

NATIONAL ENVIRONMENT MANAGEMENT COUNCIL (NEMC)



WHISTLE BLOWER INSTITUTIONAL POLICY AND PROCEDURES

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1 INTRODUCTION

1.1 Preamble

Public service set up goals for the purpose of ensuring quality service delivery. In service delivery, Institutions receives complaints from clients who have not been satisfied with the manner they were served or the standard of service delivered to them. Complaints are clients feedback to the Council on their unsatisfaction with standard of the service delivered. These feedbacks enable the Council to rectify faults and improve standard of service delivery to meet client's expectations.

Complaints may be with regard to systems, laws, regulations, working procedures and malpractices of the public servants

Therefore, for the Council to effectively utilize the feedbacks there must be an appropriate and efficient procedure of extracting, analyzing acting and preserving information from the stakeholders and the public.

1.2 Definition

The word whistleblowing in the context of this Policy refers to the disclosure internally or externally by workers/stakeholders of malpractice, as well as illegal acts or omissions at work.

1.3 Back ground information

The National Environment Management Council (NEMC) is a body corporate established by the Environmental Management Act (EMA Cap.191), which became operational on 1st July 2005. The purpose of establishing the Council is outlined in EMA Cap. 191 section 17 (1) which include undertaking enforcement and compliance, reviewing and monitoring environmental impact assessments, facilitating public participation in environmental decision-making and supervising and coordinating other environmental management issues assigned to it by the government. To achieve these functions in a coherent and efficient manner, operations of NEMC are guided by various tools including the National Environmental Policy (1997) and other related policies, EMA Cap.191 and its subsequent regulations, the Strategic Plans, Client Service Charter, Public service policies, Staff Regulations and Government Circulars, Guidelines and Strategies issued by the government. NEMC works in partnership with various Institutions to achieve the national goals of improved lives of Tanzanians and a healthy and diverse environment.

1.4 Overall Objective

The objective of this policy is to encourage employees and others stakeholders to make good faith reports on suspected fraud, corruption and improper activities. It provides a confidential or anonymous reporting process for the concerns regarding accounting, internal controls, auditing, recruitments, Environmental Impact Assessment (EIA) review processes, procurements, embezzlements, misuse of Council's properties, misconduct

and any other form of malpractices.

The policy intends to supplement other processes and procedures within the Council by providing an anonymous and confidential means for employees and other stakeholders to make reports on serious violation of principles of good governance as enshrined in various National and Council's Instruments.

This policy establishes the standards and procedures regarding the receipt, retention and treatment of complaints to ensure the handling of all complaints mentioned above complies with principles of good governance, accountability and transparency.

1.5 Scope and Application

This whistleblowers policy applies to all employees of the Council and other stakeholders who might be affected by the Council's operations. The policy is intended to encourage employees and other stakeholders to report serious concerns of misconducts and corruption related issues. Other normal administrative and technical related complaints should continue to be reported through normal channels such as through immediate Supervisors, Directors and the Director General

1.6 Establishment of the complaints desk

The Council will establish a desk with three staff as designated officers for concerns under this procedure. These staff will have access to the DG

2. POLICY STATEMENT

NEMC is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its undertakings. To achieve these ends, it encourages freedom of expression for its stakeholders and the public at large. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or its stakeholders.

3. COMPLAINTS HANDLING PROCEDURE

3.1 Procedure for making complaints

The procedure for making complaints have been adopted from the Guidelines for Complaints Handling in the Public Service (2012) issued by the Public Service Management.

An employee or other stakeholder may become cognizant of any malpractice, fraud, omission or any other illegal act committed by any of council staff shall immediately report directly to the designated officers confidentially or anonymously any complaint or concern. Complaints should be reported using Council's website, suggestion box located at the office and by posting through the postal address or orally directly to the complaining desk. Complaints or concerns can be made oral or in writing using the following methods:

3.1.1 Through Council's website www.nemc.or.tz under the Council's Information / Whistleblowers Policy and Procedures.

3.1.2 Postal address

Director General
National Environment Management Council
Regent Estate/Migombani Street Plot 28, 29 & 30
P. O. Box 63154
Dar es Salaam. Att. **Complaints desk**

3.1.3 By email to: nemc@nemctan.org

3.1.3 Suggestion box

3.2 Procedure for receiving and attending complaints

3.2.1 The Council has delegated the responsibilities of receiving complaints or concerns under this policy whether openly, confidentially or anonymously to the designated officers

3.2.2 The designated officers will within three days call the complainant for an initial interview, which will if requested, be confidential, to ascertain merit of the complaint. Whistle blower will be required to offer maximum cooperation during the investigation. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimization. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

3.2.3 All complaints received through direct contact, the website, suggestion box and Postal address will be compiled and registered by designated staff.

3.2.4 Employees and other stakeholders are encouraged to put their names to allegations because appropriate follow up questions and investigations may not be possible unless source of information is disclosed. Concerns expressed anonymously will be explored appropriately but consideration will be given to

- The seriousness of the complaints raised;
- The credibility of the complaint; and
- The likelihood of confirming the allegations from credible sources.

3.2.5 The designated officer will establish the complaining register where all complaints received will be registered. The register will have the column for complaint No, date, name and address of the complainant, means used to receive the complaint, short description of the complaint, responsible Directorate/Department or unit and action taken.

3.3 The investigation

- 3.3.1 The investigation will be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. If the result of the investigation is that there is a case to be answered by any individual the report will be forwarded to the Director General for appropriate procedures and actions as laid down by the Public service Act ,2002 and its regulation,2003.
- 3.3.2 Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officers should ensure that the employee suffers no reprisals.
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- 3.3.3 All complaints will be dealt with in a very possible short time. Depending on the issue, the maximum time for dealing with a complaint will be 14 days. If the complaint or concern is a serious matter with material impact or involving Senior Management, it shall be reported to the Director General within 24 hours from the time it is received.

3.5 Complaints feedback and report

- 3.5.1 Whistle blower will be informed accordingly in the matter of concern reported

- 3.5.2 Prepare a monthly report and forward it to the Management for further decision

4.0 ROLE OF DESIGNATED OFFICERS

- 4.1 The designated officers shall receive, retain and conduct initial investigation of all complaints and concerns regarding corruption, fraud, embezzlement, malpractices, misconduct and all other matters that would otherwise constitute a violation of the Council's good governance principles
- 4.2 Determine what professional assistance, if any, it needs in order to conduct the investigation. The designated officers shall be free in its discretion to engage outside experts to assist in the investigation and in the analysis of results
- 4.3 Collect evidence and exhibits to support the case reported .
- 4.4 Provide response to minor issues and forward major complaints to the Director General for appropriate procedures and action.
- 4.5 Make a close follow up to all complaints
- 4.6 Maintain a Whistleblower Log/register
- 4.7 Prepare a monthly report and forward to the Management

5.0 ROLES OF THE MANAGEMENT/BOARD

- 5.1 The Management shall be responsible to ensure all employees and other stakeholders are aware of the Whistleblower Policy and Procedures.
- 5.2 The Management and the Board will be discharging the appropriate corrective measures from the information or recommendations received from the designated officers.

6.0 PROTECTION OF WHISTLE BLOWERS

- 6.1 Consistent with the good governance principles, the Management shall not retaliate, and shall not tolerate any retaliation by senior officers, Directors or any other person or group, directly or indirectly, against anyone who, in good faith, makes a complaint, raises a concern or provides assistance to the Director General, Integrity Committee or any other person or group, including any governmental, regulatory or law enforcement body, investigating a complaint or concern. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary. The Integrity Committee shall not reveal the identity of any person who makes a good faith complaint or concern and who asks that his or her identity as the person who made such complaint or concern remain confidential and shall not make any effort, or tolerate any effort made by any other person or group, to ascertain the identity of any person who makes a good faith complaint or concern anonymously.
- 6.2 Anyone raising a complaint must be acting in a good faith and have reasonable grounds for believing the information disclosed indicates violation of good governance principles. Any allegations/concerns that prove not to be substantiated and which prove to have been maliciously or knowingly false will be viewed as serious disciplinary offence and may be subjected to legal and civil action.
- 6.3 Nothing herein shall be construed to protect a person from the consequences of their own wrongdoing however a person's self-disclosure of wrongdoing that is not independently discovered through investigation shall be taken into account when considering the consequences to such person.

7. RECORDS

The Designated Officers shall retain all records relating to any complaint or concern and to the investigation of any such complaint or concern for a period of three (3) years.