Afghanistankomiteen
Norwegian Afghanistan Committee

WHISTLE BLOWER POLICY & PROCESS

NAC recognizes whistle blowers as persons making valid complaints about malpractice in the organization and/or breaches of the Ethical Guidelines and Commitments.

These are the key principles of the NAC Whistle Blower Policy:

1) Every complaint will be taken seriously
2) The interest of both the whistle blower and those targeted by the complaint must be considered; the legitimate interests of any incriminated person must, in particular, be respected to avoid victimization and stigmatization
3) The identity of anonymous complainants will not be sought or revealed and the withholding of the identity of named persons who want to remain anonymous in further follow-up will be respected
4) In the case of revelations indicating risks of personal danger, these will always be communicated to those involved in managing whistleblowing claims, regardless of the credibility of the information
5) Intentionally false accusations and reports by NAC staff are considered a serious breach of Ethical Guidelines and will lead to disciplinary action
6) Any accusation, in itself, will never be considered as proof of fault
7) Anonymous complaints are welcome, however, as anonymous complaints are difficult to investigate without compromising the confidentiality of the complainant, anonymous complaints are not recommended; complainants that want to be anonymous are recommended to complain through a trusted NAC employee, to enable the organization to seek and pass on information to the parties involved in order to investigate the case

How to alert:

- Afghan mobile phone numbers: 0702 255307 (between 08:00 and 13:00) and 0772 245068, 0789 868406, 0702 255278 and 0745 013478 (between 18:00 and 07:00).
- Spoken languages: Dari, English and Pashto
- Email address: complaints@afghanistan.no
- Languages for written complaints: Dari, English, Norwegian and Pashto

All complaints are registered, and emails sent to: complaints@afghanistan.no are read and recorded by NAC's Secretary General. NAC is committed to inform donors about any complaints on issues of suspected theft, corruption, or sexual and other types of physical abuse.

The NAC Anti-Corruption and Complaint Committee is comprised of the:

- Secretary General
- Country Director
- Deputy Country Director
- Internal Auditor (Norway)
- Internal Auditor (Afghanistan)
- Female staff member

After launching a written complaint, the emailer will receive a first response within three working days. Pending on the sensitivity and nature of the complaint, one or all members of the anti-corruption committee will be involved in assessing the complaints in accordance with the following criteria:

- Does the notification contain sufficient information to enable the case to be investigated? Examples of when this is not the case are whenever provided information is vague, or decisive information is missing, e.g., where the irregularity has occurred. If a notification is not considered possible to proceed with, it will still be saved for at least 1 month, in case further information should arise.
- Is there a larger context to consider? A particular suspicion may seem insignificant, but it is essential to clarify whether it is part of a series of reports relating to a certain phenomenon, group of people, office, or project.
- What type of irregularity does the information relate to? It is crucial to clarify whether the information indicates a violation of the Code of Conduct, or if it is a violation of program implementation regulations, irregularities in personnel issues or recruitment, or procurement. It can also be a combination of one or more categories.

Response to the whistle-blower within two weeks

- The emailer will be informed and will be sent a message to confirm the receipt of the complaint and also informed that the complaint needs to be detailed in order to be considered
- If the complaint is deemed valid, the emailer will be informed about next steps

Protection of the whistle-blower – confidentiality

NAC is responsible for protecting anyone reporting their suspicions by never disclosing their identity and taking action to prevent reprisals, whenever needed. Information is treated

confidentially. If information should leak this will be considered as obstruction of the investigation and will become a matter of further investigation and disciplinary measures.

Submitting whistleblowing complaints without acting in good faith, but rather with intent to harm others, will become a matter of investigation and disciplinary measures.

Right to contradiction

The accused has the right to contradict any findings, and she or he has the right to confidentiality, and to have her/his identity protected and kept confidential, unless punitive actions result in a legal process.

Investigation

If the preliminary assessment detailed above indicates that irregularities of any kind exist, the Secretary General and the Country Director will decide on the investigation and establish the terms of reference, including precisely what needs to be investigated. The affected donor(s) and the NAC's Board will be informed. Based on the initial assessment, a decision will be made on whether an external auditor or resource person will be required.

Directions for the Investigation Team

An investigation is a fact-finding exercise to collect all the relevant information on a matter. The role of an investigator is to be fair and objective so that they can establish the essential facts of the matter and reach a conclusion on what did or did not happen. The investigator should to this by looking for evidence that supports the allegation and evidence that contradicts it.

In potential disciplinary matters, it is not an investigator's role to prove the guilt of any party, but to investigate if there is a case to answer.

Internal Investigation Team

The internal investigation team should ideally be ethnically mixed, and gender balanced. If the case is related to sexual exploitation or abuse, the NAC contracted psychologist will support the team.

The composition of the Team and its Terms of Reference will depend on the size and scope of the investigation. The Team Leader (normally the Internal Auditor) should be from outside the affected region. If needed the Country Director should appoint external members to assist the team (e.g., a psychologist in case of sexual exploitation or abuse, or other external technical experts relevant to the case).

Based on the Report from the Internal Investigation Team, the Anti-Corruption Committee will decide if a second or third mission, or a new Internal Investigation Team should be dispatched to

complete the investigation, or whether an external investigation will be required. The final report will be sent to the affected donor and to the NAC Board of Directors for approval.

The investigation is guided by the general principles for conducting work-place investigations (ref: acas.org.uk):

STEP 1: Organizational preparation

- Decide if an investigation is necessary
- Establish terms of reference – the rules that the investigation will follow, including precisely what needs to be investigated
- Choose an appropriate investigator

STEP 2: An investigator's preparation

- Draft an investigation plan
- Identify who might need to be called to an investigation meeting
- Identify what evidence might need to be gathered – and how to get it
- Contact parties involved in the matter

STEP 3: Handling an investigation meeting

- Establish who can accompany employees at the meeting
- Plan what questions need to be asked
- Interview the parties involved and any relevant witnesses
- Handle reluctant witnesses or refusals to meet appropriately

STEP 4: Gathering evidence

- Arrange and agree witness statements
- Collect any relevant written records and documents, e.g., timesheets
- Collect any relevant and appropriate physical evidence, e.g., CCTV

STEP 5: Report the investigation findings

- Write an investigation report
- Report what is likely to have happened – the balance of probabilities
- Make a recommendation, where requested

STEP 6: After an investigation is completed

- Submit the report and conclude the investigator role
- Retain the report for an appropriate period of time
- Ensure any recommendations unrelated to the matter are considered

External Investigation Team

External investigation teams should ideally be ethnically mixed, and gender balanced. If the case is related to sexual exploitation or abuse, an externally contracted psychologist will support the team. The steps followed for external investigation teams should follow the same principles outlined above, unless the donor(s) for the program, project or activity impacted have their own rules on how external investigations should be conducted.

Specific considerations in investigating gender-based violence (GBV)

NAC rules and regulations have been informed by the principles outlined in the GBV Pocket Guide

Respect

All actions you take are guided by respect for the survivor's choices, wishes, rights and dignity.

Safety

The safety of the survivor is the number one priority.

Confidentiality

People have the right to choose to whom they will or will not tell their story. Maintaining confidentiality means not sharing any information with anyone.

Non-discrimination

It is essential to provide equal and fair treatment to anyone in need of support.

Supporting Children and Adolescents under 18 years

- Do no harm: Do not seek out child survivors. It is not your job to investigate or assess if a child/ adolescent is experiencing violence. Doing so can lead to more violence and risks for the child/adolescent. Be approachable if a child/adolescent wants to seek your help.
- Remember your role: If a child or adolescent reaches out to you for help:
    - Provide a listening ear, free of judgment
    - Support the child/adolescent by connecting them to an adult that the child/adolescent identifies as being safe and trusted; this may not be their parent, caregiver, or a family member
    - Do not make decisions for him/her, including forcing the child/adolescent's caregiver or any other person to be with them when s/he talks to you
    - Provide comfort

Allow the child/adolescent to lead the conversation, even if this means providing company in silence; be at the child/adolescent's eye level with open body language to show them that they can open up to you if s/he wants to; refrain from asking questions about what happened, by who and why – instead, use comforting statements and speak in a manner that they can understand