

## Complaints and Whistleblower Regulation (for SPOs and external parties outside the EU)

### 1. Introduction

The Liliane Foundation and MIVA consider integrity, honesty and acting transparently to be important values.

This regulation is intended for **SPOs/POs** who either have complaints about policies, activities, statements or decisions of the Liliane Foundation and/or MIVA, or wish to bring malpractice to the Liliane Foundation or MIVA's attention. **External parties outside the EU** (e.g. local consultants) who have come into contact with the Liliane Foundation, MIVA or one of the SPOs/POs through their work can also use this procedure to report malpractice.

Partner Organisations (POs) should initially approach the SPO, but can also use this procedure in case of complaints about the SPO.

A separate Whistleblower Regulation applies to employees of the Liliane Foundation and/or MIVA and external parties working in the EU.

Reports of improper conduct (any form of conduct that violates the law and the values of the Liliane Foundation and/or MIVA, in particular: (sexual) harassment or sexual abuse, discrimination, aggression and bullying are dealt with according to the **Complaints Procedure for Improper Conduct** and reports related to fraud are dealt with according to the **Anti-Fraud Protocol**.

Reports involving these matters can be submitted to the Integrity Officer (e-mail [integrityofficer@lilianefonds.nl](mailto:integrityofficer@lilianefonds.nl) or [integrityofficer@miva.nl](mailto:integrityofficer@miva.nl))

In the case of any suspicion and/or signs of child abuse and improper conduct towards children and young people, a separate regulation applies: the **Child Safeguarding Policy**.

Reports involving these matters can be submitted to the Child Safeguarding Focal Point (e-mail [childsafeguarding@lilianefonds.nl](mailto:childsafeguarding@lilianefonds.nl)).

### 2. Complaints

If you have a complaint about policy, activities, statements or decisions of the Liliane Foundation and/or MIVA, you can submit your complaint in writing to the general manager of the department/team to which the complaint specifically relates. The Director is also informed about any complaints submitted.

### 3. Socially relevant malpractice

a. You can submit a report about malpractice in writing to the Integrity Officer (e-mail [integrityofficer@lilianefonds.nl](mailto:integrityofficer@lilianefonds.nl) or [integrityofficer@miva.nl](mailto:integrityofficer@miva.nl)).

b. A report involving malpractice does not always need to relate directly to the person reporting the case; witnessing malpractice also applies.

c. The person submitting the report must act carefully and in good faith and cannot submit a report based on rumours or stories recounted by others.

d. The report may be made anonymously, or, be handled anonymously at the request of the person submitting it. If a report is made anonymously, it is not possible to speak directly to the person who submitted it. This makes it more difficult to investigate the report.

e. Reporting malpractice using this procedure is recommended, but you can also submit a report directly to the relevant authorities.

f. The legal position of the person reporting the (suspected) malpractice, who acts with care and in good faith is protected. The Liliane Foundation and MIVA established this procedure to prevent those who report in good faith from being adversely affected for doing so.

Examples of malpractice ('concerns that are in the public interest') are:

- *Actions which endanger the health and safety of personnel or the public.*
- *Actions which cause damage to the environment.*
- *The deliberate provision of false information to public officers.*
- *A miscarriage of justice.*
- *Unauthorised disclosure of confidential information.*
- *The deliberate concealment of information relating to any of the above matters.*
- *Any retaliation against someone for speaking up or "whistleblowing".*

#### 4. Procedure:

**Complaints** regarding decisions, policies, activities or statements of the Liliane Foundation and/or MIVA:

- a. Complaints are handled by the general manager of the department/team to which the complaint specifically relates. The Director is also informed about any complaints submitted.
- b. The manager of the department or the Director may request further information from the person submitting the complaint or third parties to assess and/or settle the complaint.
- c. The complaint, the date on which it is received and the action taken as a result are recorded in a complaints and objections register.
- d. The person who submitted the complaint will receive a written response, (co-signed by the Director), within four (4) weeks at the latest.

#### **Reports about malpractice**

- a. The Integrity Officer discusses reports about malpractice with the Director.
- b. All reports are handled with the utmost care to minimise the chances of false accusations.
- c. The Director determines, as soon as possible but at the latest within two (2) weeks, whether a report warrants an investigation and, depending on the nature of the report, determines who will sit on the Investigation Committee.
- d. The person who submitted the report is informed that an investigation is being conducted and within which time frame he or she can expect to be informed of the outcome. All those involved in handling a report will not disclose the identity of the person who submitted it without the latter's express written consent and shall treat information about the report confidentially.
- e. If no investigation is launched and the report is found to be unsubstantiated or implausible, the Director informs the person who submitted the report accordingly.
- f. The Director may also decide to have an investigation conducted by experts. The costs will be borne by the Liliane Foundation or MIVA.
- g. The final report shall include at least a statement about the following points:
  - Whether, and if so to what extent, the report is plausible;
  - Who has been affected by the malpractice;
  - How the investigation was structured;
  - The findings and conclusions;
  - A recommendation to the Director regarding the measures to be taken.
- h. Within two weeks of receiving the recommendation, the Director issues a written decision on any measures to be taken. If the Director takes a decision that does not involve sanctions, even though the report has been declared substantiated by the investigators, this must be explicitly stated in the decision along with the underlying reasons. Those directly affected are informed of the decision. This includes an indication of what steps the report led to.
- i. If the person who reported the malpractice does not agree with the Director's decision, he or she may seek advice on subsequent steps from the Integrity Officer, if he/she wishes.

#### **Entry into force of the procedure**

- a. The Integrity Officer ensures that this procedure is included in the Quality Manual and made public on the English-language website.
- b. The Integrity Officer reports annually to the Director about whether any reports of (suspected) malpractice have been received and about how they were handled.
- c. This procedure will enter into force on 1 November 2022