



WATER RESOURCES AUTHORITY

WHISTLER BLOWER POLICY

SEPT 2022

Table of Contents

| | | |
|------|-------------------------------------|---|
| 1.0 | INTRODUCTION..... | 1 |
| 1.1 | WRA Overview..... | 1 |
| 1.2 | Vision..... | 1 |
| 1.3 | Mission..... | 1 |
| 1.4 | Our Slogan..... | 1 |
| 1.5 | Core Values..... | 2 |
| 2.0 | PURPOSE..... | 2 |
| 3.0 | SCOPE..... | 2 |
| 4.0 | ACRONYMS AND DEFINITIONS..... | 3 |
| 6.0 | OBJECTIVES OF THIS POLICY..... | 4 |
| 9.0 | DISQUALIFICATION OF PROTECTION..... | 5 |
| 11.0 | ANONYMOUS REPORTING..... | 6 |

1.0 INTRODUCTION

1.1 WRA Overview

The Water Resources Authority (WRA) was established under Section 11 of the Water Act, 2016 and is mandated, on behalf of the National Government to regulate the management and use of water resources across the country through;

1. Strengthening monitoring networks to enhance data collection and improve information management system.
2. Improving the use of water resources management tools for effective water resources planning and allocation
3. Strengthen stakeholder collaboration to enhance water storage and adaptation to climate change impact
4. Strengthen enforcement mechanism and collaboration for effective catchment protection and conservation
5. Building staff capacity and improving work environment
6. Enhance Resources mobilization and effective use of finance.

WRA operates through the Basin Area Offices established in the six Basins, namely: Athi, Ewaso Ngiro, Lake Victoria South, Lake Victoria North, Rift Valley and Tana Basin Areas. In addition, the Authority has delineated the six Basins into 26 Sub-basins which operate as Sub-Basin Area Offices. The Authority partners/collaborates with key stakeholders in integrated water resource management activities to deliver its mandate to the public.

1.2 Vision

To be an exemplary regulator of water resources management and use

1.3 Mission

To effectively regulate the management of water resources in partnership with stakeholders

1.4 Our Slogan

Accounting for every drop

1.5 Core Values

- Responsiveness and customer focus
- Fairness and Equity
- Gender and social inclusiveness
- Integrity
- Innovation
- Professionalism
- Transparency and Accountability
- Teamwork

2.0 PURPOSE

The purpose of this policy is to provide guidance on handling whistle blower concerns and outline measure put in place to protect whistle blower and responsibility of parties involved.

3.0 SCOPE

3.1 This policy will apply to all WRA employees and its related parties.

3.2 The policy will cover reportable incidences which include:

1. Suspected fraud or corruption;
2. Criminal offences that have or are likely to be committed;
3. Breach of the WRA Code of Conduct and Ethics;
4. Damage, destruction or depletion of the environment;
5. Misuse of WRA property;
6. Breach of rules and regulations governing Regulation of Water Resources, financial management, recruitment and procurement.

3.3 The policy shall apply to situations where normal and/or regular channels of reporting are not appropriate, for instance:

- a) Where evidence may be concealed or destroyed.

- b) Where there has been previous disclosure of the same information, but there has been no evidence of action or the observed violation continues unabated.

4.0 ACRONYMS AND DEFINITIONS

4.1 Acronyms

| | |
|------|--------------------------------------|
| HR- | Human Resources |
| ICT- | Information Communication Technology |
| WRA- | Water Resources Authority |

4.2 Definitions

4.2.1 Concerns- Refers to any issues and/or reports raised relating to employee malpractices affecting the mandate of WRA.

4.2.2 Good Faith- Good faith is evident when a report is made without malice or consideration of personal benefit and the employee and/or interested party has an honest belief that the report is true. However, a report does not have to be proved to be true in order for it to be made in good faith.

4.2.3 Related parties- These are organizations, groups and individuals who have legitimate interest in WRA in relation to the products and services it delivers and how it delivers them.

4.2.4 Investigation- A process designed to gather and analyze information in order to determine whether a malpractice has occurred and if so, the party or parties responsible

4.2.5 Malpractice- This includes, but not limited to, misconduct, fraud, violation of laws and regulations, violation of WRA policies, unethical behavior or practices, endangerment to public health or safety and negligence of duty.

4.2.6 Suspect- Any person who is alleged to have committed a malpractice and is subject to investigation.

4.2.7 Whistle blower- A person who provides information that exposes any kind of activity that is deemed illegal, unethical and/or not correct within the Authority.

5.0 LEGAL FRAMEWORK

This policy is premised on the following legal framework and administrative requirement, but not limited to:

- ✓ Constitution of Kenya, 2010

- ✓ Witness Protection Act, Cap 79 of 2012
- ✓ Water Act, 2016
- ✓ Water Resources Regulations, 2021
- ✓ Labor Laws
- ✓ State Corporations Act
- ✓ Statutory Instruments Act
- ✓ Anti-Bribery Act, 2017
- ✓ Access to Information Act 2016
- ✓ Leadership and Integrity Act 2012
- ✓ Anticorruption and Economic Crimes Act 2003
- ✓ Public Officers Ethics Act 2003
- ✓ Penal Code, Cap 63
- ✓ Evidence Act, Cap 80
- ✓ Consumer protection Act
- ✓ WRA Code of Conduct
- ✓ WRA Corporate Communication Procedures.
- ✓ WRA HR Policy
- ✓ WRA ICT Policy

6.0 OBJECTIVES OF THIS POLICY.

- 6.1 To provide avenues for employees and interested parties to raise concerns and define a way to handle these concerns.
- 6.2 To inform Management at an early stage about acts of misconduct and malpractices.
- 6.3 To reassure employees that they will be protected from punishment or unfair treatment for disclosing concerns in good faith and in accordance with this policy.
- 6.4 To foster a culture of openness, accountability and integrity.
- 6.5 It acts as a clear statement that employees and interested parties who are aware of possible wrongdoing within the organization have a responsibility to disclose that information to appropriate parties inside the organization.
- 6.6 To establish a fair and impartial investigative process.

6.7 To eradicate unethical behavior in the workplace.

7.0 ROLES AND RESPONSIBILITIES.

7.1 Whistle blowers should act in good faith and should not make false accusations when reporting a malpractice by WRA employees and interested parties.

7.2 Suspects have a duty to cooperate with investigators while their identity remains confidential and/or is guaranteed.

7.3 All persons with concerns have a responsibility to ensure that the highest possible duty of care is exercised with regard to raising concern (whistle blowing) under this policy. In particular, the following needs to be observed:

a) Legitimacy of the concern and good faith: All concerns should demonstrate accuracy and backed up by reasonable evidence. They should also be driven by utmost good faith and should not have malicious intent. Where the whistle blower is required to give evidence in criminal or disciplinary proceedings, WRA will accordingly arrange for the Whistle Blower to receive the relevant legal advice about the procedure and other related support.

b) Related laws and policies

7.4 A whistle blower may report any unfair treatment in line with the reporting channels. The identity of the whistle blower shall be kept confidential as is provided for under the Witness Protection Act.

7.5 An employee and/or interested party assisting in investigations shall be protected to the same extent as the Whistle Blower.

8.0 ELIGIBILITY FOR PROTECTION

The policy offers protection against punitive measures to employees and interested parties who raise concerns. The concerns shall be in relation to matters concerning WRA.

No action will be taken against an employee or interested party who raises concerns in good faith even if it does not stand after subsequent investigations.

9.0 DISQUALIFICATION OF PROTECTION

If an employee and/or interested party raises concerns which are false, malicious, vexatious or for personal gain, or if he/she persists in making them, disciplinary or other appropriate actions may be taken and matter been disqualified.

10.0 CONFIDENTIALITY AND ANONYMITY

- 10.1 WRA will protect the confidentiality of all matters raised by the Whistle Blower. In case of any breach of confidentiality by any of the persons named in clause 7 the Whistle Blower may take action as provided for by the procedures/Law.
- 10.2 All information received through the whistle blowing process shall be treated as confidential, whether the whistle blower wishes to remain anonymous or not.
- 10.3 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 whistle blower.

11.0 ANONYMOUS REPORTING

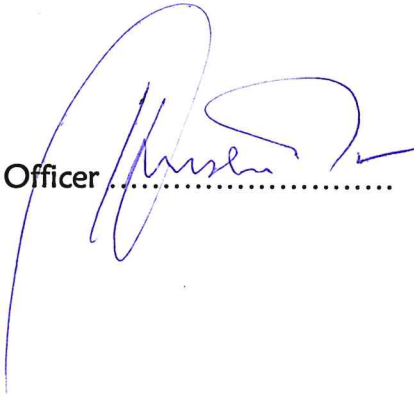
Anonymous information may be reported through the following channels:

- 11.1 Drop a written bribery or corruption report in our Anti-bribery and corruption boxes installed at strategic and appropriate places in all WRA offices which are accessible at all times.
- 11.2 Register bribery or corruption case with our Customer care desk situated in all our offices.
- 11.3 Bribery and Corruption reporting hotline numbers (0800724030)-Toll free
- 11.4 Bribery and Corruption email: integrity@wra.go.ke
- 11.5 Report bribery and corruption to Chief Executive Officer through below address

Chief Executive Officer

Water Resources Authority
NHIF Building 9th Floor Wing B
P. O. Box 45250 – 00100
Nairobi, Kenya
Tel: +254 2732291
E-mail: info@wra.go.ke

Approval/Signatures

Chief Executive Officer  Date 23-09-2022

