

Whistle-blower Procedure

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Version	Date	Description of Version	Author
1	September 2018	Separation from Complaints' Handling Procedure, establishment of online reporting form and incorporation of flowchart	Nikolaos Koufos
2	November 2018	Incorporation of Arabic misconduct report form	Nikolaos Koufos
3	May 2019	Taking out of Googleforms and introduction of emails for reporting misconduct cases. Incorporation of external confidential advisor (and email) for reporting misconduct cases	Nikolaos Koufos
4	November 2019	Inclusion of clauses for minor cases	Nikolaos Koufos
5	November 2022	Inclusion of reference to Partners Code of Conduct, distinction in minor misconduct cases and change in roles	Nikolaos Koufos

Abbreviations

- HR** Human Resources
- PeM** Peoples Manager
- BoD** Board of Directors
- PD** Programme Director
- SvB** Supervisory Board

Purpose

The purpose of this procedure is to ensure that suspected or observed misconduct within SPARK is reported and addressed.

Scope

This procedure is applicable to suspected or observed misconduct, on behalf of SPARK employees (i.e. staff members, interns and volunteers) during their employment at SPARK.

Local partner organisations' staff members and external contractors of SPARK are expected to cooperate in the implementation of this procedure, as per their relevant contracts (including memorandums of understanding) established with SPARK.

For this procedure, misconduct during SPARK employment is defined in SPARK Staff Members Code of Conduct and in Partners Code of Conduct.

Additionally, SPARK acknowledges that there are minor and critical misconduct cases.

Minor misconduct cases

Minor misconduct cases are those that are internally or externally identified and fulfil all the following criteria:

- are relevant to unacceptable behaviour but not criminal (examples of unacceptable behaviour are persistent lateness or absenteeism, unsatisfactory standards of work or poor productivity, disruption of other employees, abusive language, unauthorised use of property or negligent damage/loss of property, misuse of internet during working hours, etc.);
- the SPARK staff member who identifies the misconduct case feels free to discuss it with his/her HR advisor;
- the SPARK staff member who identifies the misconduct case feels confident that if he/she discuss it with the HR advisor it will be effectively resolved;
- the misconduct case does not bear significant risks in negatively affecting the continuity of SPARK's programmes and operations;
- the misconduct case does not bear significant risks in damaging the reputation of SPARK;
- the misconduct case does not bear significant risks in imposing a financial loss to the organisation.

For the minor misconduct cases that are internally identified, they reported by the SPARK staff member to his/her HR advisor. The HR advisor who receives the information about the minor misconduct case handles it with confidentiality and coordinates a resolving of the case together with the SPARK staff members who reported and committed the case. In case a resolution of the case in this way is not effective, then the HR advisor escalates the resolving of the case to the respective Peoples Manager(s) or (in exceptional cases) to the Director of Operations.

For the minor misconduct cases that are externally identified, they are reported and handled through SPARK's Complaints Handling Procedure.

Critical misconduct cases

Critical misconduct cases can be internally or externally identified and have to fulfil at least one of the following criteria:

- are relevant to criminal behaviour;
- the SPARK staff member who identifies the misconduct case does not feel free to discuss it with his/her HR advisor;
- the SPARK staff member who identifies the misconduct case does not feel confident that if he/she discuss it with the HR advisor it will be effectively resolved;
- the misconduct case bears risk in negatively affecting the continuity of SPARK's programmes and operations;
- the misconduct case bears risks in damaging the reputation of SPARK;
- the misconduct case bears risks in imposing a financial loss to the organisation.

In order to ensure confidentiality and safety for those who report a (suspected or observed) critical misconduct case, SPARK has appointed two confidential advisers to whom such cases can be reported. Currently, these confidential advisers are Wiemer Renkema who serves as external confidential adviser and SPARK's Programme Director Michel Richter. Those who want to report a (suspected or observed) misconduct case to SPARK, can do so by sending a relevant email to one or both of the following email addresses:

- wrenkema@hotmail.com – external confidential adviser;
- m.r.richter@spark-online.org - SPARK's Programme Director

For the purposes of the implementation of this Whistle-blower procedure, these email addresses should be used for only reporting (suspected or observed) critical misconduct cases.

Furthermore, the reporting of a (suspected. or observed) critical misconduct case in a fully anonymised manner can also be done by sending the relevant letter to the SPARK Headquarters, at the following address: SPARK Amsterdam Office, Haarlemmer Houttuinen 15h 1013 GL Amsterdam, The Netherlands.

SPARK employees who send an email/letter in good faith for a case of (suspected or observed) critical misconduct within SPARK can be assured that this email/letter will be dealt confidentially and have no contractual consequences for him/her or never constitute a reason for dismissal, suspension, lower grading or other disciplinary measures in his/her employment at SPARK. Employees who think that they have experienced harmful consequences in connection with a report filed in good faith are kindly requested to inform the Confidential Adviser(s) of this. On the other hand, employees who intentionally report an untruthful (suspected or observed) critical misconduct case will be held liable from SPARK for the losses suffered by the organisation as a result of this.

All information provided to SPARK about (suspected or observed) critical misconduct cases are accessible only to the Confidential Adviser(s) and to the BoD.

Exception to the Procedure

For (suspected or observed) misconduct cases committed by the BoD members, the Confidential Adviser(s) escalate the case directly to the SvB, without involving the members of the BoD. In this case, the SvB decides on and implements actions for addressing the suspected or observed) misconduct case

Risks in the procedure

The following risks are identified in the implementation of this procedure:

- Misconduct cases are not detected by SPARK;
- Compromised confidentiality/safety for the those who report the misconduct case;
- Damaged reputation and/or financial loss and/or discontinuity of programmes and operations for SPARK due to ineffective handling of misconduct case.

Procedure

Suspected or observed cases of misconduct are reported and addressed as per the flowchart below:

Responsibility

Activity

SPARK staff member / stakeholder

If minor misconduct case discuss with HR advisor

if critical misconduct case send an email to Confidential Advisor(s)

HR advisor

Coordinate a resolving of the case together with the SPARK staff members who reported and committed the case. In case a resolution of the case in this way is not effective, then the HR advisor escalates the resolving of the case

Confidential advisor(s)

Investigate the misconduct case

Formulate report on the misconduct case, which includes recommendations for addressing the case

Discuss misconduct case report with PD

BoD

Decide on:
- Sanctions to employee(s) who committed the misconduct
- Help and communication to victim(s), if applicable
- Whether the case will be communicated externally to SPARK

Implement:
- Sanctions to employee(s) who committed the misconduct
- Help and communication to victim(s) if applicable
- Communication externally to SPARK (if decided)