



Cayman Islands Government

Whistle Blower POLICY

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Created by:	L. Knight
Approved by:	Deputy Governor
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Cayman Islands Government
Official Whistle-Blower Policy

Version April 1, 2017

Change history

Date	Version	Created by	Description of change
09 Jan 2017	1.0	Lauren Knight	First draft of the Policy
15 Mar 2017	2.1	L Knight, V Chinsee	Inclusion of Gross Misconduct provisions for retaliation
31-Mar-2017	2.2	C. Cooper	Inclusion of whistle blower contact details

Cayman Islands Government
Official Whistle-Blower Policy

Version April 1, 2017

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Official Whistle-Blower Policy

Version April 1, 2017

1. INTRODUCTION

This policy provides the official guidelines for reporting and investigating reports of wrongdoing (e.g. fraud, misappropriation of public resources, nepotism, corruption, and violations of the Public Management and Finance Law (PMFL), Public Service Management Law (PSML), or other applicable Cayman Islands Laws, Regulations, Policies and workplace rules).

2. RELEVANT LAWS

The Cayman Islands Government (CIG) has zero tolerance for fraud and other forms of corruption:

- Pursuant to section 4 of the PSML, the Public Service Values, to which the public service shall aspire and which shall govern its management and operation include (among others) “Adherence to the highest ethical, moral and professional standards at all times.”
- Pursuant to section 5 of the PSML, the Public Servant’s Code of Conduct, in which Public Servants are required, irrespective of their position and tenure, to observe high standards of ethical behavior, integrity and honesty in the execution of their duties and responsibilities.

In keeping with the aforementioned sections of the PSML, other applicable Cayman Islands Laws, and this Policy, Civil Servants are urged to report, in good faith, any suspected wrongdoing.

3. SCOPE

This Policy applies to all Civil Servants and is to be utilized for the reporting, investigation, response and resolution of suspected wrongdoing.

4. DEFINITIONS

“CIG or Government” means the Cayman Islands Government inclusive of all Ministries, Portfolios and Departments.

“Civil Servant” means all persons who are employed by the Cayman Islands Government, as evidenced by an executed employment contract;

“Code of Conduct” means The Public Servant’s Code of Conduct and The Code of Business Conduct and Ethics;

“Good faith” means an honest, sincere intent to deal fairly and without malice or prejudice when reporting suspected wrongdoing.

Cayman Islands Government

Official Whistle-Blower Policy

Version April 1, 2017

“Investigator” means the Chief Officer(s) within the relevant Ministry, Portfolio, Department or Independent Office with responsibility for investigating and resolving all reported wrongdoing. Where the alleged wrongdoing involves the Chief Officer, the Deputy Governor is the Investigator.

“Policy” means this Whistle-Blower Policy, as may be amended from time to time;

“Tipster” means the reporter of alleged wrongdoing in accordance with this Policy;

“Wrongdoing” means one or more violations of The Public Servant’s Code of Conduct, PMFL, PSML, or other applicable Laws, Regulations, Policies and workplace rules;

5. NO RETALIATION

5.1 No Tipster who, in good faith, reports alleged wrongdoing, or provides information to the Investigator, shall suffer retaliation, harassment or adverse employment consequences including, without limitation, termination, demotion, transfer or other forms of discrimination as a result of reporting or assisting with the investigation of alleged wrongdoing.

5.2 Where a Tipster who, in good faith reported alleged wrongdoing, experiences or suspects any form of retaliation, the perceived retaliation should be reported as follows:

- i. Where the retaliation is committed by a person in a non-managerial/non-senior role, the Tipster should report the retaliation to their Head of Department;
- ii. Where the retaliation is committed by the Tipster’s Head of Department, the Tipster should report the retaliation to their Chief Officer;
- iii. Where the retaliation is committed by the Tipster’s Chief Officer, the Tipster should report the retaliation to the Deputy Governor;
- iv. Where the Tipster is a member of the public including board members, the report should be made to the Internal Audit Service.

5.3 Where it is determined that retaliation actually occurred, the person(s) responsible for the act(s) of retaliation, which is considered to be **gross misconduct**, will be dealt with in accordance with the provisions of section (44) of the PSML (2013 revision) and section 39 of the Personnel Regulations (2013 revision).

6. ACTING IN GOOD FAITH

6.1 A Tipster must act in good faith and have reasonable grounds for alleging wrongdoing.

6.2 Reports of wrongdoing found to be unsubstantiated following an investigation in accordance with this Policy, and are deemed to have been knowingly false or to have been made in bad faith or with malicious intent will be considered a serious infraction and may result in disciplinary action being taken.

7. CONFIDENTIALITY

7.1 Reports of alleged wrongdoing may be submitted anonymously via the designated online portal (Ethics Point) or confidentially to the appropriate Investigator.

7.2 All information received in connection with the reporting, investigation, and resolution of suspected wrongdoing will be treated as confidential except to the extent that it is necessary to disclose particulars in the course of the investigation or when required to do so under the law or an order or legitimate request from a competent authority. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of all involved in the process.

7.3 All parties, including the Tipster, the respondent, and any witnesses, contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action.

8. REPORTING WRONG DOING

8.1 If a Tipster wishes to remain anonymous their report may be submitted through Ethics Point, a secure, confidential ethics reporting portal currently which is privately managed by KPMG, through their overseas operations. A Tipster who opts to utilize this method of reporting may do so by accessing the link on fraud.gov.ky. A Tipster who uses Ethics Point to make an anonymous report will be required to establish login credentials and an issue number, unique to their report, will be created.

8.2 On behalf of the Government, the Internal Audit Service will oversee reports received through Ethics Point and will assign them to the appropriate Investigator.

9. INVESTIGATION AND OVERSIGHT

9.1 Within five (5) working days the Tipster will receive acknowledgement of the receipt of the report and confirmation that an Investigator has been assigned.

9.2 A Tipster is encouraged to periodically log in to Ethics Point to monitor the status of the report and to respond to any follow-up queries that may arise.

9.3 The Investigator will investigate reports of wrongdoing in an independent and confidential manner, taking care to protect the identity of all persons involved.

9.4 All reports of wrongdoing will be investigated within ninety (90) calendar days and either concluded or handed over to the appropriate authorities (e.g. the Police, the Auditor General, the Anti-Corruption

Cayman Islands Government

Official Whistle-Blower Policy

Version April 1, 2017

Commission etc.). Where a report has been handed over to authorities, the Deputy Governor, Chief Officer and Chief Financial Officer will be notified.

9.5 The Investigator has the authority to conduct the investigation in a manner that they deem fit and may involve such persons, collect such evidence and access such witnesses as may be required.

9.6 At least annually, the Deputy Governor and Chief Officer shall receive a report summarizing the nature and outcomes of all reports of wrongdoing.

10. CONTACTS

10.1 Anti-fraud hotline 1 (800) 534 1111

10.2 The Internal Audit Service, 2nd Floor, Government Administration Building, Elgin Ave., George Town, Grand Cayman. Telephone: (345) 244-2302, (345) 244-6615

10.3 KPMG Ethics Point through the site fraud.gov.ky.

For further information on this Policy contact the Internal Audit Service.

11. POLICY REVIEW

The provisions of this Policy shall be reviewed by the Portfolio of the Civil Service, in conjunction with the Internal Audit Service at a minimum of once every two (2) years.