



Whistleblowing Policy

Version: 2.0

w.e.f.: 1st April 2023

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Nirman Bahuuddeshiya Vikas Sanstha



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1. Introduction

Nirman endeavours to uphold the highest standards of legal, ethical and moral behaviour. We are guided by our values framework which aims to develop a culture of accountability, respectful dealings with others, and sound judgement, and by our values of empowerment, persistence, integrity and courage.

Nirman policy is to encourage anyone associated with it who becomes aware of serious misconduct to report that misconduct. It will not tolerate any retaliatory action or threats of retaliatory action against a person reporting such misconduct (referred to as a whistleblower) or any person involved in the investigation process.

At the time of establishing this policy the Board has also approved the accompanying Whistleblower Procedures. The Procedures have been created to ensure that concerns about misconduct can be raised through a safe reporting and investigation process. It is essential that the reporting person should be able to make a report without fear of retribution, harassment, victimisation or discrimination.

2. Policy and Purpose

2(a). This policy applies to all staff of Nirman and those of Partner organizations, as well as Vendors and Vendor organizations who are in a relationship with Nirman. The policy covers the responsibility to report all wrongful acts committed by staff of Nirman, partners and members of the governing body only to the Ombudspersons, who are officially appointed to receive complaints, and initiate the investigation. The Ombudspersons will also keep track of all reported cases and report the same to the Board.

2(b). “Wrongdoing” includes misconduct including but not limited to fraud, corruption, bribery, theft, waste of resources, sabotage, substantial and specific danger to public health or safety and sexual exploitation and abuse.

. This may include, but is not limited to:

- I. Financial and procedural malpractice including those relating to mismanagement; misappropriation of funds; actual or suspected fraud, corruption or abuse of authority.
- II. Falsification of organizational records for personal gain or gain for others on the part of Staff, partners and members of the Governing Body.
- III. Miscarriage of justice
- IV. A criminal offence, including theft, fraud or corruption.
- V. A failure to comply with a legal obligation, (including but not limited to those under the Charity Commission or financial regulations).
- VI. Accepting gifts which are intended to influence decision making
- VII. The endangerment of an individual’s health and safety, and well-being: this would include staff members, employees, vendors, volunteers or visitors to Nirman.



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- VIII. Damage to the environment or conduct which conflicts with Nirman's interests.
- IX. Deliberate disregard or serious breach of Nirman's principles and values, including bullying and harassment, and discrimination.
- X. Sexual abuse and exploitation
- XI. Deliberate concealment of information to any of the above.
- XII. Being aware of a misconduct or misuse and not reporting it

2(c). The purposes of these procedures are to:

- a. Encourage the reporting of wrongdoing;
- b. Outline how Nirman will investigate and resolve protected disclosures made in accordance with this policy
- c. To provide direction to all Nirman employees on what is unacceptable practice within Nirman, and to provide a safe and secure environment to blow the whistle on unacceptable practice.
- d. To protect employees who raise a concern in good faith and who have a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- e. To provide reassurance to those employees who raise concerns in good faith and with reasonable suspicion that they will not experience any repercussions for doing so.

2(d). This policy aims to make employees aware of their rights and responsibilities with regard to upholding the values and standards of practice at Nirman and how to raise concerns when these standards of practice are not up-held.

3. Definition and Terminologies

3.1.1. Wrongdoing

This policy defines "whistleblowers" as individuals who report suspected wrongdoing that implies a significant risk to Nirman, i.e. harmful to its interests, reputation, operations or governance. Therefore, this policy applies to but is not limited to reporting any of the following:

- Financial and procedural malpractice including those relating to mismanagement; misappropriation of funds; actual or suspected fraud, corruption or abuse of authority.
- Falsification of organizational records for personal gain or gain for others on the part of Staff, partners and members of the Governing Body.
- Miscarriage of justice
- Causing danger to public health or safety
- A criminal offence, including theft, fraud or corruption.
- A failure to comply with a legal obligation, (including but not limited to those under the Charity Commission or financial regulations).
- Accepting gifts which are intended to influence decision making



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- The endangerment of an individual's health and safety, and well-being: this would include staff members, employees, vendors, volunteers or visitors to Nirman.
- Damage to the environment or conduct which conflicts with Nirman's interests.
- Deliberate disregard or serious breach of Nirman's principles and values, including bullying and harassment, and discrimination.
- Deliberate concealment of information to any of the above.
- Being aware of a misconduct or misuse and not reporting it

Accordingly, not every type of report of wrongdoing falls under this policy. For example, this policy is not intended to cover the following types of reporting:

- Information already in the public domain (e.g. published articles, publicly available reports);
- Unsubstantiated rumors and hearsay;
- Disagreements over policy or management decisions;
- Personnel issues where staff have a personal interest in the outcome;
- Harassment complaints and personal disagreements or conflicts with colleagues, or with one's supervisors.

3.1.2. Retaliation

Retaliation is defined as a direct or indirect adverse administrative decision and/or action that is threatened, recommended or taken against an individual who has:

- reported suspected wrongdoing that implies a significant risk to Nirman; or
- cooperated with a duly authorized audit or an investigation of a report of wrongdoing

Retaliation thus involves three sequential elements:

- a report of a suspected wrongdoing that implies a significant risk to Nirman, i.e. is harmful to its interests, reputation, operations or governance;
- a direct or indirect adverse action threatened, recommended or taken following the report of such suspected wrongdoing; and
- a causal relationship between the report of suspected wrongdoing and the adverse action or threat thereof.

As such, the adverse action or actions that could constitute retaliation against a whistleblower as defined in paragraph can include without being limited to:

- Harassment
- Discrimination;
- Unsubstantiated negative performance appraisals;
- Unjustified contractual changes: termination, demotion, reassignment or transfer;



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- Unjustified modification of duties;
- Unjustified non-authorization of holidays and other leave types;
- Malicious delays in authorizing travel, or the provision of entitlements;
- Threat to the whistleblower, their family and/or property including threats that may come from outside Nirman.

Retaliation constitutes misconduct in Nirman and is subject to disciplinary action.

3.1.3. Malicious reporting

Malicious reporting of wrongdoing without evidence or reasonable suspicions with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports of suspected wrongdoing made in good faith based on the judgment and information available to the whistleblower at the time of their report, which may not be confirmed by an investigation. In such cases, whistleblowers are covered by this policy.

3.1.4. Whistleblowing: The official name for Whistleblowing is 'making a disclosure in the public interest'. It means that if you believe there is wrongdoing (misconduct, malpractice, fraud, breach or misuse) in Nirman, one can report this by following the correct processes, keeping their employment rights protected.

3.1.5. Whistleblower: A whistleblower is a person, who could be a member (of the staff, volunteer, board, donors, partner, contractor, consultant or vendor), reporting any suspected wrongdoing, which could be in the form of fraud, misconduct, malpractice, breach, misuse) etc., that implies a significant risk to Nirman.

3.1.6. Allegation: means any disclosure, whether by written or oral statement, or any other communication, to the Safeguarding Committee who receives the allegation while acting in their official capacity, that a covered institution or member thereof has engaged in misconduct.

3.1.7. Malpractice: could be improper, illegal or negligent behaviour by anyone in the workplace.

3.1.8. Fraud: deliberate and deceptive acts with the intention of obtaining an unauthorized benefit, such as money, property or services, by deception or other unethical means.

3.1.9. Corruption: dishonesty or criminal offense undertaken by a person or organization entrusted with a position of authority, to acquire illicit benefit or abuse power for one's private gain.



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3.1.10. *Bribery*: refers to the offering, giving, soliciting, or receiving of any item of value as a means of influencing the actions of an individual holding a public or legal duty. This type of action results in matters that should be handled objectively being handled in a manner best suiting the private interests of the decision maker. Bribery constitutes a crime and both the offeror and the recipient can be criminally charged.

3.1.11. *Bullying*: defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

Such behavior violates [Company Name]'s Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

3.1.12. *Harassment*:

Harassment means any improper behaviour by a person that is directed at, and is offensive to, another individual and which the person knew or ought reasonably to have known would be offensive. It comprises objectionable or unacceptable conduct that demeans, belittles or causes personal humiliation or embarrassment to an individual. Mildly offensive comments or behaviour can rise to the level of harassment if they are repeated; a single incident can be considered harassment if it is so severe that it has a lasting negative impact on the individual(s) concerned.

Although harassment may occur more often between persons of different levels of authority it may also occur between peers. When behaviour of this kind is engaged in by any person who is in a position to influence career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient, it also constitutes an abuse of authority.

Harassment can take many different forms and may include among others:

- degrading tirades by a supervisor or colleague;
- continual unjustified and unnecessary comments or deliberate insults related to a person's professional competence;
- threatening, abusive or insulting comments, whether oral or written;
- deliberate desecration of religious and/or national symbols;
- malicious and unsubstantiated complaints of misconduct, against other employees;
- mimicking, making fun or belittling;
- continual interference with a person's work space, work materials, equipment, etc.;
- continual and unfounded refusal of leave application or training;



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- display of posters, pictures, electronic images or written materials which are offensive, obscene or objectionable;
- continual exclusion of a person or group from normal communication, work or work related social activities;
- unreasonable intrusion into a person's private life, such as unnecessarily seeking to communicate with that person outside office hours or when they are at home, or repeatedly asking inappropriate questions about personal affairs.

3.1.13. Sexual Harassment and abuse

Sexual harassment is a particular form of harassment which includes unwelcome sexual advance, request for sexual favour or unwelcome verbal or physical conduct of a sexual nature, especially when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. While typically involving a pattern of behaviour, it can take the form of a single incident.

Sexual harassment can occur regardless of whether the harasser considers the behaviour to be offensive or not. Sexual harassment is distinguished from other forms of contact by its unwelcome and coercive nature. Conduct becomes sexual harassment when it is forced upon a recipient against his/her will and the behaviour persists even where a reasonable person would understand that the behaviour is not welcome. Mutually acceptable social behaviour is not sexual harassment regardless of the employment relationship.

Sexual harassment can take many different forms and may include among others:

- the repetition of suggestive comments or innuendo;
- the exhibition of sexually-oriented material in the workplace;
- the use of crude or obscene language or gestures, including obscene jokes or stories;
- repeated and/or exaggerated compliments or comments about a colleague's personal appearance, or his/her physical features;
- invitations to social activities or "dates", if they persist after it should be clear to the person issuing the invitations that they are not welcomed by the recipient;
- deliberate and unsolicited physical contact, or unnecessarily close physical proximity;
- direct propositions of a sexual nature;
- any link between submissions to sexual advances and conditions of employment, promotion, professional development, etc.;
- unwelcome and inappropriate letters, telephone calls, emails or other communications.

3.1.14. Sexual Exploitation



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Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily. This includes:

- Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance; or
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics.

3.1.15. *Good faith*: is where a disclosure is made with honest intentions and without malicious reasons or spite. The burden of proof regarding the absence of good faith lies with the employer

3.1.16. *Staff*: includes all individuals receiving salary from

3.1.17. *Safeguarding*: safeguarding means protecting peoples' health, well-being and human rights and enabling them to live free from harm, abuse and neglect. It means protecting people, including children and vulnerable adults, from harm that may arise from coming into contact with our staff, associated personnel or programmes

4. Reporting Responsibility

It is obligatory for all of Nirman staff to report wrongful acts or suspected wrongful acts in accordance with this Whistle-Blowing policy. Staff of Partner organizations are also required to report such acts committed by Nirman staff or their own staff in the execution of their Partnership agreements.

4.1 The Executive Director is accountable for ensuring the effective implementation of this policy throughout Nirman and representing Nirman's interests/concerns in the event of publicity or litigation resulting from a whistle-blowing allegation.

4.2 Line managers (anyone with a direct report) and the HR department are responsible for ensuring that the principles of this policy are communicated and understood throughout their teams during and post induction, through workshops on safeguarding policies (to be mandatorily conducted on a six monthly basis). They are also responsible for putting the policy into practice. These responsibilities include:

- Ensuring that all concerns raised by employees are taken seriously.
- Ensuring that concerns are raised to Ombudsperson and are further investigated properly, objectively and in a timely manner.
- Ensuring that the employee is kept informed of progress.
- Ensuring that appropriate action is taken by the Ombudsperson and the safeguarding committee to resolve the concerns



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4.3 The HR Department is responsible for providing workshops, coaching, advice and guidance to linemanagers on the implementation and use of the policy.

5. Procedure of Reporting

Any member of the staff or partners believing they have suspicion or evidence of serious misconduct on the part of anyone associated with the organization, should in the first instance bring the matter to the attention of the appointed Ombudsperson. The Ombudsperson will be responsible for investigating the incident and present the report to the safeguarding committee, a committee of seven members (including three external members) headed by a senior safeguarding officer who is responsible to report any safeguarding issues to the senior management team and board (while maintaining confidentiality on anonymous reporting wherever required). The decision will be taken jointly by the Ombudsperson, Safeguarding Officer, representative of the Senior Management Team and the Board. Further, the Ombudsperson will be responsible for ensuring that action is taken according to the decision made, and the complainant is provided with a safe and secure environment until the matter is resolved.

Means of Reporting

- a. Individuals who suspect wrongdoing that implies a significant risk to Nirman's interests, reputation, operations or governance and are neither concerned that their line managers (Director or Program Coordinator) may be involved nor fear retaliation, can inform their line managers through their normal supervisory line. The concerned line manager therefore, is responsible for escalating the issue to one of the seven officers of the designated Safeguarding Committee. This committee will then investigate the incident and present it before the board and the senior management team with the findings and suggested recourse/action.
- b. In cases where individuals who suspect wrongdoing may require guidance or may fear retaliation, the Safeguarding Committee offers confidential and impartial advice, support and action in order to help them assess whether or not certain facts should be reported and which informal and formal options are available.

The Senior Safeguarding Officer(s) can be directly contacted through:

(i) Name: Kishor Bidve

(ii) Email: kishor.b@nirmanindia.org.in

(iii) Telephone: 8805228900

(i) Name: Vaishali Bhandwalkar

(ii) Email: vaishali.b@nirmanindia.org.in

(iii) Telephone: 8208602283



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In cases where whistleblowers consider it prudent to bypass their normal supervisory line or where the normal communication channels may not be available, they may contact the Executive Director, directly or through a confidential Email address: santosh.j@nirmanindia.org.in

Role of the whistleblower

The Whistle Blower's role is that of a reporting party with reliable information through Protected Disclosure. Protected Disclosure means any communication made in good faith that discloses or demonstrates information that may evidence unethical or improper activity. The WhistleBlower(s) is/are not required or expected to act as investigators or fact finders, nor would they determine the appropriate corrective or remedial action that may be warranted in a given case.

6. Handling of Reported Cases by the Ombudsperson

6(a). The Ombudsperson who receives such a report will acknowledge receipt of the report within five working days.

6(b). All reports should be properly investigated by the Ombudsperson through an external team for investigation as appropriate.

6(c). All concerns raised will be investigated carefully and thoroughly. Any person accused of alleged misconduct will have the right to present their account of events in all fairness at the earliest opportunity.

6(d). Upon completion of the investigation, the Safeguarding Committee along with the SMT and Board should take the appropriate corrective action as warranted by the outcome of the investigation and recommended by the Ombudsperson.

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

6(f). There may be occasions when external bodies such as donors and regulators may also be notified of the outcome of an investigation.

6(g). On an annual basis, issues raised through whistle-blowing will be tracked and reported to the Board by the Ombudsperson.

6(h). Nirman recognises that the subject/s of a protected disclosure may also require support during the investigation process. Nirman will take all reasonable steps to fairly treat any individual who is the subject of a report. Where a person is identified as being suspected of reportable conduct, but preliminary



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inquiries determine that the suspicion is unfounded and that no formal investigation is warranted, then the whistleblower will be informed of this outcome. It will be at the discretion of the National Director as to whether the individual named in the disclosure will be informed of the allegation.

Generally, where an investigation is conducted, the Ombudperson must ensure that a person who is the subject of a protected disclosure:

- is informed of the substance of the allegations;
- is given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised;
- has their response fairly represented by the investigator/s; and
- is informed about the substance of any adverse conclusions in the investigator's findings that affects them.

When adverse conclusions are made in the investigator's report about an individual, that individual has the right to respond to those conclusions prior to any action being taken by Nirman against them.

7. Confidentiality and Privacy Protection

7(a). The Whistle Blower will be accorded protection from victimization, or any other hostile behavior. But any person coming forward with such a concern/allegation will follow due procedure and give ample reason to show that these concerns have been raised in good faith. The identity of the person who raises concerns will be kept confidential as far as possible. However, this protection will be accorded to those individuals who make such disclosure with honest intention, and without malicious intent or spite.

7(b). The confidentiality of the reports will be kept to the extent possible, consistent with the need to conduct an adequate investigation. However, in certain cases, this may not be possible, particularly in instances warranting police investigation or when a disciplinary hearing is held, where individuals will need to make a statement.

8. Protection

8(a). No unfair treatment will be meted out to a Whistle Blower by virtue of his/her having reported a Protected Disclosure under this Policy. Nirman condemns any kind of discrimination, harassment, victimization or any other unfair employment practice being adopted against Whistle Blowers. Thus, if the WhistleBlower is required to give evidence in criminal, or disciplinary proceedings, Nirman will arrange for the Whistle Blower to receive advice about the procedure, etc.

8(b). The identity of the Whistle Blower shall be kept confidential to the extent possible and permitted under law.



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8(c). Any other employee indirectly assisting in the said investigation shall also be protected to the same extent as the WhistleBlower.

9. False Allegations

Any allegations not made in 'good faith' or found to be false or malicious, will be treated as a disciplinary offence and will be investigated in accordance with extant procedures.

10. Prevention of Reporting

If some person tries to prevent an individual from making a confidential report or victimizes that person for raising their concerns, Nirman will take this to be a serious disciplinary misdemeanor and this instance will be investigated in accordance with Disciplinary Policy.

11. Anonymous Reporting

Anonymous reporting is not to be encouraged, but this is likely to occur from time to time. In all such cases, while not taking formal cognizance of such reporting, Management may choose to ascertain all the verifiable facts mentioned in such reporting. If facts verified are found to sustain the allegation, formal proceedings may be initiated.

12. Notification

12(a). All Directors, Thematic Directors, Managers and Program Coordinators are required to notify and communicate the existence and contents of this policy to the employees of their department and to all new employees respectively.

12(b). The onus of making the Partners aware of their responsibilities vests with the Directors (Themes and Departments) who will ensure that programme staff make Partners aware of their responsibility and make them understand that they may report any wrongful conduct of Nirman's staff in the execution of a Partnership agreement.

13. Retention of Documents

All Protected Disclosures in writing or documented along with the results of the investigation relating thereto, shall be retained by Nirman for a minimum period of 5 years.



APPENDIX A

Employee Guidance on whistle-blowing

1. Determining whether to use the Whistle-blowing Policy

This quick question section may help you to determine whether you should use the whistle blowing procedure.

1.1. Does the malpractice fall under one of the following?

- Financial and procedural malpractice including those relating to mismanagement; misappropriation of funds; actual or suspected fraud or abuse of authority.
- Falsification of organizational records for personal gain or gain for others on the part of Staff, partners and members of the Governing Body.
- Miscarriage of justice
- A criminal offence, including theft, fraud or corruption.
- A failure to comply with a legal obligation, (including but not limited to those under the Charity Commission or financial regulations).
- Accepting gifts which are intended to influence decision making
- The endangerment of an individual's health and safety, and well-being: this would include staff members, employees, vendors, volunteers or visitors to Nirman.
- Damage to the environment or conduct which conflicts with Nirman's interests.
- Deliberate disregard or serious breach of Nirman's principles and values, including bullying and harassment, and discrimination.
- Deliberate concealment of information to any of the above.
- Being aware of a misconduct or misuse and not reporting it

1.2. Do you have genuine reason to believe that malpractice occurred either in the past, recently, or is likely to occur in the near future?

1.3. What details do you have? Check that the details are not judgements or assumptions, but based on fact.

1.4. Do you feel vulnerable or at risk?

2. Letting someone know

2.1. As soon as you become aware of, or have good reason to believe that, malpractice either has occurred, is occurring or likely to occur by an employee, volunteer or contractor within Nirman, raise your concern with an appropriate member of staff within Nirman. In the first instance, this would normally be your immediate line manager. You can make a report either orally or in writing.



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2.2. If the malpractice concerns your line manager, then raise your concern with their line manager.

2.3. If you believe the malpractice is within your line management structure then raise your concern with the HR Manager or the Senior Safeguarding Officer who will consider in discussion with the Executive Director how it will be investigated.

2.4. If the malpractice is regarding health and safety, raise your concern with the Facilities Manager, who has delegated responsibility for health and safety matters within *Nirman*. It is also advisable to inform your line manager at this point.

2.5. If you genuinely believe that you will be subjected to detrimental treatment if you report the concern to an appropriate person within Nirman, or that making a disclosure to someone within Nirman will result in destruction or concealment of evidence relating to the concern, or you believe that your concern was not dealt with satisfactorily by Nirman, you may raise your concern with an external body.

2.6. Before reporting any subject, it is advisable that the complainant should have documental evidence which should convince an impartial observer about the necessity of whistle blowing. You may also provide:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates)

3. Providing details about your concern

3.1. As soon as you become aware of or suspect malpractice, you have a duty to inform an appropriate person of your concern. If it is later found that you were aware of malpractice and had withheld information, this may have serious consequences for you.

3.2. When reporting your concern, you will be required to give your name, your position, and details about the concern, including any evidence that you have to support the concern. This will enable the best possible investigation.

4. Your position

4.1. If you want to raise the matter in confidence please make this clear when you make the report so that the appropriate arrangements can be made. Alternatively, you may make a report anonymously but please note that it is much harder (and sometimes impossible) to investigate suspicions without having direct access to the individual who raised the concern. It is best to declare your identity if possible.



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4.2. If you genuinely believe that malpractice has occurred, is occurring or likely to occur Nirman will ensure that you do not suffer any disadvantage in the workplace as a consequence of raising your concern.

4.3. If you raise a concern which is later found to be false and / or raise a concern out of malice, then disciplinary action will be taken and may result in your dismissal. For those who the disciplinary process does not apply (for example contractors/consultants), steps will be taken to terminate the relationship with Nirman.

5. Next steps

5.1. The concern will be investigated by the person to whom it is raised. All employees called upon to assist the investigation will have a duty to co-operate and may request that their concerns are treated in confidence: again such wishes will be respected.

5.2. The investigating manager will provide regular information to the employees who raised the concern on the progress of the investigation up until an outcome has been reached. Please note that this does not necessarily mean that the outcome of the investigation will be divulged to the employee, especially when relating the privacy of another individual.

5.3. The Ombudsperson (investigating manager) will forward all original investigation material to the HR Department along with the Safeguarding committee for further action as appropriate and/or storage.

5.4. The investigating manager will monitor and ensure that appropriate steps are taken to address the cause for concern.

5.5. Nirman will respect and heed any legitimate concerns about your own safety or career, and will seek not to disclose your identity without your express consent. Any attempt to victimise an employee for having raised a concern about malpractice, or to deter anyone from raising such a concern, is a serious disciplinary offence

5.6. We will do everything possible to keep your identity secret (if you so wish) but there may be circumstances when you may be needed as a witness (for example, if your report becomes the subject of a criminal investigation). Should this be the case, we will seek to discuss the matter with you at the earliest opportunity



APPENDIX B

Whistle-blowing process flow chart

