

Policy Area	Technical		
Title of Policy	POLICY AND PROCEDURE FOR PROSECUTING STAFF INDICTED FOR CRIMINAL INFRACTION		
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Approve By	<i>Role</i>	<i>Name</i>	<i>Signature/Date</i>
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	Board of Directors		

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1. INTRODUCTION

BEDCs transition from a government owned establishment to a privatized company came with myriads of challenges, some of which includes occupational fraud, corruption, conflict of interest and other crimes perpetrated by the staff against the company, culturized in the previous structures of the company.

The challenge of sanitizing the company of its corrupt elements is a battle the management has prioritized to enable the establishment maximize its human and material resources. This Policy is borne out of the demands of the management for a systematic, unbiased and uniform way of prosecuting staff, who by any means are confirmed to be involved in fraudulent infractions, of interest, theft and other crimes against BEDC.

2. PURPOSE

This policy seeks to establish a standard procedure for handling all cases of criminal infraction by staff.

3. SCOPE

This policy shall apply to all BEDC staff.

4. PROCEDURE

Going forward the following procedure should be strictly adhered to by all involved.

4.1 The alleged infraction shall be reported officially to the company. The report may be made by staff or non-staff.

4.2 Where the report is made directly to the CRO, Regional Head (RH) or Head of Department (HOD), other than to the Risk Department (RD), the Regional 'HOD shall forward the report to IAD within 24 hours upon receipt.

4.3 Where the CRO team independently discovers an infraction and/ Or where the MD/CEO specifically assigns to the CRO a suspected case of infraction to investigate. the CEO shall investigate and submit its report to IAD within 5 working days

4.4 When a report is received by a line supervisor, he or she must forward it to his or her RH or HOD within 12 hours of receiving the allegation, who must then notify RD immediately

4.5 RD commences investigation procedure.

4.5.1 Upon receipt of the allegation, RD will evaluate the veracity of the case and the probability of Obtaining verifiable evidence on the reported infraction during the investigation. RD will Check if the allegation is worthy of investigation by assessing the materiality of the case and the risk implications of not embarking on a full-scale investigation and take a decision to investigate or not.

4.5.2 The Chief Risk Officer (CRO) shall direct an investigation where the reported case is material and worthy of expending the company's resources on its investigation. The CRO will determine the length of time (turnround time) for the investigation report to be made available by

the investigating officer. On average, an investigation should have a TAT of 5 working days. Exceptions can be made depending on the scope of the investigation and the manpower required to investigate and report appropriately and submit the investigation report to the executive management within 5 working days.

4.5.3 Approval of RD's investigation report shall be the responsibility of the executive management.

4.5.4 Where an infraction of a criminal nature has been established in the RD report and Management has approved the recommendations made in the said report, the following process shall commence immediately and simultaneously:

4.5.5 Within 24 hours. Human Capital Management (HCM) shall constitute a Disciplinary Committee panel (DC panel) to give a fair hearing to the indicted staff. HCM shall conclude the disciplinary process and submit their report to the executive management within 5 working days:

4.5.6 Management would decide whether to advise the HCM to implement the DC report's recommendations internally and/or to prosecute the staff for occupational fraud or related crime(s) against BEDC if the matter is of criminal nature and is backed with admissible legal evidence.

4.5.7 The Head, Legal and Regulatory Department shall initiate the prosecution process where management decides to prosecute an employee.

4.5.8 Prosecution and internal disciplinary procedure shall commence simultaneously if the evidence deemed to be overwhelming in clear cases of serious gross misconduct of a criminal nature, such as diversion of customer's money/revenue accruable to the company, stealing of company's property and defrauding company's customers in respect of electricity bill payment etc.

4.6 PROCESS TO COMMENCE CRIMINAL PROCEEDINGS AGAINST STAFF WITHIN EDO STATE

4.6.1 The Legal and Regulatory Department ("Legal Department") shall trigger a petition against the indicted staff to the Police/relevant law enforcement agencies within 24 hours.

4.6.2 upon submitting the petition seeking the prosecution of the indicted staff at a court of competent jurisdiction, the legal department must request for all evidence and addenda gathered by the RD in the course of their investigation. The Legal Department must also identify staff who can act as witnesses to the case, including expert witness and lay witness, educate them on the process, and intimate them of salient points to be made during the court session at least three days before they appear in court. The Legal Department shall identify the relevant employees that will act as witnesses for the company during police investigation and trial stages and communicate the same to their RH/HODs with HCM in copy to release such employee for said purpose within 12 hours.

4.6.3 Legal Department will follow through with the police investigation up to prosecution and conclusion of the criminal trial.

4.7 CRIMINAL PROCEEDINGS AGAINST STAFF OUTSIDE EDO STATE

The following procedure will apply to regions outside Edo state where we do not have Legal personnel:

- 4.7.1 The Legal Department shall prepare a petition against the indicted staff and send to the concerned Regional Head via email within 12 hours.
- 4.7.2 The Regional Head shall ensure that the petition is delivered to the police or relevant law enforcement agencies in their region within 12 hours.
- 4.7.3 Acknowledgement copy of the submitted petition and contact of the Investigating Police Officer (IPO) shall be sent to the Head, Legal and Regulatory Department by the Regional Head to enable tracking and monitoring within 6 hours.
- 4.7.4 Legal Department will identify the relevant staff that will act as witness(es) for the company during investigation/trial stages and shall communicate same to their RH with HCM in copy to release the staff for such purpose within 12 hours.
- 4.7.5 Legal Department will follow up with the police investigation up to prosecution and conclusion of the criminal trial.

4.8 CRIMINAL PROCEEDINGS AGAINST STAFF WHO RESIGNS DURING INTERNAL INVESTIGATION

- 4.8.1 The company's conditions of service and policy prohibit the resignation of Staff that are under any form of investigation. However, we have seen instances where some employees' resignations were rejected because they were under investigation or were about to be investigated for alleged crime, or where such employees fled the company without being formally cleared. In such cases, the following procedure must be followed:
- 4.8.2 When a staff member that is under investigation for gross misconduct or criminal infraction attempts to resign or abscond following the rejection of his/her resignation letter by the company, the external prosecution process must be activated immediately within 12 hours.
- 4.8.3 HCM shall send to the Legal Department within 24 hours upon receipt of the employee's resignation letter the house/permanent home address of the staff, including his/her passport photograph.
- 4.8.4 Where the staff refuses to show up for internal investigation and or DC panel as the case may be, IAD and HCM must conclude their investigation and disciplinary process respectively in the absence of the staff but must document their processes including evidence of issuance of queries and invitation emails netters within 5 days.
- 4.8.5 HCM and RH/HOD to work closely with Legal Department to ensure that the police and/or law enforcement agencies arrest and prosecute the staff by providing useful information and relevant officers that will act as pointers to the police within 12 hours.
- 4.8.6 Corporate communications may be invited to put out a story or issue a disclaimer notice where applicable within 12 hours

4.87 upon arrest. Legal Department will follow up with the police investigation up to prosecution and conclusion of the criminal trial.

5. ENFORCEMENT

Risk Department, Head Legal & Regulatory, Legal Officers, Regional Managers, CRO, CPO, HCM staff, and all staff members are expected to ensure full compliance and escalate noted violations for management action.

BEDC POLICY