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ANGLICAN CHURCH OF KENYA  
ETHICS AND WHISTLEBLOWING POLICY

ANGLICAN DEVELOPMENT SERVICES KENYA



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# Welcome

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Dear stakeholders,

It is my honour to welcome you to the **revised Ethics, and Whistleblowing Policy** of the Anglican Church of Kenya (ACK), an important update that reaffirms our commitment to **Christian stewardship, integrity, accountability, and transparency** in all we do. As followers of Christ, we are called to be faithful stewards of the resources and trust He has placed in our hands. This policy is a practical testament to that calling – ensuring that our Church remains above reproach and true to the highest ethical standards.

In recent times, the challenges of fraud, bribery, money laundering, and other unethical practices have become ever more complex. The Church is not immune to these challenges, and we must be vigilant. This updated policy has been developed prayerfully to strengthen our defences against any form of corruption or malpractice. It reflects our desire to honour God by managing His gifts responsibly and justly. Our Lord said, *“You are the light of the world.”* One way we shine is by conducting our affairs with honesty and righteousness.

Importantly, this policy also aligns with Kenya’s **Bribery Act, 2016** and the **AML/CFT Laws (Amendment) Act, 2023** and draws on international best practices such as the **Financial Action Task Force (FATF)** recommendations, **ISO 37001**, and the **United Nations Convention Against Corruption (UNCAC)**. By integrating these standards, we show our determination to be a model of ethical conduct – fulfilling legal obligations while **leading by example** in transparency and integrity.

At its heart, our commitment springs from our Christian faith. Scripture teaches us to *“do what is right and just”* and to walk in the light as God is in the light. Fighting fraud and corruption is not just a legal duty – **it is a spiritual responsibility**. When we act with honesty, reject bribery, and speak up against wrongdoing, we bear witness to Christ at work in our lives. In doing so, we build trust within our community and show that the Church can be a **shining example of integrity** in our society.

I encourage every one of you – clergy, staff, volunteers, and partners alike – to not only read this policy carefully, but to embrace it wholeheartedly. Integrity and accountability start with each one of us. By God’s grace, as we each play our part, the entire ACK community will stand united against fraud and corruption. In doing so, we strengthen our witness and safeguard the resources entrusted to us for God's work.

Together, let us foster a culture in our Church where transparency and accountability are celebrated. We must ensure that whistleblowers are protected and heard, and that no form of fraud or bribery finds a foothold among us. My prayer is that through this policy and our collective commitment, the Anglican Church of Kenya will remain a trustworthy steward of God’s blessings and a beacon of truth. In a society yearning for honesty and fairness, may we lead by example – to the glory of God.

Thank you for your dedication to these standards and for your faithful service to the Church. May God bless you abundantly as we uphold these values together.

*Sincerely in Christ,*

The Most Rev. Dr. Jackson Ole Sapit  
***Archbishop, Anglican Church of Kenya***

# Foreword

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Beloved brothers and sisters in Christ,

It is with profound gratitude to Almighty God that I present this revised **Ethics and Whistleblowing Policy** for the Anglican Church of Kenya (ACK).

As stewards of God's Church, entrusted with sacred responsibilities, we are called to live and act in a manner that honours the truth, righteousness, and justice of our Lord Jesus Christ. Scripture admonishes us: "*Whatever you do, work at it with all your heart, as working for the Lord, not for human masters*" (Colossians 3:23). In this spirit, the Anglican Church of Kenya renews its solemn commitment to ethical governance, transparent stewardship, and faithful management of the resources God has entrusted to us.

This Policy is not merely a response to changing legal landscapes — though it aligns fully with the **Bribery Act, 2016**, the **AML/CFT Laws Amendment Act, 2023**, and relevant international frameworks such as the **FATF Recommendations** and **UNCAC guidelines**. It is, more deeply, an affirmation of our **Christian witness**: that as children of the Light, we must repudiate every form of fraud, bribery, corruption, money laundering, and injustice.

Our updated Policy strengthens the mechanisms through which misconduct can be prevented, detected, reported, and addressed — while ensuring that all who raise their voices in good faith are protected and honoured for their courage. By doing so, we echo the heart of biblical justice and ensure that the Anglican Church of Kenya continues to shine as a **model of integrity within the Christian community and the nation of Kenya**.

This revision also aligns with our broader vision, including our **Decade strategy** and stewardship campaigns, underscoring that **ethical leadership is not optional** for the Church but foundational to our mission and ministry.

I urge all clergy, staff, volunteers, and partners to embrace this Policy with the seriousness it deserves. Let us be vigilant, proactive, and faithful in safeguarding the Church from any stain that might hinder our Gospel testimony. Together, may we continue building a Church

that is known — not merely in word but in deed — for honesty, humility, and unwavering accountability before God and before men.

*May the God of truth and righteousness guide us and sustain us as we walk in His ways.*

In His Service,

The Rt. Rev. Prof Joseph Galgalo  
**Provincial Secretary**

## Background of policy Review

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Beloved in Christ,

In keeping with our sacred calling to uphold integrity, justice, and faithful stewardship of the resources entrusted to the Anglican Church of Kenya, it has become both a moral and a legal imperative to revise and strengthen our Anti-Fraud, Bribery, Anti-Money Laundering (AML), Counter-Terrorism Financing (CFT), and Whistleblowing Policy.

The comprehensive revision was necessitated by several important developments:

- Alignment with **Christian values** of righteousness, truth, and accountability, as enshrined in Holy Scripture (Proverbs 10:9; Exodus 23:8).
- Increased incidences of fraud within the church circles
- Compliance with updated **Kenyan laws**, notably the **Bribery Act, 2016**, the **Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) and 2023 Amendments**, and obligations under the **Prevention of Terrorism Act, 2012**.
- Integration of **international best practices** from frameworks such as the **FATF Recommendations**, **ISO 37001 Anti-Bribery Management Systems**, and the **United Nations Convention Against Corruption (UNCAC)**.
- Responsiveness to findings in the **Kenya Mutual Evaluation Report (MER) 2022**, particularly regarding the vulnerabilities of faith-based organizations to misuse in money laundering and terrorist financing.

The revised Policy provides fortified protections for whistleblowers, strengthens internal controls, and enhances vigilance against corruption, financial crime, and abuse of entrusted resources. It also mandates annual audits, continuous training, and a structured approach to compliance and reporting.

This effort is deeply aligned with the Anglican Church of Kenya's Decade Strategy and stewardship advocacy, ensuring that our governance structures embody the transparency, accountability, and excellence that our Christian witness demands. By this Policy, ACK

seeks to model integrity and uprightness within the wider Christian community, the Kenyan society, and before the Lord who calls us to be faithful stewards.

I humbly commend the revised Policy for your adoption and implementation, trusting that it shall serve as a pillar of righteousness in our ministry, guarding against evil and glorifying God through faithful stewardship.

In His Service,

**Lay Canon Prof. William Ogara**  
**Honorary Treasurer**

# Resolution Approving the Revised Policy

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**Whereas** the Holy Scriptures exhort all God’s people to practice honesty, integrity, and faithful stewardship in all things, and to be accountable for the trust placed in them.

**Whereas** fraud, bribery, and all forms of corruption are evils that undermine trust, justice, and development in society, and the Church can only effectively oppose these ills if it exemplifies the highest standards of integrity and accountability in its own governance.

**Whereas** the Anglican Church of Kenya is committed to complying with the laws of Kenya that promote integrity and anti-corruption, including the Bribery Act, 2016 and the AML/CFT (Amendment) Act, 2023, and likewise supports international anti-corruption frameworks such as the United Nations Convention Against Corruption (UNCAC), the Financial Action Task Force (FATF) Recommendations, and the ISO 37001 anti-bribery management system standard;

**Whereas** the Church’s Decade Strategy affirm the promotion of ethical stewardship, transparency, and accountability in leadership as essential to its mission and witness in transforming society; **and**

**Whereas** a revised Anti-Fraud, Bribery, AML/CFT, and Whistleblowing Policy (hereinafter “the Policy”) has been duly prepared to incorporate these principles and legal requirements, thereby strengthening the Church’s framework for good governance and integrity.

**Now, therefore, be it resolved** by the [Number] Session of the Provincial Synod of the Anglican Church of Kenya, assembled at [Location] on [Date], **that:**

1. **Be it resolved** that the Provincial Synod hereby formally approves and adopts the revised *Anti-Fraud, Bribery, AML/CFT, and Whistleblowing Policy* as an official policy of the Anglican Church of Kenya and commits to its diligent implementation throughout the province.

2. **Be it further resolved** that the Synod affirms this Policy is rooted in biblical principles of stewardship, integrity, and accountability, and that its provisions are in full alignment with the laws of Kenya – including the Bribery Act, 2016 and the AML/CFT (Amendment) Act, 2023 – as well as with international standards such as the FATF Recommendations, ISO 37001, and the UNCAC.
3. **Be it further resolved** that the Synod calls upon all Church leaders to exemplify good governance and ethical leadership, demonstrating zero tolerance for fraud, bribery, and corruption in their ministries and administration.
4. **Be it further resolved** that the Synod urges all clergy, lay leaders, staff, and members of the Church to uphold transparency and honesty in all their dealings, and to promptly report any suspected misconduct through the whistleblowing channels established by the Policy, without fear of retaliation.
5. **Be it further resolved** that this resolution, together with the full text of the Policy, shall be recorded in the official minutes of the Provincial Synod and communicated to all dioceses and church institutions for immediate implementation and compliance, as a testament to the Church’s solemn commitment to good governance and as a step toward fulfilling our Vision 2030 objectives of accountable and transparent stewardship.

*Adopted on this [Date] at [Location].*

# Preamble and Christian Principles

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## 1.1 Preamble

The Anglican Church of Kenya (ACK) is committed to the highest standards of integrity, honesty, and stewardship in all its ministries and operations. As a faith-based organization, we are guided by Christian values that demand ethical conduct and accountability. Fraud, bribery, corruption, money laundering, and financing of terrorism are not only crimes under Kenyan law but are also grave sins that violate our moral and spiritual principles. This Policy demonstrates ACK's zero-tolerance stance towards such misconduct and our dedication to fostering a culture of transparency and trust. By adhering to both scriptural values and legal requirements, the Church seeks to honour God through honest stewardship of resources and to maintain the confidence of its congregants, partners, and the public.

## 1.2 Objectives:

This Policy is intended to aid in the prevention, detection, and response to incidents of fraud, bribery, and other forms of financial misconduct within ACK, including emerging risks such as money laundering and terrorist financing. It provides clear guidelines, aligns with Kenyan laws and international best practices, and establishes secure avenues for whistleblowers to report concerns without fear of retaliation. In doing so, the Policy safeguards the Church's mission and assets, ensuring they are used for their intended charitable and religious purposes.

## 1.3 Christian Ethical Foundation:

The principles of this Policy reflect biblical teachings on righteousness and justice. Scripture calls for honesty and condemns bribery and corruption (**e.g., “Do not accept a bribe, for a bribe blind those who see and twists the words of the innocent” – Exodus 23:8**). Church officials and members are expected to demonstrate integrity and uprightness in all dealings, as **“Whoever walks in integrity walks securely”**

**(Proverbs 10:9).** By upholding these values, ACK not only complies with the law but also bears witness to Christian ethics in practice.

# Purpose and Scope

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## 2.1 Purpose:

The purpose of this Policy is to establish a comprehensive framework for preventing and addressing fraud, bribery, corruption, money laundering, and terrorism financing within the Anglican Church of Kenya. It also provides procedures for whistleblowing – the reporting of suspected wrongdoing – and assures protection for those who report in good faith. This Policy ensures that ACK’s operations are conducted in compliance with Kenyan laws and regulations and in alignment with international anti-corruption and anti-money laundering standards.

## 2.2 Scope:

This Policy applies to all levels of the Anglican Church of Kenya, including the Provincial office, dioceses, parishes, church institutions, and affiliated organizations. It covers all clergy, employees, Board Members, volunteers, committee members, and any persons with a working or business relationship with ACK (including consultants, contractors, suppliers, and partners). Every individual associated with ACK has a duty to adhere to this Policy and report any violations.

This Policy addresses a broad range of misconduct, including but not limited to:

- ❖ Fraud and financial improprieties (e.g. theft, embezzlement, false accounting);
- ❖ Bribery and corruption (offering or accepting undue advantages to influence decisions);
- ❖ Money laundering (concealment or processing of proceeds of crime to appear legitimate);
- ❖ Financing of terrorism (providing financial support to terrorist activities or organizations);
- ❖ Other ethical violations or illegal acts that undermine integrity (e.g. conflicts of interest, abuse of office, forgery, misappropriation of assets).

For the avoidance of doubt, this Policy encompasses irregularities whether committed by persons within ACK or through collusion with external parties. It operates alongside other internal policies (such as codes of conduct and financial management policies) and does not replace any legal obligations under Kenyan law. In case of any conflict, the stricter provision (Policy or law) shall apply.

# Definitions

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For purposes of this Policy, the following definitions apply:

## 3.1 Fraud:

Any intentional act of deception designed to secure unfair or unlawful gain. Fraud includes theft of assets, embezzlement of funds, falsification of records or financial statements, forgery of documents, and other deceitful conduct intended to mislead or defraud the Church or any stakeholder.

## 3.2 Bribery:

Offering, giving, receiving, or soliciting anything of value (an inducement, gift, favour, payment, or advantage) to or from someone in a position of trust, to influence improperly the actions or decisions of that person. Bribery can be **active** (paying a bribe) or **passive** (receiving a bribe) and is prohibited in both the public and private sector by the Bribery Act, 2016 (Kenya). This includes so-called “kickbacks” in procurement and any other corrupt payment.

## 3.3 Corruption:

Abuse of entrusted power for private gain. This is an umbrella term that includes bribery, embezzlement, nepotism, and other forms of improper use of office or position. The Anti-Corruption and Economic Crimes Act, 2003 (ACECA) criminalizes various corrupt acts and economic crimes. Under ACECA, offenses such as abuse of office, fraudulent acquisition of public property, or failure to adhere to procurement laws are punishable, reinforcing that corruption in any form will not be tolerated.

## 3.4 Conflict of Interest:

A situation in which an individual’s personal interests (financial, familial, or otherwise) are or appear to be in opposition to the interests of the Church. A conflict

of interest can compromise or be perceived to compromise one's impartiality. All ACK representatives must avoid situations where personal interests improperly influence their decisions on behalf of the Church. For example, participating in a decision to award a contract to a company in which the person or their relative has a stake would constitute a conflict of interest. Conflicts of interest, whether actual or perceived, must be disclosed and managed in accordance with this Policy and relevant laws.

### **3.5 Money Laundering (ML):**

The process by which criminals conceal the illicit origin of the proceeds of crime, making such proceeds appear legal. In Kenya, money laundering is a criminal offense under the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA). Money laundering can involve transactions or schemes to disguise funds (e.g. through church donations or projects) that originate from crimes such as fraud, corruption, drug trafficking, or other predicate offenses. ACK personnel must be vigilant to ensure that Church finances are not used to launder money and report any suspicious financial activity to the appropriate authorities, including the Financial Reporting Centre (FRC) established under POCAMLA. (See Chapter 8 on Compliance for more on reporting obligations.)

### **3.6 Terrorism Financing (TF):**

The act of providing, collecting, or possessing funds with the intention or knowledge that they will be used to support terrorist acts or organizations. The Prevention of Terrorism Act, 2012 (POTA) is the primary law criminalizing terrorist financing in Kenya. Even if the funds are from legitimate sources, it is a serious crime to direct them toward terrorism. ACK is committed to ensuring that its resources are not diverted to finance terrorism, knowingly or unknowingly. This includes screening donations or partners where necessary and cooperating with authorities on counter-terrorism financing measures.

### **3.7 Whistleblower:**

Any person (employee, volunteer, or other stakeholder) who, in good faith, reports or discloses information about suspected wrongdoing within the Church. The whistleblower is typically an insider who becomes aware of illegal, unethical, or irregular conduct and reports it through the channels provided by this Policy. Whistleblowers are protected by law (e.g., ACECA 2003 and the Witness Protection Act 2006) from retaliation for disclosures made in good faith. (See Chapter 7 and 9 for rights and protections of whistleblowers.)

### **3.8 Whistleblowing (Protected Disclosure):**

The act of reporting concerns or information about wrongdoing (such as fraud, bribery, or other misconduct) through the designated channels, with the reasonable belief that the information is true. A protected disclosure under this Policy and Kenyan law is one made in good faith, on reasonable grounds, and to an appropriate person or authority. Such disclosures entitle the whistleblower to legal protection against victimization or adverse employment action.

### **3.9 Retaliation (Victimization):**

Any adverse action taken against an individual because of their reporting of misconduct or cooperation in an investigation. Retaliation can include dismissal, disciplinary action, harassment, demotion, threats, or blacklisting of the whistleblower. This Policy strictly prohibits retaliation in any form against whistleblowers or any person participating in an investigation. Retaliation is itself a misconduct and may result in disciplinary action and legal consequences.

*(Additional terms may be defined in annexes or footnotes as needed. All definitions are intended to align with the meanings given in the relevant Kenyan statutes and international standards.)*

# Legal and Policy Framework

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## 4.1 Introduction

ACK's commitment to integrity is reinforced by strict compliance with Kenyan laws and regulations, as well as adherence to international anti-corruption and anti-money laundering standards. This Policy has been developed and will be implemented in alignment with the following key laws and frameworks:

## 4.2 Anti-Corruption and Economic Crimes Act, 2003 (ACECA):

The principal law in Kenya addressing corruption and economic crimes. ACECA defines various offenses such as fraud, embezzlement, abuse of office, and bribery, and it establishes the Ethics and Anti-Corruption Commission (EACC) as an enforcement agency. Notably, Section 65 of ACECA protects informers by prohibiting employers from dismissing or mistreating employees who report corruption in good faith. Under this Policy, any fraud or corruption within ACK will be handled in accordance with ACECA's provisions, including cooperation with EACC for investigations or prosecutions if required.

## 4.3 Bribery Act, 2016:

A law that complements ACECA by specifically targeting bribery in both public and private sectors. The Bribery Act, 2016 makes it an offense to give or receive a bribe and holds organizations liable if they fail to prevent bribery by persons associated with them. It also imposes a duty on public and private entities in Kenya to put in place procedures appropriate to their size and nature to prevent bribery. ACK fulfills this requirement through the implementation of this Anti-Bribery Policy and related internal controls. Any person associated with ACK who engages in bribery is subject to internal disciplinary action and prosecution under the Bribery Act, which provides stringent penalties (including fines and imprisonment) for offenders. This Policy is informed by the Bribery Act's principles and the requirement for adequate anti-bribery procedures, thereby mitigating the risk of liability to the Church.

#### **4.4 Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA) and 2023 Amendments:**

POCAMLA is the primary legislation in Kenya for combating money laundering. It criminalizes money laundering, mandates reporting of suspicious transactions, and establishes structures such as the Financial Reporting Centre (FRC) to receive and analyse financial intelligence. ACK, while not a financial institution, recognizes that churches and her development agencies can be misused for money laundering or as fronts to cleanse illicit funds. In line with POCAMLA and its latest amendments via the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023, ACK is committed to implementing anti-money laundering (AML) measures. These include conducting due diligence on large or unusual donations, maintaining financial records, training key personnel on AML red flags, and reporting any suspicious activity to authorities. The 2023 Amendment Act strengthened Kenya's AML/CFT legal framework to address gaps identified in recent evaluations. ACK's Policy is updated to reflect these changes – for instance, by including terrorist financing and proliferation financing risks – ensuring the Church's compliance with the enhanced legal requirements.

#### **4.5 Prevention of Terrorism Act, 2012 (POTA) and Regulations:**

POTA is the law that criminalizes terrorism and terrorist financing in Kenya. It works in conjunction with POCAMLA to ensure that those who fund or support terrorist activities are prosecuted. The Act provides for the freezing of assets of terrorists and organizations via the POTA Regulations, 2013, to implement United Nations Security Council sanctions against terrorist entities. Under this Policy, ACK explicitly prohibits any involvement in or facilitation of terrorism financing. We will cooperate with Kenya's National Counter Terrorism Centre (NCTC) and other authorities to ensure compliance with asset freeze orders and to avoid any dealings with designated terrorist organizations or persons. Any suspicious activity suggesting terrorism financing will be reported immediately to the authorities in line with POTA and POCAMLA.

#### **4.6 Witness Protection Act, 2006:**

This Act provides for the protection of witnesses in criminal cases and whistleblowers who may be at risk due to their disclosures. It establishes the Witness Protection Agency which can offer measures such as identity change, relocation, and security to witnesses of serious crimes. As noted, Kenyan law (ACECA Section 65 and Witness Protection Act) gives legal protection to employees against dismissal or other penalties for reporting certain concerns. ACK, through this Policy, affirms that it will support whistleblowers in accessing state protection mechanisms if needed. For example, if a staff member's report of high-level corruption or terrorism financing puts them in personal danger, the Church will liaise with the Witness Protection Agency to help secure their safety.

#### **4.7 Other Relevant Laws and Regulations:**

ACK will also be guided by other related legislation and regulations, including the Public Procurement and Asset Disposal Act (for ethical procurement practices), the Employment Act (regarding fair labour practices and protection of employees' rights), and any forthcoming whistleblower protection legislation. ACK will incorporate any new requirements once enacted. We also commit to follow guidelines issued by oversight bodies such as the EACC and the FRC that pertain to anti-corruption, AML/CFT, and good governance in the non-profit sector.

#### **4.8 International Conventions and Standards:**

This Policy is informed by global best practices and Kenya's international commitments. Kenya is a State Party to the United Nations Convention against Corruption (UNCAC), which encourages countries to adopt measures for preventing corruption and protecting whistleblowers. (Kenya ratified UNCAC on 9th December 2003.) The Policy reflects UNCAC's principles, such as those on codes of conduct, transparency, and reporting mechanisms. Additionally, Kenya undergoes periodic evaluations by the Financial Action Task Force (FATF) via the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG). The latest Mutual Evaluation Report (September 2022) noted that while Kenya has made improvements in its

AML/CFT framework, there remain strategic gaps to address, including the need for better oversight of non-profit organizations (NPOs) in mitigating terrorist financing risk. ACK acknowledges FATF Recommendation 8 which pertains to NPOs and will take appropriate measures to protect the Church from abuse by money launderers or terrorist financiers, without impeding our legitimate charitable work.

#### **4.9 ISO 37001 (Anti-Bribery Management Systems) and Other Best Practices:**

In developing our anti-bribery controls, ACK has considered the ISO 37001:2016 standard, which outlines internationally recognized best practices for preventing, detecting, and responding to bribery. This includes adopting a risk-based approach, top leadership commitment against bribery, due diligence in dealings with third parties, and continuous improvement of anti-bribery measures. While certification is not mandatory, the principles of ISO 37001 reinforce the robustness of our Policy. Moreover, we refer to guidelines from Transparency International and church governance networks for ethics and whistleblowing. By benchmarking against these standards, ACK ensures that our Policy remains effective and up to date in combating fraud and corruption.

#### **4.10 Integration of International Commitments**

ACK's Anti-Fraud, Bribery, AML/CFT, and Whistleblowing Policy is firmly rooted in the national legal framework of Kenya and is informed by commitments to international standards such as the FATF Recommendations and UNCAC. Compliance with these laws and standards is not optional; it is a mandatory duty of all ACK organs and personnel. Non-compliance not only exposes individuals to legal sanctions but also endangers the mission and witness of the Church. The Provincial leadership shall ensure that this Policy is disseminated, understood, and integrated into all operations of the Church.

# Governance, Roles, and Responsibilities

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## 5.1 Introduction

Effective implementation of this Policy requires clear roles and responsibilities at every level of the Church's governance and administration. The Anglican Church of Kenya establishes the following governance structure for anti-fraud, bribery, and AML/CFT compliance and whistleblowing oversight:

## 5.2 Provincial Synod and Board of Management:

The top governing body of ACK, the Provincial Synod and established Boards bears ultimate responsibility for ensuring that the Church operates with integrity and in compliance with the law. The Board of Finance shall approve this Policy and any substantive revisions. It shall also receive regular reports on any incidents of fraud or corruption and on the effectiveness of internal controls. The Board is responsible for fostering a "tone at the top" that emphasizes ethical conduct and zero tolerance for fraud, bribery, and money laundering. Through its actions and communications, the leadership must set an example of honesty and accountability.

## 5.3 Senior Management (Provincial and Diocesan Levels):

Senior management, including the Archbishop, Bishops, Provincial Secretary, Diocesan Secretaries, and heads of departments, are charged with the day-to-day enforcement of this Policy. They must ensure that proper controls are in place in their respective areas to prevent and detect fraud and irregularities. Key duties include:

- ❖ Implementing internal controls and standard operating procedures that uphold this Policy (e.g., segregation of duties in financial processes, approval hierarchies, and due diligence checks).
- ❖ Ensuring that all staff and volunteers receive training and awareness on ethics, anti-corruption, and AML/CFT measures.

- ❖ Appointing a **Compliance Officer** or assigning responsibility to oversee compliance with anti-fraud and AML/CFT obligations, including handling whistleblower reports (as described in Chapter 7).
- ❖ Leading by example – management should demonstrate fairness, reject any form of illicit payment or favouritism, and encourage open communication about ethical concerns.
- ❖ Providing adequate resources for the effective implementation of this Policy, such as budgeting for audits, training, and secure reporting channels.

#### **5.4 Employees and Clergy:**

Every employee and clergy member of ACK has an obligation to conduct Church business in accordance with this Policy and the law. This includes:

- ❖ **Compliance** – following all procedures put in place to prevent fraud and bribery, such as financial controls and procurement rules. Avoiding situations that could lead to conflict of interest or the perception of impropriety.
- ❖ **Vigilance** – being alert to warning signs of fraud or unethical behaviour (for instance, unexplained discrepancies in records, lavish gifts from vendors, or secretive behaviour by a colleague handling cash).
- ❖ **Reporting** – promptly reporting any suspicions or knowledge of fraud, bribery, money laundering, or other wrongdoing through the channels provided (see Chapter 7). As emphasized, reports made in good faith will be protected.
- ❖ **Integrity** – declining any gifts, favours, or entertainment from external parties that could influence, or appear to influence, objective decision-making (beyond nominal tokens of appreciation as allowed by Church guidelines). If unsure, the employee should seek guidance or declare the offer.
- ❖ **Confidentiality** – safeguarding confidential Church information, especially financial data or donor information, to prevent misuse. Disclosing such information improperly (for example, to help someone launder money or gain unfair advantage) is strictly prohibited and may constitute an offense.

## **5.5 Volunteers and Church Members in Positions of Trust:**

Volunteers who handle Church funds or assets (such as treasurers of church committees, project volunteers, etc.) and members serving on committees (e.g., Finance, Development, or Procurement Committees) are similarly expected to follow this Policy. They should exercise due care in their duties, report any irregularities, and avoid conflicts of interest. Volunteers have the same whistleblower protections as employees under this Policy when acting in service of the Church.

## **5.6 Contractors, Suppliers, and Partners:**

ACK expects its contractors, consultants, suppliers, and any partners (including ecumenical or development partners) to observe high ethical standards and comply with anti-corruption and AML laws. When engaging third parties, the Church will communicate relevant aspects of this Policy (for example, via contract clauses or a supplier code of conduct). Third parties found to be involved in fraud or bribery in relation to their work with ACK may face termination of contracts and reporting to authorities. The Church will also conduct due diligence on significant new funding partners or donors, especially where large funds are involved, to ensure they are reputable and not connected to illicit activities.

## **5.7 Audit and Investigation Functions:**

The Internal Audit function (or any designated Audit Committee) plays a critical role in prevention and detection. Regular audits shall be conducted to review financial records, assess compliance with controls, and test for vulnerabilities to fraud or AML/CFT lapses. Auditors have full access to all relevant documents and are empowered to make unannounced checks where necessary. Any findings of concern must be reported to senior management and the respective Synod/Board. In cases of suspected fraud or corruption, an Investigation Committee or team will be convened (see Chapter 8 for details on investigations). Members of such a team are authorized to access records and information as needed, and all employees are expected to cooperate fully. Importantly, investigative personnel must be

independent – they should not include individuals who are directly involved in the matters under investigation or who have a close relationship with the accused.

## **5.8 Whistleblowing Oversight:**

The Provincial Secretary is designated as the primary **Whistleblowing Officer** (the “appropriate person” referred to in various sections of this Policy). This officer is responsible for receiving whistleblower reports, ensuring they are handled confidentially, and triggering the investigation process. If a report implicates the Provincial Secretary or if the whistleblower is not comfortable reporting to them, alternate channels (such as reporting to the Chair of the Board of Finance or directly to the Archbishop or an external integrity hotline if available) may be used. The Whistleblowing Officer will maintain a log of all reports and track the outcomes, without revealing identities except to those who need to know.

## **5.9 Certification and Training Requirements**

All persons subject to this Policy must certify (in writing or electronically) that they have read and understood the Policy. New employees and volunteers will receive a briefing on the Policy as part of their induction. Periodically (at least annually), all staff may be required to undergo refresher training and re-affirm their commitment to abide by this Policy. Compliance with this Policy shall form part of performance appraisals for management staff to ensure accountability from the top.

# Prohibited Conduct and Risk Areas

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## 6.1 Definition of Prohibited Conduct

ACK defines clearly which behaviours constitute violations of this Policy. The following is a non-exhaustive list of **actions that are considered fraud, bribery, corruption, or related misconduct** under this Policy. Engaging in any of these acts, or aiding/covering them up, is strictly forbidden and will result in disciplinary action (and referral to law enforcement where appropriate):

## 6.2 Theft, Misappropriation or Embezzlement:

Stealing or misusing Church funds or assets. Example: An employee diverting offertory collections or development funds for personal use; a treasurer “borrowing” money from an account without authorization.

## 6.3 Forgery or Alteration of Documents:

Forging signatures, creating false records, or altering financial statements, receipts, or any official document to mislead or conceal the true nature of a transaction. Example: Altering an invoice to inflate amounts and siphon the excess.

## 6.4 False Accounting and Financial Reporting:

Intentional misstatement or omission of information in the Church’s accounting records or financial reports. This includes hiding liabilities, booking fictitious expenditures, or misclassifying funds to mask fraud.

## 6.5 Bribery and Kickbacks:

Any situation where an ACK representative accepts, solicits, or offers a bribe. For instance:

- ❖ Accepting cash or gifts from a contractor in exchange for awarding them a church construction project (a kickback).

- ❖ Offering a personal payment to a government official to expedite a permit or smooth a regulatory inspection for a church event (bribery).
- ❖ Facilitating or tolerating bribes paid by a third party on behalf of the Church. These acts are illegal and punishable under the Bribery Act 2016 and are strictly banned in ACK's activities.

## **6.6 Improper Gifts and Hospitality:**

Accepting or giving gifts, entertainment, or favours that are excessive or inappropriate and could influence decision-making. (While token gifts of nominal value and customary hospitality may be acceptable, anything of significant value must be declared and approved according to ACK guidelines. Any gift or benefit intended to influence a decision is a bribe, regardless of value.)

## **6.7 Conflict of Interest Exploitation:**

Pursuing personal gain in situations of conflict of interest. E.g., an official steering a procurement contract to a family member's company without disclosure; or an employee approving an expense reimbursement to themselves or a friend improperly. Even if no direct loss is caused to ACK, undisclosed conflicts and self-dealing erode trust and violate this, Policy.

## **6.8 Unethical Procurement Practices:**

Collusion with vendors in bid rigging, sharing confidential bid information, falsifying competitive bids, or manipulating evaluations to favour a particular bidder in exchange for personal gain.

## **6.9 Misuse of Church Information or Position:**

Using privileged information for personal advantage (insider dealing) or disclosing confidential information to outsiders without authorization. For example, leaking sensitive financial data to enable someone to profit or to damage the Church.

## 6.10 Asset Misuse or Destruction:

Unauthorized use of Church property for personal purposes, or wilful destruction/concealment of records or assets to cover up a fraud. E.g., deliberately destroying receipts or erasing digital records to impede an audit.

## 6.11 Money Laundering Activities:

Any involvement in processing illicit funds. Examples:

- ❖ Knowingly accepting donations or contributions that are proceeds of crime (drug trafficking, fraud, etc.), or failing to perform due diligence when there are red flags (such as a large donation in cash from an unknown source).
- ❖ Dividing large cash donations into smaller ones to evade reporting thresholds (structuring).
- ❖ Using Church accounts to obscure the origin or destination of funds for someone (layering funds through the Church's bank accounts). Such actions violate POCAMLA 2009 and this Policy. **Note:** If criminals attempt to use the Church in a laundering scheme without our knowledge, we commit to reporting it when suspected; however, any staff who knowingly facilitate it become complicit.

## 6.12 Terrorism Financing or Links to Sanctioned Entities:

Providing any support or resources to individuals or groups known (or reasonably suspected) to be involved in terrorism. For instance:

- Channelling Church charity funds to an organization that is a front for a terrorist group.
- Allowing Church facilities to be used for fundraising by groups with extremist or terror links.
- Failure to heed government-issued lists of designated persons/entities (under POTA or UN sanctions) when engaging in partnerships or distributions. Any such conduct is absolutely prohibited. If encountered, it must be immediately reported to law enforcement. Even the appearance of

such linkages can gravely damage the Church's reputation and is treated with utmost seriousness.

### **6.13 Other Illegal or Unethical Acts:**

This Policy also covers any conduct which, while not explicitly listed above, falls within the realm of fraud, corruption, or financial crime. This can include extortion, blackmail related to Church operations, or “quiet” forms of corruption like nepotism/cronyism in hiring and appointments (favouring relatives or friends irrespective of merit). Any attempt to conceal wrongdoing or impede investigation (e.g., intimidation of witnesses, tampering with evidence) is likewise a serious violation.

### **6.14 Prohibited Conduct and Ethical Expectations**

Every member of ACK should use sound judgment to avoid even the *appearance* of impropriety. If there is any doubt whether an action might constitute fraud or corruption, err on the side of caution and seek guidance from a supervisor, Provincial Secretary, Diocesan Chancellors or the Compliance Officer. Remember that compliance is not only about following the letter of the law but also the spirit of ethical stewardship. In line with Scripture's call to “***Abstain from all appearance of evil***” (1 Thessalonians 5:22), even borderline practices are to be avoided for the sake of integrity.

Any ACK representative found to have engaged in the above prohibited conduct will face internal disciplinary measures up to and including termination of employment or removal from office. In addition, ACK will refer matters to the appropriate law enforcement agencies (such as EACC, DCI, police, FRC, or others) for criminal investigation and prosecution when warranted. The Church will actively seek the recovery of any losses due to fraud or corruption, including through legal action or civil recovery processes under ACECA or POCAMLA (for example, asset forfeiture).

Lastly, acknowledging that fraud and corruption risks evolve, ACK will periodically review this list of prohibited conduct and update it to cover new schemes or risks

(for instance, cyber-fraud, which is an emerging threat). What never changes is the fundamental expectation: all finances and resources under ACK's purview must be handled with honesty and used for legitimate, God-honouring purposes.

# Reporting and Whistleblowing Mechanisms

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## 7.1 Introduction

One of the most important elements of this Policy is providing safe and clear channels for reporting suspected misconduct. Early detection of fraud or corruption often depends on insiders or observers raising the alarm. ACK is committed to facilitating reports of wrongdoing (whistleblowing) and to protecting those who do so. All persons covered by this Policy have a duty to report any reasonable suspicion of the prohibited conduct described in Chapter 6 or any other breach of this Policy.

## 7.2 Multiple reporting channels

To ensure that potential whistleblowers are comfortable coming forward, ACK provides multiple avenues to report concerns, either openly or confidentially/anonymously:

### a Immediate Supervisor or Clergy Leader:

In many cases, employees or volunteers may first report concern to their direct supervisor or a trusted clergy leader (e.g., a parish vicar or diocesan official). Supervisors who receive such reports must in turn escalate them to the designated Whistleblowing Officer or higher management, without revealing the identity of the reporter if confidentiality is requested.

### b Designated Whistleblowing Officer (Provincial Secretary, Administration Secretary & HR):

As noted, the Provincial Secretary (Admin & HR) serves as a primary point of contact for whistleblowing. Concerns can be reported to this officer in writing (by letter or email), by phone, or in person. A dedicated **confidential email address** and/or **telephone hotline** shall be established for whistleblowing reports. The contact details for reporting (physical address) are published in staff handbooks and on Church notice boards.

### c Alternative Contacts – Board of Finance Chair or Archbishop’s Office:

If the concern involves senior management (or the Provincial Secretary) such that the whistleblower feels reporting to them is not appropriate, the whistleblower may directly contact the Chairperson of the Board of Finance, or the archbishop’s office. These high-level contacts ensure that even allegations against top leadership can be independently reviewed. Correspondence marked “Confidential – For Addressee Only” will be routed to these individuals unopened.

### d Anonymous Reporting:

ACK recognizes that some individuals may fear revealing their identity. While named reports are encouraged (to allow clarification and feedback), anonymous disclosures are permitted. For example, an anonymous letter, an unsigned note in a designated suggestion box, or using an anonymous email service to the whistleblowing email are all acceptable. The organization will consider and investigate anonymous reports to the extent possible, weighing factors like the seriousness and credibility of the issue raised. (Note: even if you report anonymously, providing as much detail and evidence as possible will help the investigation.)

### e External Reporting (Exceptional Cases):

The intention is that concerns be raised and addressed within the Church. However, if an individual believes that internal channels are ineffective or that the issue cannot be objectively handled internally, they may report directly to relevant external authorities. For corruption or bribery issues, this could be the Ethics and Anti-Corruption Commission (EACC); for criminal matters, the Directorate of Criminal Investigations (DCI) or police; for terrorist financing concerns, the Anti-Terrorism Police Unit (ATPU) or Financial Reporting Centre (for suspicious transaction reports). **Importantly**, external reporting without first using internal channels should be done in good faith and ideally as a last resort – doing so recklessly (especially going to media/public with unverified claims) could breach loyalty expectations. Nonetheless, nothing in this Policy is meant to discourage anyone from directly

approaching law enforcement if the situation warrants immediate external intervention. The existing laws will provide additional guidance on protected external disclosures.

### 7.3 Reporting Procedure Guidelines:

When making a report, it is helpful for the whistleblower to provide as much information as possible, such as:

- ❖ **What** wrongdoing is suspected (describe the nature of the fraud, bribery, etc.);
- ❖ **Who** is involved (names or positions of people implicated or witnesses);
- ❖ **When** and **where** the incident occurred (dates, times, locations);
- ❖ **How** the wrongdoing was committed (the method, if known – e.g., forged documents, cash bribe, etc.);
- ❖ Any **Evidence** available (documents, emails, photos, or other physical evidence). If evidence is in danger of being destroyed, secure it if you can do so safely, or at least describe it;
- ❖ **Witnesses or others** who might corroborate the information.
- ❖ **Your name and contact** (unless you choose to remain anonymous), and your role in the organization.

To facilitate detailed reporting, a **Whistleblower Reporting Form** is provided in **Annex 1** of this Policy, which reporters can (but are not required to) use. This form guides the whistleblower to include pertinent information.

#### a Good Faith Requirement:

All reports should be made in good faith, with reasonable grounds to believe the information disclosed is true. Making false allegations knowingly or with malicious intent is prohibited. Such actions can damage reputations unjustly and waste resources; hence, an employee who deliberately makes a false accusation could face disciplinary action (see Chapter 9 on safeguards and consequences for malicious reports). However, an honest report that turns out to be unsubstantiated

is **not** penalized – the Church prefers a false alarm over silence about actual wrongdoing.

#### **b Confidentiality Assurance:**

Any person (manager or officer) receiving a report must keep the whistleblower's identity and the report details **strictly confidential**, sharing information only with those who have a legitimate need-to-know (e.g., members of an investigation team). Inquiries from anyone not authorized (including the suspected wrongdoer or their representatives) should be met with no comment beyond a standard response such as, **"I am not at liberty to discuss this matter."** Under no circumstances should staff confirm or deny details of allegations to unauthorized persons, to protect the integrity of the investigation and reputations of those involved.

#### **c Non-Retaliation Promise:**

ACK **unequivocally forbids** any form of retaliation against individuals who report concerns in good faith or who participate in an investigation. Retaliation is a serious violation of this Policy (as emphasized in Chapter 9) and could lead to disciplinary action against the retaliator, including dismissal. Managers have a duty to ensure that whistleblowers under their supervision are not subject to harassment, ostracism, adverse performance reviews, or any punitive change in duties because of speaking up. If a whistleblower believes they are experiencing retaliation, they should report this immediately (either internally or to bodies like the Witness Protection Agency or even courts). The Church will take swift action to investigate and address retaliation claims.

#### **d Acknowledgment and Follow-up:**

When a report is received, the Whistleblowing Officer (or the appropriate recipient) will, if the whistleblower's identity is known, acknowledge receipt of the report within a reasonable time (e.g., 5 business days). They will outline to the whistleblower the next steps in general terms and reiterate the commitment to confidentiality and protection. As the matter proceeds, the whistleblower may be contacted for further

information if they have provided contact details. Once the investigation is concluded, and normally within a defined period (if possible, within 2 months of the report), the whistleblower (if known) will be informed that the inquiry is completed and, if appropriate, whether corrective actions were taken. (Specific details or outcomes might not always be shared, especially if legal action is pending or confidentiality of others needs to be preserved.)

#### **7.4 Handling External Inquiries:**

All inquiries about any ongoing investigation – whether from suspected individuals, their lawyers, or outsiders – should be directed to the appointed investigation leader or Church’s legal counsel. Staff should not divulge information or speculate on the case. An example of an appropriate response to any such inquiry is simply: ***“The matter is under review, and I cannot discuss it.”*** This avoids rumour and preserves due process.

In summary, ACK encourages an open culture where concerns can be raised without fear. ***“Open rebuke is better than hidden love” (Proverbs 27:5)*** – applying this wisdom, we value those who speak up to correct wrongs over those who stay silent out of misplaced loyalty. This Policy ensures that legitimate whistleblowers will be heard and shielded, while those who might be tempted to engage in wrongdoing know that detection is likely and supported by the entire organization’s vigilance.

# Investigation Procedures and Disciplinary Action

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## 8.1 Introduction

When a report or allegation of fraud, bribery, or other misconduct is made, ACK will promptly and thoroughly investigate the matter in a fair and discreet manner. Investigations will be conducted independent of undue influence, respecting the rights of all parties involved (both the whistleblower and the accused), and in accordance with applicable laws (such as ensuring due process and the presumption of innocence until proof).

## 8.2 Initial Assessment:

Upon receiving a report, the Whistleblowing Officer or responsible manager will conduct a preliminary review to determine the credibility and nature of the allegation:

- ❖ They will ascertain if the concern falls under this Policy. If it is more appropriately handled under a different procedure (e.g., a HR grievance for interpersonal issues not involving fraud), the matter may be redirected and the reporter informed of the proper process.
- ❖ If the allegation indicates potential criminal conduct (e.g., theft, corruption, money laundering), senior management will be notified immediately (unless they are implicated) and steps will be taken to secure relevant evidence (documents, computer records) to prevent destruction.
- ❖ The preliminary review should ideally be completed within a short time frame (e.g., 7-14 days of the report). If the allegation lacks detail or seems not credible, the reviewer may seek more information from the whistleblower (if known). If, after initial review, it is decided that there is insufficient ground to proceed, the case may be closed with no further action, and the whistleblower (if known) will be informed of this decision and the reasoning. (However, closing a case at this stage should be done carefully and, where feasible, with concurrence from a

second independent manager or relevant Board committee member to avoid dismissing valid concerns prematurely.)

### **8.3 Investigation Planning and Oversight:**

For allegations with substance, the Senior Management will determine the appropriate mode of investigation. Depending on the severity and complexity, this could involve:

#### **a Internal Investigative Committee:**

A small team appointed to investigate. This team should include individuals with the requisite expertise and impartiality – for example, a senior finance officer, a legal advisor, an HR representative, or an internal auditor. One member may be appointed as the lead investigator. Importantly, the committee should exclude anyone who has line management authority over the area in question or anyone who might have a conflict of interest in the case. All members must commit to maintaining confidentiality and impartiality (taking an “oath of secrecy” as needed).

#### **b External Investigators or Auditors:**

In cases requiring specialized skills or to ensure independence (e.g., a complex financial fraud or where senior leadership is accused), the Church may engage external professionals. This could be forensic auditors, external legal counsel, or investigators from a partner agency. The cost of such external help is justified by the need for objectivity and thoroughness in high-stakes cases.

#### **c Referral to Authorities:**

If the allegation potentially involves criminal conduct that the Church is not equipped to investigate internally (for instance, if it involves money laundering or terrorism financing), ACK may directly involve law enforcement agencies at an early stage. The decision to refer immediately externally will consider the safety of whistleblowers, preservation of evidence, and legal obligations (some laws require certain incidents to be reported to authorities within specific timeframes).

Senior Management will assign an *Investigation Supervisor* (this could be the head of internal audit or another senior person not directly part of the investigative team) to oversee that the investigation is carried out expeditiously and effectively. They will also serve as a liaison to the Board's of Finance, keeping them informed of progress on major cases (especially those that might have legal or reputational impact).

A *term of reference* or investigation plan will be drawn up, outlining what is to be investigated, who will conduct it, what resources are needed, and an estimated timeline. Typically, an investigation should aim to be completed within **eight (8) weeks** of initiation, though complex cases or those requiring external forensic analysis might take longer. Regular updates should be documented.

#### **8.4 Investigation Process:**

During the investigation, the following guidelines apply:

1. Investigators will utilize all relevant sources of evidence: reviewing documents (accounts, emails, correspondence, CCTV if available), interviewing witnesses and subjects, and analysing transactions. They have the authority to access all necessary records and premises of ACK. No department shall refuse or delay access to information requested by authorized investigators.
2. To preserve evidence, investigators may secure documents or devices. In doing so, they might copy or remove records (with appropriate documentation and, if needed, in presence of a neutral witness) without prior notice to those who normally hold them. This is authorized when within the scope of the investigation to prevent evidence tampering.
3. Interviews will be conducted privately. Investigators typically interview the whistleblower (if identity is known and they are willing), any witnesses or other staff who might have relevant information, and finally the person(s) accused *after* gathering initial evidence. The interviews should be conducted in a professional, non-accusatory manner, seeking facts. A witness may have a colleague or representative present for support if they wish (unless it's likely to breach confidentiality or impede truth-finding).

4. If at any point evidence suggests possible criminal conduct, the Church's leadership may decide to involve law enforcement (if not already involved). Care will be taken to avoid any actions that could be construed as "tipping off" a suspected person in cases of money laundering or terrorist financing – which is itself an offense under the law. Thus, such investigations might be coordinated closely with the Financial Reporting Centre or police without alerting the suspect.
5. The principle of **natural justice** will be observed. If an allegation is made against a named individual, that individual will generally be informed of the claims and given a chance to respond and present their side of the story *before* any final decisions are made. (The timing of informing the subject will depend on the case; investigators might delay notifying the subject if there's a risk they might destroy evidence or interfere, but the subject will be given an opportunity to be heard at some point in the investigation process.)
6. During the investigation, if the presence of a suspected individual in the workplace might hinder the inquiry or pose further risk, management may opt to send the individual on a **temporary leave (administrative leave)** or reassign them, as per HR policy and law. This is a neutral measure and not disciplinary, aimed at facilitating a fair investigation. (ACK's HR manual provisions on suspension or compulsory leave will be followed, ensuring salary and benefits are not cut off unfairly during this period.)

## 8.5 Concluding the Investigation:

Once all necessary steps are taken:

1. The investigation team will compile a written **Investigation Report**. This report should detail the allegation, the methodology of investigation, evidence gathered (documents, interview summaries, etc.), findings of fact, and an opinion on whether the allegations are substantiated or not. If substantiated, the report may make recommendations on disciplinary action, control improvements, or legal referral. If not substantiated, the report may recommend if the matter should be closed or if other issues were uncovered that warrant attention.
2. The report is submitted to the Senior Management (or directly to the Board Committee if it involves senior officials). Specifically, it might go to the Provincial Secretary and the Board of Finance Chairperson. These authorities will review the findings and decide on subsequent actions.
3. **Decision and Action:** Based on the evidence:
  - a. If fraud or misconduct **is confirmed**, ACK will take appropriate disciplinary action consistent with HR policies and law. This could include termination of employment, removal from positions of trust, demotion, or other sanctions. Disciplinary hearings will be conducted per the HR procedures, ensuring the accused has an opportunity to respond to the findings. The final decision to terminate or discipline lies with Senior Management and the relevant Board Committee – the investigation team itself does not have that authority.
  - b. Where criminal or regulatory violations are indicated (e.g., corruption, theft, money laundering), the case will be reported to law enforcement agencies for potential prosecution. ACK will cooperate fully in any external investigations or court proceedings, which may include providing the evidence gathered. In some cases, ACK might initiate civil legal action to recover losses (under ACECA or other laws allowing recovery of proceeds of crime).

- c. If the allegation is **not substantiated**, the case is closed with no action against the accused. ACK will ensure that the cleared individual's reputation is restored; since the process was confidential, typically no public disclosure is needed, but internally any clouds of suspicion should be lifted. Records of the investigation will be kept confidentially on file (to protect the innocent and for audit trail) and retained for a minimum period (e.g., at least **three years** as per Policy).
4. After conclusion, the whistleblower (if known) should be informed that the investigation has concluded and, to the extent appropriate, of the outcome. For example, one might say "**Your concern was validated, and appropriate action has been taken**" or "**The investigation did not find evidence to support the allegations.**" Detailed findings may not be shared due to confidentiality of personnel data.
5. If the whistleblower is **dissatisfied** with the process (for instance, they believe the investigation was not conducted properly or their concern was not adequately addressed), they may appeal to a higher authority. Per our procedure, if the initial disclosure was handled by management, an appeal can be directed to the Chairperson of the Investigative Committee or ultimately to the Board Chair. The appeal should be focused on process (e.g., new evidence came to light, or a step in procedure was overlooked) rather than just an unhappiness with the outcome. The Board Chair or an appointed independent person will review whether the investigation followed due process and either uphold the outcome or order a reinvestigation if warranted.

## **8.6 Disciplinary Process and Consequences:**

ACK's disciplinary actions for confirmed cases will be guided by the HR policies and relevant employment law to ensure fairness. Depending on severity, consequences for perpetrators of fraud/bribery may include:

1. Formal written warnings (for minor first-time infractions, if any such could be considered minor under this Policy).

2. Restitution/compensation for losses caused.
3. Dismissal or removal from office for serious breaches.
4. Notification to professional bodies (if applicable, e.g., if a CPA committed fraud, notifying the Association of Chartered Certified Accountants (ACCA) or the Institute Certified Public Accountants (ICPAK));
5. Blacklisting from future association with ACK (e.g., a contractor who paid bribes will not be eligible for future contracts).

Simultaneously, ACK will address any control failures that allowed the misconduct to occur. For example, if an investigation reveals that lack of oversight enabled a fraud, management will strengthen that oversight (Board restructuring, additional approvals, better audits, rotation of duties, etc.). The aim is organizational learning and improvement to prevent recurrence.

Throughout the process, confidentiality is maintained to protect reputations, especially of those not found guilty of any wrongdoing. Information is shared strictly on a need-to-know basis.

Finally, a summary of all reported cases, investigations, and outcomes (with anonymized details) will be compiled annually by the Compliance/Whistleblowing Officer and presented to the Board of Finance or respective Boards. This summary allows oversight of trends and reinforces to governance bodies that issues are being handled. It also helps in the required annual review of this Policy's effectiveness (see Chapter 10).

# Whistleblower Protection and Safeguards

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## 9.1 Introduction

Protecting whistleblowers from harm and ensuring fairness is a cornerstone of this Policy. When individuals step forward to report wrongdoing, they perform a service to the Church and society. In return, the Church owes them support and protection. Chapter 4 already cited Kenyan laws that protect whistleblowers (ACECA 2003 and Witness Protection Act 2006). Building on those, ACK establishes the following safeguards:

## 9.2 Protection from Retaliation:

Any person who makes a report or disclosure under this Policy in good faith shall be protected from reprisal or adverse consequences. This protection covers employees, volunteers, contractors – anyone who reports a concern. “Adverse consequences” include firing, suspension, demotion, harassment, discrimination, or any punitive alteration of duties or work conditions because of the report. It also covers more subtle retaliation like isolation, bullying, or threats. The organization will not tolerate any retaliation; individuals who retaliate will face disciplinary action, as noted earlier.

Kenyan law reinforces this: ACECA (Section 65) makes it unlawful to dismiss or penalize a whistleblower, and the Witness Protection Act can provide remedies if threats emerge. ACK will, if necessary, invoke legal protections on behalf of a whistleblower. For instance, if an employee is threatened for exposing a financial impropriety involving an influential person, the Church’s leadership will work with law enforcement to ensure the whistleblower’s safety and might relocate the person’s work location or put them on paid leave if needed to safeguard them.

## 9.3 Confidentiality of Whistleblower’s Identity:

The identity of the whistleblower will be kept confidential to the greatest extent possible. It will not be revealed to the accused or to anyone not involved in handling

the report. The investigation team will know the identity only if necessary (and if the whistleblower has not insisted on anonymity). Even in the final outcomes, reports will refer to whistleblowers by code or generic terms. However, whistleblowers should understand that in some cases their identity might become apparent (e.g., if they are one of very few who had access to the information reported), and in rare cases it may need to be disclosed by law (for example, if legal proceedings require it). The Church will discuss with the whistleblower before any such disclosure and will seek to protect the whistleblower through witness protection measures. Whistleblowers might be asked to provide a formal statement as evidence, especially if the matter goes to court, but this will be handled with their consent and support.

#### **9.4 Protection of Persons Accused (Fair Treatment):**

Safeguards also extend to persons who are the subject of allegations. They have rights to fair treatment and confidentiality as well. While the investigation is ongoing, the fact that someone has been accused will be kept confidential and their dignity respected. If they are eventually found not to have committed wrongdoing, ACK will ensure they do not suffer any prejudice. Unsubstantiated or false claims will be purged from their record, and they will be reinstated fully if any interim action (like suspension) was taken. Publicity (internal or external) about accusations is avoided to prevent defamation of innocent parties.

#### **9.5 Anonymity and Anonymous Allegations:**

As stated, reports can be made anonymously. Historically, purely anonymous allegations can be harder to act on, but ACK will weigh them seriously. The Policy states that while individuals are **normally expected to put their name** to disclosures, anonymous reports *may* be investigated at the organization's discretion. The factors considered include:

1. The **seriousness** of the issue raised (e.g., a claim of major fraud or security threat will be investigated even if anonymous due to potential gravity).

2. The **credibility** and detail of the allegation (a well-detailed letter with evidence might be pursued, whereas a vague accusation with no support might be set aside if it cannot be verified).
3. The likelihood of confirming the allegation through other sources (e.g., if financial records can prove or disprove the claim independently of the whistleblower's identity).

ACK prefers open reporting, but anonymity is respected, and *no attempt will be made to identify an anonymous whistleblower* who does not wish to be known. Retaliation protections apply even to those who choose to remain anonymous, in the sense that if their identity later becomes known, they are still protected.

## **9.6 Good Faith and Truthfulness:**

The Church expects reports to be made truthfully and with good intentions. If an allegation is found to have been **maliciously** made – that is, the whistleblower knew it was false or made it purely to harm someone or for personal gain – this is taken very seriously. The investigative authorities (senior management or Board) may determine an allegation to be malicious or vexatious at any stage. Consequences could include disciplinary action against the false accuser, up to dismissal, and possibly legal action (for example, libel or slander suits could be conceivable, though the preference is to handle it internally). This measure is not to deter honest reporters but to underscore that whistleblowing is not a tool for settling personal scores. In practice, such cases are rare, and the threshold to consider an allegation malicious is high – clear evidence of knowing falsehood is required.

It is reiterated that if someone reports with good intent and the investigation does not substantiate their claim, **no action is taken against them**. ACK values and thanks those who come forward, even if the outcome is that no wrongdoing was found – the report still helped affirm the integrity of our systems.

## **9.7 Support and Acknowledgment:**

Whistleblowers often undergo stress or fear. ACK will provide support where possible. This might include:

1. Informing them of counselling services or pastoral care if they feel distressed.
2. Regularly reassuring them of their protection and updating them on case progress as appropriate.
3. If the whistleblower faced any reprisal or litigation because of their disclosure, the Church would consider providing legal support or covering legal expenses to defend them, on a case-by-case basis.

Moreover, ACK encourages a culture of appreciation for integrity. Without necessarily naming individuals, leadership can signal that whistleblowers' actions are positive (for example, citing "because someone spoke up, we improved our controls" in a general communication). This positive reinforcement helps remove the stigma sometimes attached to whistleblowing.

## **9.8 Witness Protection Agency Liaison:**

In scenarios of extreme risk (say, a whistleblower exposes a criminal syndicate or terrorist financing link and faces serious threats), ACK will promptly coordinate with the national Witness Protection Agency. The Agency can assess and provide measures like new identity, relocation, armed security, etc. While such extreme cases are unlikely in Church contexts, the inclusion of AML/CTF in this Policy means one cannot rule out powerful criminal interests being exposed. The Church will treat such situations with utmost urgency to ensure the individual's safety comes first.

In conclusion, this Policy aims to ensure *no one* is worse off for having adhered to their duty of reporting wrongdoing. On the contrary, whistleblowers acting in good faith are heroes of integrity in the eyes of the Church. The protections outlined here, bolstered by national laws, create an environment where speaking the truth is safe and valued. These safeguards equally ensure that accused persons are treated justly and that the process cannot be hijacked by malicious intents. It is through

these balanced protections that ACK maintains an ethical, fair, and secure organizational culture.

# Compliance Monitoring, Audit and Policy Review

## 10.1 Introduction

To ensure that this Policy is not merely a document but a living, effective program, ACK establishes mechanisms for ongoing monitoring, auditing, and regular review of the Policy's implementation and effectiveness. Continuous improvement is key, especially in the face of evolving risks and regulatory developments.

## 10.2 Internal Controls and Monitoring:

Management at all levels will monitor compliance with anti-fraud and AML/CFT controls as part of routine oversight. This includes:

### a. Financial Oversight:

Regular reconciliation of accounts, review of budget variances, and checks on unusual transactions. For instance, the Finance Department will monitor for any anomalous entries that could indicate fraud or laundering (such as large cash deposits or payments to unfamiliar entities).

### b. AML/CFT Specific Measures:

If applicable, screening of donors or partners against sanctions lists (maintained under POTA regulations) should be done, especially for international transactions. Any person or entity that appears on UN or other terrorist sanctions lists will be reported and avoided. The Church, although not a financial institution, will exercise due diligence proportionate to its risk exposure (e.g., verifying identities of donors in high-risk situations).

### c. Gifts and Hospitality Registry:

The HR or Admin office will maintain a register where employees declare any gifts or hospitality offered/received above a modest threshold, as a tool to monitor potential undue influence.

#### d. Conflict of Interest Declarations:

Board and senior staff should periodically fill conflict of interest forms, listing any outside interests, to help monitor and manage conflicts.

#### e. Procurement and Project Monitoring:

Major procurements or construction projects will have additional oversight (e.g., committees reviewing bids) to ensure transparency. Random cross-checks might be done to ensure vendors were selected properly and funds used as intended.

### 10.3 Audit and Compliance Checks:

Internal Audit (or external auditors where engaged) will conduct **annual audits** that include testing compliance with this Policy. They will:

1. Audit high-risk areas (cash handling, procurement, expense claims, fund transfers) for adherence to procedures.
2. Verify that any red flags or past incidents have been addressed.
3. Test the whistleblowing mechanism by checking whether reports were handled per policy (e.g., response times, documentation).
4. Review record-keeping for AML (for example, that any suspicious transaction identified was documented and reported).
5. Evaluate whether controls are sufficient to mitigate key fraud risks identified in risk assessments.

The findings from such audits will be reported to the Audit Committee and senior management. If weaknesses are found, management must develop remedial action plans with clear timelines.

### 10.4 Annual Policy Review and Update:

ACK commits to reviewing this Policy at least **annually** (for example, at the end of each financial year) and additionally whenever significant changes in law or circumstances occur. The review will be led by the Compliance Officer or Internal

Audit, in consultation with legal advisors and relevant departments. The review process will consider:

**a. Effectiveness:**

Have there been incidents of fraud or bribery in the past year? Were they detected and handled appropriately? What does that say about the Policy's effectiveness?

**b. Whistleblower Usage:**

Are employees using the whistleblowing channels? If not, is it due to lack of awareness or fear? Perhaps a confidential survey can gauge staff confidence in the process.

**c. Legal Changes:**

For instance, if Kenya enacts a new Whistleblower Protection Act or further amends AML laws (following the 2023 amendments), the Policy must be updated to incorporate new requirements. Similarly, changes in FATF recommendations or ISO standards may prompt updates.

**d. Lessons Learned:**

If an incident occurred, what gaps did it reveal? If no incidents, are we sure it's because of robust prevention or could it be a sign of undetected issues? Input from the MER 2022 findings or other external evaluations might also be considered to strengthen areas like NPO risk management.

**e. Benchmarking:**

Compare the Policy against peer organizations' policies or guidance from the Anglican Communion or NGOs in Kenya to see if we can adopt any improvements.

The annual review will culminate in a **Policy Review Report** to the Board of Finance, highlighting any proposed changes. The Board (or a delegated committee) will

approve necessary revisions. Even if no changes are made, a minute will note that the Policy was reviewed and deemed still adequate.

### **10.5 Training and Awareness:**

Continuous training is part of keeping the Policy effective. Each year, ACK will conduct refresher training for staff and key volunteers on ethics and anti-fraud measures. New laws or policy changes will be communicated through workshops, memos, or e-learning modules. Specialized training may be given to high-risk roles (e.g., finance officers on detecting money laundering, procurement teams on preventing bid rigging). The training program's efficacy can be measured via quizzes or feedback forms, ensuring people understand their responsibilities.

### **10.6 Record-Keeping and Reporting:**

ACK will maintain records of all allegations and outcomes (whistleblower log, investigation files, audit reports). Trends will be analysed – for example, if multiple small frauds are occurring at certain locations, it may indicate the need for tighter controls there. Additionally, the Church may choose to publish an Integrity Annual Report internally, summarizing actions taken and affirming commitment to accountability (without exposing confidential details). This transparency can reassure stakeholders (donors, congregants) that ACK actively safeguards its resources.

### **10.7 External Review:**

From time to time, ACK might commission an external assessment of its anti-fraud and AML compliance program (perhaps every 3-5 years or as needed). External auditors or consultants can provide an independent view and make recommendations aligned with international best practices. Participation in peer reviews or forums (like EACC's church integrity roundtables or NGO accountability networks) can also provide insights to improve.

By instituting rigorous monitoring and a feedback loop for improvement, ACK ensures this Policy remains a dynamic shield against wrongdoing. Just as personal

faith is renewed regularly, our institutional integrity measures are revisited and refreshed. The annual audit and review clause mandated here is not just a formality – it is a mechanism for accountability, ensuring that promises on paper translate into action and that the Policy evolves with the times. Ultimately, this continuous vigilance helps the Church remain above reproach, honouring the biblical call that *“it is required that those who have been given a trust must prove faithful”* (1 Corinthians 4:2).

# Annex 1: Whistleblower Reporting Form

*(This form is provided to guide individuals in submitting a detailed report. Use of the form is optional – whistleblowers may also report via other written or oral communication – but the form ensures all necessary information is captured. Reports can be made anonymously, but providing contact information will enable follow-up for clarification and feedback.)*

## Anglican Church of Kenya – Confidential Whistleblower Report

### A. Reporter Details (leave blank if you wish to remain anonymous):

- Name of Reporter: \_\_\_\_\_
- Position/Role (if applicable): \_\_\_\_\_
- Department/Church Unit: \_\_\_\_\_
- Preferred Contact (phone/email): \_\_\_\_\_
- Date of Report: \_\_\_\_\_

### B. Concern Details:

- **Type of Alleged Misconduct:** (Please circle/check all that apply)  
Fraud/Theft; Bribery/Corruption; Conflict of Interest; Misuse of Funds; Money Laundering; Terrorism Financing; Other (specify: \_\_\_\_\_).
- **Date/Period of Incident:** \_\_\_\_\_
- **Location of Incident:** \_\_\_\_\_
- **Person(s) Involved:** (List names and titles/roles if known)
  - \_\_\_\_\_
  - \_\_\_\_\_
- **Description of Alleged Wrongdoing:**

*(Please describe in as much detail as possible what happened. Include what led you to raise this concern – e.g., what was said or done, the sequence of events. Attach additional pages if needed.)*

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- **How did you become aware of this issue?**

(e.g., witnessed directly, heard from another, found in documents)

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- **Evidence or Supporting Information:**

*(List and attach any documents, emails, photos, or other material that support the allegation, if available. Or describe where evidence might be found – e.g., “the fraudulent entries are in the 2024 Q1 Finance ledger” or “CCTV footage on date X may show the activity”.)*

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- **Are there other witnesses or persons who can confirm this?** If yes, please provide their names or how we can contact them (if known):

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### **C. Prior Reporting:**

- Have you raised this concern with anyone else within ACK before submitting this form? If yes, please specify who and when:

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- Have you reported this to any external authority? If yes, please provide details (which agency, contact person if any, date reported):

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**D. Confidentiality and Follow-Up:**

- Do you request anonymity? **Yes/No** (circle one)
- May we contact you for further information if needed? **Yes/No**
- Any preferred method or time for contact? \_\_\_\_\_

**E. Declaration:**

I **confirm** that the information provided in this report is true to the best of my knowledge and is made in good faith. I understand that the Anglican Church of Kenya will use this information to investigate the allegations, and I will not be subject to retaliation for submitting this report in good faith. If I have disclosed my identity, I request that it be kept confidential to the extent possible.

*(If not anonymous and if you are comfortable signing; not required if it compromises anonymity):*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submit this form** in a sealed envelope marked “Confidential – Whistleblower Report” to ***[Designated Officer’s Address]***, or via email to ***[confidential email address]***, or through the other provided reporting channels. For any questions on this process, you may contact ***[Whistleblowing Officer’s Name]*** at ***[contact info]***, while preserving confidentiality.

Thank you for helping uphold integrity within the Anglican Church of Kenya. Your courage in speaking up is valued and will help ensure accountability and trust in our ministry.