

**KENYA PLANT HEALTH INSPECTORATE
SERVICE
WHISTLE BLOWING POLICY
2025**

Revised Edition (2017)

In establishing state corporations, the government aimed at implementing government policies and executing programs for economic and social development. To achieve this goal, it is crucial for the corporations so established to enhance proper systems for management of resources while accelerating economic growth and development.

KEPHIS recognizes the crucial role its staff, clients and other stakeholders play in ensuring that it executes its role and mandate effectively. KEPHIS supports voicing of concerns on issues affecting the Corporation. In commitment to accountability, openness and effective delivery of service, KEPHIS has developed this whistle blowing policy to encourage the voicing of serious concerns that show malpractice in the Corporation as well as to protect the said persons from retaliation of any kind.

This policy is hereby adopted to promote the overall success of the Corporation in reporting malpractices.



PROF. THEOPHILUS M. MUTUI, PHD
MANAGING DIRECTOR

belief that the information disclosed is based on true information even if the individual's belief is incorrect.

2.4 The policy excludes Personal grievances which are handled as per the Human Resource Manual.

TERMS AND DEFINITIONS

The definitions of some of the key terms used in this policy are given below:

a. Integrity officer

This is an employee elected by the Board of Directors to act as the focal point for all whistleblowing matters raised within KEPHIS. He or she is the authorized receiver to whom whistleblowers shall make reports of a breach under this policy and shall provide liaison and communication with anonymous whistleblowers.

The Director of Legal Services and Corporation Secretary is the current Integrity Officer. When the current incumbent exits the position, the replacement for this role will be done by the Board. The holder of this position will be appointed via nomination and voting during a board meeting. The Managing Director will do the nomination and present to the board for consideration.

b. Whistleblower

A person or entity making a protected disclosure about improper conduct or illegal activities under this policy. Whistleblowers may be KEPHIS's staff or Board, applicants for employment, vendors, contractors, customers or general public. The whistleblower's role is as a reporting party. They are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

c. Improper conduct or breach

Is a violation or the suspicion of a violation on reasonable grounds of any legislation and/or the organization's Code of Conduct by any KEPHIS director, employee, contractor, agent or third party on behalf of KEPHIS.

d. Protected disclosure

Means a written or oral communication, whether by letter, email or over telephone relating to any breach or improper conduct, unethical practice or behavior or violation of the Code of conduct by directors, employees or third parties made in good faith by the whistleblower.

e. Employee

Means all persons engaged by KEPHIS on a contract of service irrespective of the duration of that engagement. This also includes volunteers, attachés, interns and pupils.

q. Interested party

Means a party with an interest in the matter and who is unbiased or connected to remain unaffected, regardless of the outcome.

OBJECTIVES

This policy describes what a person should do when he/she suspects or observes a breach. Employees and Third parties can report to the Integrity Officer under this procedure, using the following address: DirectorLegalServices@kephis.org / whistleblowing@Kephis.org

The Board of Directors ("the Board") of the organization is committed to achieving and maintaining the highest standard of work ethics in conducting KEPHIS's business in line with the code of conduct and good corporate governance practices.

This policy is to provide an avenue for all employees of the organization and the public to disclose any breach or improper conduct in accordance with the procedures under this policy and to provide protection for employees and members of the public who report such allegations.

The policy is designed to support the following:

- Show the commitment to the organization's business ethics of honesty, integrity and transparency.
- To provide a transparent and confidential process for all parties to give information on non-compliance to the Code of Conduct and any legislation, or any misconduct regardless of the offender's position, to an independent party to investigate the allegations and take the appropriate actions;
- To uphold the moral duty as a responsible organization by protecting the interests of all its stakeholders;
- To create a mechanism for disclosure and investigation of serious concerns of potential or manifested corruption that may hinder growth and performance of KEPHIS if not acted upon; and
- To protect persons who make the disclosures.

Specifically, the objectives of this policy are to:

- i. Provide for a culture of zero tolerance towards fraud, corruption, bribery and any malpractice or wrongdoing.
- ii. Explain what qualifies as a whistle-blow and provide guidelines on how to report a concern.
- iii. Encourage stakeholders to bring out information helpful in enforcing good corporate governance practices.
- iv. Provide a platform to disclose concerns of malpractices within the organization.
- v. Mitigate against any fraud, operational or regulatory risk that could lead to potential financial loss or damage to the organizations' reputation.

Abuse of power or authority	Improper use of authority and privileges that arise from the entitlements of a person's job for personal benefits or to the detriment of the company or any worker or stakeholder.
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5.3 Staff members are encouraged to internally report suspected cases of fraud and corruption to any of the following:

- a) Managing Director;
- b) Board Chairperson;
- d) Heads of Departments;
- e) Regional Managers/Officers in Charge;
- f) Line managers/supervisors; or
- g) Corruption Prevention Committees.

5.4 Whoever receives such disclosure has a duty to:

- a) acknowledge receipt of the disclosed information;
- b) treat the information in a confidential manner;
- c) take staff concerns seriously;
- d) consider the information carefully and conduct investigations;
- e) seek appropriate advice;
- f) take appropriate actions to resolve the concern or refer it to an appropriate person;
- g) monitor and review the situation;
- h) inform the seniors; and
- i) ensure that individuals who genuinely report such concerns are not penalized in any way.

REPORTING PROCEDURE

5.1 Any person who shall have witnessed or experienced a breach or improper conduct on the part of a director, employee of the organization or any third party associated with the organization, may make the report or disclosure of the breach in any of the following ways:

- i. In writing, duly addressed to either the line manager of the offender by a letter in a sealed envelope specifically marked as "Disclosure under Whistleblower Policy"; or
- ii. By telephone or email to the Integrity Officer (authorized receiver) at the address that will be provided by the authorized receiver. The email address and telephone number for the purposes of reporting shall be: DirectorLegalServices@kephis.org whistleblowing@Kephis.org and +2547----- respectively.
- iii. Deposit in Corruption Reporting Boxes : All KEPHIS stations shall maintain Corruption reporting box(es) that shall be strategically placed to ensure confidentiality of the people accessing the boxes. All staff shall be sensitized on the use of the corruption reporting boxes and feedback on the reports made shall be communicated through the Director of Legal Services office or Regional/Officer in Charge's office.

Level 1: Reporting to line management

- i. As a general rule, employees who wish to report a breach should make the report to their immediate supervisor.
- ii. In case the handling of the report by the immediate supervisor (line management) is unsatisfactory or the decision taken is in itself considered a breach, the whistleblower can make a report as a new case to the authorized receiver under Level 2 below.

Level 2: Reporting directly to the authorized receiver

- i. If reporting to line management is not possible, because it would be inappropriate or unfeasible, or is handled in a manner that itself constitutes a breach or is otherwise improper, the whistleblower shall then be entitled to make the report to the authorized receiver by any of the methods specified in section 5.1 of this policy. For persons outside the organization, reports should be made directly to the authorized receiver.

Level 3: Reporting to either the chairperson of the Board or chairperson of the Audit Committee.

- i. If the subject of a report of a breach is either a member of the Corruption Prevention Committee or a director of the corporation, the authorized receiver shall forward the report directly to the chairperson of the Board.
- ii. If the subject of a report of a breach is a non-executive director other than the chairperson of the Board, then the authorized receiver shall submit the report directly to the chairperson of the Board.
- iii. If the subject of a report of a breach is the chairperson of the Board, then the authorized receiver shall submit the report directly to the chairperson of the Corruption Prevention Committee.
- iv. Reports under the categories 6.3(i), 6.3(ii) and 6.3(iii) below shall be deemed to be Level 3 reports in this policy.

6.2 Procedure for handling reports

Upon receipt of the report under either Level 1 or Level 2 or Level 3, the line manager or the authorized receiver as the case may be, will take the following actions:

- i. Confirm receipt of the report to the whistleblower.
- ii. If relevant, arrange an interview with or request additional information from the whistleblower to get more details of the complaint.
- iii. Refer the report and all relevant information to the Corruption Prevention Committee as soon as possible after receipt of a report of a breach.

Notwithstanding the foregoing, no adverse decision shall be made against any subject of a report under this policy before the subject is given details of the complaint and allowed to make a response to it in writing or any other reasonable manner as the subject shall request.

6.4 Information to subject of a report

- i. The Ethics & Corruption Prevention Committee may, through the Director of Human Resources, inform the subject of a report under this policy of such report having been made.
- ii. If the subject of a report is a director of the Board, then the Board chairperson or the chairperson of the Audit Committee shall inform the subject of a report under this policy of such report having been made.
- iii. In cases where there is a substantial risk that such notification would jeopardize the ability to effectively investigate the reported facts or to gather the necessary evidence, notification to the person about whom a report is filed can be withheld as long as such risks exist.
- iv. The information given to the subject of the report will contain the facts of the breach as reported.
- v. The subject of a report of breach under this policy will be given the opportunity to provide an explanation, without the name of the person who reported the breach being disclosed to him/her.
- vi. The subject of the report shall be entitled to and may request access to his/her personal data held by the organization through the chairperson of the Ethics & Corruption Prevention Committee in the case of an employee or the board chairperson or the chairperson of the Audit Committee, as the case may be.
- vii. As soon as the investigation has been concluded, the subject of the report will be informed of any action to be taken as a result of the report. If the person about whom a report was filed is informed that no action will be taken, any suspension or temporary measure that had been imposed on him/her as guided by the human resource policy manual and/ or other organization policies will automatically terminate and cease to be of effect.
- viii. The subject of the report shall have the right to have incorrect, incomplete and outdated data corrected or removed in accordance with the rights available under the Constitution, The Data Protection Act and the Fair Administrative Action Act respectively.

6.5 The Disclosure

The disclosure made should include as much information as possible to enable thorough investigations to be conducted. This should include:

- a) nature of the disclosure;
- b) person(s) involved;
- c) area/section where the action took or will take place;
- d) date and time when the incident took place;
- e) evidence in support of the allegation;

- ii. Retaliation against a whistleblower for reporting in accordance with this policy is a serious violation of the policy itself. If this occurs, the violator will be subject to appropriate disciplinary sanctions.
- iii. Any such retaliation shall be reported to the authorized receiver, the chairperson of the Board or the chairperson of the Finance & Audit Committee at once as a breach in itself.
- iv. The organization, the authorized receiver and/or the Ethics Committee as appropriate shall assure the whistleblower that he/ she will not be expected to get involved in the investigations after providing the disclosure information.

8.4 Confidentiality

- i. The organization would prefer to avoid anonymous reports, as it can make investigating allegations very difficult. However, if a person feels there is no other way than filing an anonymous report and applicable local law allows for it, the organization will take appropriate protective action.
- ii. In recognition that a whistleblower may require anonymity, all whistleblower reports shall be handled confidentially, and whistleblowers shall also be expected to observe absolute confidentiality.
- iii. Under circumstances, when maintaining someone's privacy hinders finding the truth, the organization may not be able to guarantee full confidentiality for the whistleblower such as where the breach may require to be reported to the police for further action.

8.3 Abuse of the policy

- i. The organization encourages persons to report breaches in good faith. If after an investigation a breach cannot be confirmed or cannot be substantiated, no action shall be taken against the whistleblower.
- ii. Appropriate action will, however, be taken against a person who it is established made a report in full knowledge or ought to have known that a reported alleged breach was false at the time it was made.
- iii. Where it is established that an employee has made a malicious report without any factual foundation, disciplinary action will be taken against the malicious whistleblower.

9.0 MALICIOUS ALLEGATIONS

- 9.1 Disciplinary action shall not be taken against an individual who raises a concern, made in good faith, which they believe to be true but proven otherwise on investigation.
- 9.2 Where it is established, after investigations, that an allegation was made maliciously or for personal gain, disciplinary action may be taken against the individual making the allegation.

	Signature	Date
Managing Director		8/4/2025
Chairperson, KEPHIS Board of Directors		
Approved on		
Implemented on		