Anti Corruption and Whistle-Blowing Policy, 2019

LEGAL AID AND CONSULTANCY CENTRE (LACC)
MANBHAWAN LALITPUR, NEPAL
A) Background

Legal Aid and Consultancy Centre (LACC), established in 1987, is an independent non-governmental organization (NGO). LACC is a pioneer in the field of providing free legal aid and combating gender-based violence and human trafficking for promoting women’s access to justice. LACC is dedicated to protect and promote the dignity, well-being and rights of women and children in Nepal. It is committed to uplifting the social, political, legal, economic and cultural status of women and children, defending their interests and eliminating all forms of discrimination and violence against them. LACC is a pioneer organization led and run by women advocates with the aim to promote human rights and humanity.

To accomplish its objectives, the organisation has to work together with various stakeholders such as government agencies, non-government organisations, donors, networks, forums, individual suppliers, vendors and clients. While working for such huge range of organisation and individual people in different areas, it requires maintaining its standards at all times.

B) Purpose:

Legal Aid and Consultancy Centre (LACC) recognises that the high morale and ethics of its members, staff, partners and clients are important tools to stand with and gear up its successful operation. Therefore, in order to avoid any discrepancies in implementing its programmes and catering services and to stand out for the rights and justice for the women and children honestly at all times, this anti-fraud and corruption, ethics and whistle blowing policy has been introduced and implemented by the Executive Board.

C) Status:

This policy is under the constitution of the organisation and is bound by the prevailing laws of Nepal. Any clauses contradicting with the constitution and prevailing laws of Nepal shall be considered null and void. This is effective for all members, staff, partners, clients and stakeholders.

This policy will be reviewed by the Board every two years and in-case the Board members consider this to be updated due to substantial change in the situation of the organisation, it may be revised earlier also.
D) Functions:

The policy is effective from the date of approval by the Board and shall be implemented by the whistle blower assigned by the organisation. All matters related with the code of conduct, ethics and corruption issues must be reported to the whistle blower at the earliest through email, phone, SMS messages or written letters so that immediate remedial steps can be taken to reduce the seen or unseen damages to the organisation.

E) Standard

LACC has zero tolerance against the fraud, unethical and corrupt activities. If the offense is established by a fair investigation, the following steps shall be taken as appropriate:

1) In case of Board member: dismissal of membership and recovery of the damage
2) In case of staff member: dismissal of the job and recovery of the damage
3) In case of client: denial of service and recovery of the damage
4) In case of vendor: termination of contract and recovery of the damage
5) In case of partner: report to the governing authority of the partner and recovery of the damage
6) In case of governmental and other agencies: report to the ombudsman and recovery of the damage

If any fraud, unethical activity or corrupt action is of such an extent which is punishable by the existing laws of the country, it may be referred to such agency as appropriate upon decision of the Executive Board.

F) Definitions or activities which are considered as unethical:

1. Anti-corruption and anti-influence peddling Policy:
   The following activities fall under this category:-
   a) Give, promise to give or offer a payment, a cash donation, a commission, a present, a trip, an invitation or any other form of gratification, with the expectation or hope to receive an undue advantage or as a reward for an undue advantage already obtained,
   b) Accept or solicit a payment, a cash donation, a commission, a present, a trip, an invitation or any other form of gratification from a third party known to be or suspected of expecting an undue advantage therefrom,
   c) Make a facilitation payment in any form whatsoever, to a public service representative, an agent or an intermediary, to facilitate or expedite a routine procedure.
Remedy:-

If an employee finds him/herself in an exceptional situation where, out of fear for his/her life, health or freedom, there is no other option than to yield to an attempted extortion, he/she must take whatever steps are necessary to protect him/herself. In any event, the employee must report any attempt at corruption or influence peddling as soon as possible to his/her manager and whistle blower, who are then in charge of coordinating the appropriate response to the incident.

2. Policy in relation to presents and invitations:

Presents, invitations or other reasonable hospitality may contribute to establishing, maintaining or developing relations that are useful to our activities. However, the inappropiate offering or acceptance of a present or invitation, particularly with the intention of influencing the outcome of a business transaction or service, obtaining an undue advantage in return therefor, is prohibited and may constitute, for an employee and for the organisation, a breach of our anti-corruption policy as well as of the regulations in force.

G) Whistleblowing mechanism:

The organisation has implemented a whistleblowing mechanism in relation to corruption and influence peddling. This mechanism applies to corruption, influence peddling and offences or frauds related to accounting, internal control and audit. It can be accessed by email at the following address: Advocate Shital Subedi, Executive Member  

Email: shital.subedi@gmail.com  
Phone No.: 9851162105

The designated whistle blower is then to initiate investigation against any received information. The issue may be brought to the Executive Board Meeting or handled as per law in consultation with the Executive Chair. In case of the allegation is against the Executive Chair, Vice Chair shall be consulted.

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Updated and endorsed by the Executive Board on: