



NATIONAL WATER HARVESTING & STORAGE AUTHORITY

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WHISTLE BLOWER POLICY

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FOREWORD

National Water Harvesting and Storage Authority (NWHSA) is committed to the highest possible standards of integrity, transparency, accountability and fairness in all its operations. The Authority is therefore pleased to put in place mechanisms and internal frameworks that will help in curbing unethical conduct through developing of this whistle blower policy.

The whistle blower policy has come at the time the Authority is implementing various reforms geared towards improving service delivery and effective implementation of the Authority's new mandate.

As the Board of Directors, we shall be at the forefront to ensure management implements the policy so as to address unethical conduct and promote justice and good Corporate Governance. Our values; Sustainability, Accountability, Reliability, Innovation and Transparency, are in tandem with the principles of this policy hence they shall form part of our value system.

Whistleblowing is critical in protecting the Authority's internal and external stakeholders by mitigating against risks caused by fraud and other unethical malpractices. This therefore will result in an open organizational culture that will foster good corporate governance. Further, the Board and management will focus on implementation of the Authority's mandate leading to improved service delivery and performance.

Through this policy, we shall encourage open communication while discouraging any disclosures that may arise out of malice. On the other hand, this policy guarantees the protection of whistle blowers at the Authority in line with the provisions of The Witness Protection Act 2006 (Cap 79). As outlined in the policy, whistle blowers will be protected from any form of victimization.

I call upon the Board of Directors, management and all staff to embrace the policy and ensure each one of us plays a role through team work in its implementation.



.....
Chairman of the Board of Directors

ACKNOWLEDGMENT

Whistleblowing is becoming more accepted as a way for organizations to access internal information that would have otherwise remained secret hence becoming a risk to the organization. A whistle blower policy provides confidentiality of all informers who wish to report any issues that they feel are unethical.

The main objective of this policy is to encourage openness and transparency while guaranteeing protection of the whistle blowers. It is on this premise that I present this Whistle Blowing Policy to NWHSA's staff, Board of Directors and our stakeholders. This policy will play a crucial role in ensuring we uphold integrity, accountability and fairness.

The policy has been developed in line with the provisions of the Constitution of Kenya 2010, particularly Chapter Six and Article 10 on Leadership and Integrity and National Values and Principles of Governance respectively. It is my hope that we shall utilize this policy and its provisions for our benefit as key stakeholders and extend the same to our external stakeholders.

I take this opportunity to appreciate everyone who played a role in the development of this policy. First, I thank the Chairperson of Board and the Board of Directors for their role in giving policy direction.

Secondly, the Corruption Prevention Committee (CPC) which gave leadership and the Integrity Assurance Officers (IAO's) team that developed this policy. This team dedicated their time and consulted relevant stakeholders to ensure their views are captured in the policy while ensuring the policy is finalized in good time.

This policy would not have been complete without the input of Management and staff. I appreciate the entire team for their invaluable inputs

I call upon all employees to embrace this policy, and ensure compliance with all its provisions and procedures. I strongly believe this policy will help the Authority combat unethical conduct hence have a positive impact on performance.



Eng. Julius Mugun.....
Ag. Chief Executive Officer

1.0 DEFINITION OF TERMS

Corruption Prevention Committee (CPC): Refers to the committee that spearheads corruption prevention in an entity. This Committee may be referred to as Integrity Committee.

Disclosure: The reporting of information by a person, made in good faith and based on reasonable belief, indicating the occurrence of corruption, illegal acts, or other misconduct to an authorized person or body for investigative and appropriate action.

Integrity Assurance Officer (IAO): Refers to an officer appointed by the accounting officer/Chief Executive Officer, trained and certified by the Ethics and Anti-corruption Commission.

Whistle Blower: A person who reports or discloses information about, bribery, corruption or unethical conduct within the Authority. Such a person must be protected from reiteration, harassment or intimidation when they report corruption.

2.0 BACKGROUND

The Water Act No. 43 of 2016 came into effect on 21st April, 2017 and therein established the National Water Harvesting & Storage Authority. (NWHSA)

NWHSA under section 30 of the Water Act 2016 has a new extended mandate to undertake on behalf of the National Government, the development of National Public Water Works for Water Resources Storage and flood control among others.

VISION

“Sufficient water storage for all”

MISSION

“Developing and managing national water works infrastructure towards enhancing water security, flood mitigation and storage for multipurpose use.”

MANDATE

- i. Undertake on behalf of the national government, the development of national public water works for water resources storage and flood control;
- ii. Maintain and manage national public water works infrastructure for water resources storage;
- iii. Collect and provide information for the formulation by the Cabinet Secretary of the national water resources storage and flood control strategies;
- iv. Develop a water harvesting policy and enforce water harvesting strategies;
- v. Undertake on behalf of the national government strategic water emergency interventions during drought;
- vi. Advise the Cabinet Secretary on any matter concerning National public water works for water storage and flood control.

CORE VALUES

Our Core Values are; Sustainability, Accountability, Reliability Innovation and Transparency. (SARIT)

3.0 POLICY STATEMENT

National Water Harvesting and Storage Authority (NWHSA) upholds high standards of ethics in its operations as prescribed in the Authority's Code of Conduct.

Further, the Board of Directors and Management are committed to enhancing ethics and integrity by encouraging whistle blowing and protecting whistle-blowers and informers through this policy.

4.0 PURPOSE

The purpose of this policy is to provide internal mechanisms to encourage all stakeholders to report suspected or actual unethical practices. It will also guide on procedures for handling whistle blower reports, feedback, responsibility of all stakeholders and protection of whistle blowers. It is designed to ensure good corporate governance through transparency and integrity as outlined in our core values.

This will ensure employees can raise concerns of unethical conduct without fear of suffering retribution and provide a transparent and confidential process for dealing with such concerns in line with the various statutes which include but not limited to Constitution of Kenya, 2010, Witness Protection Act, 2010, Bribery Act, 2016, Access to Information Act, 2016, Anti-Corruption & Economic Crimes Act (ACECA), 2003, United Nations Convention against Corruption (UNCAC) 2003 and International Labour Organization (ILO).

The policy will help to mitigate against risks through discovery of malpractices in good time to avoid loss of funds, impairing the image of the Authority which may have a negative impact on the performance of the Authority.

This policy will be guided by the following key principle; confidentiality, fairness, transparency, accountability, protection and feedback.

The Authority will effectively investigate all allegations of fraud and other malpractices reported to full conclusion. However, malicious allegations will be subjected to administrative / disciplinary action.

5.0 SCOPE

The Policy applies to the Board of Directors, employees and all other stakeholders of the Authority. It covers inter alia “suspected fraud or corruption, criminal offences that have or are likely to be committed, breach of code of conduct, disregard for legislation, misuse of public property, collusion to execute substandard works, breach of rules and regulations governing all operational areas of the Authority”.

This policy also applies to situation that may arise when normal or regular channels of reporting are not appropriate. These channels are but not limited to;

- i. Where evidenced is concealed or destroyed
- ii. Where previous reports for the same information have not been actioned on or observed violation continues unabated.

6.0 RESPONSIBILITY

Position	Responsibility
Board of Directors	To approve and offer oversight & leadership on the implementation of this policy.
Chief Executive Officer	<ol style="list-style-type: none"> i. Ensure effective Policy Implementation and Compliance ii. Ensure resources allocated to support whistle blower programmes are effectively and efficiently utilized. iii. To receive periodic reports from respective heads of departments who have been allocated whistleblower responsibilities iv. Establishment of Reporting Mechanisms: Create a conducive environment where staff are free to report any matter relating to misconduct, without fear of victimization. v. Ensure Protection of Whistleblowers vi. Oversight of Investigations vii. Ensure timely Reporting and Accountability of significant whistleblowing matters to relevant oversight bodies

	<ul style="list-style-type: none"> viii. Promote awareness of the Whistleblower Policy through training, communication, and continuous sensitization programs. ix. NB: The Chief Executive Officer may delegate specific responsibilities under this Policy to designated officers or committees, provided that such delegation does not absolve the CEO of overall accountability.
Corruption Prevention Committee (CPC)	<ul style="list-style-type: none"> i. Receive, review, and record whistleblower reports in a confidential manner. ii. Ensure all disclosures are promptly assessed and, where necessary, recommended for investigation. iii. Safeguard the identity and rights of whistleblowers, including protection from retaliation. iv. Monitor and ensure fair, impartial, and timely handling of reported cases. v. Liaise with relevant oversight bodies, including the Ethics and Anti-Corruption Commission, where appropriate. vi. Promote awareness of whistleblowing mechanisms and anti-corruption practices within the institution. vii. Provide periodic reports and recommendations to management on whistleblowing matters and corruption risks.
Integrity Assurance Officers	<ul style="list-style-type: none"> i. To develop the whistle blower policy ii. Receive and document whistleblower reports through designated confidential channels. iii. Ensure protection of whistleblowers, including maintaining confidentiality and preventing retaliation. iv. Conduct preliminary assessment of disclosures and refer cases for investigation where necessary. v. Monitor the handling and resolution of reported cases to ensure fairness and timeliness. vi. Liaise with relevant authorities, including the Ethics and Anti-Corruption Commission, where appropriate. vii. Promote awareness of whistleblower procedures and ethical standards within the institution.
Human Resource	<ul style="list-style-type: none"> i. Support the implementation and communication of the Whistleblower Policy across the institution. ii. Ensure protection of whistleblowers from retaliation, including addressing grievances and workplace victimization. iii. Maintain confidentiality of whistleblower information within personnel records and processes.

	<ul style="list-style-type: none"> iv. Provide guidance on disciplinary actions arising from substantiated cases of misconduct. v. Facilitate training and awareness on whistleblowing procedures and ethical conduct. vi. Collaborate with relevant bodies, including the Ethics and Anti-Corruption Commission, where necessary.
Staff	<ul style="list-style-type: none"> i. Report any suspected misconduct, corruption, or unethical behavior in good faith through designated channels. ii. Provide accurate and truthful information when making disclosures or during investigations. iii. Maintain confidentiality of whistleblowing matters and avoid unauthorized disclosure. iv. Cooperate fully with investigations and related processes. v. Refrain from making malicious or false reports. vi. Uphold ethical standards in line with applicable laws,
Internal audit	<ul style="list-style-type: none"> i. Independently review and assess whistleblower reports referred to it. ii. Conduct or support investigations in an objective, impartial, and timely manner. iii. Evaluate the adequacy and effectiveness of internal controls related to reported issues. iv. Document findings and provide recommendations for corrective and preventive actions. v. Report significant matters to senior management, the Audit Committee, and relevant oversight bodies. vi. Liaise with external agencies, including the Ethics and Anti-Corruption Commission, where necessary.

7.0 WHISTLE BLOWING PROCEDURES:

- i. All whistle blower information may be raised orally, (i.e., face to face or via the phone) or in writing to the respective officers; i.e.:
 - Immediate supervisor
 - Head of Division/Department
 - Manager, Internal Audit & Risk
 - The Chief Executive Officer
 - Chairman, Governance, Risk & Audit Board Committee
- ii. Whistle-blowers and informers are encouraged to approach any of the above designated officers.

- iii. The whistle blower is at liberty to provide the information in the form of his/her choice. However, where he/she chooses to provide formal information, the same should be legible.
- iv. Should the whistle blower wish to discuss the matter orally, he or she should indicate this in the submission and include a telephone number at which he/she might be contacted.
- v. The information given should be accompanied by evidence which describes the matter in details without leaving any uncertainties. The informers should provide the following information accurately and confidentially:
 - The identity of the person(s) involved in the suspected malpractice.
 - A detailed outline of the suspected unethical conduct.
 - Names of any other persons/witnesses involved if any.
 - Time, date and place when the incident took place.
- vi. Any reported allegations shall be reviewed by the CPC or the assigned officers to ascertain if it requires investigations and the best course of action.
- vii. The information shall also be shared with the Accounting Officer/CEO to provide the necessary support for thorough investigations.
- viii. The designated officers shall take the oath of secrecy so as to protect the identity of the information and of the whistle-blower or informer

8.0 AVENUES FOR WHISTLE BLOWING

- i. Corruption reporting boxes placed in strategic areas of the Authority including headquarters and regional offices.
- ii. Telephone contacts and email addressed for all designated officers above.
- iii. The Board may designate a special email address for this purpose.
- iv. As need arises, the Management shall seek approval from Board of Directors to provide other avenues which include but not limited to subcontracting an independent agency. The agency shall review allegations and forward to the Authority's CPC cases that warrant further investigation.
- v. The same avenues shall also be used by external stakeholders to whistle blow.
- vi. The Management may also design independent tip-offs and anonymous reporting avenues in the form of hotline numbers, email and other interactive channels.

- vii. The whistle blower or informer may report suspicious incidences to any of the agencies detailed below if he/she is not comfortable or satisfied with the way a certain information was treated:
- a) The Director/Chief Executive
Ethics & Anti-Corruption Commission
Integrity Centre
Milimani Road/Valley Road Junction
P. O. Box 61130-00200 Nairobi
Tel: (020)2717318, 310722, 2100312/3
Mobile: 0729 88881/2/3
Email: report@integrity.go.ke
EACC Reporting Centre and Whistleblower reporting system EACC Hotline numbers: 020-2717468. 0727-285663, 0733-520641
Hot fax: (020) 2717473
Email: report@integrity.go.ke
 - b) The Commission on Administration of Justice/Ombudsman
P O Box 20414, 00200, Nairobi
Email: complain@ombudsman.go.ke,
Website: www.ombudsman.go.ke
 - c) Directorate of Criminal Investigations (DCI),
Kenya Police Service. +254 20 512090/1;
P.O. Box 30036 - 00100 Nairobi;
www.Kenyapolice.go.ke.
 - d) Inspectorate of State Corporations
P.O. Box 54457-00200, Nairobi, Kenya
Tel: +254-20-2227411, Fax, +254-20-316801
 - e) Any other relevant professional or regulatory body

9.0 FEEDBACK

- i. After receiving information from a known whistle blower, the designated officer will acknowledge receipt of the same within three (3) working days.
- ii. Once an analysis is completed on a reported matter, the designated officer shall inform the whistle blower if known, within seven (7) working days. This shall include how the Authority intends to deal with the matter, give an estimate of how long it will take to conclude on the matter and if more investigations will be needed.

10.0 CONFIDENTIALITY

- i. All information provided by whistle blowers shall be treated as top-secret and confidential. Where documents are provided, they shall be secured.
- ii. The identity of a whistleblower shall always be concealed. Where the investigations find it necessary to disclose the identity, the same shall be done with consent of the whistle blower.
- iii. Anonymous allegations shall be investigated thoroughly and fairly. Further, informers are encouraged to provide detailed and accurate information to avoid ambiguity and malice.

11.0 PROTECTION OF WHISTLE-BLOWERS, INFORMANTS AND WITNESSES

The bribery and corruption prevention procedures shall provide effective measures for the protection of whistle-blowers, informants and witnesses as per the provisions provided for in the Witness Protection Act 2022 Sec 30

12.0 OPERATIONALIZATION

This policy shall be operational upon approval by the Board of Directors. The Chief Executive Officer shall oversee its implementation.

13.0 COMPLIANCE

The Board of Directors and members of staff shall be bound by the provisions of this policy. Noncompliance will lead to sanctions or disciplinary action where appropriate in accordance with Witness Protection Act 2022 and any other relevant statute.

The designated officers shall sign annual certificate of compliance as a commitment that they will abide by the provisions of this policy. (See Appendix I)

14.0 REVIEW OF THE POLICY

The Policy will be reviewed after every three (3) years, or earlier where necessary to ensure alignment with evolving legal and governance requirements and ensure it is relevant and speaks to the ever-changing socio-economic environment in the Authority and in Kenya.

15.0 EFFECTIVE DATE

The policy shall come to force the date it is signed by the Chairman of the Board and the Chief Executive Officer.

16.0 Appendix 1

ANNUAL CERTIFICATE OF COMPLIANCE FORM

I Personal Number certify that I have received, read and understood the Whistleblower Policy.

I shall comply with the provisions of this policy in the performance of my duties with the National Water Harvesting and Storage Authority and ensure that officers under my jurisdiction are aware of the existence of, and comply with, the provisions of this policy.

I will protect the confidentiality and identity of the information submitted to me, and that of the whistleblower, and to uphold its integrity. I will communicate any violations of this policy which I become aware of to the Chief Executive Officer.

Signature

Job Title

Department/Division.....

Date