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	Acronym	HCU
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Hiccup Circus Uganda Policy on Malpractices

DEFINITIONS

Malpractice: improper, illegal, or negligent professional behavior. The term “malpractice” includes but is not exhaustive of:

- Fraud (Any act or omission, incl. misrepresentation or concealment of a material fact, that knowingly or intentionally misleads, or attempts to mislead, a party to obtain a benefit, whether directly or indirectly, whether for oneself or for a third party).
- Corruption (The offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party).
- Criminal/ sexual offences;
- Breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
- Damage to the environment;
- The concealment of any of the above.

Examples of Fraudulent Acts (acts amounting to Fraud or Corruption) may include, but are not limited to, the following acts:

- a) submitting falsified documentation;
- b) improperly assisting a vendor in a procurement process;
- c) manipulating a procurement or recruitment process to ensure a certain outcome;
- d) misusing HCU resources/reputation to benefit oneself or a third party;
- e) soliciting or accepting bribes;
- f) revealing internal confidential information in order to obtain a benefit for oneself or a third party;
- g) manipulating administrative processes to disburse payments to benefit oneself or a third party;

h) asking money to People of concern (Refugees, Asylum Seekers, Migrants, Statelessness People) to provide assistance and to guarantee their inclusion in specific projects carried out by HCU.

Management: for purposes of this policy, management refers to the Members of the Board of Directors and to the Board of Auditors, coordinators or other individuals who manage or supervise funds or other resources, including human resources.

1. INTRODUCTION

HCU believes that good communication at all levels throughout the organization promotes better work practice. HCU seeks to conduct itself honestly and with integrity at all times. However, all organizations face the risk of their activities going wrong from time to time, or of unknowingly harboring malpractice. HCU has a duty to take appropriate measures to identify such situations and attempt to remedy them. On this basis, **everyone is encouraged to raise genuine concerns about malpractice in the workplace without fear of reprisals and HCU will protect them from victimization and dismissal.**

2. OUR COMMITMENT

HCU introduced this policy **to enable anyone included in the scope of this policy to raise or disclose concerns about malpractice in the workplace at an early stage and in the right way.** This policy applies in all cases where there are genuine concerns, regardless of where this may be and whether the information involved is confidential or not. HCU undertakes to act in accordance with legislation on disclosure of malpractice in the workplace and to take steps to protect everyone from detrimental treatment or dismissal if they raise concerns in good faith. In this way, if an individual(s) raises a genuine concern and is acting in good faith, even if it is later discovered that they are mistaken, under this policy they will not be at risk of losing their job or suffering any form of retribution as a result. This assurance will not be extended to an individual(s) who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice.

3. SCOPE This policy applies to:

- The President;
- The Director;
- HCU Board of Directors;
- HCU Board of Auditors;
- HCU team, including salaried staff, consultants, volunteers, and interns. HCU team includes: persons working at HCU Headquarter in Rome and in other Italian offices; international staff working outside the EU and local staff working outside the EU;
- Partner organizations, throughout the development of activities that form part of programs or projects implemented in partnership and regulated by MoU. Likewise, other involved parties, such as research professionals or people visiting projects or programs in the field are requested to sign a statement to temporarily adhere to the policy, for the time of presence in the HCU structures.

4. RESPONSIBILITIES

4.1 Management has a specific responsibility to facilitate the operation of this policy and to ensure that everyone feels able to raise concerns, without fear of reprisals, in accordance with the procedure set down below. To facilitate this process, management will be given training on the relevant legal and operational framework and best practice.

4.2 All members of the Board of HCU and its team are responsible for the success of this policy and should ensure that they take steps to disclose any malpractice of which they become aware.

5. PROCEDURES

5.0 DIFFUSION OF THE POLICY

HCU's team and trustees will receive information on this policy. New hires will receive this information as part of their orientation at the commencement of employment.

5.1 PROCEDURE FOR RAISING A CONCERN

5.1.1 If someone believes that the actions of anyone (or a group of people) included in the scope of this policy do or could constitute malpractice, he/she should raise the matter with his/her line manager. Where this is not appropriate because the line manager is involved in the alleged malpractice in some way, the matter should be raised with the line manager's manager.

5.1.2 Concerns may be raised verbally or in writing and should include full details and, if possible, supporting evidence. The whistleblower must state that the Whistleblowing Policy is being used and specify whether he/she wishes his/her identity to be kept confidential.

5.1.3 In exceptional circumstances where it would be inappropriate to approach either the line manager, or their manager, the whistleblower may raise the matter directly with the Human Resources and the appointed member of the Board of Directors.

5.2 CONFIDENTIALITY

5.2.1 Every effort will be made to keep the whistleblower's identity confidential, at least until any formal investigation is under way. In order not to jeopardize the investigation into the alleged malpractice, the whistleblower will also be expected to keep the fact that he/she has raised a concern, the nature of the concern and the identity of those involved confidential.

5.2.2 There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose the whistleblower's identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in HCU's view such circumstances exist, the organization will make efforts to inform the whistleblower that his/her identity is likely to be disclosed. If it is necessary for the whistleblower to participate in an investigation, the fact that he/she made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect him/her from any victimization or detriment as a result of having made a disclosure. It is possible, however, that the role as whistleblower could still become apparent to third parties during the course of an investigation.

5.2.3 Equally, should an investigation lead to a criminal prosecution, it may become necessary for the whistleblower to provide evidence or be interviewed by the police or judge. In these circumstances, again, the implications for confidentiality will be discussed with him/her.

5.2.4 Anonymous reporting: anonymous disclosures are very difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from the whistleblower, give him/her feedback or ascertain whether the disclosure was made in good faith. HCU does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns.

5.3 SUPPORT FOR WHISTLEBLOWERS

5.3.1 Once a disclosure is made, a member of the Board will be allocated as key contact to keep the whistleblower up to date with the matter and provide any specific support that he/she may need.

5.3.2 No one who raises genuinely held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes unwarranted disciplinary action and victimization. If the whistleblower believes that he/she is being subjected to a detriment within the workplace as a result of raising concerns under this procedure, he/she should inform the allocated member immediately. Anyone who victimizes or retaliates against those who have raised concerns under this policy will be subject to disciplinary action or other appropriate measures.

5.4 HANDLING OF DISCLOSURES

5.4.1 All disclosures will be taken seriously and the following procedure will be used.

5.4.2 If the whistleblower has any personal interest in the matter he/she has raised, he/she must disclose this at the outset.

5.4.3 The disclosure under this policy will be acknowledged in writing confirming that the matter will be investigated and that HCU will get back to the whistleblower in due course.

5.4.4 A suitable individual will be instructed to conduct an investigation into the allegation (they will have had no previous involvement in the matter). The organization aims to start the investigation within two weeks of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.

5.4.5 The whistleblower may be asked to provide more information during the course of the investigation.

5.4.6 The investigation report will be reviewed by the person managing the disclosure.

5.4.7 Appropriate action will be taken. This could involve initiating a disciplinary process, or informing external authorities if a criminal action has been committed. The organization will endeavor to inform the whistleblower if a referral to an external authority is about to or has taken place, although HCU may need to make such a referral without his/her knowledge or consent if it is considered appropriate.

5.4.8 If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not serious enough to warrant disciplinary action or other appropriate measures, it may be more appropriate for the manager to take a more informal approach to dealing with the matter.

5.4.9 The whistleblower will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.

5.4.10 Possible outcomes of the investigation could be that: the allegation could not be substantiated; or - action has been taken to ensure that the problem does not arise again. The whistleblower will not, however, be given details about the action taken as this could breach the rights of third persons.

5.4.11 If the whistleblower is not satisfied with the response he/she has received, he/she should raise the matter with the Human Resources/elected member of the Board of Directors outlining his/her reasons.

5.4.12 If the whistleblower has asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

5.5 CORRECTIVE ACTION AND COMPLIANCE

5.5.1 As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable HCU to minimize the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Human Resources will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the Board of Directors.

5.6 FALSE DISCLOSURES

5.6.1 HCU will treat all disclosures of malpractice seriously and protect staff that raises concerns in good faith. However, appropriate disciplinary action or other measures will be taken against anyone who is found to have made a disclosure maliciously that they know to be untrue, or without reasonable grounds for believing that the information supplied was accurate. This may result in dismissal.