

Policy for reporting an irregularity

Purpose: In our Code of Conduct, we provide employees with the possibility of reporting an incident, (a suspicion of) malpractice or an irregularity. A good policy offers clarity to the notifier and safeguards protection, care, and confidentiality as well as the proper handling of a report.

Date of release: 01/07/19

Process owner: Director Strategy & Development

Print date: 20-Jun-19

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Expiration date: 2 years after the release

Intended for: All AWL employees

Revision history:

Initials/reference	Date	Action



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Policy reporting an irregularity

1 Why we have a policy for reporting an irregularity

This policy arranges who can raise a concern, how to report, and what a notifier can expect (such as communication, protection, and serious handling).

This policy provides guidelines to guarantee that a report is taken into consideration confidentially and carefully and that it is correctly handled. We need to prevent us from taking action that conflicts with human rights treaties (HRT) and with the General Data Protection Regulation (GDPR).

We are also required by law to have implemented a good policy for reporting an irregularity.

2 Accessibility to employees

This policy with guidelines is accessible to all employees, and you will find it in the Quality Management System under **Control processes > Corporate Governance > Code of Conduct**. For the notifier, the guidelines have also been put on Brains under **Organization > Code of Conduct > English > Report an irregularity**. Employees have been informed of this through Brains and by their managers. This policy not only applies to our existing employees, employed by AWL, but also to former employees, self-employed persons, hired personnel, and trainees.

3 Embedding within the organization:

- We have laid down our integrity rules in a Code of Conduct. We have formulated mandates for the most important transactions in the Procurement Policy. Both of these have been properly communicated in our organization.
- The method to be used for making a report is clearly stated in the Code of Conduct and in Appendix I "Guideline for the notifier."
- We have arranged that, if desired, an employee can approach our external Trustee. Our Trustee
 - is a professional external advisor who, on request, can also provide advice before a report is made and who guarantees secrecy and confidentiality.
 - holds no positions within our organization
 - is independent, objective, and assists the employee.

4 Investigation

After a careful assessment of a report, we may decide to carry out a further investigation:

- We assess this carefully to prevent an investigation from conflicting with the privacy legislation. An investigation may not be made without reason. There must be a reason and a legitimate interest to carry out an investigation.
- We have included in our processing register the personal data that may be used with an investigation.
- An investigation will be done in an independent, objective, and structured manner, possibly by an external party.
- During an investigation, we record all facts, events, interviews, and considerations in a log.

5 Measures

We ensure that equal measures are taken if malpractice or irregularity is proven. We inform the notifier of this.

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6 Aftercare and lessons learned

We understand that if a report has been made and subsequently, further investigations are made resulting in possible organizational/procedural measures, this may have a significant impact on employees in our organization. In consultation with the internal and external persons concerned, we guarantee that we will provide the best aftercare to the colleagues involved.

We will also ensure that we, as an organization, learn something from it and that we implement measures to prevent future incidents as much as possible.

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Appendix I Guidelines for the notifier

The [guidelines for the notifier](#) are published on Brains.

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Appendix II Guidelines for the recipient (internal or external Trustee)

Bear in mind that it may have been a difficult decision for the notifier to report to you. Prevent the notifier from being put at a disadvantage and ensure that the report is handled confidentially and carefully.

It is crucial to AWL that someone reports an incident or malpractice. This gives us the possibility of improving our organization.

It is very important that you follow the guidelines given below.

Who can report to you?

The individual is now working for AWL or has worked for AWL in the past (this concerns an employee, former employee, self-employed person, hired person or trainee).

What type of report could you receive?

- An incident, malpractice or suspicion of malpractice: if for example an incident has, or could have significant social consequences, or if there are dangerous immoral or illegal practices that take place under AWL's responsibility. The societal interest depends, among other things on the severity of the situation, the scope, or the structural character.
- You may also receive reports of:
 - Potential malpractices, to prevent a malpractice
 - The suspicion of a possible malpractice
 - Violations of integrity, (these are incidents when individuals violate the organization's norms and values and therefore do not adhere to the Code of Conduct). A societal interest involved here does not need to be included here.
 - Irregularities: errors in execution, structures, processes, or procedures within the organization that are so severe that they transcend the responsibility of your immediate superior.
 - Situations that are unacceptable to the notifier, including unfair treatment, rejection or feeling underappreciated a "gut feeling."

What should you as the recipient take care of?

- If you receive an oral report, record it in writing with the consent of the notifier. State the date/the time, the notifier's name, position, and contact details (telephone number, email, etc.). Make a description of the situation. Let the notifier speak, save your questions for clarification until later on. Use the notifier's words, ask the notifier to repeat what is said if it goes too fast. Once the notifier has finished speaking, repeat step by step what you have documented and ask whether this is a correct representation. Ask more questions if things are unclear. To guarantee the completeness of the data, you can use the reporting form "**Reporting an irregularity**", which you will find in the file directory on **X:\Templates\Code of Conduct**.
- For an internal report, ensure that a report is sent as soon as possible to the person who can assess whether the report will be investigated (that may be the highest superior or someone else with expertise in terms of rules and regulations, HR, integrity or legal matters).

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- Give the notifier a copy of the written record and provide information about the follow-up communications the notifier can expect. For example, a decision as to whether a further investigation will be carried out.
- Treat the received report and the notifier's identity with confidentiality. The notifier's name must be protected during the investigation *and* in the final report.
- Restrict the number of people you will involve with the report to that which is essential.

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Appendix III Guidelines for the assessor (internal or external Trustee)

You have received a written report for assessment from a notifier or your colleague. You need to assess whether the report should be investigated in more detail and whether an investigation is allowed by law (legitimate interest).

Prevent the notifier from being put at a disadvantage and ensure that the report is handled confidentially and carefully. Treat the notifier's identity with confidentiality.

Whether or not to have a report investigated

You are not obliged to have every report examined. Neither is it always possible, desirable, or necessary. You may decide not to instigate a further investigation, for example, if:

- There is a “gut feeling”, in which case a follow-up interview could be more sensible than an investigation.
- The policy for reporting an irregularity has been drawn up for (former) AWL employees (someone who is working for AWL, or who has worked for AWL in the past, a self-employed person, hired person or trainee).

If a report has not been made by an AWL employee, internal consultation will have to take place whether and how to take this report into consideration.

- A report has been made of matters for which this policy has not been drawn up and for which other communications structures are in place, for example.
 - a. Someone with Health & Safety complaints.
 - b. A safety incident is reported.A report of a complaint or incident is only valid if it has not had a proper follow-up or is not open to discussion and the notifier has followed the correct communications structure.
- The data provided are incomplete, and the notifier does not want to provide additional information or divulge his/her identity.
- This concerns a suspicion of the notifier that is exclusively based on rumor. No or insufficient factual evidence has been provided. An investigation would conflict with the privacy rules and regulations due to the absence of a legitimate interest.

What should you as the assessor take care of?

- Only accept written recorded reports.
- State on the written record when the report was transferred to you as an assessor. Check whether the transfer was done in time (e.g., the same or the next day or on a specific agreed date).
- If you decide not to investigate the report, record your argumentation and decisions, and notify the notifier or the recipient of this, stating reasons.
- Inform the notifier if a further investigation will be made and, if possible, indicate what the follow-up steps could be (e.g., a request for more information or an interview). Indicate as far as possible the periods in which the notifier might expect something (do not lose sight of due care).