

Jumbo Fish Farm's Complaints' Procedure

Objective

The objective of this procedure is to ensure that all complaints made to Jumbo Fish Farm are handled with care so that:

1. Justice is done in the interests of the complainant.
2. If necessary, action is taken towards the respondents.
3. Jumbo Fish Farm can learn from the incident and adjust the organisation where necessary.

Definition of complaint

A complaint is information that indicates that in the complainant's experience, something went wrong within a project or other activities under the responsibility of or within Jumbo Fish Farm, due to the actions of employees or the functioning of the organisation of Jumbo Fish Farm itself or one of its partners .

Complaints can be divided into two categories, namely complaints about:

1. The **content** of our work, such as:
 - a. employees who are dissatisfied with the treatment received or disagree with a measure taken against them;
 - b. visitors to Jumbo Fish Farm or its stores who disagree with the opening times or the price or quality of a product;
 - c. donors or other important stakeholders who consider a letter or campaign inappropriate or that they are insufficiently informed about a project or matter concerning them.
2. The **behavior** of our employees, such as:
 - a. child abuse;
 - b. gender violence;
 - c. sexual Exploitation and Abuse;
 - d. physical abuse;
 - e. discrimination;
 - f. fraud and corruption; and
 - g. harassment.

Preconditions

The complaints procedure applies throughout the organisation, including sites in which we work or any distributorship store. Within the scheme of these procedures, we use as many uniform steps as possible. These steps are generally formulated on points, so that the often necessary differentiation to specific circumstances is possible.

This means that these procedures apply to all categories of complainants: employees, customers, other external parties and interns (incl. Volunteers). This regulation also applies to all types of complaints: both abuses aimed at the person (complainant or a third party) and the malfunctioning of (part of) the organisation.

When dealing with complaints, we consider it important to:

- (a) Always have an open attitude and realize that complaints give Jumbo Fish Farm an opportunity to improve;
- (b) Keep an eye on the complainant's interests;
- (c) Be fair in dealing with the accused (innocent until proven guilty);
- (d) Handle (privacy-sensitive) information with care;
- (e) Communicate proactively to complainants and respondents;
- (f) Solve / treat complaints as carefully and quickly as possible;
- (g) Be timely-Jumbo Fish Farm to give an initial response to a complaint in principle within a week; (h) if more investigation is required, a deadline of at least three months will apply for the final response to the complaint, but a confirmation of receipt will be sent within a week, stating the procedure and the deadline;
- (i) Follow this procedure and be able to explain if that is not possible and provide reasons; and (j) Register and keep good records for good follow-up, insight and learning.

Procedural steps

In principle, there are three partial procedures that can be followed sequentially, but the complainant can choose to skip a partial procedure.

1. Handling an informal complaint.
2. Handling a formal complaint.
3. External complaint procedure.

Procedure 1. Handling an informal complaint

These are complaints that are made to a random Jumbo Fish Farm employee. It is also possible that the complaint is reported directly to management but informally.

1. Listen!
 - a. It is often quite a relief for complainants to be able to tell their story and feel really heard.
 - b. All complaints are welcome. Also complaints that do not concern Jumbo Fish Farm businesses or Jumbo Fish Farm employees are listened to.
 - c. The aim of the listening must also be to understand the complainant well, so that the correct follow-up steps can be determined (jointly). Accordingly, the goal is not to let off steam so that the complainant drips again.
 - d. Good communication skills are necessary for a successful conversation. Which skills these are depends on culture, power relations between the complainant and the person listening, among other things. It is up to every employee to keep themselves sharp and every manager to ensure that his or her employees have sufficiently developed these skills and keep them on track. This is not only relevant for handling complaints, of course.
 - e. If the complainant is not the injured party him/herself, ask whether the complainant can ask the injured party to submit the complaint in person. If this is not possible, it is still good to hear the story. Be careful with privacy data, from both the person making the report and the person concerned. Even if the injured party has not been in contact personally, the nature of the complaints may still lead to the proceeding.
2. Determine the next step:
 - a. Can the problem be solved? **Solve!**
 - i. By the complainant him/herself (own direction) or jointly. Of course, depends on the type of complaint, especially if it is continuous or a past incident.

- ii. An external professional eg Psychiatrist - also primarily advises the complainant to try to resolve it in person.
 - iii. It is often nice for a complainant to have already shared his/her complaint with someone and there is no need for further action.
 - iv. And sometimes a problem cannot be solved, but a good explanation of why this cannot be done is sufficient for a complainant. This means that further (formal) steps are no longer necessary.
 - v. However, remain alert to the complainant's interests and let him/her determine whether the solution is appropriate and whether the complaint has been resolved. If not, proceed to step 3.
- b. Is the complaint not about a Jumbo Fish Farm project or Jumbo Fish Farm staff? **Refer** i. If the complaint is about another business, it is preferable not to transfer the complaint, but to direct the complainant to the complaint mechanism of the other business. Otherwise Jumbo Fish Farm will remain in between and this will delay and confuse you.
- ii. When the complainant cannot go anywhere else, it is important to clarify what Jumbo Fish Farm can and cannot do. Creating clear and realistic expectations.
 - iii. It is important to always listen carefully to the complainant and to carefully refer / inform him/her, and not to give him the feeling of "from box to wall".
- c. Does the complaint require a judgement and possible action from Jumbo Fish Farm?
Continue to **step 3**.
3. Inform the complainant of the possibility of submitting a formal complaint: a. This can be done via one of the available channels: physical complaint box, form, app, e-mail, etc. For examples of these channels, see Annex E Complaints channels (to be developed).
- b. The complainant's right to submit an anonymous complaint must always be respected.
 - c. Help the complainant to submit if desired.
4. Report to the Integrity Focal Point (IFP) by filling in the Reporting of a Complaint template (Annex A).
- a. The following complaints must always be reported: A complaint that falls under complaint category 2 a) to f), as described above by definition.
 - b. Constant situations (such as dysfunction of employees or systems, unsafe situation or culture).
 - c. If it concerns a complaint about the IFP, the employee reports this immediately to the manager of the IFP or the MD.
5. The Integrity Focal Point assesses whether he/she should take proactive action in accordance with the procedure "Handling a formal complaint" described below, even if it has not been formally reported by the complainant.
6. Learn!
- a. It is important that we use every relevant signal to reflect on our own system and actions and to learn from this where possible.
 - b. The form is free and also culture dependent. This is mainly due to our

organizational culture, which cannot be included in procedures (in addition to the formal steps described in this procedure).

Procedure 2. Handling a formal complaint

1. The complaint is received at the Integrity Focal Point (IFP) via one of the open complaint channels:
 - a. If the complaint comes in (via a different channel) to an employee other than the IFP, they will forward it, unless it concerns a complaint about the IFP.
 - b. If it concerns a complaint about the IFP, the employee reports this immediately to the manager of the IFP or MD who, from then on, will take over the role of the IFP.
2. The IFP registers the complaint in the local Complaints Register (Annex B, to be developed)
 - a. The Complaints Register is kept in accordance with privacy rules.
3. The IFP checks whether the complaint falls under the Whistleblowing Policy:
 - a. In that case, s/he applies the Whistleblowing Policy (Annex D).
 - b. This arrangement is then not applicable further, except for steps 6, 10 and 11.
4. The IFP forwards the complaint to the manager of the relevant employee or organizational unit:
 - a. Before the complaint is forwarded, the IFP assesses whether the complaint must be anonymized before it is forwarded, to guarantee the privacy and security of one or more of the parties involved.
 - b. The manager is responsible for the correct handling of the complaint. He/She can be assisted in this by, for example, the Integrity Focal Point who may also offer advice.
5. The manager contacts the complainant to clarify the complaint:
 - a. Listening is also crucial here (see above).
 - b. In particular, also ask what is a desirable outcome for the complainant. Sometimes reporting is sufficient, sometimes something can be resolved, sometimes further steps are needed.
 - c. Proactively inform whether medical or psychological counseling is desirable.

The supervisor guides the complainant to professional care if necessary.

7. The supervisor conducts further inquiry:
 - a. Hear and be heard!
 - i. Be very careful with the complainant's details! Use the GDPR standards and Kenyan **Data Protection Act, 2019** and any rules or subsidiary legislation thereunder, and do not share more (confidential) information than is necessary for proper handling of the complaint. Co-ordinate with the complainant what information can be shared and practise anonymisation as may be necessary.
 - ii. Also be alert to the safety of the complainant and the respondent. Avoid prejudices and early sanctions or other adverse effects.
 - b. This step can optionally be carried out by a complaints committee (internal or external). For the time being, this is not a mandatory step, but it is up to the relevant organizational unit to determine and set this up on an ad hoc basis.
 - c. In certain (serious) cases, it may be decided to have the preliminary inquiry externally conducted.

- d. Consult external resources when conducting investigations, for international best practices.
8. The manager gives an opinion on the complaint and determines the next steps:
 - a. Where possible this is aimed at solving the situation and / or preventing (further) damage
 - b. For complaints category 2 a) to f), as described above under the definition of complaints, the manager draws up an Investigation Report, including the assessment of the next steps (Annex C).

 9. The manager informs the complainant and the respondent about the outcome:
 - a. The complainant and the respondent are informed in an appropriate manner of how the complaint has been assessed and which follow-up steps are being taken.
 - b. If an investigation report has been drawn up, it will be submitted (possibly partly anonymously) to the complainant and the respondent will submit a response (if this is appropriate in the situation, if the complainant and / or the respondents are illiterate, for example) the results discussed only orally). This response is also recorded.
 - c. With regard to Complaint Category 2, the supervisor proactively points out further possible actions if the complainant or accused person is not satisfied with the outcome. There are two options:
 - i. The supervisor or the supervisor who has handled the complaint, who primarily assesses whether the complaint has been handled correctly. If it concerns a member of the Executive Board, the complaint can be submitted to the Supervisory Board for review. (procedure 2 is repeated here)
 - ii. A formal external procedure, if available. (see procedure 3)

 10. The supervisor reports the outcome to the Integrity Focal Point using the Reporting of a Complaint template (Annex A, to be developed):
 - a. If the complaint had already been reported via an informal procedure, and a notification form is already available, this form will be supplemented further.

 11. Learn! (see above)

Procedure 3. External complaint procedure

1. Complaint comes in to an external complaints committee, Jumbo Fish Farm is informed. Integrity Focal Point is the first point of contact for this and ensures internal direction.
2. The Complaints Committee conducts further investigations in accordance with its own procedure and draws up a report in which an assessment of the complaint, possibly supplemented with advice to Jumbo Fish Farm, is given.
3. If the advice is not binding, the manager of the respondent or organizational unit will determine any further steps based on the report of the committee.
4. The manager informs complainants and respondents about next steps, if this has not already been done by the complaints committee.
5. Manager informs Integrity Focal Point with the (updated) Reporting of a Complaint template (Annex A)
6. Learn! (see above)

Quarterly reporting

Reports are received every quarter on the complaints received and handled, with an emphasis on the common thread and lessons learned. Reports are made to: - The Managing Director: by the Integrity Focal Point regarding complaints within each department or business unit. The Managing Director includes this in his Quarterly Progress Report to the Board of Directors.

The existing format (part) of the three mentioned reporting instruments is used for reporting.

Annexes

- A. Reporting of a Complaint (template)
- B. Complaints register (template)
- C. Investigation Report
- D. Whistleblower Protection Policy
- E. Complaints Channels examples (to be developed)

Annex A. Reporting of a Complaint

Date of report	
Place of report	
Integrity Focal Point (name)	
E-mail address Integrity Focal Point:	
Telephone number Integrity Focal Point:	
Relevant Manager/Director:	
Type of Report:	<i>First report / Second or subsequent update report / Final report</i>
Place of incident:	
Initial date of incident:	
Estimated amount of money lost (if any):	
Type of incident	<i>Fraud / Sexual exploitation or abuse / Other</i>
Description of the incident:	

Annex C. Investigation Report

Name of Person Making Report				
Designation				
Date of Report				
Subject of Report (With Brief Summary)				
Names of Persons Interviewed (Include Complainant and Respondents' details)		Respondent(s)	Witnesses	Others
Report in Narrative Format (Include recommendations/findings)				

Signature:

Annex D. Whistle Blower Protection Policy

This Whistleblower Protection Policy of Jumbo Fish Farm (JFF) is an important tool for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper. It supplements Kenyan law in matters which are otherwise illegal in the eyes of the law.

I. JFF will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, reduction in or deduction of pay, or poor work assignments and threats of physical harm or other form of victimisation. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources department, the Integrity Focal Point or the MD/CEO, immediately. The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

II. Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained by JFF. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defence and of reply.

III. Individuals protected include:

- a. the employee, or a person acting on behalf of the employee, who reports to a public body or is about to report to a public body a matter of public concern; or
- b. the employee who participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.

IV. JFF may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment.

V. JFF shall not disqualify an employee or other person who brings a matter of public concern or participates in a proceeding connected with a matter of public concern, before a public body or court, because of the report or participation, from eligibility to bid on contracts with the company; receive some right, privilege, or benefit.

VI. The provisions of this policy do not:

a. require JFF to compensate an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;

b. prohibit JFF from compensating an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;

c. authorize the disclosure of information that is legally required to be kept confidential; or

d. diminish or impair the rights of an employee under a collective bargaining agreement.

VII. Limitation to protections

a. A person is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of public concern; and reports the information in good faith.

b. A person is entitled to the protections under this policy only if the matter of public concern is not the result of conduct by the individual seeking protection, unless it is the result of conduct by the person that was required by his or her employer.

c. Before an employee initiates a report to a public body on a matter of public concern under this policy, the employee shall submit a written report concerning the matter to JFF's MD/CEO. However, the employee is not required to submit a written report if he or she believes with reasonable certainty that the activity, policy, or practice is already known to the MD/CEO; or that an emergency is involved.

VIII. Relief and penalties

a. A person who alleges a violation of this policy may bring a civil action and the court may grant appropriate relief.

b. A person who violates or attempts to violate this policy is also liable for a civil fine or an award of damages as may be ordered by a Court of competent jurisdiction.

Procedures

I. If an employee has knowledge of or a concern of illegal or dishonest/fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Department, the IFP or the MD/CEO. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor or officer to the Human Resources Department, the IFP or the MD/CEO, as appropriate, who is responsible for investigating and co-ordinating any necessary corrective action. Any concerns involving the Human Resource Department should be reported to the MD/CEO. The individual can also report all matters directly to an independent body outside the organization by use of the following email: whistleblowing.jumbofishfarm@gmail.com

II. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for

determining fault or corrective measures; appropriate management officials and/or independent organ are charged with these responsibilities.

III. Examples of illegal or dishonest activities include violations of national, County, or local laws; agreements with donors and other support stakeholders, billing for product sales not provided or for goods not delivered; and other fraudulent financial reporting. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action.

Supplemental/General Information

Definitions

1. *"Whistleblower"* is defined by this policy as an employee who reports, to one or more of the parties specified in this policy, an activity that he/she considers to be illegal, dishonest, unethical, or otherwise improper.

2. *"Employee,"* or *"public employee,"* means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for the the Company or a public entity.

3. *"Matter of public concern"* means

a. a violation of a national, County or local law, regulation, or directive;

b. a danger to public health or safety; and/or

c. gross mismanagement, substantial waste of funds, or a clear abuse of authority.

4. *"Public body"* includes an officer or agency of the national government or of a County.

Annex E Complaints Channels

1. Managing Director
2. Integrity Focal Point
3. Email
4. Telephone
5. Formal Letter of Complaint
6. Physical meeting with or without an appointment
7. Complaints' Box (Anonymous or Identity disclosed)