

## **Whistleblower Policy**

PH International encourages its employees to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviors or practices) without fear of personal or professional retribution. This applies to any policy, practice or activity of PH International be it a U.S. law or a law of the country in which they are employed by PH International or in which PH International is conducting business.

### **Introduction**

PH 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 other members of the organization to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organization then this information should be disclosed internally without fear of reprisal, and there should be procedures to enable this to be done in a manner that feels safe and accessible to employees.

The National Defense Authorization Act (41 U.S.C. § 4712), gives legal protection to employees against being dismissed or penalized by their employers as a result of publicly disclosing certain serious concerns. PH has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasized that 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 PH nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

### **Scope of Policy**

This policy is designed to enable employees of PH to raise concerns internally and at a high level and to disclose information that the individual believes shows malpractice or impropriety. These concerns could include:

- Financial malpractice, impropriety, or fraud.
- Failure to comply with a legal obligation or statutes.
- Dangers to health and safety or the environment.
- Criminal activity.
- Improper conduct or unethical behavior.
- Attempts to conceal any of these.

Furthermore, no employee may be discharged, demoted, or otherwise discriminated against for disclosing information that an employee reasonably believes is evidence of:

1. Gross mismanagement or waste of a federal contract or grant;
2. An abuse of authority relating to a federal contract or grant (defined as an arbitrary and capricious exercise of authority that is inconsistent with the mission of the federal awarding agency concerned or the successful performance of a contract or grant of such agency);
3. A substantial and specific danger to public health or safety; or
4. A violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

## **Safeguards**

**Protection** - this policy is designed to offer protection to those employees of PH who disclose such concerns provided the disclosure is made:

- In good faith.
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety, and that they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

**Confidentiality** – PH will treat all such disclosures in a confidential and sensitive manner.

The identity of the individual making the allegation may 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.

**Anonymous Allegations** - this policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of PH. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

**Untrue Allegations** - If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious allegations, and particularly if they persist with making them, disciplinary action may be taken against that individual.

## Procedures for Making a Disclosure

Staff can make a complaint of malpractice on PH's website at <https://ph-int.org/contact/whistleblower/> or in writing.

If the complaint is made on PH's website it is received by the Finance Director, Executive Director, and Chair of the Board.

If the complaint is received in writing, the staff member who receives and takes note of the complaint must pass this information as soon as is reasonably possible, to the appropriate designated investigating designee as follows:

- Complaints of malpractice will be made to and investigated by the Executive Director (ED), County Director, or their designee.
- In the case of a complaint, which is any way connected with but not against the ED, the complaint will be made to the Chair of the Board of Directors who will nominate a Senior Manager or external party to act as the alternative investigating officer.
- Complaints against the ED should be passed to the Chair of the BOD who will nominate an appropriate internal/external investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint directly to the ED or the Chair of the Board of Directors. The Chair of the Board has the right to refer the complaint back to management if they feel that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

1. PH Chief Development Officer
2. PH Director of Finance
3. PH Country Director

If there is evidence of criminal activity, then the investigating designee should inform the police. PH will ensure that any internal investigation does not hinder a formal police investigation.

## **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating designee should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating designee should, as soon as practically possible, send a written acknowledgment of the concern to the complainant and thereafter report back to them in writing on the outcome of the investigation and the action that is proposed. If the investigation is a prolonged one, the investigating designee should keep the complainant informed, in writing, as to the progress of the investigation and when it is likely to be concluded.

If the complaint is made via PH's website, they will receive an acknowledgment of receipt via email and correspondence will take place via email.

If the complaint is made in writing, all responses to the complainant will be in writing and will be sent to their home address marked "confidential".

## **Investigating Procedure**

### **The investigating designee should follow these steps:**

- Full details and clarifications of the complaint should be obtained.
- The investigating designee should inform the member of staff against whom the complaint is made as soon as is practically possible. 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 designee and dependant on the circumstances of the complaint an alternative representative may be allowed, e.g. the individual's legal representative.
- The investigating designee may consider the involvement of the organization's auditors and the Police at this stage and should consult with the Chair of the Board/ED if appropriate.
- The allegations should be fully investigated by the investigating designee with the assistance where appropriate, of other individuals/bodies.
- A judgment concerning the complaint and validity of the complaint will be made by the investigating designee. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the ED or Chair of the Board as appropriate.
- The ED/Chair of the Board will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate organizational procedures.

- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of organizational procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating designee, they have the right to raise it in confidence with the ED/Chair of the Board, 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, PH recognizes the lawful rights of employees and former employees to make disclosures to prescribed persons or bodies. A full list of prescribed people and bodies is clearly stated in the National Defense Authorization Act (41 U.S.C. § 4712); the list in its entirety:

- A member of Congress or representative of a committee of Congress;
- An inspector general;
- The government accountability office;
- A federal employee responsible for contract or grant oversight or management at the relevant agency;
- An authorized official of the Department of Justice or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.