

Anticorruption & Whistleblowing Policy

In this policy, ActionAid designates the federation as a whole and its parts, AAI designates ActionAid international body; and AADK designates ActionAid Denmark.

Endorsed by AADK Board on 2019, April 3rd

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1. Anticorruption Policy

1.1. Purpose and Scope

The purpose of this policy is to make explicit the obligations of ActionAid Denmark (AADK) with respect to Corrupt practice¹ detection, prevention and reporting to:

1. Make sure that we work in a responsible manner and that our behaviour and working ethics are characterised by high standards of personal and organisational integrity.
2. Demonstrate that because AADK is working with entrusted means from public and private donors it is paramount that the management of these means is responsible and sound.
3. Safeguard AADK values² and make sure that they will not be endangered by for example corruption or other compromising behaviour.

This policy applies to all individuals involved in the operations of AADK including employees, volunteers, consultants, trustees, partners and suppliers.

1.2. Principles and Policies

AADK recognises both our legal obligation and moral duty to safeguard funds entrusted to us. We also know that fraud, bribery, corruption and terrorist activity hurt the poor disproportionately and we should never contribute to that destructive impact.

AADK is therefore determined to be an organisation which will not tolerate corrupt practice or other criminal activity, wherever it may be found in any area of its work.

There is a zero-tolerance culture towards corruption and bribery in all aspects of our work.

Organizations like AADK that operate in part based on the use of grants, donations, and contributions can be especially susceptible to the attentions of potential money launderers and people wishing to engage in bribery. Our ways of working must always be transparent and remain open to the scrutiny of others.

If we state a case of corrupt practice or do fall victim to criminality, we will be open with our stakeholders.

1.3. Definitions

AADK considers the misuse of entrusted power for private gain as “Corrupt practice” which includes: Offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party.

Furthermore, “Corrupt practice” used in this policy include all form for corruption and/or criminal activity and include also: Fraud; Misrepresentation of facts; Failure to disclose information incl. conflict of interest with supplier, any service provider, business partners or partner organization (including close family relations, shareholders arrangements and the like); Theft, Embezzlement, Bribery of national and foreign public officials including facilitation payments (Active and Passive); Commercial Bribery; Extortion; Collusion to obtain unfair advantage; Money laundering; Terrorist financing; Cybercrime; Obstruction of justice; Concealment of criminal activity; Other activities criminalized by state and local law; Aiding and abetting or attempting any of the conduct above.

The word 'laundering' is used to describe how illegal (or dirty) money is made to look legal (or clean). The perpetrator finds a way to put the dirty money through a reputable party and then gets the money back. This process of making illegally generated money appear legal is Money Laundering. The term Money Laundering is also used for a number of offences involving the proceeds of crime or terrorist funds. It includes possessing, or in any way dealing with, or concealing, the proceeds of any crime.

1.4. Relation to ActionAid International Policy

Being an affiliate of AAI, AADK must comply with: the ActionAid Anti Bribery and Corruption policy and guidelines included in the AAI Financial Management Framework; and the ActionAid Whistleblowing policy. When dealing with corruption, laundering and bribery issues that are not covered by this manual, the AAI policies should be consulted.

¹ As defined in chapter 1.3

² AADK has endorsed values listed in Appendices 8.1

Due to Danish legislation, donor requirements and AADK organisational context, AADK Anticorruption & Whistleblowing Policy may differ in specific areas from the regulations set by AAI as long as the general objectives are not violated.

Hence in case of contradictions between this policy and those of AAI, the AADK policy overrules the AAI policies.

1.5. Responsibilities

All persons to whom this Policy applies are obliged to:

1. Ensure and maintain an environment that prevents power abuse and Corrupt practice.
2. Promotes the implementation of policy, guidelines and standards of behaviour.
3. Report immediately any suspected or ascertained power abuse activity or Corrupt practice in accordance with the whistleblowing procedures described in this policy;
4. Not to:
 1. assist in the criminal activities by acquiring, concealing, disguising, retaining or using the proceeds of crime;
 2. prejudice an on-going investigation;
 3. contact any person who has been suspected of and reported for possible Corrupt practice in such a way as to make them aware of the suspicion or report ("tipping off").

Managers at all levels have also the responsibility to:

1. Ensure that all individuals and partners involved in ActionAid's operations understand their responsibilities in relation to this policy and their obligation to report immediately any suspicion of Corrupt practice or any wrongful conduct.
2. Facilitate and, if required, contribute to the whistleblowing and investigation procedures.

AADK leadership is further responsible:

1. Through employee inductions and training, employee contracts, supplier and partner agreements etc, to outline their obligations under this policy; that Corrupt practice will not be tolerated; and that the organisation will investigate arising cases and seek appropriate measures, including seeking prosecution, of all perpetrators. Where required, support should be given to partners to help their implementation.
2. To periodically assess the risk of exposure to corruption and bribery.
3. To establish clearly defined processes and procedures, roles and responsibilities in the prevention, management of and response to Corrupt practice that are proportionate to the risk identified. These should be understood by all members of AADK and all external parties with which AADK has dealings.
4. To provide and promote appropriate mechanisms (e.g. through websites, agreements) for those inside ("whistleblowing procedure" – staff, volunteers, trustees and partners) and outside ("Complaints and Response Mechanism") the organisation to voice their genuine concerns and protect those who do so, whilst deterring the making of malicious or unfounded accusations.
5. To mandate an appropriately senior and experienced employee to fill the role of Criminal Activity Officer (CAO) as the central point of responsibility for managing compliance with this policy; and to resource investigations and responses appropriately with necessary advices, assistances and systems.

AADK Director of Operations and Head of Finance are both responsible to understand and uphold all the legal obligations with regard to corruption/bribery placed on them by their local and extra territorial laws and the expectations of funding agencies with whom they work.

All instances of Corrupt practice should be treated as gross misconduct.

1.6. Safety of personnel

Payments to facilitate work are considered as bribery under this policy and are therefore prohibited. AADK is aware that, under the Foreign Corrupt Practices Act ("FCPA") there is a narrow exception for facilitation payments where personal safety is threatened, and that payment of a bribe is the only way that their safety could be guaranteed. However, in accordance with ActionAid's Global Staff Security Management Policy:

- Management should be made aware of any life-threatening situation as soon as possible.
- Through robust security procedures, ActionAid must minimise the likelihood of such circumstances arising.
- ActionAid will not pay a ransom (cash or kind) in exchange of staff's release as this may increase the risk of more such attempts against ActionAid staff.

2. Whistleblowing policy and reporting principles and procedure

2.1. Principles and scope

The ActionAid whistleblowing system aims to reinforce the organisation's commitment to its policies, values, attitudes and behaviours. The system provides an alternative channel to other reporting systems to learn of serious problems so that they can be resolved quickly.

While the policy does not specifically cover ex-employees of the organisation, reports received from ex-employees will be considered for investigation. Members of staff are however encouraged to report any wrongful act whilst still in the employment of the organisation.

The knowledge that Corrupt practice has been uncovered should be limited to a very few key personnel. This will increase the likelihood of full and unbiased information emerging and prevent the untimely departure of the suspected perpetrator(s), destruction of evidence and accusations of slander.

2.2. Whistleblowing

The Policy covers the responsibility to report immediately any suspected or ascertained Corrupt practice or wrongful acts committed by staff of ActionAid and those of partner organisations. Wrongful acts in this sense are described as: financial and procedural malpractice including those relating to mismanagement, misappropriation of funds or actual or suspected fraud.

It is an obligation for all ActionAid staff to report immediately Corrupt practice, wrongful acts or suspected Corrupt practice and wrongful acts in accordance with this whistleblowing procedure.

Members of staff of partner organisations are also required to report such acts committed by ActionAid staff or their own staff in the execution of their partnership agreements.

Under this policy, it will be a disciplinary matter if a genuine whistleblower were to be victimised.

Cases may always be reported on a confidential basis or anonymously. However, anonymous reports are much harder to investigate as it may be more difficult to ascertain the truth; anyone making an allegation is encouraged to provide some means that will allow AADK to communicate with him or her. In all cases, full regard shall be given to the legal rights and protection of any person under suspicion before, during and after any investigation.

2.3. Reporting

Depending on where in the organisation the allegation of Corrupt practice or wrongful act is done, the following internal reporting channel may apply.

<i>Organisational space</i>	<i>Report to</i>
AADK unit (team, cluster)	The unit's manager
AADK Secretary General	AADK chairperson
AADK Board	AADK Secretary General & AAI Head of Internal Audit
Local Partner	Country Director & P4C point of contact
Global Platform	Country Director & Head of YOA
Global Contact Partner	Head of Global Contact
Other AA	Country director & AADK International Director
Other AA Country Director or Regional Office	AAI Director responsible for the Country & AADK International Director
International Secretariat	AAI CEO
AAI CEO	AAI Head of Internal Audit

All level – reporting from outside the organisation	complaints@ms.dk and if wished one of the individuals above
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All internal allegations should be noticed to whistleblowing@ms.dk or whistleblowing@actionaid.dk.

External stakeholders may report their allegations to complaints@ms.dk, complaints@actionaid.dk or logged on <https://www.ms.dk/klage>.

These mail boxes and home page are monitored by the AADK Criminal Activity Officer (CAO).

Either the recipient of the allegation, or by default the CAO, should notify the allegation to AADK Director of Operations and Secretary General who keeps the Chairperson oriented.

Cases may always be reported using the email address whistleblowing@actionaid.org which will be monitored by the Head of Internal Audit. He can also be contacted on +27 11 731 4525.

Reporting of allegations, including notification to whistleblowing@ms.dk, should include as much information and details as possible, including **who, what, when, where, why, and how**:

- **Who** committed the corruption or fraud? Who else was implicated? Who else might have been involved?
- **What** happened? Description of the events fully and using as much relevant detail as possible.
- **When** did it happen? Dates, time, and how many times.
- **Where** did it happen? Not only the city and country, but, if possible, an actual address, the name of the building, the office number.
- **How** does the allegation relate to AADK business? Was AADK staff involved?

Reporting of allegation must happen immediately after it has been observed or stated in a delay of maximum 24 hours.

The instance / person who receives the allegation will acknowledge receipt of the report within five business days. The acknowledgment should include who will handle the report and proceed to the investigation as well as a timeline.

All cases must be recorded by the CAO, reviewed by senior management and chairperson as they arise and AADK board as they are confirmed in the limit of chapter 4 last paragraph.

The record must contain: the date of allegation and its reporting channel, type of case; case details; who manages the case; and investigation report, outcome and conclusion as well as date of closure.

In all cases where corruption or irregularities may impact funds or programme activities for which:

- There is a contractual commitment to disclose to the donor, then these should be respected. This applies for EC and [DANIDA](#) among other. AADK Finance keeps a log upon donors' requirements.
- Other ActionAid countries are accountable, they must also be informed, if possible at the end of the preliminary review, and in all cases on the completion of investigations.

All cases of Corrupt practice must be reported to the board as part of the yearly report including the nature of case, investigation process and outcome.

Significant cases of Corrupt practice (any loss greater than £1,000) must be reported to the International Head of Internal Audit immediately. Otherwise all incidents, whatever their level of materiality must be reported at the end of the financial year in an annual statement to the internal audit department at the AAI Secretariat to then inform the Management and Audit Committee as required.

2.4. False Allegations

Any allegation which proves to have been maliciously or knowingly false will be viewed as a serious disciplinary offence. Any personal interest should be made known when first raising concerns.

3. Investigation Policy

3.1. Principles

All allegations should lead to an appropriate form of investigation e.g. all cases of suspected Corrupt practice or wrongful act should be investigated rigorously, promptly and appropriate action taken, regardless of the scale of the offence and whether the activity failed or was successful.

All allegations should be properly investigated either by the CAO, an Investigation Committee or an internal auditor; AADK Director of Operations & CAO make the decision upon the investigation set-up. Reported cases may also be passed to the international internal audit team for investigation, if considered appropriate.

Every investigation should result in a written report. In this report, management must disclose full details of their findings.

3.2. Guidance and roles

The investigation process will typically include (the column at right informs maximum of number of workdays after reception of allegation or previous step – noticed in italic)

1.	Clarification to ensure that the allegation is precise & understood	Recipient with support of CAO ³	2
2.	Acknowledgement and registration of the allegation	CAO	5
3.	Preliminary review including: <ul style="list-style-type: none"> ▪ Information / Document review ▪ Considerations regarding immediate protective decisions incl. requirement of partner to take appropriate action against the perpetrators* ▪ Reporting decisions incl.: <ul style="list-style-type: none"> ▪ to authorities ▪ to donors ▪ if it must deviate from standard⁴ on AADK homepage ▪ Decision / Design upon investigation process & manager and actors 	Manager, AADK Director of Operations & CAO	5
4.	Audit / Interviews	Auditors / Investigation Committee	<i>40</i>
5.	Investigation Report		<i>5</i>
6.	Recommendation upon outcomes (sanctions, changes in organisation & procedures, training...) and recovery		<i>10</i>

Investigations should determine:

- The extent of corrupt practice, by whom and how it was carried out.
- Whether any criminal prosecution is likely or desired and how the investigation should proceed such that this end is not compromised. Local circumstances may dictate when the police is to be involved.
- The most appropriate way to recover any losses incurred by AADK.
- If and how to discipline employees to minimise the knock-on effect of that action.

³ CAO = Criminal Activity Officer

⁴ As standard: date, type of allegation, country involved, and status are published on AADK home page. Any deviation from this standard must be documented and is the Secretary General's decision.

- What action is to be taken to prevent reoccurrence of the corrupt activities.

During the design of investigation and the investigation itself, attention must be paid to:

- Gender sensitive issues and power balance
- Independence and insight of investigators (organisational and cultural)
- Protection of the whistleblower and witnesses (incl. after end of investigation)

Design of investigation should be shared with the Secretary General for validation.

*Decision upon immediate protective decisions incl. requirement of partner to take appropriate action against the perpetrators is to be taken by AADK Leadership Team if not already taken by AA.

3.3. Conclusion upon investigation

Upon investigation, management should take the appropriate corrective action warranted by the outcome of the investigation. The Head of Internal Audit and the Regional Finance Coordinator should be notified of the outcome of an investigation.

For investigations carried out by the international internal audit team, a report will be made to higher authority of AADK and AAI as appropriate and corrective actions will be suggested.

There may be occasions when external bodies such as donors (like EC, DANIDA) and regulators (Charity Commission) will be notified of the outcome of an investigation.

The Whistleblower would also be notified of the outcome of the investigation whenever it is possible to do so.

On an annual basis, issues raised through whistle-blowing will be tracked and reported to the national and the international Boards through the Financial report for financial matters and through the HR report for all other matters.

3.4. Follow-up

In case of a partner who has been involved in the case, AADK should re-assess the relationship with the partner organization and terminate if it can't be salvaged.

If the relationship is to continue, AADK should ensure that sufficient action has been taken to address control weaknesses that allowed the corruption to occur. This may involve building the capacity of the partner organization.

Investigations should be evaluated, and learning embedded in the present policy and related guidelines to increase regularly AADK's investigation capacity.

4. Criminal action and response plan

AADK Criminal Activity Officer develops and maintains a formal Criminal Action and Response plan to clarify what should happen if Corrupt practice occurs or is suspected. This should meet the standards required by the present Policy. The need for the assistance and advice of outside legal counsel should be considered during the execution of any Criminal Action and Response plan.

All instances of Corrupt practice will be treated as gross misconduct unless mitigating circumstances arise. Therefore, AADK will take the following disciplinary actions and sanctions against perpetrators of and collaborators in these practices, depending on possible mitigating circumstances i.e. seriousness, possibility and willingness of perpetrators of and collaborators in corruption or bribery to correct her/his/its action:

- Suspension of cooperation / funding until conclusion has been reached
- Written warning
- Expulsion (for employees, trustees, volunteers)
- Withhold of cooperation without or with notice (for partners, suppliers)
- Dismissal (for employees)

Disciplinary sanctions do not exclude prosecution or any legal actions with regard to Corrupt practice placed on AADK by local and extra territorial laws and the expectations of funding agencies with whom we work.

5. Losses recovery

Recovery of all losses should be actively pursued.

Should the costs of doing so significantly exceed the amounts that are likely to be recovered, the Secretary General has the discretion not to take this action.

6. Transparency

In accordance with AADK Open Information Policy, all allegations and cases should be communicated on AADK home page with following information:

- Date and type of allegation and country involved (at the time of acknowledgement)
- Start date of investigation and Investigation manager (at the time of decision to investigate)
- Status (Received, Analysis phase, Investigation phase, Conclusion phase, Closed)
- Conclusion (at the time of closure: Absence of case; Disciplinary decision; Suspension/withhold of cooperation; Corrective actions; Prosecution; False allegation)
- Date of case closure

In cases where public disclosure of investigation may jeopardize the investigation or staff safety and security, the Secretary General has the discretion to delay and generalize the public reporting until after the investigation is completed.

7. Implementation and Policy Review

HR is responsible to develop and maintain the policy implementation plan. It will include: Integration of the policy requirements in AADK Code of Conduct and Contracts (done)

- In cooperation with Programme & Policy teams, integration of the policy requirements in Programme documents and agreements.
- Training of people e.g. managers and in relation of induction of newcomers.
- Yearly awareness campaign.
- Yearly implementation quality check at all levels (in cooperation with Programme & Policy teams and Heads of Team) incl. interaction with constituents.

This policy will be reviewed every three years, if changes in AAI policies impacts this policy, when learning from cases leads to the need to adapt the policy, or when there are major changes in global regulatory requirements.

The Criminal Activity Officer is in charge to initiate the review of the policy.

7.1. Change log

Date of Change	Change	AADK Impact

8. Appendices

8.1. AADK Values

AADK has endorsed the following values.

Courage

We dare to take sides with people for the equal worth, equal opportunities and equal rights of all, even when it is difficult and controversial.

Solidarity

Excluded people all over the world are at the centre of all our work. We strive against poverty, discrimination, exclusion and oppression of any kind.

Diversity

We see diversity as a strength, and will work to be representative of the societies we work in. Diversity makes us stronger.

Cooperation Between People (Mellemfølkeligt Samvirke)

We work not just for people but also with people. We support vulnerable people in organising themselves into open, tolerant and active communities for just and sustainable change across all kinds of boundaries and borders.

To be committed to these values means that AADK expects all employees, consultants contracted by AADK, volunteers or any other person working for or representing AADK, independently of their relationship with AADK, to behave in a manner that:

- Respects and protects both the vulnerable people we work with and each other
- Is fair, honest and thoughtful, treating all people with dignity and respect, taking in consideration power relations to not misuse their own power
- Do not take part in any form of discrimination, bullying and harassment, or abuse (physical, sexual or verbal), intimidation, humiliation, shaming or exploitation, or in any other way infringe the rights of others
- Respect personal information in compliance with personal data protection policy incl. do not disclose any personal information that represents a risk for the subject or a breach of personal data confidentiality
- Do not contribute in any position to any fraud, misuse of assets or corruption

Because addressing misuse of power is such a core work of AADK, people working at and for AADK are further committed to take power balances in consideration in their work relation and their general attitude to avoid: misuse of their power position against any group or individual; infringe of human rights; or abuse of any individual.

Although ActionAid does not intend to dictate how staff conduct their personal lives, unlawful or other conduct, as mentioned within ActionAid Code or in conflict with the above values, by ActionAid staff out of their work hours and work place which may jeopardise ActionAid's reputation, position, or the security of ActionAid and its staff whether during or after office hours will be considered as non-compliance and possible breach of employment contract.

Any observed or suspicion of breach of these commitments has to be reported either through Complaints or Grievances mechanism. More specifically, any observed or suspicion of fraud and/or misuse of AADK assets and/or corruption should be reported through Whistleblowing mechanism.

Furthermore, AADK employees are as part of the ActionAid federation committed to ActionAid values:

- Mutual Respect: requiring us to recognise the innate worth of all people and the value of diversity
- Equity and Justice, requiring us to ensure the realisation of our vision for everyone, irrespective of gender, sexual orientation and gender identity, race, ethnicity, caste, class, age, HIV status, disability, location and religion

- Integrity, requiring us to be honest, transparent and accountable at all levels for the effectiveness of our actions and our use of resources and open in our judgements and communications with others
- Solidarity with people living in poverty and exclusion will be the only bias in our commitment to the fight against poverty, injustice, and gender inequality
- Courage of Conviction, requiring us to be creative and radical, bold and innovative - without fear of failure - in pursuit of making the greatest possible impact on the causes of poverty, injustice, and gender inequality
- Independence from any religious or party-political affiliation
- Humility, recognising that we are part of a wider alliance against poverty and injustice

The ActionAid Federation has committed to applying a feminist lens and values in our work, which will guide us in interpreting and advancing our mission and these values.