has established a code of ethics and Anti-Corruption Policy which sets out the standard of conduct expected in the management of its businesses across KMTC and all its campuses. All stakeholders are expected to comply with these standards in the discharge of their duties.

In furtherance of this, this Whistleblowing Policy provides a channel for KMTC's employees and other relevant stakeholders to raise concerns about workplace malpractices, in a confidential manner; for College to investigate alleged malpractices and take steps to deal with such in a manner consistent with College's policies and procedures and relevant regulations.

This Policy outlines KMTC's procedure on whistle blowing investigating and dealing with all reported cases of illegal, unethical conduct or any other misconduct across the College and campuses. This Policy is in compliance with the requirements of various regulatory authorities with oversight on the conduct of Public Officers in conducting their duties.

1.1 Scope

- i. This Policy designed to enable employees and other relevant stakeholders to report any perceived act of impropriety which should not be based on mere speculation, rumors and gossips but on knowledge of facts. Reportable misconducts covered under this Policy include: -
 - a) All forms of financial malpractices or impropriety such as fraud, corruption, bribery, theft and concealment;
 - b) Failure to comply with legal obligations, statutes, and regulatory directives;
 - c) Actions detrimental to Health and Safety or the work environment;
 - d) Any form of criminal activity;
 - e) Improper conduct or unethical behavior that undermines universal and core ethical values such as integrity, respect, honesty, accountability and fairness;
 - f) Other forms of corporate governance breaches;
 - g) Connected transactions not disclosed or reported in line with regulations;
 - h) Insider abuse;
 - i) Non-disclosure of interests;
 - j) Sexual or physical abuse of staff, students, customers, prospective staff, service providers and other relevant stakeholders; and
 - k) Attempt to conceal any of the above listed acts.
- ii. The above listed reportable misconducts or concerns are not exhaustive. However, judgment and discretion is required to determine misconduct that should be reported under this policy. The general guide in identifying reportable misconduct is to report concerns which are repugnant to the interest of the KMTC and the general public and appropriate sanctions applied.
- iii. This Policy covers the activities of the College and all the subsidiaries within the KMTC. This is without prejudice to the requirements by regulators of the various subsidiaries to put in place their respective whistleblowing policies. Furthermore, this Policy shall be read in conjunction with all the National laid down policies, rules and regulations

governing whistleblowing in Kenya. Finally, this Policy does not cover individual staff grievances and other employee related matters already covered in the staff handbooks of the College.

1.2 Objectives

This Policy is intended to encourage staff and other relevant stakeholders to report perceived unethical or illegal conduct of employees, Management, Directors and other stakeholders across College and campuses to appropriate authorities in a confidential manner without any fear of harassment, intimidation, victimization or reprisal of anyone for raising concern(s) under this Policy.

Specific objectives of the Policy are:

- i. To ensure all employees feel supported in speaking up in confidence and reporting matters they suspect may involve improper, unethical or inappropriate conduct within KMTC;
- ii. To encourage all improper, unethical or inappropriate behavior to be identified and challenged at all levels of the College;
- iii. To provide clear procedures for reporting and handling such concern(s);
- iv. To proactively prevent and deter misconduct which could impact the financial performance and damage the College's reputation;
- v. To provide assurance that all disclosures will be handled seriously, treated as confidential and managed without fear of reprisal of any form; and
- vi. To help promote and develop a culture of openness, accountability and integrity.

1.3 Guiding Principle

The guiding principle of this Policy shall be in line with the Constitution, whereby the College recognises that KMTC students, faculty and staff have a right to express their opinion on any situation or issue concerning their area of responsibility and overall workplace environment. This right of expression entitles them to be heard without fear of recrimination or reprisal.

2.0 ADMINISTRATION OF THE POLICY

- i. The Policy shall be administered by the Board of Directors and the Chief Executive Officer who shall where appropriate, appoint an ad hoc committee to investigate matters that have been brought to the attention of the College through the whistle blowing mechanism.
- ii. The role and responsibility of the key parties in the whistleblowing process shall be as follows:

S/N	RESPONSIBLE OFFICER	RESPONSIBILITIES
1.	Whistle-blower	Expected to act in good faith and should refrain from making false accusations when reporting his/her concern(s), and also provide further evidence at his/her disposal to aid investigation of the issues reported.
2.	Suspect	Has a duty to cooperate with investigators during the period of investigation including provision of relevant information, documents or other materials as may be required by the investigator (s).
3.	Investigator (s)	Expected to handle all matters with high professionalism, confidentially, promptly and shall be independent and unbiased in carrying out investigation. The investigator shall provide to the Chairperson of the Board Audit & Risk Assessment Committee, the Board of Directors and the College Management a report of the investigation including the result of the investigation. The investigator(s) shall refrain from discussing or disclosing matters under investigation.
4.	Head of Human Resource	Once investigations are complete, the Head of Human resources shall handle the report of investigation that relates to the College's employees in line with the laid down disciplinary procedure as contained in the College's staff hand book.
5.	Board's Audit and Risk Assessment Committee	The Chairperson, Board Audit and Risk Assessment Committee through the Corporation Secretary shall make available to all committee members quarterly reports submitted by the Head of Internal Audit on whistleblowing, and also treat all whistleblowing concern(s) brought to the attention of the committee with confidentiality and speedy resolutions.

3.0 WHISTLEBLOWING PROCEDURE

The whistleblowing procedure involves steps that should be taken by the whistle-blower in reporting misconduct, and steps required for the investigation of the reported misconduct. The following procedures shall guide the whistle blowing process:

3.1 Internal Whistleblowing Procedure

Internal whistleblowing involves staff members across KMTC raising concerns about unethical conduct. Any internal whistle-blower that feels victimized can report his/her grievance(s) to the Chairman, Board of Directors. This is without prejudice to the fundamental right of the internal whistle blower to seek redress in the court of law.

The following procedure shall be adopted for the purpose of internal whistleblowing:

Step One: Raising Concern(s) by Whistle-Blower

- i. An internal whistleblower may raise concern through any of the following media (this can be done either by declaration or in confidence/ anonymously):
 - a. Formal letter to the Chairman Board of Directors or the Chief Executive Officer of KMTc.
 - b. Dedicated phone number/ communicator (0742478789).
 - c. Dedicated email address whistleblowing@kmtc.ac.ke.
 - d. Via KMTcs website: www.kmtc.com/whistleblowing.
- ii. Where the concern is received by staff other than the Chairman Board of Director or Chief Executive Officer, the recipient of such concerns shall be required to;
 - a. Immediately pass the concern(s) to the Chief Executive Officer.
 - b. If the concerns affect the Chief Executive Officer, the Chairman Board of Directors shall be notified; and where the Chairman Board of Directors is involved, such concern shall be directed at the Chairperson Board Audit & Risk Assessment Committee.
- iii. The concern(s) shall be presented in the following format;
 - a. Background of the concerns (with relevant dates).
 - b. Reason(s) why the whistleblower is particularly concerned about the situation.
- iv. Disciplinary measures in line with the Human Resource Manual shall be taken against any staff that receives concerns and fails to escalate. Disciplinary measure shall also be taken against an internal whistleblower who acted out of malice.

Step Two: Investigation of Concerns and Update on Progress of Investigation.

- i. The Chief Executive Officer shall upon receipt of the concern(s) acknowledge receipt of the concern from the whistleblower within 5 working days, and immediately commence investigation. The purposes of investigation are to:
 - a. Establish if a wrongdoing has occurred based on the concern(s) raised, and if so to what extent; and
 - b. To minimize the risk of further wrongdoing, prevent any further loss of assets, damage to the College's reputation and if possible protect all sources of evidence.
- ii. If preliminary investigation shows that the concern falls within the whistleblowing reportable concerns, then further investigation shall be carried out. If otherwise or the concern is outside the reportable misconduct, then the Chief Executive Officer shall refer the matter to appropriate department for further action.
- iii. If the concern raised by the whistleblower is frivolous or unwarranted, the CEO shall ignore such concern, if necessary disciplinary measure in line with Human Resources Policy shall apply to staff that raise concern out of malice.

Step Three: Report of Investigation and Action on Report.

- i. Upon conclusion of investigation, the CEO shall ensure that the report is discussed by the Executive Management Committee of the College and a report to the Board of Directors. The CEO shall ensure that the Board of Directors is kept abreast of developments in whistleblowing.
- ii. All disciplinary action relating to the report shall follow KMTC's disciplinary procedure as contained in the Human Resource Manual.

Step Four: Non Satisfaction with Result of Investigation/Action

In the event that the whistleblower is not satisfied with the extent of investigation and or the action taken based on the outcome of the investigation, the whistleblower is at liberty to report to the Chairman of the Board of Directors.

3.2 External Whistleblowing Procedure

External whistle-blowers are non-staff of KMTC. External whistle-blowers can fall into any of these categories: students, contractors, service providers, job applicants, and the general public.

External whistleblowing shall follow the following procedure:

External whistle blowing involves Non staff members raising concerns about unethical conduct. An external whistle-blower shall be at liberty to report to appropriate regulatory body or seek further redress in the court of law if he/she is not satisfied with the action taken to address the concern(s).

The following procedure shall be adopted for the purpose of external whistle blowing:

Step One : Raising concern(s) by whistle blower - medium and format

- i. An external whistleblower may raise concern through any of the following media (this can be done either by declaration or in confidence/ anonymously):
 - a. Formal letter to the Chairman Board of Directors or the Chief Executive Officer of KMTC.
 - b. Dedicated phone number/ communicator (0742478789)
 - c. Dedicated email address whistleblowing@kmtc.ac.ke.
 - d. Via KMTCs website: www.kmtc.com/whistleblowing.
- ii. Where the concern is received by staff other than the Chairman Board of Director or Chief Executive Officer, the recipient of such concerns shall be required to;
 - a. Immediately pass the concern(s) to the Chief Executive Officer.
 - b. If the concerns affect the Chief Executive Officer, the Chairman Board of Directors shall be notified; and where the Chairman Board of Directors is involved, such concern shall be directed at the Chairperson Board Audit & Risk Assessment Committee.

- iii. The concern(s) shall be presented in the following format;
 - a. Background of the concerns (with relevant dates)
 - b. Reason(s) why the whistleblower is particularly concerned about the situation.
- iv. Disciplinary measures in line with the human resource policy and manual shall be taken against any staff that receives concerns and fails to escalate. Disciplinary measure shall also be taken against an external whistleblower who acted out of malice.

Step Two: Investigation of Concerns and update on progress of investigation.

- i. The Chief Executive Officer shall on receipt of the concern(s) acknowledge receipt of the concern from the whistleblower within five (5) working days, and immediately commence investigation. The purposes of investigation are to:
 - a. Establish if a wrongdoing has occurred based on the concern(s) raised, and if so to what extent; and
 - b. To minimize the risk of further wrongdoing, prevent any further loss of assets, damage to the group's reputation and if possible protect all sources of evidence.
- ii. If preliminary investigation shows that the concern falls within the whistleblowing reportable concerns, then further investigation shall be carried out. If otherwise or the concern is outside the reportable misconduct, then the Chief Executive Officer shall refer the matter to appropriate department for further action.
- iii. If the concern raised by the whistleblower is frivolous or unwarranted, the CEO shall bring it to the attention of BoD.
- iv. Where it is established that a criminal activity has taken place, the matter may be referred to the Directorate of Criminal Investigations or Ethics and Anti-Corruption Commission, and where appropriate legal action taken.

Step Three: Report of Investigation and action on report.

- i. Upon conclusion of investigation, the CEO shall ensure that the report is discussed by the Executive Management Committee of the College and a report to the Board of Directors. The CEO shall ensure that the Board of Directors is kept abreast of developments in whistleblowing.
- ii. All disciplinary action relating to the report shall follow KMTC's disciplinary procedure as contained in the staff hand book.

Step Four: Non Satisfaction with result of investigation/action

In the event that the whistleblower is not satisfied with the extent of investigation and or the action taken based on the outcome of the investigation, the whistleblower is at liberty to report to the Chairman of the Board of Directors.

3.3 Time Limit for Investigation

- i. It shall be the policy of KMTC to handle investigations promptly and as fairly as possible even though it might not be possible to set a specified time frame for the conclusion of investigation, since the diverse nature of potential concerns may make this impracticable.

- ii. The CEO shall endeavour to resolve all concerns within three (3) months. Where for any reason, proper resolution is unable to be achieved within this time frame; the CEO shall advise the College Management accordingly, and report to the Board of Directors.

3.4 Protection of Whistle-blower

- i. It shall be the Policy of the College to protect whistleblowers who disclose concerns, provided the disclosure is made:
 - a. In the reasonable belief that it is intended to show malpractice or impropriety;
 - b. To an appropriate person or authority; and
 - c. In good faith without malice or mischief.
- ii. While all disclosures resulting from whistleblowing shall be treated with high level of confidentiality, staff and other relevant stakeholders are encouraged to disclose their name to make the report more credible. KMTC shall take the following into consideration in considering unanimous disclosure:
 - a. Seriousness of the issues being reported;
 - b. The significance and credibility of the concern; and
 - c. The possibility of confirming the allegation.
- iii. The College shall not subject a whistleblower to any detriment. Where a whistleblower feels unfairly treated owing to his/her actions, the whistleblower shall be at liberty to report to any other regulatory body. This is without prejudice to the right to take appropriate legal action.
- iv. 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 whistleblower because he/she has made a disclosure in accordance with this Policy will be treated as gross misconduct and dealt with accordingly.
- v. Whistleblowers must ensure that they do not make disclosure outside of the prescribed channels (e.g. media-print or electronic), or their disclosures may not be protected.

4.0 POLICY IMPLEMENTATION

4.1 Implementation Date

- i. This Policy takes effect on the date it is approved by the KMTC Board of Directors.
- ii. The Chief Executive Officer is responsible, in consultation with the head of Corporate Communications, Human Resource Manager and other members of KMTC management, for ensuring that this Policy is distributed and complied with.

4.2 Monitoring and Evaluation

- i. The College shall conduct monitoring and evaluation of the effectiveness of this Policy in line with the Monitoring, Evaluation and Reporting framework through the office of the Corporation Secretary.
- ii. The Office of the Corporation Secretary shall:
 - a. Develop and maintain strategies and mechanisms for monitoring and evaluation of this Policy.
 - b. Undertake regular check on implementation of the Policy.
 - c. Carry out annual evaluation on the implementation of the Policy.
 - d. Use the information for planning and management.
 - e. Propose potential areas for review.

4.3 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.

APPROVAL

Title : Whistle Blowing Policy

Contact : Corporation Secretary

Approval Authority : The Board of Directors

Commencement Date : May 2019

SIGNED



Prof. Philip Kaloki, MBS,
Chairperson, KMTC Board of Directors.

15th May 2019

Date



KMTC is ISO 9001:2015 Certified.

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