



WHISTLE-BLOWING POLICY

Kenya Hospices and Palliative Care Association (KEHPCA)
P O Box 20854, 00202
Nairobi, Kenya
E-mail: info@kehpc.org
Phone: +254-20-2729302
Mobile: +254-722 507219

@ 2023

Contents

- 1. INTRODUCTION 3
 - 1.1 Palliative Care 3
 - 1.2 About KEHPCA 3
- 2. DEFINITION OF TERMS 4
- 3. KEHPCA’S WHISTLEBLOWING POLICY 5
 - 3.1 Purpose 5
 - 3.2 Scope and Applicability 5
 - 3.3 Objectives of Policy 5
 - 3.4 Reporting Mechanisms..... 6
 - 3.5 Investigation and Resolution of Concerns 6
 - 3.6 Confidentiality and Protection 7
 - 3.7 External Reporting 7
 - 3.8 Non-Disclosure Agreement (NDA) and Legal Protections..... 7
 - 3.9 Awareness and Training 7
 - 3.10 Policy Review..... 7

1. INTRODUCTION

1.1 Palliative care

Palliative care is a service that focuses on improving the quality of life of patients (and their families) who face the challenges associated with a life-threatening illness and serious health-related suffering, which includes but is not limited to, end-of-life care. Palliative care is an integrated service that improves the quality of life for people with life-threatening conditions throughout their life journey. The increasing burden of non-communicable diseases, the prevalence of communicable diseases, and the late diagnosis and treatment of cancers make palliative care an essential part of health care services. The Kenya frameworks like the Health Law and the Kenya National Patients' Right Charter include palliative care and patient support.

Palliative care is a human right, and every Kenyan in need should have access to it in line with the global, regional, and national frameworks the country ascribes to. The Kenyan Constitution, the patient's rights charter, The National Palliative Care Policy 2020-2030, and The National Kenya UHC 2020-2030 Policy provide some guiding frameworks within which holistic and well-coordinated palliative care services are available and accessible to all in need in Kenya.

1.2 About KEHPCA

The Kenya Hospices and Palliative Care Association (KEHPCA) was registered in October 2005 as a non-profit organization to represent all hospice and palliative care service providers in Kenya, with a Vision of Quality Palliative Care for all in Kenya.

KEHPCA's Mission is to promote and support acceptable, accessible, and affordable quality Palliative Care for individuals and families through member revitalization and development, education and awareness creation, and multi-sectoral advocacy for palliative care advancement in Kenya.

Values: Excellence, Accountability, Compassion, and Teamwork

KEHPCA's key Guiding Principles are:

- Palliative care is a human right
- Palliative care is person-centered
- Palliative care requires a multi-pronged approach – everyone has a role
- Care is accessible and evidence-based

Through its work, KEHPCA is nurturing a community of actors practicing compassionate care and reaching out to anyone with serious health-related suffering regardless of their conditions and without discrimination based on age, gender, tribe, financial, or other statuses in society.

KEHPCA has developed this whistle-blowing policy to uphold its values and safeguard and enable stakeholders in her space to report misconduct, illegal activities, or unethical behavior. This policy aligns with other KEHPCA policies and the national (Kenya) legal and policy frameworks.

2. DEFINITION OF TERMS

This section defines various terms used in this policy

- a) **A whistle-blowing policy**, also known as the whistleblower protection policy, is a set of guidelines and procedures that an organization implements to encourage and protect employees who report misconduct, illegal activities, or unethical behavior.
- b) **Corruption** – engaging in activities or actions that misuse or abuse KEHPCA and an entity and its association for personal use and gain.
- c) **Discrimination** – Having a biased or unjust approach to an individual based on specific characteristics, denying them certain opportunities or privileges.
- d) **Fraud**- an act of being deceitful or use of unwanted ways for personal gains.
- e) **Harassment** - a behavior or action aimed at demeaning an individual or a group of people
- f) **Misconduct** – impermissible or unacceptable behavior, especially by a professional, showing disobedience to set principles
- g) **Unethical** – unwanted or unacceptable behavior/action.
- h) **Whistleblowers** are individuals who raise concerns about wrongdoing or potential risks in the workplace, whether it be fraud, corruption, safety violations, discrimination, or other forms of misconduct.
- i) **Wrongdoing** – the act of not doing what's expected of someone per set rules.
- j) **Intimidation** - refers to the installment or threatening of someone, affecting their behavior, actions, and or performance.
- k) **Violation** - the act of going or doing contrary to set rules, expectations, and principles.

3. KEHPCA'S WHISTLEBLOWING POLICY

The whistle-blowing policy aims to provide an avenue for KEHPCA constituents to promote accountability and integrity through a forum for reporting misconduct while protecting the whistle-blower. This ensures that the organization's employees can report concerns without fear of implication or prejudice, and the concerns are investigated and addressed by the organization in line with its policies.

3.1 Purpose

KEHPCA is committed to maintaining the highest integrity, ethics, and compliance standards. This whistle-blowing policy is designed to provide a safe and confidential mechanism for employees and stakeholders to report any concerns or suspicions regarding misconduct, illegal activities, or unethical behavior within the organization. The policy aims to foster a culture of transparency, accountability, and trust.

3.2 Scope and Applicability

This policy applies to all the KEHPCA constituents (i.e., Board of Directors, Employees, Interns, Volunteers, Other individuals and allies associated with KEHPCA (but not limited to paid-up members and consultants) may also use the processes to report a concern against a KEHPCA constituent.

3.3 Objectives of The Policy

The Whistleblowing policy aim to

- a) Uphold KEHPCA's accountability and foster integrity, ethical principles, non-discrimination, human rights, and equity
- b) Enable the act of reporting concerns in good faith regarding any form of misconduct, including but not limited to:
 - Fraud, embezzlement, or financial irregularities
 - Corruption, bribery, or kickbacks

- Safety or environmental violations
 - Discrimination or harassment
 - Unethical behavior or conflicts of interest
 - Violation of laws, regulations, or internal policies
- c) Outline the procedure for investigating and addressing reported concerns in good faith

3.4 Reporting Mechanisms

- 3.4.1 Reporting a concern may be undertaken by a KEHPCA constituent or any other person associated with KEHPCA as outlined under section
- 3.4.2 KEHPCA provides multiple reporting channels to encourage individuals to report concerns. Reporting may be done in writing, through email, orally, or through the following channels: Email: (info@kehPCA.org or the Executive director's email address)
- In-person reporting to their immediate supervisor or Internal line managers
 - Any other designated reporting mechanism
- 3.4.3 All reports should include specific details of the concern, including dates, times, locations, individuals involved, and any supporting evidence, if available.
- 3.4.4 Whistleblowers are encouraged to provide their contact information to facilitate further communication
- 3.4.5 Anonymous reports will also be accepted and investigated accordingly in line with the gravity of the issue raised and the likelihood of gathering evidence to support the information given
- 3.4.6 KEHPCA will acknowledge receipt of the report and provide information on the investigation process and expected timelines.
- 3.4.7 No staff shall threaten or victimize another for reporting or exposing an illegal act or a violation of ethics even if they by-pass the formal chain of command

3.5 Investigation and Resolution of Concerns

- 3.5.1 All reports will be promptly and thoroughly investigated by competent individuals designated by the management team or the board of governors. The investigation will be conducted fairly, impartially, and with due regard for all individuals' rights.
- 3.5.2 Any KEHPCA constituent found guilty of fraud, corruption, safety violations, discrimination, harassment, or other forms of misconduct will face appropriate corrective actions, which may include disciplinary measures, training, or legal actions in line with KEHPCA's Policies
- 3.5.3 Whistleblowers will be informed of the outcome of the investigation to the extent possible while respecting the privacy and confidentiality of all parties involved

3.6 Confidentiality and Protection

- 3.6.1 All reports made under this policy will be treated with strict confidentiality to the fullest extent possible, considering the need to conduct a thorough investigation. The whistleblower's identity will be protected, and KEHPCA will make efforts to maintain confidentiality throughout the process.
- 3.6.2 Retaliation against whistleblowers is strictly prohibited. Any form of retaliation, including but not limited to intimidation, harassment, or adverse employment actions, will be subject to disciplinary measures, up to and including termination
- 3.6.3 If the whistleblower is a KEHPCA employee reporting in line with the policy, the employee employment right will not be infringed upon, such as dismissal, promotion, or discrimination.
- 3.6.4 If it is proven beyond doubt that the whistleblowing employee 1) Knowingly reported untrue concerns and 2) given in bad faith, then the disciplinary measures will be applied according to the staff manual

3.7 External Reporting

If an individual believes that their concerns have not been adequately addressed internally, or if there is evidence of a cover-up, they have the right to report the matter to external parties, such as regulatory authorities or law enforcement agencies, in accordance with applicable laws and regulations of the Country.

3.8 Non-Disclosure Agreement (NDA) and Legal Protections

KEHPCA recognizes that some concerns may be protected by applicable laws or covered under non-disclosure agreements (NDAs). In such cases, KEHPCA will take appropriate measures to comply with legal requirements while ensuring that the concerns are addressed

3.9 Awareness and Training

- 3.9.1 KEHPCA is committed to raising awareness of this policy and training employees and stakeholders regularly.
- 3.9.2 All new staff and constituents joining KEHPCA will be updated on the policy and expected to adhere to it

3.10 Policy Review

- 3.10.1 This policy will be periodically reviewed and updated to ensure its effectiveness and compliance with changing laws and regulations.