

## STAFF HANDBOOK, PART 5, SECTION 22

### WHISTLEBLOWING POLICY

#### 1 Policy Statement

- 1.1 The Commonwealth Secretariat aims to conduct its business with the highest standards of integrity, transparency and honesty at all times. The Secretariat is committed to preventing and/or stamping out all forms of malpractice and wrongdoing within the organisation.
- 1.2 The policy aims to:
  - (a) encourage and enable any individual to feel confident in raising a concern about a malpractice, including breach of the Secretariat's regulations or rules or policies.
  - (b) reassure individuals raising a concern in the collective interests of the Secretariat that they will be treated with respect and will be afforded protection from retaliation.
- 1.3 It is the duty of all staff members to:
  - (a) report any malpractice, including breaches of the Secretariat's regulations and rules or serious breach of Secretariat policy, to the designated Concern Receivers specified in paragraph 6.2, whose responsibility it is to take appropriate action; and
  - (b) cooperate with duly authorised investigations.
- 1.4 The Secretariat prohibits any form of retaliation when reporting is done in good faith.
- 1.5 The Secretariat shall ensure that individuals who blow the whistle are protected from dismissal, victimisation, or any other form of retaliation in accordance with its Retaliation Policy.
- 1.6 Any concern raised under this policy, including the identity of any person raising a concern, must be treated in the strictest confidence by all parties involved.

## 2 Definitions

Disclosure	A qualifying disclosure under this policy is information that, in the reasonable belief of the Whistleblower is made in good faith, and the Whistleblower reasonably believes that the disclosure tends to show past, present or future malpractice falling into one or more of the categories specifies in paragraph 3.2.
Malpractice	Refers to inappropriate action(s) or omission(s) including breaches of the Secretariat's regulations and rules or serious breach of the Secretariat's policy.
Retaliation	Has the meaning ascribed to it under the Commonwealth Secretariat <a href="#">Non-Retaliation Policy</a> .
Whistleblower	A person who raises concerns, in the correct way, about malpractice or wrongdoing including behaviour that: is illegal, fraudulent or corrupt.
Whistleblowing	Whistleblowing is the act of reporting suspected malpractice by a staff member. In this Policy, it is referred to as "making a disclosure" or "blowing the whistle." The malpractice will typically (although not necessarily) be something they have witnessed at work.
Whistleblowing concern	This is a disclosure of information which the individual reasonably believes shows misconduct or wrongdoing is either happening, has taken place, or is likely to happen in the future.

## 3 Scope of the Policy

- 3.1 Whilst the content of the Staff Handbook relates to Staff member only, in the spirit of promoting integrity, transparency and honesty, Agency Workers, Contractors, and Consultants also have a duty to report any concern.
- 3.2 This policy covers the reporting of concerns about malpractice, including breach of the Secretariat's regulations or rules or policies, by staff members or by the organisation, including but not limited to:
- (a) serious misconduct or criminal offences (e.g. bribery or fraud; threats or acts of violence against a person or property, such as assault, rape, burglary etc.)
  - (b) a failure to comply with legal obligations (e.g. breach of contract or

- negligence);
  - (c) breach of the Secretariat's Code of Conduct and Ethics;
  - (d) misuse of the Secretariat's resources;
  - (e) non-compliance with health and safety requirements;
  - (f) an environmental risk; or
  - (g) deliberate concealment of any of the above.
- 3.3 The policy is not intended to replace existing processes such as the grievance or disciplinary procedures or to deal with concerns related to an individual employee's relationship with the Secretariat or their terms and conditions of service.
- 3.4 On receipt of a whistleblowing concern, the external independent investigator shall evaluate the concern and determine if other procedures, for example grievance or disciplinary are more appropriate in addressing the matter and advise the Director, Human Resources how the concern raised will be addressed.

## **4 Protection from Retaliation**

- 4.1 Staff members who make a whistleblowing report in good faith and in the belief that the report is being made in the collective interests of the Secretariat has the right to be protected against retaliation.
- 4.2 All concerns about retaliation against a staff member as a result of whistleblowing will be handled in accordance with the Commonwealth Secretariat's [Non-Retaliation Policy](#).

## **5 Wrongful Disclosure**

- 5.1 The transmission or dissemination of unsubstantiated information or rumours is not a protected activity. An individual making a disclosure must do so in good faith and in the reasonable belief that the disclosure is true or believed to be true.

- 5.2 An individual making a vexatious, malicious or wrongful disclosure, or a disclosure which is not based on good faith and reasonable belief, may be subject to disciplinary proceedings that may lead to dismissal or other appropriate action. If the individual is not an employee, this may lead to termination of contract.
- 5.3 An individual who chooses to disclose a concern, by means not identified in this policy, including disclosure to the media instead of through the appropriate channels provided for in this policy, may not be protected. The Secretariat may deal with the matter in relation to a staff member under the Disciplinary Procedure. If such an individual is not an employee, this may lead to termination of the contract.

## 6 How to report a concern

- 6.1 There are various approaches for reporting concerns within the scope of this policy:
- (a) Serious misconduct or criminal offences (e.g. bribery or fraud; threats or acts of violence against a person or property, such as assault, rape, burglary etc.) must be reported to the police and to the Director, Human Resources or Director, Compliance or Legal Counsel.
  - (b) Other concerns can be reported to the Director, Human Resources via a confidential email [whistleblower@commonwealth.int](mailto:whistleblower@commonwealth.int).
  - (c) Concerns can also be reported anonymously to the external independent whistleblowing reporting service provided by Navex Global.
- 6.2 A summary of how to report a concern is provided below:

Type of concern	Concern Receiver
Serious misconduct or criminal offences (e.g. bribery or fraud; threats or acts of violence against a person or property, such as assault, rape, burglary etc.)	Immediately report to: <ul style="list-style-type: none"> <li>• local law enforcement authorities; and the Director, Human Resources, or the Director of Corporate Compliance or Legal Counsel.</li> </ul>

<p>Other concerns</p> <ul style="list-style-type: none"> <li>• a failure to comply with legal obligations (e.g. breach of contract or negligence);</li> <li>• misuse of the Secretariat’s resources;</li> <li>• breach of the Secretariat’s Code of Conduct and Ethics;</li> <li>• a risk to the health and safety of an individual;</li> <li>• damage to the environment; or</li> <li>• deliberate concealment of any of the above.</li> </ul>	<ul style="list-style-type: none"> <li>• the Director, Human Resources or</li> <li>• the external independent whistleblowing reporting service provided by Navex Global - contact details are available on the intranet.</li> </ul>
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6.3 Individuals are not required to prove their suspicions but should provide all relevant information to assist with the investigations. (e.g., dates, names, locations, incidents, witnesses etc.).

6.4 The subject of an anonymous (or pseudonymous) concern will not be informed of the identity of the whistleblower. However, regardless of whether the reported concern is anonymous or not, they are entitled to be made aware of the concern which has been raised and they have a right to respond.

## 7 Anonymous Reports of Malpractice

7.1 Although open reporting is strongly encouraged, if a staff member feels that they have no choice but to report anonymously, then they should do so by providing specific information, facts and evidence as possible to the Secretariat’s external independent whistleblowing reporting service provided by Navex Global.

7.2 Anonymous reports of malpractice will be treated seriously and investigated as far as is reasonably practicable dependent on the specific information and evidence provided.

- 7.3 The whistleblower may request to remain anonymous or to have their identity kept confidential. An investigation must respect the anonymity or pseudonymity of the whistleblower and the rights and interests of those against whom the concern is directed.
- 7.4 To ensure that concerns are addressed quickly and effectively, Staff members are strongly encouraged to report the matter of concern using the procedure outlined in Sub-Section 5 of this policy, rather than to a person or body external to the Secretariat.
- 7.5 Staff members who report concerns anonymously will be afforded whistleblower's protection.

## **8 Investigating a Concern**

### **Once the Concern is raised**

- 8.1 When the Concern Receiver receives the concern, they are required to accept, on face value, that the person reporting the matter genuinely believes that there is cause for concern. This is to ensure that individuals can feel confident that a concern of malpractice will be taken seriously.
- 8.2 The Director, Human Resources is required to:
- (a) acknowledge receipt of the concern within 5 working days.
  - (b) Inform the external independent investigator, about the Whistleblowing concern within 2 working days of receipt of the concern.
- 8.3 Anonymous reports submitted through the external whistleblowing service shall be passed to the external independent investigator retained for the purpose, to initiate the investigation.
- 8.4 The Director, Human Resources will be notified of any anonymous concerns received via the external whistleblowing service.

- 8.5 When a whistleblowing report is received, the external independent investigator will assess whether the whistleblower discloses a matter that is covered under this Policy or the concern raised should be handled under a different route and advise the Director, Human Resources as appropriate.

### **The Investigation**

- 8.6 Except for cases of serious misconduct or criminal offences as per paragraph 6.1(a), for neutrality and transparency of the process, an external independent investigator will undertake all investigations. To avoid perceptions of conflicts of interest, the external independent investigator will have no conflicting relationship with the Secretariat.
- 8.7 All concerns reported internally or externally will be investigated by the external independent investigator.
- 8.8 Each investigation is different, and the approach taken will be dependent on the nature of the allegations. The purpose of the investigation is to determine all the facts and establish whether there is evidence that malpractice has or may have taken place.
- 8.9 Investigators must adopt a comprehensive approach, examining the case from all angles, collecting evidence, interviewing all relevant internal and/or external parties and analyse any related documentation.
- 8.10 The investigation will be conducted as quickly as possible, but timescales may vary depending on the nature and complexity of the matter.
- 8.11 The external independent investigator will seek the assistance of the Director, Human Resources in investigating the matter in accordance with this policy, unless the investigator believes that the Director, Human Resources is involved in which case, assistance will be provided by a Staff member of the Secretariat decided upon at the discretion of the Deputy Secretary-General.
- 8.12 The external independent investigator will provide updates to the Director, Human Resources and to the whistle-blower on progress (acknowledging

that it may not always be possible or appropriate to provide full details of an investigation) within one month of receipt of the whistleblowing concern.

### **The investigation report**

- 8.13 The external independent investigator will generate a report at the conclusion of the investigation. The investigation report will include the investigator(s)'s view on whether malpractice has or may have taken place, and recommendations on next steps in alignment with the provisions of the Staff Handbook.
- 8.14 All investigation reports shall be received by Director, Human Resources, except if the report concerns the Director, Human Resources, then it will be submitted to the Deputy Secretary-General.
- 8.15 A Committee will be constituted by the Director, Human Resources in concurrence with the Secretary-General and Deputy Secretary-General. The Committee will comprise of three senior employees including the Director, Human Resources and two others to be chosen from Senior Director's, Director's, or Programme Heads as required. The Committee will consider the investigation report and the actions to be taken as a result. These may include disciplinary action against those involved in the matter, or reporting the matter to an external agency, for example the relevant national regulatory authority or the police. Any member of the Committee who is subject of the investigation, will not take part in the deliberations.
- 8.16 The Committee will be responsible for monitoring the implementation of the recommendations and sharing lessons learnt for future policy development, where applicable.

### **Informing the Whistleblower of the outcome**

- 8.17 As far as is reasonably practicable and without compromising an individuals' right to privacy, any individual raising a concern will be informed of the outcome of the investigation, and what action is being taken and the reasons for this. This will conclude the whistleblowing process.

## **9 Roles and Responsibilities**

### **9.1 Whistleblower:**

- (a) Report a concern about an apparent malpractice using any of the channels in this Policy.
- (b) Provide detailed information on the malpractice witnessed, observed or suspected. Individuals are not required to prove their suspicions but should provide as detailed information (e.g. dates, names, locations, incidents, witnesses etc.) as possible to assist with any investigations.
- (c) Cooperate with the investigation as may be required.

### **9.2 Subject of the concern:**

- (a) Cooperate with the investigation in good faith and respond to the allegations made.
- (b) Provide any document or additional information to support their claim/position.

### **9.3 Director, Human Resources**

- (a) Provide advice on the policy and process.
- (b) Appoint an external independent investigator.
- (c) Ensure record keeping.
- (d) Prepare periodic reports to the Board on the status of all concerns received.
- (e) Ensure that staff awareness and mandatory training is undertaken.
- (f) Liaise with the external independent investigator.
- (g) Immediately notify the DSG if the matter received raises any concern regarding corporate finance or accounting practices, internal controls or auditing.

### **9.4 External Independent Investigator**

- (a) Conduct an initial assessment of the whistleblowing concerns and advise the Director, Human Resources as appropriate.
- (b) Undertake investigation in accordance this policy.
- (c) Provide the Director, Human Resources and the whistleblower with status updates.
- (d) Submit investigation report to the Secretariat as appropriate.

## **10 Record Retention**

- 10.1 All whistleblowing reports received as set out in Sub-Section 5 of this policy will be confidentially kept by the Human Resources in a way that ensures protection and confidentiality of the process.
- 10.2 Information received through the Whistleblowing mechanism will be retained in accordance with the Secretariat's records retention policy.

## **11. Dissemination of the policy and staff training**

- 11.1 Human Resources will ensure that this policy is disseminated widely to all relevant persons including new staff members.
- 11.2 This policy will form part of the essential mandatory training for all staff.

## **12 Reporting and Review of the Policy**

- 12.1 The Director, Human Resources shall provide reports to the Board of Governors detailing:
- (a) the number of concerns received and a summary of the nature of the concerns; and all actions taken in response to the concerns; the actual number of violations uncovered; and
  - (b) the outcome of the whistleblowing case and resultant actions taken.
- 12.2 This policy will be reviewed every two years or when the need arises.

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**3<sup>rd</sup> Revision- August 2024**  
*Next Revision due August 2026*

**Human Resources,**  
**August 2024**