

## D. External Complaints Procedure

Datum: 30 June 2022  
Eigenaar: Hoofdproceseigenaar PMEL/kwaliteitsmanager  
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### Introduction

For Both ENDS our relationship with the civil society actors, donors and other involved stakeholders is of the utmost importance. We build these relationships on mutual trust and shared values. In order to achieve our goals we hold our employees and the people we work with to the highest standards of integrity. There is no place for fraud, corruption, partiality, conflicts of interest, discrimination, aggression or sexual harassment in our programs.

Both ENDS commits to protecting individuals who wish to report improper or unethical conduct by staff members or partners of Both ENDS. Individuals who wish to file a complaint are encouraged to use this External Complaint Procedure.

### What are the issues you can complain about?

The Both ENDS' Code of Conduct provides a detailed description of acceptable and unacceptable conduct, according to our core values and principles. Any form of conduct by a staff member or partner of Both ENDS that is in violation of our Code of Conduct can be reported to Both ENDS through our External Complaint Procedure.

Complaints about other matters will be addressed differently. We value all comments or suggestions that can help us improve our work and our relationships. For grievances that are not covered by this Procedure you can always contact your Both ENDS intermediary, or send an e-mail to [info@bothends.org](mailto:info@bothends.org).

### Notification or complaint?

Filing an (official) complaint can feel too heavy for the conduct that took place or the complainant might look up to the consequences of filing a complaint. Both ENDS however would like to be informed about any improper or unethical conduct by staff members or partners. Only then can we signalise trends that are more serious than the single event. Any external complainant or Both ENDS staff member can therefore approach the integrity work group using the same methods as mentioned for complaints to make a notification of an unacceptable conduct (in relation to the Code of Conduct).

Employees of Both ENDS can also get in touch with the External Confidential Counsellor ('Vertrouwenspersoon') to discuss the matter.

### Who can file a complaint?

Any external complainant wishing to submit a complaint about a Both ENDS' staff member or an external party can do so in accordance with this External Complaint Procedure.

A Both ENDS' staff member wishing to submit a complaint about a partner or another individual who is not a staff member of Both ENDS can do so in accordance with this Procedure.

A Both ENDS' staff member wishing to submit a complaint about another Both ENDS' staff member should do so in accordance with the Internal Complaint Procedure, not this Procedure.

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### How to file a complaint?

According to the Procedure below, a complaint can be sent by post or email to Both ENDS, directed to the complaint coordinator.

If you wish to file an anonymous complaint you can do so through the whistleblowing services of SeeHearSpeakup (see Annex 1 for contact details).

Employees of Both ENDS can also file a complaint with the support of the External Confidential Counsellor ('Vertrouwenspersoon').

In handling anonymous complaints, this Procedure will be altered to investigate the complaint without knowledge of the complainant's identity. Hear and counter-hear is the preferred method to investigate a complain. Therefore, if the Complaints Coordinator or the External Investigator finds that the complaint can't properly be investigated because it is impossible to ask the complainant for additional information, either can make the decision to end the Complaints Procedure.

All complaints that are handled through the Procedure, will be included in the year report of Both ENDS., mentioning of the nature and the handling of the complaint.

### Definition of terms

- a) "The Complaint": a written expression of grievance made by the Complainant regarding the conduct of a staff member of Both ENDS or an individual working for a partner organization of Both ENDS.
- b) "The complainant": the individual who has submitted a written complaint.
- c) "The accused": the individual who is accused of misconduct by the Complainant.
- d) "The Complaints Coordinator": the individual appointed to coordinate this Procedure.
- e) "Integrity Committee": the internal committee responsible for matters of integrity and misconduct, existing of the Complaints Coordinator and three other employees of Both ENDS.
- f) "The involved parties": the Complainant, the Accused and the Integrity Committee, including the Complaints Coordinator.
- g) "The External Investigator": the individual or group appointed by the Integrity Committee to lead an impartial investigation after the misconduct.
- h) "The Director": the director of Both ENDS.
- i) "Integrity": honest, accountable and competent conduct with adherence to strong ethical and moral values and principles; for more information, see the Both ENDS 'Code of Conduct'.

### Procedure

#### Article 1 - Filing a complaint

The complainant can file an official complaint by letter:

Both ENDS  
Nobelstraat 4

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3512 EN Utrecht

Or (preferred by) e-mail: [complaints@bothends.org](mailto:complaints@bothends.org)

The complaint must include:

- a) the name, address and telephone number of the complainant;
- b) the date of writing;
- c) a brief and clear description of the complaint and the grounds on which it is based;
- d) the date(s) on which the conduct in question took place;
- e) the signature and date of signature of the complainant (in the case of a complaint sent by letter).

Employees of Both ENDS can also get in touch with the External Confidential Counsellor ('Vertrouwenspersoon') to discuss the matter. If you wish to file a complaint anonymously, or not directly to Both ENDS, you can reach the whistleblowing organisation SeeHearSpeakup in the following ways:

You can call SeeHearSpeakUp call handlers on an international line: 0044 1224 379303 (local telephone fees apply). The confidential reporting hotline is operated 365 days a year, 24 hours a day. All call handlers are professionally trained and qualified to ensure that you are dealt with in a professional and confidential manner.

You can report online via the website at [www.seehearspeakup.co.uk/en/file-a-report](http://www.seehearspeakup.co.uk/en/file-a-report). You will need your username and password to login. The details are as follows:

USERNAME – Bothends

PASSWORD – Both745

Alternatively you can email your concerns to SeeHearSpeakUp at [report@seehearspeakup.co.uk](mailto:report@seehearspeakup.co.uk). When emailing please state the organisation you work for in the subject header.

### Article 2 - Registration and confirmation of receipt

1. The Complaints Coordinator will register the receipt of the complaint in the Complaints Register and will issue a written confirmation of receipt to the complainant within five working days from the date on which the complaint has been received.
2. If the Complaints Coordinator finds that the complaint lacks important information, the Complaints Coordinator will ask the complainant to provide this information within ten working days.
3. The Complaints Coordinator will notify of the complaint the Integrity Committee by sending them a copy of the complaint.

### Article 3 - Processing of the complaint

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1. The Complaints Coordinator will inform the complainant about the Procedure and the ways in which the complaint can be handled.
2. The Complaints Coordinator will notify the accused about the complaint in writing and will share the External Complaints Procedure with the accused. The accused has the right to submit a written response to the complaint, within five days from being notified.
3. The Complaints Coordinator will process the complaint and consult with the Integrity Committee within four weeks from the date on which the complaint has been received.
4. If extra time is needed to properly process the complaint, the Complaints Coordinator can adjourn the processing for another maximum of four weeks. This will be communicated to the complainant and to the accused party in writing.
5. If the complaint concerns the conduct of the Complaints Coordinator, another member of the Integrity Committee will process the complaint and coordinate the rest of the procedure.

### **Article 4 - Mediation**

1. The Integrity Committee may attempt to settle the complaint through mediation between the complainant and the accused party, before initiating an independent investigation. This course will only be taken if both the complainant and the accused agree to the mediation.
2. If there is no agreement or if mediation is not an appropriate course to settle the complaint, e.g. because the alleged misconduct is considered a criminal offense under national or international law, then the complaint will be handled following the remainder of this External Complaint Procedure.
3. If the mediation succeeds in settling the complaint, then the involved parties will sign the settlement terms and a copy of these terms will be provided to them by the Complaints Coordinator. The case will be closed and no further inquiry shall be conducted.

### **Article 5 - Investigation and hearings**

1. When the complaint cannot be settled through mediation, the Integrity Committee will issue an investigation after the reported misconduct. The investigation will be conducted by an independent, External Investigator. Depending on the nature of the reported misconduct the investigation will be conducted by an external complaints committee, an auditor or another party that the Integrity Committee deems apt to investigate the case in an impartial and professional manner.
2. In case the External Investigator decides to conduct a hearing, both the complainant and the accused will be invited to submit their cases in writing and/or verbally either directly to the External Investigator or via the Complaints

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Coordinator. A report of the hearings will be provided to all involved parties.

3. When the investigation is concluded, the External Investigator will draw up its findings and conclusions in a report and send it to the Integrity Committee.

### **Article 6 - Adjudication and judgement**

1. The Integrity Committee will study the report of the External Investigator and will determine what measures and/or sanctions should be taken to settle the complaint.
2. Within two weeks after receiving the investigative report, the Integrity Committee will draw up a recommendation with a clear set of measures and/or sanctions and send it to the Director of Both ENDS.
3. Within three weeks after receiving the recommendation, the Director will form a judgement. The Director will only depart from the recommendation if there are compelling reasons to do so. The judgement will be issued in written form and will be sent to all involved parties.
4. If the complaint concerns the conduct of the Director, a member of the Board of Both ENDS will receive the recommendation and make the judgement.

### **Article 7 - End of the procedure**

1. The case will be considered closed when:
  - a. the involved parties have signed settlement terms after mediation, as described in article 3;
  - b. the Director has shared the judgement with the involved parties, as described in article 6;
  - c. the complainant decides not to pursue further execution of this complaint procedure.
2. If the complainant is not satisfied with how the complaint was settled or with the judgement, the complainant can send a written appeal to the chair of Board within ten days from receiving the judgement. The Board will then assess if the External Complaint Procedure was conducted in the right manner.

### **Article 8 - Registration and reporting**

1. All formal documentation that results from this Procedure will be filed in the Complaints Register for a period of maximum five years. This Register is administered by the Complaints Coordinator, at the office of Both ENDS.
2. A mention of the nature of the complaint and the manner in which it was settled will be included in Both ENDS' partner database and in the annual report.
3. Reports and mentions that are made available to persons other than the involved parties will be anonymized.

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### **Other clauses**

#### **Article 9 - Privacy**

1. All complaints, and especially personal information and data, will be handled professionally and will be kept strictly confidential by those involved in this Procedure.

#### **Article 10 - False accusations**

1. The Integrity Committee will handle all complaints with the utmost seriousness and will never advise a complainant to withdraw a complaint. However, if a complaint turns out to be based on demonstratively false accusations; if the provided evidence has been forged or intently misleading; or if a complaint was made with malicious intent to damage the reputation of a person or an organization; then action will be taken against the complainant.
2. The person against whom the complaint is filed will be rehabilitated.

#### **Article 11 - Criminal offenses**

1. If the complaint reports misconduct considered to be a criminal offense under national or international law, Both ENDS has the right (obligation?) to file a report with the local police. The complainant will be informed and asked for consent first, before filing a report. The decision to file a report, however, does not rely fully on the consent of the complainant, especially if the misconduct concerns the property of Both ENDS or the safety and well-being of its employees.

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### Annex 1 - Whistleblowing organisation 'SeeHearSpeakUp' Welcome

Both ENDS is committed to upholding the highest standards of conduct and ethics in all areas of your organisation. In line with this commitment SeeHearSpeakUp has been appointed to provide an external and independent confidential reporting service to you and your colleagues. If you have serious concerns about any aspect of your organisation's work you are encouraged to come forward and voice those concerns in a safe and secure manner. You have the right to raise concerns in the knowledge that they will be taken seriously and investigated appropriately.

Concerns that you raise will be passed to senior officers within your organisation to consider potential investigation. Your personal details, such as your name and contact information will not be shared with your employer unless you provide SeeHearSpeakUp with your consent to share your details. Although not encouraged, you can also raise concerns anonymously to SeeHearSpeakUp.

#### How it works

Your employer encourages you to raise concerns internally. However, if for whatever reason, you wish to raise concerns to SeeHearSpeakUp you can do so using the following reporting channels:

##### PHONE



##### ONLINE



##### EMAIL



You can call SeeHearSpeakUp call handlers on Netherlands 0800 022 2398 and Rest of the World 0044 1224 379303. The confidential reporting hotline is operated 365 days a year, 24 hours a day. All call handlers are professionally trained and qualified to ensure that you are dealt with in a professional and confidential manner.

You can report online via the website at [www.seehearspeakup.co.uk/en/file-a-report](http://www.seehearspeakup.co.uk/en/file-a-report). You will need your username and password to login. The details are as follows:

**USERNAME - Bothends**

**PASSWORD - Both745**

Alternatively you can email your concerns to SeeHearSpeakUp at [report@seehearspeakup.co.uk](mailto:report@seehearspeakup.co.uk). When emailing please state the organisation you work for in the subject header.

#### TYPES OF WRONGDOING YOU CAN REPORT

- |                              |                     |
|------------------------------|---------------------|
| ⊕ Financial Mismanagement    | ⊕ Environmental     |
| ⊕ Bribery                    | ⊕ Health and Safety |
| ⊕ Discrimination             | ⊕ Bullying          |
| ⊕ Retaliation or Retribution | ⊕ Theft             |
| ⊕ Fraud                      | ⊕ Corruption        |
| ⊕ Legal                      |                     |