

**THE NATIONAL COUNCIL FOR TECHNICAL AND VOCATIONAL
EDUCATION AND TRAINING
(NACTVET)**

WHISTLE BLOWER POLICY

JANUARY, 2021

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FOREWORD

Employees are major players in NACTVET's success, often are the first to realize if there is any misconduct that may jeopardize the NACTVET operations. Given this reality, employees are expected to be involved in seeing whoever within NACTVET or outside transparently run NACTVET without giving room for the perpetration of sinister activities.

This policy is, therefore, intended to inform employees, stakeholders and other third parties of this commitment, to encourage reporting any misconduct which relates to the Council and does not relate to the private act of an individual not related to the Council at the earliest opportunity, and to layout procedures for reporting and investigating complaints and the protections afforded to whistleblowers.

Whereas, whistleblowing involves a wide range of players/actors touching invariably all stakeholders of the NACTVET including technical institutions, employees and even the society at large, in most cases the employee-whistle-blowers are susceptible to reprisal attacks by erring authorities than others, resulting in demotions and even termination of their employment. Therefore, this policy intends to keep the identity of a complainant individual confidential while conducting an adequate review and investigation.

The information of alleged wrongdoing supplied by a whistleblower can be classified in many ways, including violation of company policy/rules, law, regulation, or threat to public interest/national security related matters, fraud, as well as corruption. Such disclosures could be done internally or on the other hand, externally. When done internally, the disclosure is made by the whistleblower to the attention of other people within NACTVET.

ACKNOWLEDGEMENTS

I would like to take this opportunity to express my gratitude to Council Members, Committees, Management, and Council Staff, without them, the formation of a whistleblowing policy would not have been possible.

Furthermore, I would like to express my heartfelt gratitude to everyone who helped bring this Policy to fruition in some way. The preparation of this document was made possible by the participation of various stakeholders. Discussions and consultations at various levels were part of the process. Because of the vast knowledge and differing opinions, these discussions and consultations were at times difficult.

It's indeed my greatest hope that this policy will pave the way for Council staff and members to feel considered and active in the development of whistleblowing awareness. The Council is fully committed to this policy.

Dr. Adolf Rutayuga
EXECUTIVE SECRETARY

Definition of Key Terms

TERM	EXPLANATION
Whistleblowers	Is any staff member, vendor, consultant, contractor, grantee or other third parties that make such disclosure of wrongdoing.
Whistleblowing	Is defined as the deliberate, voluntary disclosure of any suspected or anticipated misconduct within or associated with the Council that is within its ability to control.
Whistleblower Log	means a special document used to records detail about whistleblower when disclosing misconduct.
Staff	means all workers of the Council.
Council	means National Council for Technical Education
Wrongdoing	means all misconduct that conducted or are likely to be conducted.
Governing Law	means “TheWhistleblower and Witness Protection Act, 2015”
Integrity Committee	means NACTVET Integrity Committee established by Executive Secretary.
Policy	means Whistleblower Policy.
Permanent Secretary	means Permanent Secretary of Ministry Education, Science and Technology.

1.0 Introduction

The National Council for Technical and Vocational Education and Training (NACTVET) is a body corporate established by the Act of Parliament, Cap. 129 to oversee and coordinate the provision of technical education and training offered by all tertiary education and training institutions other than universities and their affiliated colleges in Tanzania. Section 5-(1)(e) of the Act empowers NACTVET to establish and make awards in technical education and training, which are consistent in standard and comparable to related awards in Tanzania and internationally. In line with the provisions of Section 11 of the Act, technical institutions are mandated to deliver courses at technician, semi-professional and professional levels leading to awards of certificates, diplomas, degrees and other related awards.

The Council pursuant to Section 5-(1) (d) and (f) of the Act, the Council is required to promote and maintain approved standards and ensure that the quality of education required for the awards is met and maintained throughout the delivery of the course. Thus, the Council in implementing its functions has established a mechanism that ensures accountability and transparency to staff and other members of the Council by creating a mechanism of reporting matters that are believed to be malpractice or wrongdoing within the Council, in an anonymous way that protects informer identity.

1.1 Documents consulted in developing whistleblower policy

- (i) The Whistleblower and Witness Protect Act 2015 - The act aims to encourage and enable reporting of organised crime, corruption, unethical activity, illegal, and dangerous activities to the Public Service and the Private Sector. It also allows a whistleblower to address their complaints to other relevant authorities; while safeguarding whistleblowers and witnesses against retaliation or victimization. In addition, it provides for legal system procedures to reward and compensate whistleblowers and witnesses.
- (ii) The Prevention and Combating of Corruption Act 2007 – These Act resolve and provide for undertaking protracted measures that would ensure that Tanzania remains a corruption-free state adhering to the principles of freedom, equality, justice, brotherhood, peace and wherein all people are equal and every person has a right to ownership and protection of property acquired by lawful means.
- (iii) Public Standing Order of 2009 - It emphasizes and provides for the procedures for handling and dealing with complaints and misconducts that occur or are likely to occur in the public sector.
- (iv) Ruling party manifesto 2020-2025 –Ruling party manifesto is seen as an important instrument for measuring levels of accountability at Central and local government. In order to test and understand that, it is important for the government to recognize society at large as stakeholders in the fight against corruption, misconduct and all wrongdoing. The ruling party manifesto of 2020-2025 mentions the importance of building a culture of anti-corruption and integrity in society. This manifesto also talks about a "social compact" that will encourage people to speak out against corruption.

1.2 Rationale

The mandate that the Council executes in its regulatory function may in one way or another reflect its functions and core values. But, the stakeholders may have reservations on the performance and delivery of services in various sections of the Council. In ensuring performing and service delivery the Council has a mechanism of receiving feedback from clients and other stakeholders through whistle blowing.

The whistleblower policy can shield the Council from reputational and other risks. It can also give an opportunity for the Council to educate all staff, reinforces the standards expected in their roles and functions, and reinforce to staff the importance of their duty of confidentiality to their clients and other stakeholders.

Therefore, it is important that the Council have a clear whistleblowing procedure in place and effectively communicated to staff at all levels so that it can encourage a culture where wrongdoing can be addressed before any regulatory action or damage to reputation.

1.1.1. Vision, Mission and Core Values

Vision: *“To be an exemplary regulatory body to oversee the quality of technical education and training for the national social economic development”.*

Mission: *“To oversee the provision of quality technical education and training, through registration and accreditation of tertiary non-university institutions, and advising the Government on development of quality technical education and training for the benefit of Tanzanians”.*

1.1.2. Mandate, Roles and Functions

The mandate of NACTVET is derived from Parliamentary Act, Cap. 129 is to oversee and coordinate the provision of technical education and training in Tanzania. The mandate is three-fold as summarised herewith;

- *Regulatory Role* - to establish and maintain the regulatory framework for technical education and training, leading to quality-assured qualifications;
- *Quality Assurance Role* - to assist technical institutions to improve and maintain the quality of the education they provide and to ensure that their programmes meet labour market demands, by guiding and monitoring their adherence to the regulatory framework; and
- *Policy Advisory Role* - to advise the Government on the strategic development of technical education and training so that it can make informed decisions with regard to policymaking.

These three aspects are unified and together make up the core functions of NACTVET; a process leading to quality-assured qualifications in technical education and training in our country.

The statutory functions of NACTVET are to:

- (i) Ensure overall coordination of technical education and training;
- (ii) Bring order to the pattern of qualifications offered by technical institutions;

- (iii) Establish and institute systems of quality control and quality assurance in all technical institutions;
- (iv) Ensure the relevance of technical education and training to Labour Market Demands;
- (v) Register and accredit all technical institutions capable of delivering courses;
- (vi) Register technical teachers and other qualified technicians; and
- (vii) Ensure the establishment of a database on technical education and training, which will act as a source of information needed by the Government for the strategic development of technical education and training.

1.3 Core Values

- (i) Professionalism: *We deliver our services with a high level of competence and excellence;*
- (ii) Commitment: *We are dedicated to achieve our mandates and goals;*
- (iii) Customer focus: *We are dedicated in providing timely and high-quality services;*
- (iv) Patriotism: *We perform duties while upholding high level of accountability;*
- (v) Teamwork Spirit: *We believe in working together to accomplish our goals; and*
Integrity: *We adhere to good governance and transparency in discharging our duties.*

2.0 Purpose of the Policy

The purpose of this policy is to;

- (i) Support the Council Core values of professionalism, customer focus, patriotism and integrity;
- (ii) Provide for a culture of zero tolerance towards fraud, corruption, bribery and any malpractice or wrongdoing;
- (iii) Provide a transparent and confidential process in dealing with concerns;
- (iv) Explain what qualifies as whistle-blowing and guidelines on how to report a concern;
- (v) Encourage stakeholders to bring out information helpful in enforcing good corporate governance practices;
- (vi) Provide a platform to disclose concerns of malpractices within the NACTVET;
- (vii) Explain the process followed in reporting through the channels provided;
- (viii) Mitigate against any fraud, operational or regulatory risk that could lead to potential financial loss or damage to the Council reputation; and
- (ix) Reassure those who raise concerns in utmost good faith that they can do so without fear of reprisals or victimization or disciplinary action, regardless of whether these are subsequent proven.

3.0 Whistleblower Protection

The process outlined in this policy is intended to supplement other processes established by the Council to report concerns outlined in the documents of the Council. By providing an anonymous confidential means; staff and others aggrieved stakeholders can make reports to their supervisors or senior management or other relevant Authorities outside the Council in the event that they are not comfortable with.

This policy establishes the standards and procedures regarding the receipt, retention and treatment of complaints to ensure that handling of all complaints mentioned above comply with “The Whistleblower and Witness Protection Act, 2015”.

4.0 The Scope of the Policy

- 4.1 This Policy applies to all members of the Governing Council, NACTVET Secretariat and staff, Subject board members and all third parties dealing with Council activities/functions including consultants, suppliers, partners or any other associates.
- 4.2 It also extends to any matter relating to Council, but it does not apply to private actions by individuals who are not affiliated with Council. Regardless of their level, type of employment, NACTVET employees must be encouraged to report concerns or complaints regarding conduct by members of the Governing Council, Secretariat, staff, vendors, contractors, consultants or grantees, which they believe:
- (i) Is a breach of, or fails to implement, or does not comply with the organization's governing rules, procedures, policies, or established standards of practice e.g. accounting; procurement; grants making; human resources;
 - (ii) Is illegal or unlawful conduct (e.g. fraud, corruption);
 - (iii) Is unethical or inconsistent with the standards the Council subscribes to under Code of Conduct;
 - (iv) Is, or will result, in a waste of the Council resources or pose a risk to the Council's reputation and integrity;
 - (v) Are dangerous practices likely to cause physical harm or damage to a person or to property;
 - (vi) Is abuse of power or authority for any unauthorized or ulterior purpose; and represents a conflict of interest.
- 4.3 The Council encourages its stakeholders and other third parties to report concerns or complaints they believe attain any of the examples outlined in section 4.2.
- 4.4 Matters that are reported relating to sexual harassment shall be reviewed and investigated in accordance with the procedures established in the Sexual Harassment Policy.
- 4.5 Matters that are reported related to fraud shall be reviewed and investigated in accordance with the Anti-Fraud Policy.
- 4.6 Money laundering-related complaints will be monitored and handled in accordance with the Anti-Money Laundering Policy. The Anti-Money Laundering Act No.12 of 2016, Criminal Procedures Laws and relevant authorities such as Tanzania Financial Intelligence Unit.

5.0 Conformity

This Policy adheres to the Whistleblower and Witness Protection Act of 2015, as well as the Prevention and Combating of Corruption Act of 2007, Public Service Standing Orders, 2009; National Council for Technical and Vocational Education and Training Act Cap 129 and other NACTVET Policy and Regulations.

6.0 Types of whistleblowing

The following are types Whistleblowing :

- (i) **Confidential whistle-blowing**

The receiver knows who made the study, but it will not be revealed without their permission unless necessary by law. This strategy recognises potential whistleblowers' distress and aims to reduce the danger they face or believe they face.

(ii) **Anonymous whistle-blowing**

The person submitting the report does not disclose himself or herself to anyone at any point during the process. This strategy will make it difficult to adequately investigate allegations of wrongdoing and may prevent whistle-blower input.

(iii) **Whistle-blowing in the open**

When the informer feels free to be identified, he or she reports fraud or negligence to a relevant authority and without seeking confidentiality or being anonymity.

7.0 Procedures for Making Disclosure

A disclosure can be made in writing, sign language, or verbally, and it can provide information such as :

- (i) If required, a whistleblower's full name, address, and occupation;
- (ii) The extent of the misconduct that is the subject of the disclosure;
- (iii) The one accused of committing, or about to commit the wrongdoing; and
- (iv) The date, time, and location of the alleged wrongdoing.

8.0 Procedure when Disclosure is Made Orally or by Sign Language

When disclosing details, the procedure mentioned below must be followed.

- (i) When a whistleblower makes a disclosure verbally or by sign language, the Executive Secretary, Delegated Officer, or Chairman of the Integrity Committee to whom the disclosure is made must have it written down with the same information;
- (ii) If the whistleblower is illiterate, the writing required under (a) above must be read, interpreted, and clarified to him or her in a language that he or she understands; and
- (iii) If the whistleblower is blind or has a physical impairment but is literate, the provisions of (a) above must be read, interpreted, and clarified to him or her in a language that the whistleblower understands.

9.0 Procedures for Submitting Complaints

Whistleblowing issues can be submitted to the Executive Secretary using the following methods:

- (i) The Council also has established online platform where the informer anonymous may fill online form that is available to the Council website (www.NACTVET.go.tz) and submit it via online. The identity of the complainant will remain anonymous unless the complainant expressly directs otherwise; and
- (ii) Individuals may also contact the Executive Secretary directly using the following address

The Executive Secretary

National Council for Technical and Vocational Education and Training

P.O. Box 7109

Mikocheni Light Industrial Area, Plot No. 719/1/4

DAR ES SALAAM

Executive Secretary can be reached by phone at Mobile: +255 22 2780 077/2780312
Fax: +255 22 2780060 Emails: info@nactvet.go.tz or by appointment for oral grievances or concerns.

If the whistleblower believes the above methods are ineffective, he or she can report the matter to the Chairman of the Integrity Committee or any other appropriate authorities.

Whistleblowing can be done in a variety of ways, including by sign language.

10.0 To whom should a report be made?

A serious issue should usually be reported to the appropriate Head of Department/Unit, or to the Head of Internal Audit in the case of alleged theft or fraud. If this is not possible, a report must be provided orally or in writing to either of the following:

- (i) The Executive Secretary;
- (ii) Chairman of Integrity Committee; and
- (iii) Any other competent authorities

11.0 Responsibilities of Executive Secretary

- (i) The Office of the Executive Secretary is in charge of handling complaints or concerns, whether they are made publicly, privately, or anonymously;
- (ii) To determine the severity and urgency of the threat;
- (iii) The Executive Secretary may appoint an officer to receive complaints or concerns in an open, confidential, or anonymous manner in practice the Council has a designated officer in each zone that deals with whistleblower issues who are appointed by the Executive Officer;
- (iv) Complaints or suggestions should be directed to the Executive Secretary, who will investigate them and make a decision. In some circumstance, the Executive Secretary can consult the Chairman of the Integrity Committee;
- (v) Within three days after receiving the complaint or concern, report to the Chairman of the Integrity Committee;
- (vi) The Executive Secretary is responsible for ensuring that both staff and other stakeholders understand the Whistleblower Policy and Procedures;
- (vii) The Executive Secretary may decide what, if any, technical assistance is needed to complete the investigation as soon as possible;
- (viii) The Executive Secretary can consult with any member of management or employee in deciding whether to engage internal or external expertise, such as auditors, lawyers, or other experts, in the investigation and analysis of the findings; and
- (ix) To inform the whistleblower/Informer on the progress of the investigations and, if there is an appropriate alternative or final outcome.

12.0 Responsibilities of Delegated Officer

The assigned officer is responsible for the following:

- (i) To keep a Whistleblower Logbook to keep track of and complain or concern received, as well as the date the complaint was received;
- (ii) To identify serious allegations with a material effect or involving Senior Management and suggest reporting to the Chairman of the Integrity Committee within three days;
- (iii) To determine if the information obtained should be considered as a complaint or concern from a whistleblower. (to determine if the issue should be addressed through the whistleblowing policy or through another procedure) and the urgency/seriousness of the risk.;
- (iv) To inform the Executive Secretary on how to proceed with the complaints or concerns received;
- (v) To prepare a report for submission to the Executive Secretary. A log of all grievances should be included in the report, along with the date they were issued, concerns, investigation status, and conclusions; and
- (vi) To inform the whistleblower/Informer on the progress of the investigations and, if there is an appropriate alternative, status or final outcome.

13.0 Responsibility of Integrity Committee

Duties of the Integrity Committee when it comes to whistleblowing may include the following but not limited to;

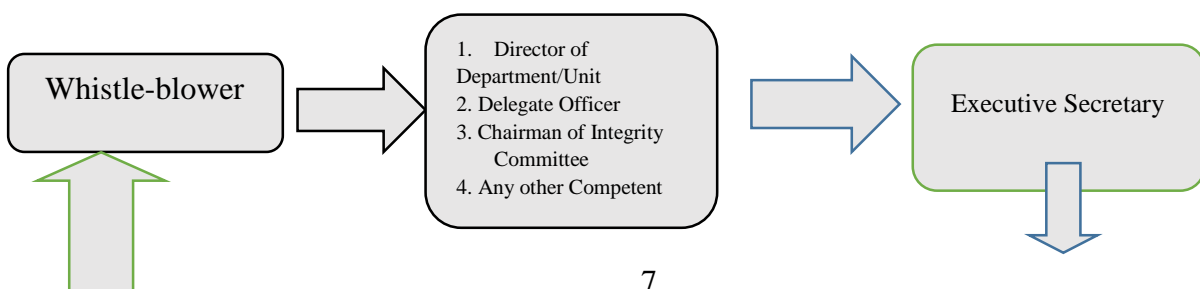
- (i) The Executive Secretary's report will be received, discussed, and a deliberate whistleblower report will be released.
- (ii) Receive, discuss, and intentionally whistleblower information submitted directly to the Integrity Committee through the Chairman.
- (iii) The Integrity Committee can consult with any member of management or employee in deciding whether to engage internal or external expertise, such as auditors, counsel, or other experts, in the investigation and analysis of the findings.
- (iv) To advise the Executive Secretary to conduct an inquiry into the matters that need to be looked into further.
- (v) To inform the whistle-blower/Informer on the progress of the investigations and, if there is an appropriate alternative, status or final outcome.

14.0 Whistle-blower Reporting Channels

The whistle-blower may register his or her concerns through the following channel.

Whistleblower → Head of Department/Unit, Delegated Person, Chairperson of Integrity Committee, Any other Competent Authority, → Executive Secretary → Permanent Secretary.

The entire process of reporting is summarized in the diagram (Figure)





15.0 Maintaining Records

For a proper record keeping, duration of five (5) years shall apply to keep all documents and investigations relating to any allegation or concern directed to the Executive Secretary. Both such documents must be kept confidential as a part of the Council's records.

16.0 Protection of Whistle-blowers/Informer

- (i) Consistent with the policy of the Council, the Council shall not retaliate, and shall not tolerate any retaliation from any person or group, directly or indirectly, against anyone who, in good faith, makes a complaint, raises a concern or provides assistance to the Integrity Committee, management or any other person or group, including any governmental, regulatory or law enforcement body, investigating a complaint or concern. The Integrity Committee shall not reveal the identity of any person who makes a good faith complaint or concern and who asks that his or her identity as the person who made such complaint or concern remain confidential and shall not make any effort, or tolerate any effort made by any other person or group, to ascertain the identity of any person who makes a good faith complaint or concern anonymously; and
- (ii) Nothing herein shall be construed to protect a person from the consequences of their own wrongdoing however, a person's self-disclosure of wrongdoing that is not independently discovered through investigation shall be taken into account when considering the consequences to such person.

17.0 Information to be Released in a Timely Manner

Whistle-blowers should report wrongdoings as soon as they have a fair suspicion, so questions should be posed as soon as possible. In such situations, the individual receiving the report is responsible for initiating necessary inquiries and gathering evidence.

18.0 Monitoring and Evaluation

To ensure successful achievement of the Strategic Plan's goals, plans, and priorities, the Council will regularly track and assess the efficiency of its whistleblowing policy. On the basis of the annual action plan, quarterly monitoring and review of the strategy will be performed.

19.0 Revision

The Whistleblower Policy will be reviewed after every three years to keep it up to date with new developments. The integrity committee will initiate the process of reviewing.

Appendix

Whistleblower Report Form

WHISTLEBLOWER REPORT FORM

Please provide the following information if you suspect serious wrongdoing or a violation or alleged violation of a law or regulation that could harm the Council. Please be aware that, if necessary, you might be asked to assist with the investigation.

Note: Please consider to follow the instructions as provided in the Whistle blowing Policy

INFORMER CONTACT DETAILS: (This part can be left blank when the informer wants to remain anonymous)	
NAME	
DESIGNATION	
DEPARTMENT/UNIT	
CONTACT NUMBER	
EMAIL ADDRESS	
SUSPECT DETAIL'S	
NAME	
DESIGNATION	
DEPARTMENT/UNIT	
CONTACT NUMBER	
EMAIL ADDRESS	
WITNESSES'S DETAIL'S	
NAME	
DESIGNATION	
DEPARTMENT/UNIT	
CONTACT NUMBER	
EMAIL ADDRESS	
COMPLAINTS: Describe the wrongdoing / misconduct and how you are aware of this. Please state what, who, when, where and how. If more than one complaint exists, count each allegation and use the number of pages required.	
1. What misconduct/inappropriate activity has taken place?	
2. Who committed the misconduct / improper activity?	

3. When did you realise it?	
4. Where did it happen?	
5. Are you able to give us any evidence?	
6. Any other parties that are not the suspect mentioned above, are involved?	
7. Any additional comments and explanations?	
Date	Signature

Please Note: *The details obtained from the whistleblower will not be shared with someone who is not authorised to accept complaints or concerns.
The identity of a person who anonymously lodged a complaint or expressed a concern will be kept private unless allowed by law.*