

# **UGANDA ASSOCIATION FOR THE MENTALLY HANDICAPPED/INCLUSION UGANDA**

## **CONCERNS AND COMPLAINTS HANDLING POLICY**

### **1. Introduction**

INCLUSION UGANDA is committed to maintaining the highest standards of honesty, openness and accountability in every aspect of its activities. This policy applies to all board members, staff, volunteers, consultants and agency workers of Inclusion Uganda regardless of their seniority or duration of service. Employees and members of INCLUSION UGANDA are therefore assured that they can confidentially raise concerns that relate to improper behavior within the organization without putting their relationship with INCLUSION UGANDA or in the case of staff, their jobs at risk

An important aspect of accountability and transparency is a mechanism to enable staff, volunteers and members of INCLUSION UGANDA to voice concerns in a responsible and effective manner. It is a fundamental condition 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. Inclusion Uganda strongly encourages all staff members to seek advice before reporting an issue/concern to external authorities. Nevertheless, where an individual discovers information which 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 arrangements to enable this to be done independently of line management.

The Whistleblowers Protection Act 2010 (Uganda) provides "for the procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices; to provide for the protection against victimization of persons who make disclosures; and to provide for related matters". This Act gives legal protection to employees against being dismissed or penalized by their employers as a result of publicly disclosing certain serious concerns. INCLUSION UGANDA has endorsed the provisions set out below so as to ensure that no members of staff, volunteer or member 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 INCLUSION UGANDA nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the whistle blowing procedures are in place, it is reasonable to expect staff, volunteers and members to use them rather than air their complaints outside INCLUSION UGANDA.

## **2. Scope of Policy**

This policy is designed to enable staff, volunteers or members of INCLUSION UGANDA to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to other procedures e.g. disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behavior
- Attempts to conceal any of these

## **3.Safeguards**

### **3.1 Protection**

This policy is designed to offer protection to those staff, volunteers and members of INCLUSION UGANDA 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 if they make the disclosure to an appropriate person. 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 by the person(s) complained about.

### **3.2 Confidentiality**

An employee or member of the board will not disclose confidential information that concerns Inclusion Uganda.

### **3.3 Anonymous Allegations**

However confidential information can be shared with authorities as part of an investigation and this will not be considered as a breach of confidentiality on the side of the Inclusion Uganda staff or committee member.

INCLUSION UGANDA will however treat all kinds of disclosure 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.

This policy encourages individuals to put their name to any disclosures they make. However concerns expressed anonymously will also be investigated, with utmost discretion.

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

Inclusion Uganda website has an anonymous button that any one can use to raise any complaint or concern. Click [www.inclusionuganda.org](http://www.inclusionuganda.org) to access the website.

### **3.4 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 or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

#### **1. Handling Complaints**

Inclusion Uganda's mission, vision and values emphasize a belief in a world where every individual's rights and dignity are respected. This means taking responsibility for listening to the needs, concerns and views of our staff, board, partners and beneficiaries. Inclusion Uganda aims to improve our accountability to all stakeholders through this complaints handling mechanism.

This mechanism aims to establish a user friendly, safe and accessible working environment that does not create undue bureaucracy.

##### **1.1 Key principles in handling a complaint**

- Participation - Involve people at every stage
- Appropriateness – Mechanisms handling complaints must be applicable to the specific context within which they are intended to operate.
- Safety – consider potential dangers and risks to all parties involved in each complaint.
- Confidentiality – create an environment that in which personnel are more likely to raise concerns or stand in witness to any bad practice

- Transparency – all personnel involved should be fully aware of all procedures and understand their purpose as well.
- Accessibility – all complaint handling procedures should be convenient to all staff within and outside the organization.

### **1.2 Who can make complaints?**

Parties raising complaints about Inclusion Uganda work may include;

- Parties officially representing the organization.
- Staff members
- Members of the National Executive Committee
- Beneficiaries of Inclusion Uganda activities.
- Other stakeholders affected by the implementation of Inclusion Uganda activities.

### **1.3 Receiving complaints**

Complaints should be made through the following ways;

- In writing to the immediate staff head or the Executive committee
- Verbal communication either directly from the complainant or via someone acting on their behalf.
- Through the suggestion box

In order to ensure confidentiality, complaints submitted will be opened only by the staff in charge or their delegate. The complainant will be sent confirmation of receipt of complaint within one week

## **2. Procedures for Making a Disclosure**

On receipt of a complaint of malpractice, the member of staff or Board member who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- i. Complaints of malpractice will be investigated by the Executive Director unless the complaint is against the Executive Director or is in any way related to the actions of the Executive Director. In such cases, the complaint should be passed to the Chairperson of the Board of Directors for referral.
- ii. In the case of a complaint which is any way connected with but not against the Executive Director, the Chairperson will nominate a Board member to act as the alternative investigating officer.
- iii. Complaints against the Chair should be passed to the Executive Director who will nominate an appropriate investigating officer.
- iv. The complainant has the right to bypass the line management structure and take their complaint direct to the Chairperson. The Chairperson has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

- v. If there is evidence of criminal activity then the investigating officer should inform the police. INCLUSION UGANDA will ensure that any internal investigation does not hinder a formal police investigation.

#### **4. Timescales**

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

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

All responses to the complainant should be in writing and sent to their home address.

#### **5. Investigating Procedure**

The nature and seriousness of the complaint will determine how the investigation should be carried out.

- Program funding/implementation  
In cases of complaints related to program decisions/implementation, the investigation will be managed by the Programs Officer/Manager supported by the project coordinator.
- Sexual abuse and exploitation  
In cases of complaints relating to sexual abuse and exploitation, the investigation will be carried out in accordance with the safeguarding policy. The Executive Director will be in charge of such cases.
- Misuse of funds/fraud  
In case of alleged financial misconduct, the Chairperson must be informed and the funder as well.
- Misconduct  
In cases of alleged misconduct of staff not of a sexual nature, the investigation should be managed by the immediate staff in charge.

The investigating officer should follow these steps:

- i. Full details and clarifications of the complaint should be obtained.
- ii. The investigating officer should inform the person against whom the complaint is made as soon as is practically possible. He or she will be informed of their right to be

accompanied by a representative at any future interview or hearing held under the provision of these procedures.

- iii. The investigating officer should consider the involvement of the Police at this stage and should consult with the Chair.
- iv. The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals / bodies.
- v. A judgment concerning the complaint and validity of the complaint will be made by the investigating officer. 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 Chair as appropriate.
- vi. The Chairperson will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate INCLUSION UGANDA procedures.
- vii. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- viii. If appropriate, a copy of the outcomes will be passed to the Board of Directors to enable a review of the procedures.
- ix. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair, or one of the designated persons described above.
- x. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, INCLUSION UGANDA recognizes the lawful rights of employees and ex-employees to make disclosures to prescribed persons or, where justified, elsewhere.

External disclosures of impropriety may be made to any of the following Institutions:

- The Inspectorate of Government;
- The Directorate of Public Prosecutions
- The Uganda Human Rights Commission
- The Directorate for Ethics and Integrity
- The office of the Resident District Commissioner
- The Uganda Police Force.
- Development partners/project funders

## **6. Possible outcomes**

Possible outcome of the investigations may include:

- No further action
- Disciplinary action

- Further investigations by an external authority

It should be noted that concerns relating to suspected criminal activity, including but not limited to fraud by an external auditor to decide whether they should be referred to the police or any other relevant body.

Inclusion Uganda will not guarantee any the outcome the whistleblower is seeking, however, we will try our best to deal with the raised concerns fairly and in an appropriate way.

However if the disclosing party is not happy with the outcome of the investigation, they should make a further report to the Chairperson of the National Executive Committee outlining their concerns. If there is good reason to do so, and particularly if there is new evidence, the concern will be investigated again

## **7. Contacts**

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