

Complaints Procedure SPARK

Version 7, July 2014

Overview of changes

Version	Date	Description of adaptation	Author
1	October 2006	Implementation	Quality Assurance Officer
2	October 2007	Follow-up internal audit	Advisor to the Directors
3	October 2009	Follow-up Internal Audit, change of complaint definition	Quality Assurance Officer – Dusica Naumovska
4	November 2010	Follow-up Internal Audit: possibility to transfer a complaint to Crisis Communication procedure	Quality Assurance Officer – Karen Blanken
5	November 2012	Implementation of independent complaint committee	Quality Assurance Officer – Karen Blanken
6	July 2014	Implementation of Whistleblower Policy	Karen Blanken
7	December 2015	Changing recipient for emails sent to the complaints mailbox	Kaan Ozdurak – Advisor to the Directors

1. IN GENERAL

Purpose



This procedure describes the way in which complaints that have been received at SPARK will be dealt with. The goal of the complaint procedure is:

- To increase the overall service level provided to the client.
- To encourage continuous improvement at SPARK.
- To maintain a good reputation among our clients.
- To gain insight into the type and severity of the complaints and thereby to enhance the overall level of quality provided by SPARK.

A complaint provides SPARK with valuable information about how activities can be improved in order to meet the wishes of the client. Therefore, a complaint contains important information about the client:

- The client is motivated to inform SPARK about its activities.
- The client trusts SPARK that the complaint will be dealt with appropriately and that measures will be taken in order to improve the service provided by SPARK.
- The client knows something that SPARK does not know; something has gone wrong.

Therefore it is of utmost importance that the complaint will be dealt with unambiguously, according to the prescribed rules, by the responsible SPARK staff member.

Definition of a client

A client is defined as a person that has been in contact with SPARK, either actively (i.e. a donor, participant or expert), or passively (e.g. via information about SPARK).

Definition of a complaint

A complaint refers to an expression of disapproval or discontent communicated by the client to SPARK. A complaint is only handled as such when expressed via the complaint form on the SPARK website, via a letter/email stating 'complaint' in its subject line or a complaint box on location.

General procedure

- Complaints sent to the complaints mailbox will be forwarded to the general SPARK address, spark@spark-online.org (at the time of writing in December 2015 maintained by Jovana Radovic in the Belgrade office). A copy of these emails will be sent to the Quality Assurance officer (Anthony Gonzalez at the time of writing in December 2015)
- All complaints will be forwarded to the person who is involved in the subject of the complaint.
- All complaints need to be answered within 14 days; if this cannot be realised, the client will be informed about this. All communication will be cc-ed to the Adviser to the Directors.
- The tone of the response is personal and friendly.
- All complaints will be registered in a separate file by the Adviser to the Directors.

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- Appeal is possible with the directors of SPARK. In case that is not solved satisfactory, an independent complaint committee can be approached.
- Should a complaint not be resolved and grow into a serious threat for a project, a staff member or SPARK as a whole, the staff responsible for this procedure is to inform the Board of Directors. The Board of the Directors can, then, decide to transfer the issue to the Crisis Communication procedure where it is handled according to that procedure.

2. INTERNAL PROCEDURE

Dealing with the complaint

A complaint will be dealt with as follows:

- A complaint will only be handled as such when expressed via the complaint form on the SPARK-site or when an email/letter has been received with 'complaint' in the subject line. In case people express their complaint orally, encourage them to file an official complaint via the SPARK website.
- When a complaint is submitted through the electronic Complaint Form on the website, the Adviser to the Directors will receive the complaint in his or her email inbox.
- In case a complaint is expressed via phone, the SPARK staff member dealing with the complaint should inform the client about the electronic complaint form. When the client insists on expressing the complaint orally and the complaint is serious enough, the SPARK staff member will fill out the complaint form on the SPARK website and send a copy to the client, in order to avoid miscommunication.
- Depending upon the nature of the complaint, the person who is responsible for dealing with the complaint at SPARK (possibly together with a member of the management team) will make a final decision and provide the client with a response within 14 days.
- In case a definite answer cannot be provided within 14 days, the client will be contacted and will be informed about the cause of delay and the expected period in which the complaint will be dealt with.
- All communication between the client and SPARK should be copied to the Adviser to the Directors and stored in the special complaints folder.

Possibility to appeal

In case a client is unsatisfied about the way his or her complaint has been dealt with by SPARK, the client can submit a written appeal with (one of) the directors of SPARK. This appeal will be answered within 14 days. If that still does not satisfy the client, a written appeal can be sent to the independent complaint committee.

Constant improvement

- SPARK always aims to attain the most appropriate solution.
- Measures will be taken in order to prevent complaints from happening again in the future; when a complaint occurs regularly, a memo will be written and recommendations for

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future action will be made. This memo will be distributed among all (relevant) SPARK staff.

- In order to have a clear overview of the complaints SPARK deals with, all complaints will be evaluated once a year on an overall basis. This will be part of the Management Review.

3. WHISTLEBLOWER POLICY

Purpose

The Board of Directors of SPARK considers it of major importance that any employee, regardless of his or her position in SPARK, should be able to report in a confidential and safe manner any (suspected) wrongdoing in our organization. This is made possible by ensuring that such reporting has no consequences for the person reporting. For this reason the Board of Directors has adopted this Whistleblower Policy on July 17th 2014. The Whistleblower Policy describes the protection given to employees after they have filed a report of acts in conflict with legislation and regulations, or with the regulations applicable within SPARK. This Policy also includes a procedure for filing a report and the process that follows. Employees who file a report in connection with a (suspected) case of wrongdoing in accordance with this policy can be assured that this report will have no consequences for him or her.

Definitions

In this Whistleblower Policy the following concepts have the meaning given to them:

- Report: means the report being filed with regard to a case of suspected wrongdoing
- Board of Directors: means the Board of Directors of SPARK (Yannick du Pont and Michel Richter)
- Supervisory Board: means the Supervisory Board of the Company
- Written/In writing: means via letter, fax or email
- Company: means SPARK with its headquarters at Van Diemenstraat 70 in Amsterdam as well as all its regional field offices
- Suspected wrongdoing: means a suspicion that the following is involved with regard to the Company:
 - A) a(n imminent) criminal offence;
 - B) a(n imminent) violation of legislation and regulations;
 - C) (imminent) conscious inaccurate information given to public institutions;
 - D) A violation of the regulations applicable to SPARK; or
 - E) (imminent) conscious withholding, destroying, or manipulating information about the said facts

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- Confidential Adviser: is the person who is appointed as such at country level by the Board of Directors. The Confidential Adviser is the person to whom wrongdoing within SPARK can be confidentially and safely reported. For Amsterdam this is the Adviser to the Directors. If a complaint concerns the Confidential Adviser, it should be reported to the Second Confidential Adviser. For Amsterdam that is the Co-Director.
- Employee: means a person who works for SPARK whether or not with an employment contract

Procedure for reporting to the Confidential Adviser

1. The Confidential Adviser is the dedicated person with whom a Report must be filed, thereby guaranteeing independence, impartiality, trust, integrity and discretion. The contact details of the Confidential Advisers will be separately announced in the organisation.
2. The Employee can contact the Confidential Adviser verbally. However, it is necessary for the follow-up procedure also to file the Report in writing. Reports not stating any reasons will not be considered.
3. The Employee will, in any event, contact the Confidential Adviser immediately by phone if an imminent misappropriation or destruction of evidence is to take place.
4. The Confidential Adviser records the date of the Report in writing and discusses it as soon as possible with the Employee. A Written account will be made that will be signed for approval by the Confidential Adviser and by the Employee. The Employee will receive a copy of the account of the meeting.
5. Anything discussed between the Confidential Adviser and the Employee will be dealt with in strict confidentiality.
6. The Confidential Adviser will ensure that the Executive Board is immediately informed of a case of Suspected wrongdoing and the date on which the Report was filed. The Executive Board will receive a copy of the Report and a copy of the account of the meeting as referred to in paragraph 4 of this Clause.
7. The Executive Board will send an acknowledgement of receipt of the Report to the Confidential Adviser. The Employee who filed the Report will be informed by the Confidential Adviser.
8. After having received the Report, the Board of Directors will immediately investigate the case of Suspected wrongdoing. This investigation will take place without disclosure of the Employee's identity. The aim is to complete the investigation within a period of eight weeks.
9. Immediately after the completion of the investigation, the Employee will be informed in writing by the Confidential Adviser on behalf of the Board of Directors of the specific position of the Board of Directors with regard to the Suspected wrongdoing.
10. Information about the alleged wrongdoing will only be provided to third parties with the consent of the Board of Directors. If information is provided, everything will be done to guarantee the anonymity of the Employee.

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Objection procedure

1. If the Employee cannot agree with the position of the Board of Directors, the Employee can directly file the Report with the Supervisory Board. In that case, the provisions set out in Clause 3 will apply accordingly to the report filed with the Supervisory Board.
2. The Employee can also file the report directly with the Supervisory Board if he/she has indicated in writing that the duration of the investigation is unreasonably long considering all the circumstances and the Board of Directors has not taken any measures to shorten that duration.

Exceptions to Reports to be filed with the Confidential Adviser

1. If a member of the Board of Directors is involved in the suspected wrongdoing, contrary to Clause 3 the report will not be filed with the Confidential Adviser, but directly with the Supervisory Board.
2. The same procedural rules as described in Clause 3 will apply to the report to be filed with the Supervisory Board pursuant to this Clause.
3. The Supervisory Board ensures that the Board of Directors will also receive a copy of the report and the account of the meeting as referred to under Clause 3 paragraph 6 with due observance of paragraph 1 of this Clause.
4. If suspected fraud is involved, the Employee will not report suspected wrongdoing to the Confidential Adviser, but directly to the Head of Finance. Fraud means intentionally and wrongfully withdrawing value from accruing value to the organization by manipulating data.
5. If an Employee reports a case of suspected fraud to the Confidential Adviser, the Confidential Adviser will contact the Head of Finance.

Protection

1. An Employee, who has filed a report in good faith with due observance of the provisions in this policy, will not be prejudiced in his/her position in any way as a result of have filed this report. The fact that the Employee has filed a report in good faith will therefore never constitute a reason for dismissal, suspension, lower grading or other disciplinary measures. Moreover, the Company will take all measures required to prevent that the Employee being threatened, put under pressure or discriminated against as a result of the report.
2. Employees who think that they have experienced harmful consequences in connection with a report filed in good faith are requested to inform the Confidential Adviser of this.

Misuse

1. Suitable measures can be taken against an Employee who has filed a report which he/she knows could reasonably know to be untruthful.
2. The Employee who intentionally files an untruthful report can be held liable for the losses suffered as a result of the untruthful report. The guarantees included in the Whistleblower policy are not applicable to such an untruthful report.

Other provisions

1. This policy will be periodically evaluated and can be amended by the Board of Directors.

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2. If the Whistleblower policy is amended, the amended policy will be announced within the Company.
3. In those cases which the policy does not provide for, the Board of Directors will decide.