

# FAMILY HEALTH OPTIONS KENYA

## **ANTI CORRUPTION POLICY**

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Instilling Ethics in provision of Sexual and Reproductive Health Services

**FHOK/2013**

**Revised and approved by National executive Committee in September 2013**

## **PART I: INTRODUCTION**

Corruption is a great impediment to development and a barrier to poverty reduction and health care service delivery in Kenya and in many other African countries. *FHOK* defines corruption as “abuse of office for private gain that hampers the public interest” and it can be a problem at many levels. It can also manifest itself in many ways: bribery, financial leakages, conflict of interest, embezzlement, false accounting, fraud, influence peddling, nepotism, theft of public or organizational funds, theft of public or organizational assets, or extortion.

Corrupt transactions are entered into consciously. Profit and opportunity are often weighed against the risks of being detected and the likelihood and extent of any punishment. Where risks and punishment are minimal and rewards are greater, corruption increases. Corruption is a threat to good governance; sustainable development, democratic processes and good business practice and contribute to social inequality. It can erode confidence in the institution and can retard the strengthening of a performance based culture, reducing value for money and affecting the prospects for institutional sustainability. It erodes support for development aid and puts a heavy social and economic burden on the poor, lowering the standard of living of the people, including access to quality health services.

FHOK is at all times responsible towards its target groups, development partners and donors, and prevention of corruption is crucial for the development results we wish to achieve in our work.

This policy is in line with the Whistleblower’s Protection Act 2010, Anti-corruption and Economic Crimes Act 2003 designed to improve accountability and reduce the levels of corruption in Kenya. It focuses on people, systems, and organizations and on building a culture where integrity is valued and corruption is rejected. This policy is aligned to the yet to be accented to Bill on Ethics and Governance creating the new anti-corruption authority.

The FHOK Anti Corruption Policy lends support and is premised on the FHOK Finance Management Policy, Human Resources Policy Risk Management Policy as well as the Constitution.

FHOK, in line with the postulates of the International Planned Parenthood Federation (IPPF), to which it is affiliated, will adopt ‘zero tolerance’ to corruption. This anti-corruption policy applies to all volunteers, employees, and the Board at Family Health Options Kenya (FHOK). Everyone mentioned above is required to follow this anti-corruption policy, and any infringement of this policy will be treated in accordance with the rules described in this document. Staff and volunteers have a responsibility to help detect, prevent and report instances of corruption nature including any such suspicious activity. Any breach of this policy may attract disciplinary and/or criminal action.

The purpose of this anti-corruption policy is to support work ethics which are characterized by a high level of personal and organisational integrity, both internally and in relation to

partners and donors. The regulations of FHOK and the membership of FHOK within IPPF<sup>1</sup> make clear demands towards prevention and fight against corruption, and we will fulfill this responsibility by promoting transparency and accountability in our organization and within our partner organizations. This is among others things done in such a way that member of the Board and the Secretariat each year complete and sign a document, where possible overlapping interest and conflicts are described (Conflict of Interest forms).

FHOK receives funding from many different sources and donors, and the organization has great responsibility to administer such funding in a responsible and accountable manner that minimizes risk to donor and Association's funds and assets. FHOK must ensure that the funding, which it administers, does not end up being misused or put to wrong use. FHOK must continue to promote a robust and transparent means of identifying, addressing or mitigating corruption and its attendant ills.

FHOK employees, volunteers, and the Board must continue to maintain and promote high ethical standards and responsible behavior built on knowledge, respect and adherence to the law.

FHOK follows Kenya's legislation, and also operates and observes the rules and regulations of international law.

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<sup>1</sup> Family Health Options Kenya is a member of the umbrella organisation International Planned Parenthood Federation (IPPF)

## **PART II: PRINCIPLES**

### **2.1 Conflict of interest**

- 2.1.1 Avoiding or addressing conflict of interest is the overall principle in fighting corruption. A conflict of interest can arise from situations in which an FHOK employee has a private interest that could influence his/her professional performance in regard to the Association or in regard to one or some of FHOK's partners.

*FHOK employees, volunteers, or the Board will avoid any unadvisable and ill-judged conflicts of interest – real or potential – between personal interest, interests of FHOK, and the interest of our partners.*

- 2.1.2 Conflicts of interests occur frequently and are not necessarily corrupt. It is how they are identified and managed that is important. If conflicts of interest situations are not properly identified and managed, they can endanger the integrity of FHOK and its partners, and can result in corruption. All staff members are expected to show good judgment and when in doubt, contact their superior(s). In questions of conflict of interest it is important to use personal and ethical judgment to make the right decisions.

### **2.2 Abuse of power and extortion**

- 2.2.1 Extortion refers to the gaining of property or money or any favor by using any kind of force, or threat of violence, property damage, harm to reputation, or in which one person forces another person to do something against his/her will, generally to give up money or other property or right, by threat, either actual or implied in exchange for acting or failing to act.

*FHOK employees, volunteers, or the Board, will not, singly or collectively seek to influence any person or institution for private purpose by using their official position or offering them personal advantages. Likewise, they will not use FHOK's property, facilities, services and financial resources for private purposes except when permission is given. They will not use any forms of extortion as a method to gain advantages.*

- 2.2.2 This principle implies that FHOK employees, volunteers, and the Board should not use their status for private gain. An example could be employees or managers abusing their good relations to suppliers to gain reduced prices for own advantage (e.g. computers, cars, food, consultant support or traveling for private use, etc.). Managers not allowed to abuse their power to get personal favors or services from employees.

## 2.3 Fraud, theft and Embezzlement

2.3.1 Fraud and Embezzlement are offences that involve theft of resources by persons entrusted with authority and control over organizational property.

Fraud is an economic crime involving deliberate deception, trickery or false pretence, by which someone gains advantage unlawfully, such as obtaining money or some other benefit.

2.3.2 Embezzlement is the misappropriation of property or funds legally entrusted to one in his/her formal position as a manager, agent or guardian. Examples of fraud and embezzlement are such as presenting false or altered documents such as submitting false invoices for official travel, lying about qualifications and abusing power/knowledge to steal cash and equipment from the institution, or misusing funds entrusted to them. Embezzlement also includes conversion of property and personnel for private use such as using organization's vehicle for personal purposes.

*Fraud and embezzlement are illegal and must not be used by FHOK employees, volunteers, or the Board, as methods to gain personal or professional advantages or property in relation to FHOK, partner organizations or other stakeholders.*

2.3.3 FHOK's regulations for accounting and documentation shall therefore be applied at all times. E.g. approval of payments has to follow the instructions as laid down in FHOK's Financial Management Manual and approval of programmes and projects has to follow FHOK's approved plans as well as specific donor related agreements. All involved parties are expected to show honesty and not to abuse their positions for own gain.

## 2.4 Bribery

2.4.1 Bribery is the offering of money or other incentives to persuade somebody to do something, especially something dishonest or illegal; it is the transfer of any item or service that has value in exchange for preferential treatment or an advantage that would not be obtained through ordinary circumstances.

2.4.2 Bribery is illegal in Kenya and harms the opportunities for fair and transparent transactions, and also erodes the quality and scope of service delivery.

*FHOK employees, volunteers, or the Board must not receive bribes from potential partners or suppliers to make contracts with them and they must not proffer bribes to its partners as a way of influencing them. Likewise FHOK's employees, volunteers, or the Board, will under no circumstances, accept bribery in order to promote the implementation of activities. FHOK's employees, volunteers, and the Board will continue to base their collaboration and cooperation with partners and other stakeholders on mutual ownership and respect; accountability and participation.*

## 2.5 Nepotism, favoritism and discrimination

2.5.1 Nepotism is favoritism toward relatives and is based on kinship. Nepotism is a negative practice because it implies that the person getting the job, promotion, or property is usually not otherwise qualified enough to have it. For instance, offering friends or family members a contract, despite the fact that there are others who are better qualified and willing to perform the job, or offering higher earnings and other benefits to employees who have a personal relation to the management and without any kind of merit based standards.

*FHOK employees, volunteers, and the Board, will not, singly or collectively favor friends, family, tribe, party affiliation, religion, sect and other preferential groupings or other personal relations in recruitment, procurement, service delivery or any other such instances.*

2.5.2 To avoid favoritism and nepotism in procurement the process will rigorously follow Procurement Manual. In recruitment at FHOK transparent and participatory procedures are followed in all instances in order to identify the best candidate for any given position. It is important to stress that if conflict of interest issues are transparently and professionally handled, it can in some cases be acceptable to hire/collaborate with family or friends.

2.5.3 Discrimination based on marital status, sex, age, religious affiliation or sexual orientation will not be entertained in FHOK.

## 2.6 Gifts

2.6.1 Gifts are defined as but not limited to: Services, travel, entertainment, material things or favors. In order to respect local traditions and conventional hospitality minor gifts such as chocolate, pens, simple clothing, books, etc may be accepted. Cash gifts must never be accepted. All employees, of FHOK are expected to show good judgment and when in doubt, to contact their superior(s). It is important for one to weigh the circumstances or intent with which a gift is proffered. Both staff and volunteers are obliged to declare any gift or gifts they may receive in the course of their direct or indirect association with FHOK to the Governance & Human Resource Manager who will relay the same to the anti-corruption committee for consideration if these gifts are of a more substantial amount.

*FHOK employees, volunteers, and the Board, will not, singly or collectively give or receive, directly or indirectly, any gift or other favor that may influence the exercise of their function, performance of duty or other ways of possibly harming*

A guiding principle is that a gift should never influence the independent judgment of an FHOK employee, volunteer, or Board member, and that one should share such gifts with colleagues, if possible.

### **PART III: MECHANISMS TO IDENTIFY AND ADDRESS ACTUAL OR PERCEIVED CORRUPTION**

3.0 In order to identify, mitigate and eliminate any instances of corruption, FHOK will adopt an evidence based, integrated, transparent, non-partisan, comprehensive, impact oriented and inclusive approach. All staff and volunteers are duty bound to help detect, prevent and report instances of corruption including any such suspicious activity. FHOK will also take a stand on those cases of conflict of interest which may be difficult for an individual to decide.

3.1.1 If a volunteer, employee, or member of the Board in FHOK or in a partner organization discovers a case of corruption, this must be reported through the reporting system, described below. It is also possible to make contact if there is any suspicion, rumor or doubt as regards a case of corruption. A reporting form should in that case be completed and sent to a group mail address of the anti -corruption committee or delivered to a sealed anti-corruption complaint box to be placed at the reception of FHOK offices at any level, clearly labeled (Corruption Complaint). Access to this facility will be restricted to the anti-corruption committee or its authorized agents.

Usually, the source of information should not be anonymous, unless absolutely necessary, and the name or names of the sources should be included in any such communication to the committee.

3.2.2 FHOK will appoint a management standing anti-corruption committee, which will be receiving complaints. This committee will consist of two employees. These should be trusted members of the Association, and they can be drawn from any sector of the Association, appointed by Senior Management, and approved by the Board. The Heads of departments and employees who work with the finances of the association and payments shall not be represented on this committee. Its members should possess or be able to access the specific investigative skills needed, should have proven integrity and high ethical standards and be willing to undertake this work.

Should any of the committee members be involved or mentioned in an act of corruption, then that member's seat on the committee will be taken up by the Executive Director. In case the Executive Director is involved, then the FHOK Board will assume the committee's investigative powers.

3.2.3 Witnesses and the identity of any whistle blowers will be rigorously protected. Additionally, if there is any such occurrence, clear and comprehensive terms of reference (TOR) for the committee will be developed. The TOR should contain a clear description of the facts giving rise to the investigation, all decisions rendered during the investigation with their justifications and reasons for the involvement / non-involvement of senior management of the institution.

- 3.2.4 The committee will serve a term of one year, renewable up to a maximum of three years with the exception of the Internal Auditor. The committee will sit every three months, preferably one month before mandatory Board meetings, or when or where deemed necessary. On the basis of the complaints reported, the committee will evaluate whether or not an investigation should be conducted. The task of the committee will, in the first instance, be to ensure that persons involved in the complaint are not part of the follow-up process regarding the complaint. Furthermore, it will be the task of the committee to take a decision whether the case should be dealt with further and also to inform the person who made the complaint about the result of the decisions taken.
- 3.2.5 If the complaint involves the Senior management of FHOK, the complaint will be forwarded to and dealt with by the Board. If the complaint involves both management and the Board at FHOK, the committee has the authority to appoint an impartial investigation committee, in consultation with the International Planned Parenthood Federation or national anti-corruption bodies, or its own discretion. The investigation committee can consist of a member of the anti-corruption committee, or external experts. The reported complaint will be treated confidentially and with respect for the person making the complaint and the person(s) or organisations, about which there is suspicion. Anonymous reports are not accepted. All cases of corruption must be reported to the standing anti-corruption committee, including cases which have been investigated locally or cases which have a risk of personal safety.
- 3.2.5 Cases of corruption may end in dismissal and notification to the police, or other types of sanctions, if it becomes clear that the law has been violated. At its discretion, the committee or senior management may alert donors funding a particular intervention, in case an investigation is commenced.

### **3.3 Publication**

FHOK wishes to have an open policy regarding financial practices and accounting. Cases of corruption or cases where an investigation has taken place due to suspicion of corruption will be published on the website homepage of the association at the discretion of senior management, or as advised by the anti-corruption committee. *Mail will also be dispatched to all FHOK staff on an annual basis showing statistics that will highlight the number of corruption instances raised, the number investigated, and the number of cases settled.*

*Adopted by the National Executive Committee of FHOK on 20<sup>th</sup> September 2013*



**Rophus Mwamburi**  
**NATIONAL CHAIRPERSON**

**Date:** 20/09/2013  
**Nairobi Kenya**

