
Information Disclosure, Grievance Redressal and Conflict of Interest

Guidelines for Transparency and Accountability



National Trust for Nature Conservation

Khumaltar, Lalitpur

2019

*The Governing Board of Trustees (“Board”) of National Trust for Nature Conservation (“NTNC” or the “Trust”) has adopted the following ‘**Information Disclosure, Grievance Redressal and Conflict of Interest**’ as guidelines for transparency and accountability for all projects and programmes managed and implemented under NTNC. The guidelines shall be followed by all projects and programmes managed and implemented under NTNC. The Guideline is in line with the Government of Nepal’s Right to Information Act, 2064 (2007), the NTNC Act, 1982, NTNC Regulation, 1984 and NTNC Bye-laws, 1996. It has been prepared taking into account that transparency and accountability are of fundamental importance to the development process and to achieving the NTNC’s Vision and Goals.*

SECTION I

Guidelines on Information Disclosure

Introduction

The National Trust for Nature Conservation (NTNC) recognizes that transparency and accountability are of fundamental importance to the development process and to achieving the organization's objective to conserve and manage the environment and natural resources in Nepal. Transparency is essential to building and maintaining public dialogue and increasing public awareness about the organization and its works. It is also critical for enhancing good governance, accountability and development effectiveness. Openness promotes engagement with stakeholders, which, in turn, improves the design and implementation of projects and policies, and strengthens the outcomes of the organization. It facilitates public oversight of organization's operations, which not only assists in exposing potential wrongdoing and corruption, but also enhances the possibility that problems shall be identified and addressed early on. This Guideline is developed to provide guidance around the appropriateness of sharing information and further sets out the procedure to follow when sharing has been deemed appropriate to take place.

Scope

This Guideline applies to all Information in the custody of NTNC. For the purposes of this Guideline, "Information" means any produced content, in any medium (paper, electronic or sound, visual or audiovisual recording) concerning a matter relating to NTNC's activities.

Relevant information jointly owned with third parties, for example, memoranda of understanding, donor agreements, and other contractual arrangements, shall be made available on a case by case basis with the agreement of the parties concerned.

Principles

- Information disclosure must be performed in a sufficient, accurate and timely manner as prescribed by the law.
- Information accessible to the public shall be made available, as far as reasonable and practical, through the internal portal.

- This Guideline is guided by the principles of openness and transparency, such that any information concerning NTNC is publicly accessible, or available upon request, unless one or more of the exceptions to this Guideline, or another compelling reason, applies.

Requirements

- NTNC shall require that information be disclosed as per the provisions of Right to Information Act, 2007¹ of the Government of Nepal.
- All project report documents shall be made available for public access at the NTNC offices and can be reviewed on request. Annual reports of the NTNC shall be uploaded in NTNC's website. Deliberations made at Board, executing bodies and NTNC's regular meetings are not required to be disclosed. However, minutes of the meetings involving public and related stakeholders can be disclosed to the public, if required. All the relevant Policies, Acts, Rules and Regulations shall also be available for the public.
- NTNC's Information Officer shall be the first contact person for anyone wishing to require about any information regarding the organization and its projects/programmes. Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information, taking the assistance of any other officer, if considered necessary by him or her for the proper discharge of duties. In the project/programme and field offices, one contact person shall be authorized to heed to the public and provide information required. They will also be responsible to heed to any grievances, suggestions or complaints involving the organization, its work or its employees and direct them to responsible authority or the committee.
- Information can be communicated through the internet, notice boards, newspapers, public announcements, media broadcasts, or any other means.

Confidentiality of Information

Information identified as confidential by NTNC shall constitute an exception to the principle of public disclosure. The exceptions to disclosure reflect what is necessary to preserve legitimate public or private (including personal privacy) interests. Unless otherwise noted, all information covered by this Guideline is to be treated as "confidential information for official internal use

¹ <http://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/right-to-information-act-2064-2007.pdf>

only," until it is released publicly based on the terms of release of the NTNC. As part of normal operations within NTNC, certain project/programme and field offices along with departments and/ or units may release information otherwise classified as confidential when required by external entities such as granting agencies.

SECTION II

Guidelines on Grievance Redressal Mechanism

Introduction

NTNC recognizes that grievances might occur because of the organization's activities, its employees and other any seen and unforeseen reasons, despite all the efforts to minimize any such grievances. Redressal of any such grievances shall be carried out by NTNC through its organizational arrangements. This Guideline on Grievance Redressal Mechanism (GRM) is developed to receive and address as well as provide a forum to voice concerns, queries and issues about the impact of NTNC's policies, projects, programs, benefit sharing and operations to both external and internal stakeholders.

Scope

This Guideline shall be applied to all the projects/programmes and undertakings of NTNC and extends to the behavior of NTNC employees with the beneficiaries and the partners. It is expected that both, end users and involved stakeholders/partners shall receive the benefits from this Guideline.

Principles

The Grievance Redressal Mechanism has been designed following the Principles outlined below:

- Enhance accountability, transparency and responsiveness to NTNC's stakeholders and project beneficiaries;
- Promotes a personal communication culture;
- Have multiple channels to submit grievance;
- Assist in addressing problems before they escalate and become serious and widespread;

- Improve operational performance;
- Build on existing structures of informal and formal dispute resolution to enhance cost effectiveness;
- Assist in prioritizing supervision through the feedback received via Grievance Redressal Mechanism; and
- Furthermore, having a uniform grievance procedure would help ensure that problems are dealt with the same manner by everyone concerned and the outcomes are also uniform for each type of grievances.

Requirements

- Both concerns and complaints can result from either real or perceived impacts of NTNC’s policies, projects, programs, benefit sharing and operations, and may be filed in the same manner and handled with the same procedure.
- Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts or perceived impacts.
- NTNC must make an effort to resolve grievances after receiving, evaluating and addressing properly through dialogue, communication and negotiations. Grievances received at the sites must be handled and solved in a timely and consistent manner at local level or operational level or referred to the NTNC Central Office following appropriate official channels depending on the nature of complaints.

Complaint procedure/Reporting and Investigation

Committee formation

NTNC shall form a three-member Committee for handling complaints and grievances. If there are complaints and grievances received for the Coordinator, immediate senior official will lead the team and investigate it. The Committee shall be formed- detailed in the Citizen Charter, maintaining a Gender balance to a possible extent.

1. Coordinator: Manager as designated
2. Member: Senior Administrative Officer
3. Member: Senior Officer (on need basis)

Complaint mechanism

- All the complaints and grievances shall be submitted to the Committee immediately after receiving complaints through the complaint box, register, internal portal, NTNC mail, email, in writing, in person or through telephone.
- Illiterate people raising a grievance may need assistance so it can be transcribed through a trusted confidant. This could be a family member, friend, or the Committee can assist in writing the complaints.

Grievance redressal procedure

- Complaints box and register shall be opened on the first day of every month (Next working day in case of public holiday). But it can also be opened on the need basis. The Committee opens them with relevant invitees to the meeting and a *Muchulka*/minute is prepared and duly signed by the attendees.
- Register shall be maintained by the designated Administrative Officer where the details of complaints and grievances from all means shall be registered. The filed complaints and grievances shall be categorized by type (i.e. financial, personnel, environmental/social, etc.), and tracked till closure. The complaints and grievances shall be transferred to the Senior Administrative Officer (Member of the Committee) for further action.
- The Committee shall initiate an investigation to determine whether there is a reasonable basis for believing that the suspected violation of this Guideline occurred. During the investigation, the Committee members can adopt different case handling modality for investigating the complaints.
- The complainant shall be informed upon the acknowledgement of the received complaint. If the information received from the complainant is inadequate to provide needful information, the Committee shall request for the information by using suitable means of communication. If no response is received within two weeks, the complaint shall be classified under “No Further Action (NFA)” status. No further action shall be taken to the complaint that has been tagged with NFA status. The Committee shall be responsible to classify and segregate the received complaints based on the set category.

- The complaints received from Ministry or Government of Nepal shall be directly received and dealt by Senior Administrative Officer (Member of the Committee).
- Legal opinion can be taken from legal expert on need basis.
- The Committee shall investigate the complaint and grievances based on set category and discuss findings with the Senior Management before a final decision is made and reply back to the complainant. Upon the conclusion of an investigation, the Committee shall submit a written report of findings within two weeks from lodging of complaint to the Member-Secretary who will call the Senior Management meeting to discuss the findings.
- The Senior Management shall review the investigation report and any statements submitted by the complainant, discuss results of the investigation with the Committee, and decide what action, if any, will be taken.
- In respect of complicated issues, where opinions from consultant or solicitor is required and a decision cannot be made within a defined period, the Committee shall inform the complainant on complexity of the matter as well the extended time frame required.
- Decision on the complaint shall be based on NTNCs Act, Regulations and Bye-laws and other relevant National Acts, Regulations, Directives, Guidelines and as per set norms. Decision on the complaint shall be conveyed to the complainant by available means. If disciplinary action has to be taken, the complainant shall be informed of the nature of the disciplinary action with its execution procedure within a month.
- If required, the Senior Management and or the complainants may refer to the NTNC Governing Board of Trustees to address the concern issue.
- After decision is made, the complaint shall be tagged as “Closed” and shall be updated in the complaint register and complaint handling database system.
- The Committee shall prepare quarterly reports and annual report mentioning action and progress made within the period. Senior management, will review the complaint and grievance registry twice a year to ensure all complaints are handled properly and effectively.
- In NTNC’s project/programme and field offices, complaints and grievances received shall be handled and led by the respective Project Chief and Office-In-Charge with

the support of Administration, Finance and other relevant sections. They shall have to follow the similar process as mentioned above for Central Office, however, the composition of the Committee shall be in accordance with the *Darbandi* provision of the project/programme and field offices on need basis.

- The complainants, if dissatisfied with the decision will have the rights to go for legal process.
- Complaints and grievances related to financial matters shall be handled as per the provisions in Financial Management and Control Manual, 2019 of the Trust.
- The reported complaints are treated confidentially and with respect for the person making report and the person(s) or organizations, about which there is suspicion. Generally, in house whistleblowers are encouraged to file complaints if s/he found any unlawful action /behavior within the organization.
- Figure 1 provides a process flow-chart for the complaint and grievance handling mechanism.

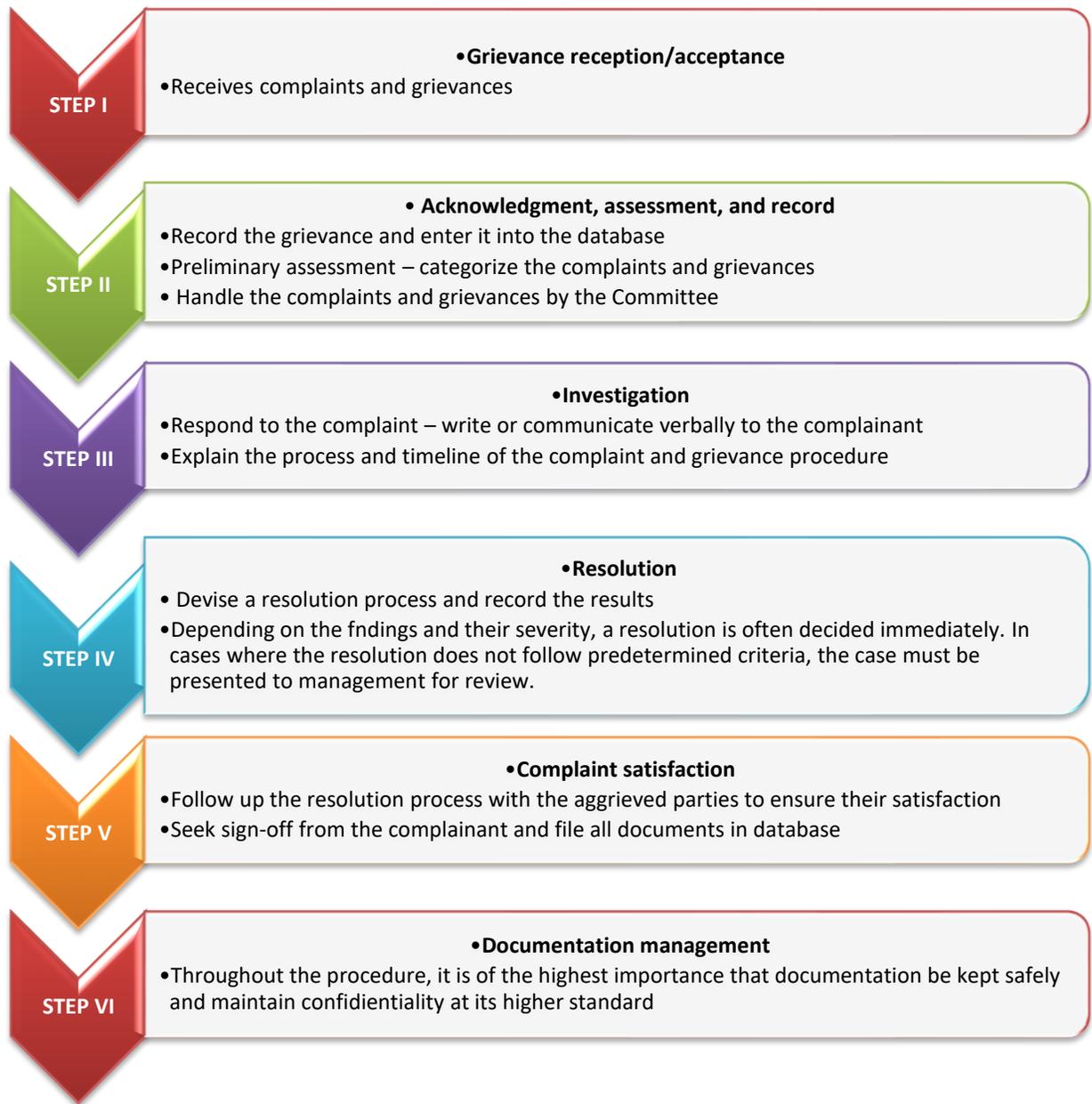


Figure 1. Flow-chart for the complaint and grievance handling mechanism

SECTION III

Guidelines on Conflict of Interest

Introduction

NTNC abides by the principle that it must manage Conflict of Interest fairly, within the organization, between the organization and its stakeholders and between one stakeholder and another. Having a Conflict of Interest is not necessarily wrong. However, it can become a problem or a legal matter if the person involved tries to influence the outcome for direct or indirect personal benefit. NTNC's policy is to take all reasonable and responsible steps to maintain and operate effective organizational and administrative arrangements to identify and manage relevant conflicts.

As a leading organization in nature conservation and sustainable development, actual and potential Conflict of Interest might arise in different situations that like personal workplace relationships (e.g., hiring or supervising a closely related person, evaluating a proposal of closely related person), outside employment (e.g., having a second job with a NTNC client , supplier, or competitor), promoting personal financial interests and receiving fees, commissions, discounts, gifts, entertainment, or services.

As part of their employment with NTNC, all employees have a contractual obligation of loyalty to NTNC. Any potential violation of applicable laws or this Guideline is required to report his or her suspicion promptly in accordance with the NTNC Bye-Laws, 1996. Breaches of this Guideline shall not be tolerated and can lead to disciplinary and other actions up to and including termination of employment.

Scope

NTNC expects that all employees of the NTNC maintain the highest standard of integrity and demonstrate ethical and moral conduct. An adequate system of internal controls is in place to ensure that the NTNC, its mission and objectives are not compromised by the actions of the employees. This Guideline shall be applied to all the projects/programmes and undertakings of NTNC and extends to the behavior of NTNC employees with the beneficiaries and the partners.

It is expected that both, end users and involved stakeholders/partners shall receive the benefits from this Guideline.

Principles

- A Conflict of Interest may take a number of forms. It may be financial or non-financial. It may be direct or indirect. It may be professional or family-related. A Conflict of Interest may arise from:
 - Directorships or other employment,
 - Interests in business enterprises or professional practices,
 - Share ownership,
 - Beneficial interests in trusts,
 - Financial profit/gain, or other interest that can be measured in money (pecuniary interest)
 - Existing professional or personal associations,
 - Professional associations or relationships with other organizations,
 - Personal associations with other groups or organizations,
 - The holding of multiple roles within the organization, or
 - Family relationships.
- A Conflict of Interest may be more perceived than actual. Perception is a very important factor in the public sector. Processes must be fair and ethical, and must be very clearly seen to be so.
- An atmosphere free of Conflict of Interest must be provided to all employees.
- Employees participating in outside activities on behalf of the NTNC must perform their functions ethically and objectively.
- Competing interests must be balanced to maintain organizational integrity, protect employees' interests, and foster a working environment.
- Financial interests must adhere to NTNC Bye-laws, 1996.
- A systematic review of financial disclosures from stakeholders must disclose any financial interests prior to the acceptance of gifts, contracts or grants from certain governmental and non-governmental sponsors.

- Conflicts of interest cannot always be avoided. Unavoidable conflicts of interest need to be identified, disclosed and effectively managed.

Requirements

NTNC requires that reasonable steps be taken to identify and adequately manage Conflict of Interest.

- Employees are expected to recognize when they have, potentially have, or could be perceived as having, a Conflict of Interest. They should consult their Supervisors if in doubt about what circumstances might create a Conflict of Interest and disclose to them if they have any. The form for the declaration of Conflict of Interest is provided in annex 1.
- Senior management within the organization are responsible for ensuring that the organization’s systems, controls and procedures are adequate to identify and manage Conflicts of Interest. The Head of program and administration department shall be responsible for the identification and management of Conflict of Interest while the officers involved in program, procurement, accounts and administration assist in identification and monitoring of the actual and potential Conflict of Interest. The Member-Secretary shall take appropriate decision after discussion with the Senior Management. Senior Administrative Officer shall track and record Conflict of Interest.

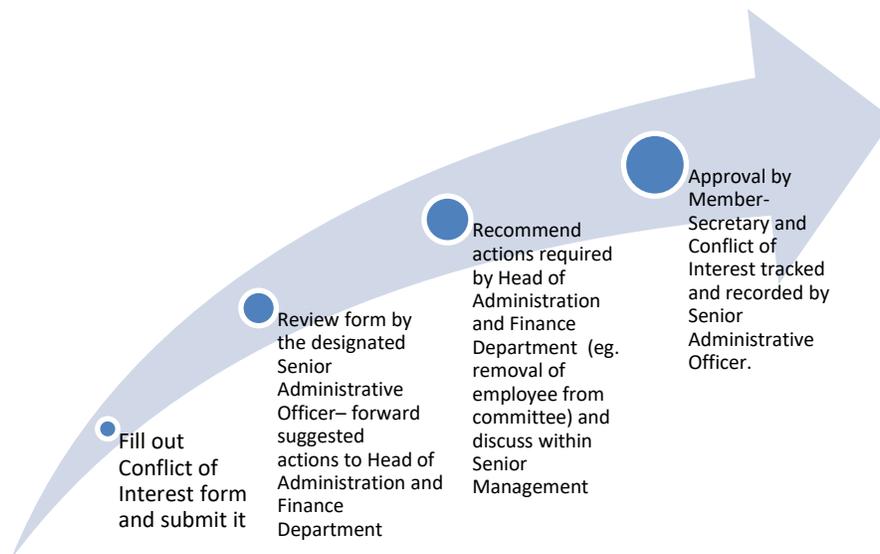


Figure 2. Management of Conflict of Interest in NTNC

- Violations of this Guideline may result in disciplinary action, up to and including termination.

Annex 1. Form to be filled for the declaration of Conflict of Interest

Declaration of Conflict of Interest (Check the appropriate box)			
	I declare that, to the best of my knowledge, there is no actual, perceived or potential current Conflict of Interest that will or may arise as a result of my involvement in NTNC activities.		
	I declare that I do have an actual, perceived or potential current Conflict of Interest. Following conflict(s) of interest exist: 1. 2. 3.		
	Should I become aware of an actual, perceived or potential conflict during the period in which I am involved in NTNC activities, I will make a further declaration and inform my organization		
SIGNED			
Name	Title, Organization	Date	Signature
Management of Conflict of Interest (To be filled by Senior Authority)			
The declared Conflict of Interest is	Remote/ Significant/ Manageable/Unmanageable		
Steps taken to avoid/mitigate the Conflict:			
Approved on behalf of NTNC by			
Name	Title, Organization	Date	Signature