

1 INDIVIDUAL COMPLAINTS POLICY AND PROCEDURE

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Introduction

CHOICE for Youth and Sexuality finds it important that everyone can express their discontent about the organisation in a simple and accessible way. CHOICE considers complaints as free advice, which helps to improve the organisation to work towards achieving its mission. Therefore, all complaints will be taken seriously. This policy is intended for individual complaints and circumstances which affect the complainant personally. For example, complaints concerning discrimination, failure to reach decisions, failure to meet commitments or inappropriate behaviour as defined in the code of conduct. CHOICE has a separate Sexual Harassment Policy and procedure for complaints regarding sexual harassment. For complaints involving children and harassment, CHOICE has a Child Protection Policy.

In addition to these policies, CHOICE also has a reporting procedure, which is intended for the purpose of reporting unlawful acts and (suspected) cases of malpractice within the organisation. It is aimed at improper activities which affect others, such as the organisation, its target group, or society as a whole. The procedure describes the manner in which CHOICE deals with reports of this nature.

This 'CHOICE Individual Complaints Policy and Procedure' should be understood as an integral part of the 'Integrity Policy', which also includes the 'Code of Conduct', the 'Reporting Procedure', the 'Sexual Harassment Policy', and the 'Child Protection Policy'. It is important to note that the 'Reporting Procedure' concerns complaints regarding unlawful acts or (suspected) malpractice, which need not directly affect the complainant, but could concern undesirable conduct of a general, operational, procedural, or financial nature, which affects others, such as the organisation as a whole, our external partners, the key communities we work with, or society as a whole. This 'Individual Complaints Policy and Procedure' concerns complaints that directly negatively impact the complainant, for example inappropriate behaviour, bullying, and discrimination.

Definition of terms

1. Individual complaint: any *written* expression of grievance by a complainant regarding services provided to the complainant by which the complainant was affected or regarding the actions or negligence of Board members, staff or volunteers.
2. Complainant: any natural or legal person who files a written complaint.
3. Complaints Coordinator: the CHOICE Board member or designated by the Board to act as Complaints Coordinator. If the complaint concerns someone from the Board, the Confidential Advisor and/or the Executive Director can also be designated to act as Complaints Coordinator(s).

Who can submit a complaint

Any affected natural or legal person may submit a complaint.

Who can process a complaint

Complaints can be filed through three mechanisms, namely:

1. The Chair of the Board of CHOICE

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1. The internal Confidential Advisor on Undesirable Behaviour and Integrity (referred to in this policy as “Confidential Advisor”)
2. An external whistleblower organ. More (free) information about the legal position of complainants and whistleblowers can be found at the *Huis voor Klokkeluiders (Whistleblower Authority)*. For more information see www.huisvoorklokkeluiders.nl for information in Dutch, and www.huisvoorklokkeluiders.nl/english for more information in English.

In case of a complaint, the person processing the complaint will then, within one (1) working week ask the Board of CHOICE to appoint a Complaints Coordinator from within the Board. The Complaints Coordinator is confirmed within two (2) working weeks. If the complaint concerns the ED or a member of the Board, then the complainant can send the complaint to the Confidential Advisor of the organisation. It is then up to the Confidential Advisor to decide whether someone from the Board can be appointed as the Complaints Coordinator, or whether they will take up the role themselves.

If the complaint has been made to an external whistleblower organ, the handling of the complaint is then left up to this third party, and some or all of the following articles of this procedure may not apply.

Letter of Complaint

1. A formal complaint is filed by submitting a letter or email of complaint to the Chair of the Board or the Confidential Advisor of CHOICE, at the CHOICE office in Amsterdam, the Netherlands.
2. The letter/email of complaint should include at least:
 1. A notification that the letter/email concerns a complaint and that this complaint should be handled according to the complaints policy and procedure;
 2. Name and address of the complainant. If the complainant wishes to be anonymous, they should state this instead of their contact details. However, a report submitted anonymously makes it difficult to carry out the full formal complaint procedure, making it more difficult to investigate the report.
 3. The date of writing/registering;
 4. A description of the act/behaviour complained about;
 5. The reason why the complainant objects to this act/behaviour;

Confirmation of receipt

The Chair of the Board of CHOICE or the Confidential Advisor shall register the complaint in the complaints register by immediately log the date(s), time(s) and fact(s) of the incident(s). They will acknowledge the complainant of receipt within one (1) working week. The confirmation of receipt will include information about the complaints procedure, the Complaints Coordinator that will handle the complaint and an estimation of the time that will be required to process the complaint. They will ensure that the complainant understands CHOICE procedures for dealing with the complaint.

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Period of processing and adjournment

The responsible Complaints Coordinator shall address/respond to the complaint within the estimated time frame that was shared with the complainant.

The Complaints Coordinator responsible can postpone the processing of the complaint for a maximum of four (4) weeks. This motivated postponement will be communicated in writing to both the complainant and the person subject to the complaint, if the complaint is directed at a person.

Informal Complaints

If the complainant wishes to deal with the matter informally, they should contact the Confidential Advisor. In this case, a written Complaint Letter is not necessary – an oral discussion or email is sufficient. The Confidential Advisor will give an opportunity to the person complained against to respond to the complaint and will ensure that the accuse understands the complaints mechanism. At the request of the complainant, the Confidential Advisor can facilitate a discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a mediator within the organisation to resolve the matter. The Confidential Advisor will ensure that a confidential record is kept of what happens and follow up after the outcome of the complaints mechanism to ensure that the issue has been resolved. The Complaints Coordinator will ensure that the above is done speedily and within two (2) weeks of the complaint being made. If the person complained against is not available in this period, the two-week period begins from when they are.

Formal complaints: investigation and presentation

1. In response to a formal complaint, the Complaints Coordinator shall conduct an investigation into the facts of the act/behaviour addressed in the complaint.
2. The complainant and the person complained against are given an opportunity to present their cases to the Complaints Coordinator. The Complaints Coordinator will decide whether the presentation of the case will be done in writing, by phone or in person. To ensure impartiality of the reporting, the presentation will be examined by one (1) other CHOICE member with a different position in the organisation.
3. A report of the presentation will be prepared by the Complaints Coordinator and the second designated Complaints Coordinator that examined the presentation. Both the complainant and the person complained against will have the opportunity to review the presentation for accuracy and clarity.
4. This report will be forwarded to the CHOICE Board members, the Executive Director of CHOICE, the complainant and the person subject to the complaint, if applicable. A copy of the report will be filed in the complaints register by the Executive Director of CHOICE.
5. If the complaint concerns the conduct of a Board member of CHOICE, the report will be forwarded to the other Board members of CHOICE only.

Judgment

The Complaints Coordinator will prepare a report on the complaint investigation and proposed decision to the other Board members of CHOICE, who will ultimately decide. If the complaint concerns the conduct of a Board member, the judgement will be made by the Executive Director and other Board members.

Announcement of the decision

The Complaints Coordinator will provide the complainant with a written explanatory decision, including the possible consequences thereof. The report of the presentation,

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as described in article 8, will be attached to the decision. A copy will be forwarded to the person subject to the complaint, if applicable. The complaints Coordinator may send copies of the decision to other parties closely involved in the complaint.

Registration of the decision in the complaints register

All decisions of processed complaints are recorded in the complaints register. This register is administered by the Executive Director of CHOICE, at the office of CHOICE in Amsterdam, the Netherlands. Twice a year, the Executive Director and the Board assesses all (anonymous) complaints made and decide whether structural improvement are necessary.

Sanctions and Disciplinary Measures

Sanctions for Internal CHOICE associates (employees, board, volunteers and long-term consultants)

Anyone who has been found guilty of the complaint about them is liable to any of the following sanctions, on the basis of the severity and impact of the actions:

1. verbal or written warning
2. adverse performance evaluation
3. reduction in salary
4. enforcement of a probation period of 6 months
5. suspension for a period of 3 months
6. termination of the employment contract Volunteer contract, or the contract for (consultant) assignments within a 1-week notice period.

The nature of the sanctions will depend on the gravity and extent of the complaint. Gravity of the complaint will be determined by the Complaint Coordinator(s) responsible for the investigation and will ensure that both parties, the complainant and the person complained against receive just treatment. Taking in the perspective of the complainer, using the evidence provided in their oral statements and the effect that the conduct had on their mental and physical wellbeing, as well as, objectively analysing the evidence provided by the person complained about to the contrary will be the cornerstones of this determination. Suitable deterrent sanctions will be applied to ensure that incidents are not treated as trivial.

If the complaint does not concern one individual, but rather CHOICE as an organisation, the Executive Director, the Board, and the complainer will decide together on actions that need to be taken. Alternatively, the complainant may also decide to address their complaint directly to the external whistleblower organ referenced in Article 3 of this policy.

For all external associates of CHOICE (partners, consultants, participants of a workshop etc.) against whom a complaint is lodged by an internal CHOICE associate (employee, volunteer, board member, or long-term consultant) can be subject to the following sanctions from CHOICE:

- Notification of the relevant body of jurisprudence (Police, Chamber of Commerce, Ministry of Foreign Affairs etc.)
- Temporary suspension of funding and/or other forms of contractual agreements
- Permanent termination of partnership contract
- Relevant legal action

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As CHOICE does not hold mandate over external parties, the strongest course of action that can be taken by CHOICE are the aforementioned ones. ***All third parties must be made aware of this policy at the time of signing a contract or during partnership agreement talks by the CHOICE member responsible for that contract.***

Appeal

If the complainant is dissatisfied with the decision of the Board of CHOICE, the complainant has the possibility to appeal with the Dutch Court of Justice.

Whistleblower policy

1. CHOICE aims to protect anyone who reports a violation of ethics within the organisation, an ethics violation or violation of the Code of Conduct. They should be able to do so without fear of retaliation. In conducting its investigations and in dealing with complaints under this policy, CHOICE will strive to keep the identity of any complainant or any individual who provides information during the course of an investigation confidential, unless information is needed in order to make a fair judgement, or Dutch law requires us to break confidentiality.
2. CHOICE will not knowingly take any action harmful to any complainant or individual who provides information during the course of the investigation, including interfering with their lawful employment or livelihood, for:
 1. Reporting a complaint in good faith pursuant to this policy to law enforcement officers, governmental agencies or bodies, or persons with supervisory authority over the complainant;
 2. Providing, in good faith, information regarding a complaint to law enforcement officers, governmental agencies or bodies, or persons with supervisory authority over the complainant; or
 3. Otherwise participating or assisting in a proceeding filed or about to be filed.
3. Interferences with lawful employment and livelihood covered by the protection referred to in point 2, are decisions aimed at:
 - a. dismissal, other than at the employee's own request
 - b. premature termination or non-renewal of a fixed-term employment contract
 - c. failure to convert a fixed-term employment contract into a permanent one
 - d. the reallocation or transfer of the employee, or rejection of a request to do so
 - e. the imposed allocation of a different position
 - f. the extension or restriction of duties, other than at the employee's own request
 - g. taking disciplinary measures
 - h. withholding a wage increase
 - i. withholding a promotion
 - j. refusal to grant leave.
4. Persons who threaten retaliation against a person reporting a suspected fraud shall be subject to disciplinary action, up to and including termination of employment and if applicable report to the police.

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5. An individual who deliberately or maliciously provides false information, may, be subject to disciplinary action, up to and including termination of employment and if applicable report to the police.

Retention of Complaints and Documents

All complaints will remain confidential to the extent practicable, unless information is needed in order to make a fair judgement, or Dutch law requires us to break confidentiality. In addition, all written statements, along with the results of any investigations relating thereto, shall be securely retained by CHOICE in digital or hard copy.