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Subject: Protected Disclosures (Whistleblowing) Policy - updated
Purpose: Submitted for approval

Submitted by: Neil Munday

Protected Disclosures (Whistleblowing) Policy

The purpose of this Policy is to set out safe and effective procedures for the reporting or disclosure of genuine and reasonable concerns about alleged wrongdoing, in order that appropriate remedial action can be taken by the organisation.

This Policy applies to the Vita (RTI) Board, all Vita (RTI) employees, including affiliate organisations, and to all paid and unpaid consultants, contractors, interns, secondees and volunteers that provide supplies, services, or support, to Vita (RTI) or promote its work at any location in or out of Ireland. All such parties are referred to as “employee” in this document.

This Policy also applies to Vita (RTI)’s partners, vendors and other third parties, where it is included or referenced in relevant bid or tender documents, agreements, memorandums, purchase orders or contracts.

Version Control

Version no.:	Date	By (Name, Position)	Details of changes	Reviewed and approved by: (name and Position)
1	Apr 2019	Kevin Gregory, Head of Finance	n/a	
2	July 2021	Neil Munday (HoF&G)	Redrafted	ARF 02.09.21 Board 08.09.21



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Introduction

Vita is committed to the highest standards of openness, probity, and accountability, and recognises that employees have an important role in achieving this goal. As employees and representatives of Vita, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. This policy is, designed to enable employees to disclose information, which the individual reasonably believes shows wrongdoing, malpractice, or impropriety.

It is the policy of Vita (RTI) to conduct our work in an honest open and ethical manner and to take actual or alleged wrongdoing very seriously. Where no obvious impediment exists, such as, but not confined to, conflict(s) or potential conflict(s) of interest, responsibility for pursuing a whistleblowing incident, and for taking any necessary remedial or disciplinary action(s), resides with the Chief Executive Officer. If an impediment exists to the involvement of the Chief Executive Officer, responsibility will revert to the Vita (RTI) Audit, Finance and Risk Committee. If for any reason the Audit, Finance and Risk Committee is also deemed unsuitable, all aspects and responsibilities will be passed to the Chairperson of the Vita (RTI) Board.

*Contact details are located at the foot of this [policy](#).

Commented [NM1]: Email addresses to be set up and then policy updated for new contact emails which refer to role

Purpose

The purpose of the Vita (RTI)'s Protected Disclosure (Whistleblowing) Whistleblowing Policy is to give effect to Vita (RTI)'s duty to protect from abuse its funds, assets, employees, security procedures, policies, and the communities with which and for whom it works. To this end, Vita (RTI) encourages all employees to report suspected or actual instances of wrongdoing involving Vita (RTI)'s operations or the illegal, unethical or inappropriate activities by employee(s). This document sets out Vita (RTI)'s formal whistleblowing policy, which outlines safe and effective procedures for the reporting or disclosure of genuine and reasonable concerns about alleged wrongdoing, in order that appropriate remedial action can be taken by the organisation.

This policy is, not designed to, question financial or business decisions taken by Vita, nor can it be used to, reconsider any matters, which, have already been addressed, (or are currently being addressed,) under any other policies or procedures. It is not designed to deal with any concerns an employee may have in relation to his/her own terms and conditions of employment and if such issues are raised under the policy the employee will be redirected to utilise the appropriate policy.



Scope of the Policy

This policy applies as per the cover sheet. However, external actors cannot be entirely legally bound by Vita (RTI)'s policies. Responses to activities on the part of such actors which may be detrimental to Vita (RTI) will ultimately be determined by the terms of contract. Redress may be sought through robust legal action in appropriate cases.

This policy should also be read in association with the Complaints' and Conflict of Interests' Policies.

Objectives of the policy

Individuals are, protected from any action being taken against them, because of making a protected disclosure. If an individual is unsure whether their concern should be dealt with under this policy, they should discuss it with the CEO or Country Director. The concern may be more appropriately dealt with under another policy e.g.: HR Manual.

This policy is intended to cover information disclosed regarding a wrongdoing. Protected disclosures include:

- A Criminal offence / activity has been or is likely to be committed.
- Financial malpractice, impropriety, or fraud
- Failure to comply with legal obligations
- Actions which endanger the health and safety of employees or the public
- Actions which cause damage to the environment
- Actions which are intended to conceal any of the above.

Examples of reportable wrongdoing (list not exhaustive):

Illegal or unlawful conduct

Vita (RTI) operates in several different jurisdictions and its personnel and operations may be subject to international law and foreign national law of host countries, as well as to Irish law. Any act by a Vita (RTI) employee or associate that is genuinely believed to be illegal or unlawful may be reported under this policy.

Anti-procedural conduct

Conduct may be considered anti-procedural where it violates Vita (RTI) procedures (policies, regulations, rules etc.).

Unethical conduct

Conduct may be considered unethical where the Vita (RTI) brand and reputation are put at risk or brought into disrepute.



Deliberately wasteful conduct

The responsible stewardship and use of Vita (RTI)'s resources is crucial to the success of the organisation's operations. Deliberate wastefulness by personnel will not be tolerated and genuine concerns about such conduct may be reported under this policy.

How to Make a Disclosure

If an employee has information, which leads them to believe that one of the protected disclosures listed under the policy section, has occurred they should raise all protected disclosures concerns in writing, directly to the CEO or in country to the Director.

Where, for any reason, the person considers it inappropriate to refer the matter to the CEO or Country Director, their concerns can be made to the Chair of the Audit Risk & Finance Committee (ARF).

Contact details: see end of [document](#).

Concerns may be raised verbally in the first instance but should be followed up in writing before any action will be taken.

Commented [NM2]: Contact details to be added once role email addresses are set up and linked to role holder

Protection

Any person who, in good faith, makes a genuine and reasonable report of alleged wrongdoing under this policy can be assured that their concerns will be taken seriously and investigated in accordance with this policy and that he or she will not be penalised in any way because of making such a report. An employee who threatens or in any way victimises a whistle-blower or who seeks to deter a person from raising valid concerns under this policy will be subject to Vita (RTI)'s disciplinary procedures, up to and including dismissal from employment.

Reporting alleged wrongdoing

It is the responsibility of all Vita (RTI) employees to report any suspicions of wrongdoing without delay in accordance with the procedure set out at the end of this document. Great care must be taken in dealing with suspected wrongdoing to avoid:

- Levelling unsubstantiated accusations.
- alerting suspected individuals that an investigation is underway.
- treating employees unfairly.

On no account should any matter relating to a suspicion, active investigation or proven case of wrongdoing be discussed inside or outside Vita (RTI), except at the direction of the Chief Executive Officer.

- The whistle-blower should not attempt to confront or interview the person(s) about whom they have suspicions. This is a specialised area and will have implications in any subsequent legal proceedings.



Note: External parties (Auditors, consultants, beneficiaries, and members of the public) are free to report suspected wrongdoing on the part of a Vita (RTI) related individual or organisation.

The individual needs to demonstrate and support the reasons for their concerns and provide evidence, where it is available when making the disclosure. The following information should be in the disclosure:

- What has occurred
- When & where it occurred
- Who was involved?
- Are there any witnesses
- Any supporting information or documentation
- How the matter came to light

Under the Protection Disclosures Act, 2014, Vita takes any reports of wrongdoing very seriously. Vita will complete an investigation into the matter. The person/s tasked with investigating the disclosure, will be identified, based on the nature of the disclosure. It may be a director, a member of the Board, and/or if appropriate a relevant external party.

Feedback

Vita (RTI) will be unable to provide any more than very limited feedback to a whistle blower on what action, if any, has been taken on foot of their report under this policy. The sharing of such information could breach the legal rights of a person who is alleged to have committed wrongdoing or compromise the investigation of the case in some way.

However, Vita will ensure that the employee is kept up to date with the ongoing process and findings of the investigation as appropriate in line with above.

Anonymous Disclosures

An individual making a disclosure is encouraged to identify himself or herself, whenever possible. Vita will not usually investigate anonymous disclosures, but such disclosures may be considered at the discretion of the Chair of the ARF Committee. In exercising this discretion, the seriousness of the issue raised, the creditability of the concern and the capacity to investigate an anonymous allegation will all be taken into consideration. Vita (RTI) respects the choice of anyone who wishes to remain anonymous. However, allegations are often more difficult to investigate when a complainant remains anonymous, and the outcome of an investigation can be affected.



Unfounded allegations

If an employee is found to have knowingly lodged a false report(s) against a colleague(s), this will be regarded and treated as a serious disciplinary offence, to be dealt with in accordance with Vita (RTI)'s disciplinary procedures up to & including dismissal.

Procedures for investigating possible wrongdoing

Vita (RTI) is committed to investigating and addressing all reported cases of alleged wrongdoing thoroughly and with due process. The Chief Executive Officer will oversee Vita (RTI)'s response to any allegations of wrongdoing. It is the responsibility of the Chief Executive Officer to inform the Board and the Audit, Finance and Risk Committee of incidences of reported wrongdoing, and to provide status reports where investigations are ongoing. Procedures on the investigation process are outlined in the Anti-Fraud Policy.

Notification of third parties

The Chief Executive Officer will, where appropriate, and within the legal and regulatory framework in place, report to interested third parties (such as donors and regulatory bodies) on a confirmed fraud and indicate what steps have been taken to address any identified weaknesses in Vita (RTI)'s systems of internal control. Any decision to refer incidences of fraud to local law enforcement agencies will be taken by the Chief Executive Officer having considered the local context and the consequences in human rights terms of initiating criminal prosecution against the individual involved.

Disciplinary procedures & references

Any employee who is suspected of or found to have committed wrongdoing will be subject to Vita (RTI)'s disciplinary procedures, up to and including dismissal from employment. Vita (RTI) may also initiate legal proceedings to recover loss suffered by it because of the wrongdoing from any such employee. Where a reference is requested for a member of employees who has been disciplined or prosecuted for wrongdoing, the relevant assigned/delegated person shall prepare a response in line with Vita (RTI)'s policies and employment law.

To make a report

If you are concerned about theft, fraud or other wrongdoing in your workplace please use the options below: Internally to Vita (RTI): confidential.reporting@vita.ie

These matters are considered 'confidential information', therefore must not be discussed with, or disclosed to other employees or individuals who do not work with Vita.

Commented [NM3]: Email address to be set up once policy approved which will be linked to the relevant member of staff so that the relevant persons are advised of a disclosure



APPENDIX 1 donor contact information

Vita (RTI) encourages all employees to report suspected or actual instances of wrongdoing involving Vita (RTI)'s operations or the illegal, unethical or inappropriate activities by employee(s) internally through the channels detailed in this Policy. The Chief Executive Officer will, where appropriate, report to interested third parties (such as donors and regulatory bodies). Vita (RTI) also aims to maintain, and make generally available to our employees, an up-to-date list and contact details of the various external agencies to whom it is possible to make a disclosure. Vita (RTI) will also share relevant matters that may be reported to them.

These external parties include, but are not limited to, Vita (RTI)'s donors

1. Irish Aid, IAPF: Portfolio Manager xxx.xxx@dfa.ie
2. European Anti-Fraud Office: <https://fns.olaf.europa.eu/>

Commented [NM4]: Email address to be updated

For employees in Ireland or the UK, disclosures can also be made to:

Republic of Ireland:

The Charities Regulatory Authority Ireland: Email: concerns@charitiesregulator.ie Tel: 01 633 1550; Concerns About Charities, The Charities Regulator, Waterloo Exchange, Waterloo Road, Dublin 4,

United Kingdom

Charity Commission Tel: 0300 066 9197 Email: whistleblowing@charitycommission.gsi.gov.uk
www.charitycommission.gov.uk; (<https://www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees>).

Most of these organisations have their own reporting format, but the below gives an idea of the information you will need to provide (please remember to keep a copy of all your correspondence):

- Give a detailed description of the suspected wrongdoing, including date(s) and location.
- If possible, provide copies of information that tend to support your suspicions.
- Include any information relating to your raising (or not raising) the concern under VITA (RTI)'s internal procedure.
- Date the disclosure.
- Give your preferred contact details.
- Make it clear that either:
 - i. you expect confidentiality or
 - ii. you want your name associated with the disclosure.