



## Complaints and Appeal procedure Kerk in Actie for partner organizations

(v20012021)

### 1. Introduction

It is the aim of Kerk in Actie to be a reliable and transparent organization. This means that Kerk in Actie wishes to treat seriously complaints and appeals made by our partner organizations. To this end Kerk in Actie has a clearly defined complaints and appeals procedure. As member of ACT Alliance we also adhere to the [ACT Alliance Complaints Policy](#).

Definition of “complaints” and “appeals” used by Kerk in Actie are first dealt with below. The main principles of the complaints and appeal procedure are, after that, outlined.

### 2. Definitions

A **complaint** is said to occur when a partner/client of Kerk in Actie is dissatisfied with the quality of the performance or service of Kerk in Actie. This may concern the way procedures have been followed by Kerk in Actie or how the partner felt it has been treated by a member of the staff. It may also concern improper practice or wrongful conduct by staff or anybody who represents Kerk in Actie, such as:

- Financial and procedural malpractice including those relating to mismanagement, misappropriation of funds, actual or suspected fraud, abuse of authority and non-compliant behavior with the Kerk in Actie and ACT Codes of Conduct
- HR related matters, such as (sexual) harassment, bullying, aggression, violence and discrimination

Under this policy, it will be a disciplinary matter if a genuine complainant were to be victimized.

An **appeal** relates to a legally binding decision made by Kerk in Actie, which is deemed financially or otherwise harmful by the recipient. Kerk in Actie’s decision may also affect the social and/or political standing of the recipient (e.g. a partner which is informed that the relationship will be terminated and wants to challenge that decision).

An appeal is specifically dealt with as an internal procedure (a part of the day-to-day affairs), in which the issue in question is re-examined and reappraised.

A complaint or appeal can be made by the following stakeholders and expect a response according to the procedure written in this document:

1. Anyone who participates in or is impacted by projects that are carried out by the partner organisations of Kerk in Actie.
2. The staff of Kerk in Actie international partners.
3. Donors, volunteers and others involved in or affected by the Kerk in Actie International work.

### **3. Principles**

Dealing with complaints and appeals are part of the responsibilities of the Manager of Kerk in Actie. The way in which they are dealt with is described in detail in the Complaints and Appeal Procedure below. Complaints and appeals are treated according to the exact same procedure. The organization filing the complaint or appeal will from now on be called “the complainant”.

### **4. Responsibilities**

*Manager Kerk in Actie* is responsible for decision making and correct handling of the complaint/appeal according to the procedure.

*Integrity Officer* is responsible to administer the complaint/appeal, carry out the preliminary research, advise the Manager Kerk in Actie and coordinate the research and steps that need to be taken further. He/she is also responsible to report to the MT every three months and improve the procedures according to new experiences.

*External complaint officer* is responsible to support the complainant in the report made by advising him/her to contact the relevant people, make sure the issue is investigated properly and the necessary actions are taken and the rights of the complainant are protected.

### **5. Complaint and Appeal procedure**

All formal complaints and appeals should be submitted in writing or by email to:

- the Manager Kerk in Actie, or
  - this internal Kerk in Actie address of the Integrity-Staff-member [integrity@protestantsekerk.nl](mailto:integrity@protestantsekerk.nl), or
  - to our external complaints officer at GIMD. You can contact them during Dutch office hours by phone on +31 (0) 88 8008524 or via email: [meldpuntgoededoelen@gimd.nl](mailto:meldpuntgoededoelen@gimd.nl)
- You can contact them in Dutch, English, Spanish, Portuguese and French and will reply to your email within 1 workday.

Address of the Protestantse Kerk office: Dienstencentrum Protestantse Kerk Nederland, To: Manager Kerk in Actie, Postbus 456, 3500 AL Utrecht, The Netherlands.

#### **5.1 When the complaint/appeal is submitted to the Manager or Integrity officer Kerk in Actie:**

- a. The complaint or appeal will be administered by the Integrity officer of Kerk in Actie and shared with the Manager Kerk in Actie. The Integrity officer and Manager Kerk in Actie are responsible for an adequate process of dealing with the complaint/appeal in a satisfactory way.
- b. The Integrity officer will carry out a preliminary investigation and based on the outcome advise the Manager Kerk in Actie whether more investigation is necessary or other steps are required. The Manager of Kerk in Actie will decide on the way the complaint/appeal is processed on the basis of the procedure. When necessary the complaint/appeal will be passed on to a staff member, not involved in the issue, for further investigation.
- c. The latter will reassess the course of events on all its merits and in case of unclear positions/standpoints, speaks to the parties involved, including the complainant. He/she will do so in communication with the Integrity officer, responsible for overall coordination.
- d. The investigator and integrity officer will give recommendations concerning the decisions to be taken to the Manager Kerk in Actie.

- e. The Manager of Kerk in Actie will send a decision (clearly founded) to the complainant within two weeks after receipt of the complaint/appeal.
- f. If this time-frame is not possible, the Integrity Officer Kerk in Actie sends a confirmation of receipt to the complainant, specifying the date and the way in which the complaint/appeal will be processed.
- g. The Integrity officer files all complaints/appeals and relevant documentation and reports to the MT of the DO PKN<sup>1</sup> every three months the number of complaints/appeals and the way they were processed and decided upon.

#### 5.2 When the complaint/appeal is submitted to our external complaint officer:

- a. When a staff member of a partner organization of Kerk in Actie or a beneficiary of this organization submits a complaint/appeal to the external complaint officer they will first discuss the situation and the steps taken so far. They will notify the Integrity Officer of Kerk in Actie about the report and he/she will start a preliminary investigation in coordination with the external complaint officer.
- b. The following steps taken are similar to steps 1a - g, however always in communication with the external complaint officer and with the possibility to start an external investigation.

When Kerk in Actie is suspected of victimizing the reporter because of the complaint made, the external complaint officer will start a [whistleblower procedure](#).

#### 5.3 Should the complainant remain dissatisfied with the decision.

- a. He/she can make a request to the Director DO PKN to have this initial decision reviewed. This request should be done within 4 weeks after the day the decision has been sent.
- b. The Director DO PKN will assess if the procedure has been properly followed and makes a limited review of the decision.<sup>2</sup> After this review the Director DO PKN will send his/her decision to the complainant.
- c. In most cases this will mark the end of the procedure. When the complainant does not agree with the decision of the Director DO PKN, the complainant may submit an appeal for the second time, within four weeks after this decision. In that case the Director DO PKN will advise the Board DO PKN to appoint an independent ad hoc Advisory Committee, consisting of 2 aid experts and 1 legal expert.
- d. The Advisory Committee will assess whether the procedure has been followed correctly and will make a limited review of the decision<sup>3</sup>. This review will take into consideration whether the Director DO PKN has acted within reason with respect to the disputed decision.
- e. The recommendations of the Advisory Committee will be returned to the Director DO PKN within 6 weeks after receipt of the request for advice by the committee.

In principle the Director DO PKN will follow the advice. She/he can only differ to disagree with the judgments of the Advisory Committee if backed by reasoned arguments.

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<sup>1</sup> DO PKN stands for 'Dienstenorganisatie Protestantse Kerk Nederland', the office that serves the PKN congregations in the Netherlands.

<sup>2</sup> A limited review does not go deep into details of the content of the decision, but rather makes an assessment of the way the management dealt with the complaint, based on set policy and procedures.

<sup>3</sup> A limited review does not go deep into details of the content of the decision, but rather makes an assessment of the way the management dealt with the complaint, based on set policy and procedures.

f. The final decision and the recommendations of the Advisory Committee will be sent to the complainant within two weeks after receipt of the recommendations. This decision will mark the end of the internal procedure within Kerk in Actie.

The complainant may either be satisfied with (or accept) the final decision or remain dissatisfied with it. If the latter is the case, the complainant is entitled to take the case to the Dutch court.

## **6. Handling of complaints**

### Confidentiality and anonymity

Cases are always handled with strict confidentiality. Complaints can also be made on anonymous basis. The confidentiality and anonymity of the reports will be kept to the maximum extent possible, consistent with the need to conduct an adequate investigation.

The person who reports the case has the right to be protected to any form of disadvantage because of his/her report. How this person can be protected in the best way differs per case and will therefore be decided per case by the Manager Kerk in Actie together with the Integrity officer.

If necessary this protection continues after the investigation is finished and could also include support and treatment for the harm done.

### False Allegations

Any allegation which proves to have been malicious or knowingly false will be viewed as a serious disciplinary offence and repercussions will be made accordingly. Any personal interest should be made known when first raising concerns.

### Notification

The Manager Kerk in Actie is required to notify and communicate the existence and contents of this policy to the employees of the relevant department and all new employees respectively. The Manager Kerk in Actie should also ensure that long-term partners and beneficiaries are made aware of this policy and their responsibility to report any wrongful conduct of Kerk in Actie staff in the execution of a partnership agreement.

### Complaints procedure for staff

Kerk in Actie staff subject to this procedure who believe that his/her rights are violated can make a formal complaint in accordance with the Protestantse Kerk [HR Complaints procedure](#).

### Registration and filing

The following output documents need to be filed in a digital archive:

- Original notification by complainants and all following documents and correspondence by Integrity Officer for 3 years.
- Involvement Director DO PKN (via minutes): by Secretary Director for 3 years.