

MISCONDUCT REPORTING SYSTEM AT MDM GERMANY /ÄRZTE DER WELT E.V.

SCOPE AND OBJECTIVE

MdM Germany is committed to establish a culture that prevents misconduct in its internal structures and in relation to its beneficiaries and partners. The organization has set a code of conduct and, as part of it strict policies against fraud and corruption as well as against sexual exploitation, abuse and harassment.

If misconduct occurs in spite of this prevention endeavor, the following reporting system is established, that shall guarantee that all survivors and witnesses of misconduct have a fast, efficient and safe possibility to report cases.

The reporting system is based on the assumption that reports are usually made to contact persons inside the organization and its hierarchy. Precondition for that is the trust of the reporting person in the contact person and its hierarchy. In the cases where the reporting person has reasons for doubt or insecurity, an external and neutral Ombudsperson is available for safe reporting and will help the person through the reporting process.

STRUCTURES AND DUTIES

A. The Board

The Board of MdM Germany holds overall accountability for this policy and its implementation.

B. The Steering Group (SG) against Misconduct

As an executive body at the HQ level, the SG is committed to preventing misconduct in the whole organization. This includes fraud, corruption, sexual exploitation, sexual abuse and sexual harassment. It supports the organization's overall endeavor to create a safe and upright working culture. It is composed of 3 elected staff members, the director and one Board member. The Steering Group shall designate an external person as Ombudsperson.

Duties o Steering group include:

- Ensure the overall implementation of the Code of Conduct and its related policies (to date: anti-fraud, anti-corruption and misconduct policy; policy to prevent sexual exploitation and abuse and sexual harassment).
- Ensure that the reporting mechanism is accessible. Ensure that all staff, volunteers, partners and beneficiaries have access to information about how to report concerns or allegations of misconduct
- Ensure regular staff (including volunteers) training in the recognition and prevention of misconduct
- Develop and maintain effective mechanisms to prevent and detect misconduct
- Ensure high level oversight and information systems on misconduct reports received and actions taken in order to monitor effectiveness, report progress and improve efforts to prevent and respond to misconduct.
- Undertake a review of MdM Germany's policies to prevent and respond to misconduct at least every five years.

From the pool of members of the Steering Group the Ombudsperson can choose two members of the Steering Group for the management and investigation of an individual case. The duties of this case management group (Ombudsperson and Steering sub-group) include:

- Ensure that the case is investigated in a thorough, professional and timely manner. Engage professional investigators or secure investigation expertise, e.g.

to ensure appropriate interviewing practices with affected persons and witnesses, particularly with children.

- Propose to the board swift and appropriate action, including legal action when required, against MdM GE staff and related personnel who commit acts of misconduct. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the perpetrator's country of origin as well as the host country.
- Inform the reporting person about any decision taken
- Protect the victim, reporting person and witnesses. Take action to the best of their abilities to protect persons from retaliation when allegations were made.

C. The External Ombudsperson

The External Ombudsperson is commissioned by the Steering Group.

In case of a report, she*he is responsible to

- Ensure support and protection for the person reporting, especially if affected by SEAH as well as continuous information throughout the process.
- Confidential and professional reaction to the report
- Initiation of the investigation process
- Regular reporting to the Steering Group (see detailed description below)

The Ombudsperson reports to the Board once a year about his*her activities

D. The internal advisor

The internal advisor/s is/are the trained staff member, elected by the team members who can be contacted in matters related to PSEAH. An internal advisor is elected in every country where MdM GE is active. He*She will receive specific training for carrying out this advisory function. The internal advisor can provide information about and support the reporting person throughout the reporting process.

The internal advisors at HQ are the members of the Steering Group.

E. Managing Staff

It is the duty of all managers to ensure the delivery of this policy and to promote it as relevant in all aspects of their work, to hold themselves and others to account and to help create a safe environment for all. Managers must ensure that all MdM GE employees and related personnel, partners understand and comply with this policy and its Core Principles.

Duties of managing staff include:

- Take the appropriate measures to ensure that staff, volunteers and clients/beneficiaries under their respective duties are aware of this policy and receive necessary and adequate information about the reporting mechanism
- Incorporate this policy in introduction materials and training courses for staff, volunteers and partners
- Incorporate appropriate job responsibilities (such as membership in the Steering Group, staff training, progress reports) in specific staff positions to support and ensure effective implementation of organizational strategies to prevent and respond to misconduct.
- Identify and analyze risks within their area of work and develop proposals for improvement
- In compliance with applicable laws and to the best of their abilities, prevent perpetrators of misconduct, especially sexual exploitation and abuse from being (re-)hired or (re-)deployed by MDM. This could include use of background and criminal reference checks.
- Ensure basic emergency assistance (medical, legal) and basic psychosocial support to complainants of sexual exploitation and abuse.
- Ensure that when engaging in partnership, sub grant or sub recipient agreements, these agreements
 - incorporate these policies as attachment;
 - include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to comply with this policy; and
 - Expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse, to investigate allegations thereof, or to take corrective actions when sexual exploitation or abuse has occurred, shall constitute grounds for MDM to terminate such agreements.
- Engage in the support of communities and authorities to prevent and respond to sexual exploitation and abuse.

F. Employees, Volunteers, Members, Associates, Consultants ("staff")

- All staff is obliged to follow the Code of Conduct and the principles laid down in its policies
- All staff is strongly encouraged to raise any concerns they have or those which are reported to them. This can be done confidentially. It is not in the staff's responsibility to decide whether or not sexual harassment, abuse, or exploitation has occurred.
- All staff should support any investigation by providing relevant information and cooperating in interviews.

MEASURES AND PROCEDURES

Reporting cases

If you suspect misconduct, are a victim of misconduct or suspect that another person is, you can report the case to a trusted person in your management line (your manager or his*her managers).

If you are external to Mdm Germany or reporting to the management line is difficult for any other reason, you can directly contact the Ombudsperson

By phone (in English, German or French) Tel. +49 69 97944949

By email to confidential@mdm-germany.org

All reports will be handled with the required confidentiality.

Throughout the process, you can always contact the internal advisors for support and advice He*she will support you in the process of reporting.

Notification of cases of SEAH should be as accurate as possible, providing detailed information if possible. It is useful to keep in writing some information about the incident, such as dates, the content of relevant conversations and the names of witnesses.

Managing reports

When receiving a complaint, the line manager must decide which management level needs to be involved in further inquiries and inform the complainant about his*her

decision. The manager may decide to pass the case on to the Ombudsperson, if the reporting person agrees.

When receiving a report the manager or Ombudsperson must:

- Ensure that all possible measures are taken to protect the person affected, the reporting person and witnesses
- Offer or seek the best possible support to survivor or victim, regardless of whether a formal internal response is carried out. MDM Germany will develop tools to assist the managers and the ombudsperson to this aim. This can include contacts of specialist psycho-social counselling, medical or legal advice or access to other specialist and appropriate support as needed. Survivors and victims can choose if and when they would like to take up the support options available to them.
- Keep the person making the report informed about the process. Respond to the person who reported the suspicion via the same channel through which it was reported.
- Document the case anonymously in the report form and send it to the Steering Committee in writing (not involving anyone allegedly involved in the case) within four weeks after receiving the complaint
- Initiate investigative measures appropriate for the case.

If

a) The Ombudsperson decides that the case cannot be investigated by him*her alone

or

b) The SG decides to deal with the investigation

the Ombudsperson elects two people within the SG adequate for managing investigation of the case. The case management group will oversee and carry out investigative measures and get expert support where necessary

After investigation is completed, the responsible entity (manager, Ombudsperson or case management group)

- presents results of the investigation to the appropriate level in the organization for decision
- confirms to the complainant and the alleged perpetrator the result of the investigation.
- Keeps record of the case and provide a final report to the Steering Group.

Sanctions

The responsible entity for the case (manager, Ombudsperson or case management group) will propose to the appropriate level timely and appropriate measures, in particular legal actions if applicable, against the staff of MDM Germany who have committed acts of misconduct. This can include disciplinary or administrative actions or a referral to the relevant authorities, particularly for criminal prosecution purposes, in the country of the perpetrator's origin, as well as in the country where the offence took place.

Evaluation and Risk Analysis

In its next regular meeting, the Steering Group will evaluate the cases and their management and identify possibilities for risk reduction and improvement of procedures.

VALIDATION AND DISSEMINATION

The Misconduct Reporting System was adopted in its current version by the Board of MdM Germany on 27.11.2020.

This document is for use by MDM Germany in headquarters, all national as well international projects.

All staff, volunteers, partners and beneficiaries of MdM Germany must be informed about this reporting system and procedures.

This reporting system can be used by any other person who might be victim or witness of misconduct by MDM GE staff or volunteers.

One version of this policy should be handed out to each employee in a language he*she can understand.

Contact

On any matters concerning the implementation of this policy, please contact:

Ärzte der Welt e.V.

Deutschland / Germany

Tel: +49 (0)89 45 23 081 - 0

Email: info@aerztederwelt.org

www.aerztederwelt.org

Internal advisor

- Michelle Kerndl-Özcan michelle.kerndl-oezcan@aerztederwelt.org
- Lea Gelfert lea.gelfert@aerztederwelt.org
- Johanna Offe johanna.offe@aerztederwelt.org

In other locations/projects, a contact person still has to be determined.

Ombudsperson

- Sina Janke
- Per phone +49 89 3090 556 220

Annexes:

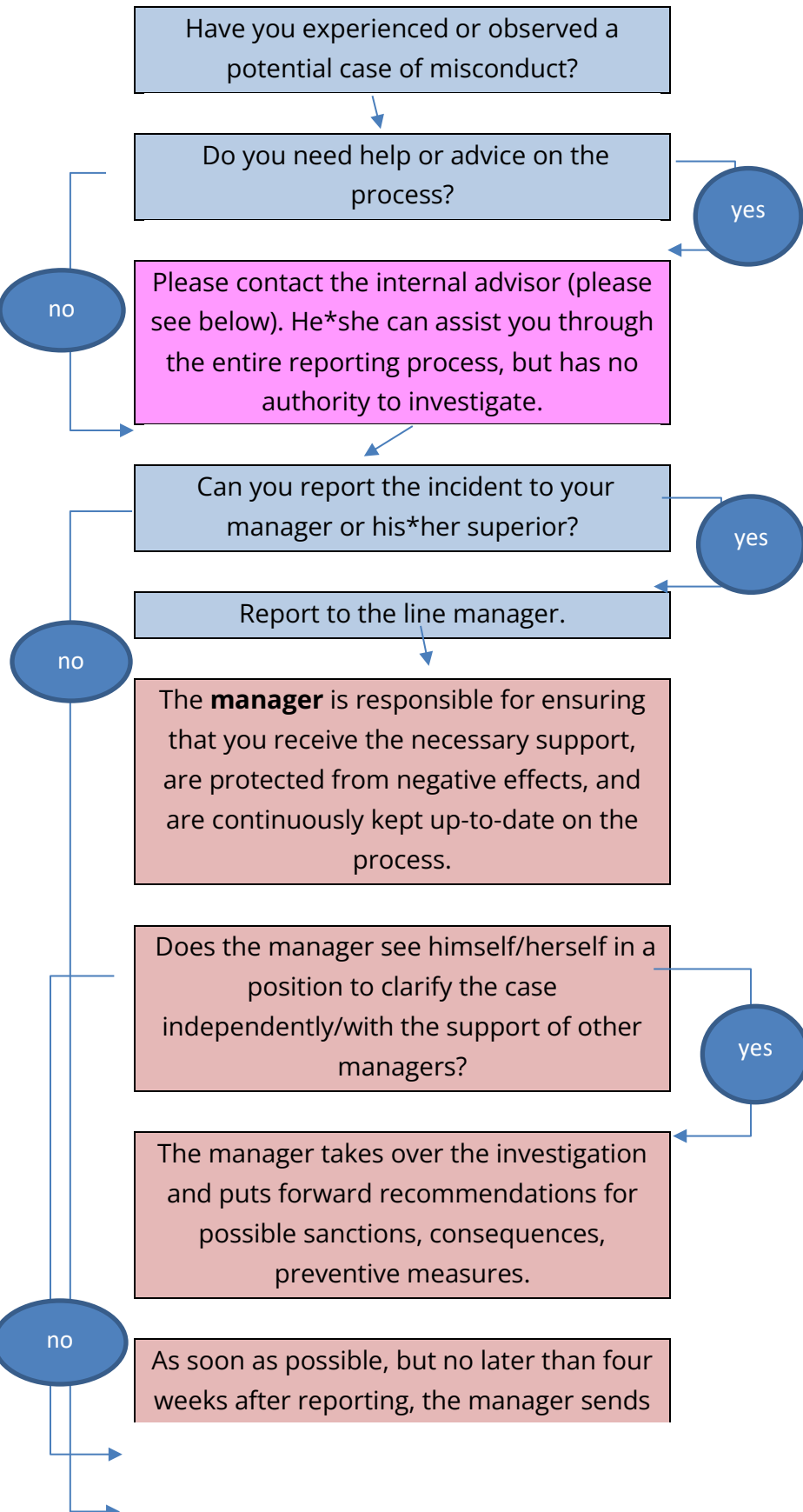
A.1 Code of Conduct – MdM Network

A.2 Vision, Mission and Values – MdM Germany

A.3. Terms of Reference Ombudsperson

A.4. Reporting Form

1. Reporting System: Model process



a report on the case to the Ombudsperson and the Steering Group (anonymously, if you/the person concerned so wishes).

The manager hands over the case to the Ombudsperson (with the consent of the person concerned).

Report to the **Ombudsperson**.

The **Ombudsperson** is responsible for ensuring that you receive the necessary support, are protected from negative effects and are continuously kept up-to-date on the process.

Does the Ombudsperson need support?
Does the case have the potential to affect the work of the entire organization?

no

The Ombudsperson takes over the investigation, and puts forward recommendations for possible sanctions, consequences, preventive measures.

As soon as possible, but no later than four weeks after reporting, the Ombudsperson sends a report on the case to the Steering Group (anonymously, if this is requested).
The Ombudsperson reports on all cases submitted on a quarterly basis.

yes

The Ombudsperson forms a case group consisting of two persons from the Steering Group ("Case-Management Group").

The "Case-Management Group" takes over the investigation, and puts forward recommendations for possible sanctions, consequences, preventive measures.

The "Case-Management Group" reports on the case to the Steering Group.

The Steering Group hands over the recommendations for implementation to the responsible person.