



3ie Whistle-blowing Policy (Making a disclosure in the public interest)

1. Introduction

3ie is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and those affiliated with 3ie to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that employees will faithfully serve their employer and not disclose confidential information about their employer's affairs.

Nevertheless, where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation, this information should be disclosed internally without fear of reprisal. 3ie has in place the procedure set out below for individuals to raise concerns and to ensure no members of staff feel at a disadvantage in raising legitimate concerns.

This policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by 3ie neither should it be used to reconsider any matters that have already been addressed under harassment, complaint, disciplinary or other appropriate existing procedures.

This policy applies to all employees and officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers, contractors or suppliers, are also encouraged to use it.

It is important to 3ie that any fraud, misconduct or wrongdoing by employees or by affiliated persons is reported and properly handled. The organisation therefore encourages all individuals to raise concerns that they may have about this type of conduct of others in the organisation or if they believe that the way the organisation is run involves fraud, misconduct or wrongdoing.

This policy sets out the way in which individuals may raise concerns that they have and how those concerns will be handled.

2. Definition and scope of policy

This policy is designed to enable 3ie employees, and those affiliated with 3ie, to raise concerns internally and at a high level and to disclose information that the individual believes shows malpractice or impropriety. In most jurisdictions, the law provides protection for workers who raise legitimate concerns about specified matters. They are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that any of the following instances is being, has been, or is likely to be, committed:

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D-4, Saket District Centre
New Delhi - 110017, India

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Tel: +91 11 4989 4444

London

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London WC1A 2NS
United Kingdom

3ieuk@3ieimpact.org
Tel: +44 207 958 8351/8350

Washington, DC

1020 19th St., NW,
Suite 400, Washington, DC 20036
United States of America

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- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety, including concerns about harassment;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above.

A worker who makes a disclosure has the right not to be dismissed, subjected to any other detriment or victimized because he or she has made a disclosure.

3ie encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether to raise a concern, he or she should discuss the issue with his or her line manager, other line manager, the HR manager or external advisor to the sexual harassment complaints committee¹.

3. Principles

The following principles guide this policy:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature as soon as they are aware of it.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- No worker will be victimised for making a disclosure under this procedure and no retaliation of any kind shall be tolerated. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because she or he has raised a concern.
- Victimisation of, retaliation against or threat of retaliation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, 3ie's disciplinary procedure will be used, in addition to any appropriate measures required by law.
- Criminal misconduct shall be reported to the police immediately.
- Maliciously making a false allegation is a disciplinary offence under the 3ie Disciplinary Policy.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the instruction or implied request to cover up to a director or the executive director or board chair immediately.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his or her own contract has been, or is likely to be, broken, he or she should use 3ie's grievance procedure.

¹ The name and contact information of this person will be in the list of key contacts available in each office reception area.

4. Safeguards

4.1 Protection

This policy offers protection to 3ie employees and those affiliated with 3ie who disclose such concerns, provided the disclosure is made in good faith. The person making the disclosure must have a reasonable belief that what they are disclosing tends to show malpractice or impropriety and make the disclosure to an appropriate person (see reporting procedures below). The person raising the concern will be protected from being victimised in any way, intimidated or subject to any explicit or implied threat of retaliation.

Any false or malicious allegations could give rise to legal action against the complainant by the persons who is the subject of the complaint.

4.2 Confidentiality

3ie will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required as part of such investigation.

4.3 Anonymous disclosures

3ie encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much more difficult to corroborate and for this reason much less credible.

They may be considered at the discretion of 3ie. In exercising this discretion, 3ie will take these factors into account:

- Seriousness of the issues raised;
- Credibility of the concern, which includes investigating whether other similar concerns have been raised in a similar context; and
- Likelihood of confirming the allegation from attributable sources.

4.4 Untrue allegations

If an individual makes an allegation in good faith supported by satisfactory evidence, which is not confirmed by subsequent investigation, no action will be taken against that individual provided that such individual is able to establish that due care was exercised by him to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, prompt disciplinary action shall be taken against that individual, if they are employed with 3ie, including but not limited to termination of employment as per the discipline and grievance policies of 3ie.

4.5 Support for persons making a qualifying disclosure

Concerned persons can receive support when reporting misconduct or wrongdoing or retaliation. 3ie will ensure the personal health, safety and well-being of those involved with a complaint which has been considered whilst a case is being investigated and following its conclusion. 3ie will take all the necessary and reasonable measures to ensure all those involved with the complaint receive the appropriate support and guidance.

Appendix A: Whistle-blower reporting procedure for making a disclosure

A. Fraud related disclosure

Any individual representing 3ie can report fraud related concerns at fraudconcerns@3ieimpact.org or in writing to the Executive Director, mgaarder@3ieimpact.org. In cases where the fraud is related to the actions/inactions of the Executive Director, then the same should be communicated to the Board of Commissioners immediately. If the Board of Commissioners are named in the complaint, then the complaint should be directed to Andras Kosaras at Andras.Kosaras@arnoldporter.com (“Outside Legal Counsel”).

B. Safeguarding related disclosure

Staff members and associated personnel who have a complaint or concern relating to safeguarding should report it immediately to their line manager. If the staff member does not feel comfortable reporting to their line manager (for example if they feel that the report will not be taken seriously, or that the line manager is also involved in the acts or omissions comprising the complaint) they may report their concern to the Senior Safeguarding Officer(safeguardingconcerns@3ieimpact.org).

If a complaint or concern relates directly to a donor-funded activity or if it could impact the reputation of the donor, the officer will contact the appropriate person or office procedure in the donor agency. For DFID, 3ie will contact the Counter Fraud Section reportingconcerns@dfid.gov.uk; +44 1355 843 747).

C. Other disclosure

Step 1: reporting

In the first instance, unless the worker reasonably believes his or her line manager to be involved in any wrongdoing or if for any other reason the worker does not wish to approach his or her line manager, any concerns should be raised with the worker's line manager as the first step. If he or she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to Step 3.

Step 2: investigating

The line manager must report the concern to their director, or, if that director may be implicated, to the executive director. The investigation shall be undertaken by an officer appointed or authorized or approached for this purpose by the board of directors of 3ie. Should a concern involve criminality, the matter will be reported to the police or other appropriate authority (see also Step 4).

If disciplinary action is required, the person who carried out the investigation will report the matter to the human resources department and initiate the disciplinary procedure. On conclusion of any investigation, the person reporting the concern will be told the outcome of the investigation and what the investigating officer has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Step 3: when internal investigation may be compromised

If the person making a qualifying disclosure has reason to believe that the investigating officer may also be involved in the wrongdoing or may be failing to take it seriously or may explicitly or implicitly cover it up, or has failed to make a proper investigation or has failed to report the outcome of the investigations, such complainant may approach their line manager, another manager, a director or executive director. Any of these persons hearing a concern must adhere to all confidentiality protections and procedures afforded under this and other 3ie policies.

Step 4: reporting to outside authorities

If on conclusion of steps 1, 2 and 3 the complainant has reasonable grounds to believe that appropriate action has not been taken, he or she should report the matter to the relevant statutory authorities on the basis of the subject matter of the complaint. If the complaint involves criminal acts, and the investigating officer fails to report the same to the police authorities, the worker may also consider filing a complaint with respect to the qualifying disclosure made by him/her.

Appendix B: Whistle-blower investigating procedure

The investigating officer will follow these steps:

1. Full details and clarifications of the complaint should be obtained.
2. The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible and make all reasonable efforts to prevent the accused officer from interrupting the investigation or slowing the process of such investigation. The member of staff will be informed of their right to be accompanied by a work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed
3. The investigating officer should consider the involvement of 3ie's auditors and the Police at this stage and should consult with the executive director if appropriate
4. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals or entities.
5. A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the executive director.
6. The i executive director will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate 3ie procedures.
7. The person reporting the qualifying concern should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
8. If appropriate, a copy of the outcomes will be used to enable a review of 3ie's procedures under this policy and revise them suitably.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the executive director, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, 3ie recognises the lawful rights of employees and ex-employees to make disclosures to relevant statutory authorities or file reports with agencies as deemed fit by them.