

Complaints and Appeal procedure

Introduction

It is ICCO's aim to be a reliable and transparent organization. This means that ICCO wishes to treat seriously complaints and appeals made by partner-organizations and other clients (thereafter called Partners). To this end ICCO has a clearly defined complaints and appeals procedure. The procedure is applicable in both the Global Office and the Regional Offices for all the work that is performed within the cooperative and therefore also applicable to the pilot in RO CEA and subsequent pilots in other ROs.

Definition of "complaints", "appeals" and "significant interest" used by ICCO are first dealt with below. The main principles of the complaints and appeal procedure are thereafter outlined.

Definitions

A **complaint** is said to occur when a partner/client of ICCO is dissatisfied with the quality of the performance or service of ICCO. This may concern the way procedures has been followed by ICCO or how the partner/client felt it has been treated by a member of the staff. It is important for ICCO to deal with such complaints correctly, not only not to endanger the good partnership, but also to improve the quality-system and procedures.

An **appeal** relates to a legally binding decision made by ICCO, which is deemed financially or otherwise harmful by the recipient. ICCO's decision may also affect the social and/or political standing of the recipient (e.g. a partner which is told that the relationship will be terminated). An appeal is specifically dealt with as an internal procedure (a part of the day-to-day running), whereby the issue in question is re-examined and reappraised.

An appeal in case of **significant interest** is said to exist when the size of the program or project is bigger than the amount of € 100.000 or it concerns a social or political sensitive program or project. In the latter case the Executive Board decides whether it is a case of significant interest.

Principles

- **Complaints** are dealt with in the scope of the responsibilities of the Regional Manager/Head of department, when the complaint is coming from people or organizations in his/her region.
- If the complaint is coming from an area under direct responsibility of the Global Office or the Mission department of Kerk in Actie, it will be dealt with by the responsible manager at the Global Office.

The way in which they are dealt with is described in detail in the Complaints Procedure appendix.

- With respect to the **appeals** procedure, they are dealt with under final responsibility of the Executive Board resp. manager Kerk in Actie (Mission dep.)
- In principle, appeals against a decision of a (Regional) Manager will in the first place be dealt with by the same (Regional) Manager. He/she will examine the decision taken once again, considering the arguments of the organization that submitted the appeal. The

organization will be given adequate opportunity to explain its objections against the decision.

On the basis of all the information available the (Regional) Manager will take a decision on the appeal and will inform the appellant. When the appellant does not agree with the result of the procedure it has an opportunity to turn to the Executive Board resp. manager Kerk in Actie (Mission) for a final decision.

- Is the appeal coming from an area under direct responsibility of the Global Office, it will be dealt with by the responsible manager at the Global Office.

The way in which appeals are dealt with is described in detail in the Appeals Procedure appendix.

- In most cases this way of dealing with appeals will be adequate. However, in such appeals where there is said to be a **significant interest** involved on the part of the organization or ICCO, either due to the amount of money involved (€ 100,000 or more) or the social or political sensitivity of the program, an independent advisory panel, consisting of 3 members (2 aid experts and 1 legal expert), should advise the Executive Board resp. manager Kerk in Actie (Mission). The Executive Board resp. manager Kerk in Actie (Mission) will decide on the character of the appeal. This ad hoc Committee will be appointed by the Supervisory Board on a proposal of the Executive Board. In principle the Executive Board will follow the advice. The Executive Board can only differ to disagree with the judgments of the Advisory Committee if backed by reasoned arguments.

Each year the Regional Managers, the Managers at the Global Office and the Executive Board will report on the complaints and appeals received and processed, including the character of the cases.

This information will be shared and discussed with the Supervisory Board. In this way the Executive Board's accountability will be shown for both the policy pursued and the procedures followed in sensitive individual cases.

Separate procedures have been drawn up for the handling of the complaint and appeals.

Utrecht, February 2013

Appendix I. Complaints procedure

- a. All formal complaints should be submitted in writing or by email.
 - b. The complaint will be administered by the administration of the Head of the responsible Department at the Global Office or the administration of the Regional Manager. The Head of the Department or the Regional Manager is responsible for an adequate process of dealing with the complaint in a satisfactory way.
 - c. The Head of the Department or the Regional Manager will decide on the way the complaint is processed on the basis of the procedure. In most cases the complaint will be passed on to the member of staff concerned.
 - d. 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.
 - e. He/she will give recommendations concerning the decisions to be taken to the Head of Department or Regional Manager.
 - f. The Head of the Department or the Regional Manager will send a decision (clearly founded) to the complainant within two weeks after receipt of the complaint.
 - g. If this time-frame is not possible, the Head of the Department or the Regional Manager sends a confirmation of receipt to the complainant, specifying the date and the way by which the complaint will be processed.
 - h. The Head of the Department at the Global Office and the Regional Manager will be responsible for a timely and correct process of the complaint according to the mentioned procedure.
 - i. The Head of the Department or the Regional Manager will send his/her decision to the complainant as soon as possible, normally within two weeks.
 - j. The Head of the Executive Support Office will receive copies of the registration of the complaint and the decision on the complaint.
2. Should the complainant remain dissatisfied with the decision,
 - a. He/she can make a request to the Executive Board resp. manager Kerk in Actie (Mission) to have this initial decision reviewed. This request should be done within 4 weeks after the day the decision has been sent.
 - b. The Executive Board resp. manager Kerk in Actie (Mission) will assess if the procedure has been properly followed and makes a *limited review*¹ of the decision.
 3. Each year the Heads of the Department at the Global Office and the Regional Managers will report to the Executive Board on the number of complaints and the way they were processed and decided upon. The conclusions may lead to relevant changes in procedures and the Quality Manual.

Utrecht, February 2013

¹ 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.

Appendix II. Appeals Procedure

1. All appeals must be submitted in writing or by email no more than two months following the date on which the decision was sent to which the appeal applies. The appeal must be directed to the appropriate Regional Manager when the appeal is coming from organizations in his/her region or to the Head of Department in the Global Office in case of organizations which have a direct relationship with the Global Office. Both managers will decide on the way in which the appeal will be processed on the basis of the appeals procedure.
2. If there are cases of *significant interest* (when the budget of the program/project concerned is higher than € 100,000 or more, or when there is a question of social and/or political sensitivity) the Regional Manager or the Head of a Department at the Global Office will refer the case to the Chairman of the Executive Board (see articles 8 and 9) resp. manager Kerk in Actie (Mission)
3. The Head of Department at the Global Office and the Regional Manager will administer the appeal. They will be responsible for a timely and correct process of the appeal according to this appeal procedure.
Within one week after receipt of the appeal they will send a confirmation of receipt of the appeal, including information about the way the appeal will be dealt with, and the time-frame of the whole process.
The Head of the Executive Board Support Office will receive copies of any exchange of information between the Head of Department at the Global Office and/or the Regional Manager and the appellant concerning the appeal.
4. In most cases the Regional Manager or the Head of the Department at the Global Office will delegate the preparation of the decision on the appeal to relevant senior staff-members. These staff-members will reassess the course of events on all its merits and, in case of unclear standpoints, speak to the parties involved, including the appellant. If necessary they can ask for legal advice.
The senior staff-members will advise the Head of Department at the Global Office or the Regional Manager about the decisions to be taken.
5. Within two months after receipt of the appeal, the Head of Department at the Global Office or the Regional Manager will send the decision to the appellant. The decision must be supported by adequate arguments.
6. Is the appellant not willing to accept the decision,
 - a. He/she can make a request to the Executive Board resp. manager Kerk in Actie (Mission) to have the decision (mentioned in article 5) reviewed. This request should be done within 4 weeks after the day the decision has been sent.
 - b. The Executive Board resp. manager Kerk in Actie (Mission) will assess if the procedure has been properly followed and makes a *limited review*¹ of the

¹ 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.

decision. After this review the Executive Board will send its decision to the appellant.

7. In most cases this will mark the end of the procedure. The appellant may either be satisfied with (or accept) the decision or remain dissatisfied with it. If the latter is the case, the appellant is entitled to take the case to the Dutch court.
8. In cases of *significant interest* a member of the Executive Board resp. manager Kerk in Actie (Mission) takes the lead in processing the appeal. He may delegate the preparation of his decision on the appeal to one of the Heads of Department at the Global Office and/or the Regional Manager involved. The preparation will take place according to the same principles as described in articles 3-5 of this appeal procedure. The Executive Board resp. manager Kerk in Actie (Mission) will, ultimately after two months, send his decision, after thorough analyses and founded by adequate arguments.
9. When the appellant does not agree with the decision of the Executive Board resp. manager Kerk in Actie (Mission), the appellant may submit an appeal for the second time, within four weeks after this decision. In that case the Executive Board resp. manager Kerk in Actie (Mission) will request the Supervisory Board of ICCO to appoint an independent *ad hoc* Advisory Committee, consisting of 2 aid experts and 1 legal expert. In case of KerkinActie/Mission partners one member of the Advisory Committee should be assigned by the Board of the Dienstenorganisatie PKN.
10. The Advisory Committee will assess whether the procedure has been followed correctly and will make a *limited review*ⁱⁱ of the decision. This review will take into consideration whether the Executive Board has acted within reason with respect to the disputed decision.
11. The recommendations of the Advisory Committee will be returned to the Executive Board resp. manager Kerk in Actie (Mission) within 6 weeks after receipt of the request for advice by the committee. In principle the Executive Board resp. manager Kerk in Actie (Mission) will follow the advice. It can only differ to disagree with the judgments of the Advisory Committee if backed by reasoned arguments.
12. The final decision and the recommendations of the Advisory Committee will be sent to the appellant within two weeks after receipt of the recommendations. This decision will mark the end of the internal procedure within ICCO.

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

Utrecht, February 2013.

ⁱ 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.

ⁱⁱ See note i.