



WHISTLE BLOWING POLICY

1.0 INTRODUCTION

- 1.1 Kenya Power Company Limited recognizes that an important aspect of accountability is to have a mechanism to enable all individuals to voice their concerns internally in a responsible and effective manner when they discover information which they believe shows serious malpractice. To this end, this policy demonstrates the company's commitment to recognize and take action in respect of malpractice, illegal acts or omissions by its employees.
- 1.2 It is the responsibility of all staff to ensure that if they become aware that actions of other customers or officers might compromise this objective, they will be expected to report the matter in the safe knowledge that this will be treated seriously and sensitively.
- 1.3 Noting that the Witness Protection (Amendment) Act 2010 was enacted by the Parliament of Kenya to protect whistle blowers, it is important to develop a whistle blowing policy and procedures to protect staff who acting in good faith disclose information about the Company and its activities or those of any of its customers, or relevant employee's which might be considered as fraudulent or corrupt behaviour.
- 1.4 Management shall ensure that the policy is in tandem with the Witnesses Protection (Amendment) Act 2010.
- 1.5 This policy and procedures have been developed to support and assist staff in bringing genuine concerns to the attention of appropriate people within the Company who can initiate an investigation into matters raised.
- 1.6 Where this policy is in conflict with an Act enacted by the Parliament of Kenya, then the Act will take precedence over this policy.
- 1.7 **AND** If a Complainant requires further protection beyond this policy, the provisions of the Witness Protection (Amendment) Act 2010 shall apply.

2.0 PURPOSE

- 2.1 This policy is designed to;
 - a) Support our values of Customer first, One Team, Passion, Integrity and Excellence.
 - b) Ensure employees can raise concerns without fear of suffering retribution
 - c) Provide a transparent and confidential process for dealing with concerns.

3.0 SCOPE OF THE POLICY

- 3.1 This policy applies to all staff of Kenya Power Company Limited, including permanent and temporary staff. It also applies to Contractors, Suppliers, Customers, Shareholders, Members of the public and any other Stakeholder parties.
- 3.2 This policy also covers such reportable incidents which include, inter alia:
 - a) Suspected fraud or corruption.
 - b) Criminal offence

- c) Disregard for legislation e.g. Public Officers Ethics Act.
- d) A breach of Code of Ethics.
- e) Damage to the environment
- f) Breach of the standing financial rules and regulations.
- g) Showing undue favour over a contractual matter or to a job applicant.
- h) Failure to comply with legal or regulatory obligations.
- i) Concealment of any of the above.

3.3 The list is not exhaustive.

4.0 RESPONSIBILITIES

4.1 All staff are duty bound to ensure that the best possible standards of care are achieved and to act in accordance with their professional codes of conduct.

4.2 Staff are encouraged to:

- a) Report any form of unethical behaviour, a contravention of the Company's Code of Ethics or raise any concerns that something happening is unethical or improper and might compromise the provisions of the Code of Ethics.
- b) Raise concerns in good faith with the true belief that a malpractice has occurred.
- c) Not raise concerns with any malicious intent or vexatious nature.
- d) Raise concerns with an appropriate officer as outlined in this Policy.

4.3 Staff members may report suspected cases of fraud and corruption to the following;

- a) Board of Directors
- b) Managing Director and Chief Executive Officer
- c) General Manager Corporate Affairs and Company Secretary
- d) All General Managers, Regional Managers, Departmental Managers and Supervisors.
- e) Risk and Integrity Department
- f) Corruption Prevention Committees
- g) Integrity Champions

If the staff member prefers to remain anonymous, then, he/she can report through the confidential reporting hotline: www.kplc.co.ke/integrityðic, tambua.kp@hotmail.com and tambua.kp@gmail.com.

4.4 All persons, who are the first recipients of reports, have a duty to

- a) Treat concerns in a confidential manner
- b) Take staff concerns seriously
- c) Consider them carefully including undertaking an investigation.
- d) Establish an enabling environment which ensures that corrective measures are taken to address any operating procedures that may contribute to such violations.
- e) Seek appropriate advice
- f) Take appropriate action to resolve the concern or refer it on to an appropriate person.
- g) Keep the member of staff informed of the progress and monitor and review the situation
- h) Ensure that those who in good faith report suspected violations or misconduct are not penalized.

5.0 PRINCIPLES

- 5.1 This policy is guided by five key principles;
- a) All concerns raised will be treated fairly and properly.
 - b) The Company will not tolerate any form of harassment or victimization of anyone raising a genuine concern.
 - c) Any individual making a disclosure will retain his/her anonymity unless he/she agrees otherwise.
 - d) The Company will ensure that any individual raising a concern is aware of who is handling the matter.
 - e) The Company will ensure that no one is at risk of suffering some form of retaliation as a result of raising a concern. We do not however, extend this assurance to someone that maliciously raises a matter that is known to be untrue.

6.0 ANONIMITY AND CONFIDENTIALITY

- 6.1 All matters raised by concerned employees will be treated with utmost confidentiality.
- 6.2 All correspondence entered into the whistleblowing process is absolutely confidential whether a person making the disclosure wishes to remain anonymous or not.
- 6.3 The substance of an investigation including the identities of the parties to it will remain confidential and may only be disclosed with the consent of the complainant.

7.0 ANONYMOUS ALLEGATIONS

- 7.1 All complaints must contain as much information as possible to allow for proper assessment.
- 7.2 Anonymous allegations will be considered based on the following factors;
- a) Seriousness of the issue raised
 - b) The credibility of the concern
 - c) The likelihood of confirming the allegation from attributable source.
 - d) To the extent possible, any complaint should be factual rather than speculative or conclusory.
- 7.3 This policy encourages you to put your contact information to your allegations whenever possible.

8.0 UNTRUE ALLEGATIONS

- 8.1 Disciplinary action will be taken against employees who make allegations frivolously, maliciously or for personal gain.

9.0 WHISTLE BLOWING PROCEDURE:

When you have a complaint, an issue or concern to raise, you may utilize the following channels;

- a) Report to your immediate supervisor

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- b) If the discussions with the immediate supervisor are fruitful the case shall be investigated and resolved forthwith.
- c) If the discussions with the immediate supervisor are not fruitful OR if inappropriate OR highly confidential you may report directly using the confidential channels in 4.3 of this policy.
- d) The risk and integrity Department will provide regular feedback on the progress of the case until closure.
- e) You wish to forward your complaint/issues/ concerns directly to external agencies as outlined in 10.4 in this policy.
- f) Please refer to the summarized flowchart of the whistle blowing procedure in appendix 1 attached.

9.1 This procedure is meant to give everyone an effective way to raise a concern within the Company (if possible resolve it internally). However, if you are still unhappy after using the procedure, and getting a final written response, you are entitled to channel your concern to other relevant agencies, which may include:

- a) The Kenya National Audit Office (KNAO)
- b) A relevant professional or regulatory body.
- c) Efficiency Monitoring Unit (EMU)
- d) Ethics and Anti-Corruption Commission (EACC)
- e) Criminal Investigation Department (CID)
- f) Witness Protection Agency
- g) The Ombudsman Office

9.2 This procedure is subject to monitoring and shall be reviewed every two years.

This policy has been approved for implementation on.....

Signature  Date... 17/8/15

DR. BEN CHUMO, OGW

MANAGING DIRECTOR & CEO

APPENDIX II

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