

# WEMOS COMPLAINTS MECHANISM

At the Wemos Foundation, we aim to treat our relations and other stakeholders that are not directly involved as well as possible. Do you, nevertheless, have a complaint about (an employee of) the Wemos Foundation? In this case, you can submit this complaint to our complaints desk.

What is a complaint?

A complaint is information that indicates that a relation or other stakeholder of Wemos that is not directly involved experience that something has gone wrong – or is wrong – with an expression or activity. Complaints relate to services provided by Wemos. This may concern the organisation as well as fundraising or the execution of tasks in the framework of Wemos' substantive objectives.

For Wemos, complaints are a source of information concerning:

- the quality of the functioning of Wemos,
- the image the outside world has of Wemos.

Every complaint is registered, analysed and dealt with diligently. Complaints can result in the implementation of improvements within the organisation, the policy or the service and activities we realise in the framework of the organisational objective. The aim is to avoid or to decrease the number of complaints.

Who is this mechanism intended for?

This complaints mechanism concerns external complaints and objections that are submitted to Wemos and is also intended for people who are not related to Wemos. Agreements in case of complaints within the organisation are set out in Wemos' Code of Conduct and Whistleblower Regulations.

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## 1 Definitions

- 1.1 The following definitions are used in this mechanism:
- a. **Complaint:** any expression of dissatisfaction about conduct, an action or failure to take action by the Wemos Foundation and/or one or more of its employees;
  - b. **Complainant:** the person who lodges the complaint and/or their authorized representative;
  - c. **Person involved:** the person whose conduct is subject of the complaint;
  - d. **Director:** Wemos Foundation's director / manager;
  - e. **Employee:** every person who, on the basis of employment or in a different way (as volunteer, trainee, seconded employee) carries out activities for Wemos under the responsibility of the organisation;
  - f. **Netherlands Fundraising Regulator (CBF):** Netherlands Fundraising Regulator;
  - g. **Wemos:** Wemos Foundation.

## 2 Right of complaint and right of objection

- 2.1 At Wemos, everyone has the right to lodge a complaint about the way in which Wemos has behaved towards them or towards someone else in a specific situation.
- 2.2 The conduct of a person or employee, working under the responsibility of Wemos, is considered as conduct by Wemos.

## 3 Lodging a complaint or objection

- 3.1 Written complaints and objections can be submitted to Wemos, Post Box 1693, 1000 BR Amsterdam-Duivendrecht, the Netherlands, or via [complaints@wemos.nl](mailto:complaints@wemos.nl).
- 3.2 The complaint shall contain at least:
- a. name and address of the submitter;
  - b. date;
  - c. a description, including the date, of the conduct against which the complaint is made.
  - d. name and position of the person(s) against whom the complaint is made.
- 3.3 If the complaint is written in a foreign language and a translation is needed for the satisfactory processing of the complaint, the submitter must provide a translation.

## 4 Procedure

- 4.1 If a written complaint concerns conduct towards the complainant and complies with the requirements of article 3.2, the articles 4 up to and including 12 shall apply.
- 4.2 Wemos shall confirm receipt of the complaint to the complainant in writing within two weeks. The confirmation of receipt shall in any case include the following information:
- a. the date on which the complaint is received;
  - b. the period in which the complaint will be processed;
  - c. the name and telephone number of the complaints' handler;
  - d. the procedure of audi alteram partem;
  - e. the opportunity to request the text of the complaints mechanism or to read this via the internet.
- 4.3 A copy of the complaint as well as the documents attached shall be sent to the employee whose conduct the complaint concerns.
- 4.4 Complaints are handled by the supervisor of the department or employee that the complaint specifically concerns. Complaints shall also be made known to the director.
- 4.5 The employee to whom the complaint relates has the right to access all the information that is

relevant to them, insofar as this does not cause damage to third parties.

4.6 The employee against whom a complaint has been made has a right to defence.

## 5 Confidentiality and right to privacy

5.1 The privacy of those involved shall be protected as much as possible.

5.2 Everyone who is involved in the handling of complaints and who in doing so, has access to information about which he or she is aware of the confidential character or should reasonably suspect this, is obliged to keep this confidential, except and to the extent that a statutory requirement of disclosure is obligatory or if the necessity for disclosure arises from his or her task of executing the complaints mechanism.

## 6 Amicable settlement

6.1 Wemos may assess whether the complaint can be settled amicably at any phase of the complaint handling.

6.2 As soon as Wemos has resolved the complaint to the satisfaction of the complainant, the obligation to further application of this mechanism will lapse.

6.3 If Wemos has responded satisfactorily to the complaint of the complainant, a written notification of closure of the complaints mechanism shall be sent to the complainant and a copy of this to the person involved.

## 7 Complaints that do not need to be handled

7.1 Wemos is not obliged to handle the complaint if:

- a. a complaint has already been submitted that has been settled in compliance with this complaints mechanism;
- b. the same complaint from the complainant is already being handled by Wemos;
- c. the conduct took place longer than a year before the complaint was submitted;
- d. the complaint does not comply with the description as set out in article 3.3 of this mechanism;
- e. the complaint has been made anonymously.

7.2 The complainant shall be informed in writing that the complaint will not be handled as soon as possible, but no later than within four weeks after receipt of the complaint.

## 8 Hearing of the complainant and the person involved

8.1 Wemos shall give the complainant and the person whose conduct the complaint is related to the opportunity to be heard.

8.2 The hearing of the complainant and the person involved, respectively, may be waived if:

- a. the complaint is manifestly unfounded;
- b. the complainant and the person involved, respectively, have declared that they do not wish to make use of the right to be heard;
- c. the complainant and the person involved, respectively, do not declare that they would like to make use of the right to be heard within the reasonable period stipulated by Wemos.

8.3 Wemos shall prepare a report of the hearing. This report shall be sent to the complainant, the person involved and the director of Wemos. If the complaint concerns the conduct of the director, a copy of this report shall be sent to Wemos' supervisory board. A copy of this report shall be included in Wemos' registry of complaints.

## 9 Right of access

- 9.1 Both the complainant and the person involved shall be given the opportunity to access all the documents relating to the complaint. Documents that are submitted under the condition that the other party may not have access to them shall not be handled and do not play a part in the final judgement.

## 10 Representation

- 10.1 Both the complainant and the person whose conduct the complaint is related to have the right to be represented by a person designated by them at their own expense.
- 10.2 If it becomes clear that the complaint is manifestly unfounded, the right to representation for the complainant and the person involved may be renounced.
- 10.3 The complainant and the person involved have the right not to make use of the right to representation.

## 11 Halting of the procedure

- 11.1 The complainant may withdraw their complaint up till the time of the decision. The complainant may withdraw the complaint by letting it be known in writing that they no longer wish for Wemos to continue to handle the complaint.
- 11.2 The withdrawal shall be confirmed in writing to the complainant.
- 11.3 In the case of withdrawal of a complaint, all the documents relating to the complaint shall be destroyed, with the exception of the procedural report.
- 11.4 In case of an urgent reason, Wemos may decide to halt the complaints procedure. An urgent reason may be, for instance, if the complainant is aggressive towards employees or seriously misbehaves in other ways, as a result of which continuation of the complaints procedure cannot reasonably be expected of Wemos. In this case, the complainant shall be informed in writing about the halting of the complaints procedure and the reason for this.

## 12 Settlement period

- 12.1 Wemos strives to handle the complaint within six weeks after receipt of the complaint.
- 12.2 If the complaint cannot be handled within six weeks, the complainant shall receive confirmation of receipt within a week, which shall also contain information about the further procedure.

## 13 Decision

- 13.1 Wemos shall inform the complainant and the person whose conduct the complaint relates to of the findings of the investigation into the complaint, the decision on this as well as the possible conclusions Wemos draws from this in writing and motivated and (co-signed) by the director.
- 13.2 If the complaint concerns the director's conduct, the notification shall be in writing and motivated by Wemos' supervisory board. If the complaint concerns the conduct of a member of the supervisory board, the notification shall be drawn up and signed by the other members of the supervisory board.

## 14 External means of appeal

- 14.1 In case the complaint or objection is not handled in a satisfactory way by Wemos, the complainant may submit a complaint in writing to the Netherlands Fundraising Regulator (CBF) ([www.cvf.nl](http://www.cvf.nl)). This complaint shall then be handled according to the CBF complaints procedure.

## 15 Registration and publication of complaints

- 15.1 Wemos is responsible for the registration of complaints submitted in writing in its complaints register.
- 15.2 The complaints register complies with the relevant legislation and regulations, such as the General Data Protection Regulation (GDPR).
- 15.3 The complaints registered are published annually in the annual report. This will in any case include the number and nature of the complaints handled, and the scope of the decisions and recommendations stated. The annual report shall not contain information that can be traced to individual persons.

## 16 Final provisions

- 16.1 This mechanism may be changed or revoked by Wemos. Complaints that have already been submitted fall under the complaints mechanism that is in force on the date of submission.
- 16.2 This mechanism shall enter into force as of 1 January 2020, and shall be published on Wemos' website ([www.wemos.nl](http://www.wemos.nl)).
- 16.3 The Wemos Complaints Mechanism dating 1 September 2009 shall be withdrawn.