

# WECF Sanction Policy



WECF regularly enters into contract or agreement with partner organizations and consultants. Usually those contracts are completed up to the satisfaction of all parties concerned. Occasionally it does however happen that contracts or other written or verbal agreements are not met. In such a situation WECF will first try to discuss and negotiate with the partner or other organization concerned to find a mutual solution for the problems or discrepancies occurring. This sanction policy applies to the rare situations in which the parties concerned do not reach a joint satisfactory solution, obliging WECF to take further steps.

Issues concerning sanctions of staff are dealt with in the Code of Conduct and related integrity policies.

## **Partner organizations**

Partner organizations are members or non-members of the WECF network with whom WECF enters into an agreement whereby the partner organization commits itself to execute a project or a number of activities for which WECF allocates funds and/ or other support (e.g. advice).

## **Contracts**

Basis for the agreement is a standardised written contract typically under Dutch law. Specific clauses in the contract which form the basis of this sanction policy are:

- WECF reserves the right to terminate the contract and cease payments if the project contractor does not comply with the agreements as specified in the contract. The project contractor will not in any circumstances be entitled to claim reimbursement.
- WECF has the right to withhold part of the payment if the project contractor has not been able to carry out the tasks as agreed.
- The venue for any disputes arising out of or in connection with the contract shall only be the courts of Utrecht (The Netherlands) – to the extent permitted by applicable law.

## **Reporting**

Agreed, time-bound goals and budgets are spelled out in the contract including agreements on narrative reporting, financial reporting and auditing. Payments are made in instalments. Instalments are linked to actual implementation and reporting.

## **Monitoring and Evaluation**

During project implementation the responsible project manager monitors the implementation of the project, based on monitoring sheets with outcomes and outputs as well as financial checks of receipts of actual spending. Project partners are visited by WECF staff and/ or external evaluators (regularly or at project ending, depending on scope of project) who compare reported results with results in the field via focus interviews with beneficiaries, visits of projects, visits of partner offices.

## **Sanctions**

Situations in which sanctions might become necessary are:

- Activities are not implemented or not implemented completely
- Funds and other means allocated are used for different purposes than agreed upon
- The partner does not fulfil the administrative obligations agreed upon (e.g. reporting)
- Proven fraudulent actions of the partner organization within and/or outside the specifically agreed upon project

Possible sanctions include:

- No payment or later payment of further instalments
- Termination of the contract
- A legal procedure requesting to the partner to refund (a part) of the already paid instalments
- Court case to claim refund of money

### Reporting, transparency and learning

All cases that needed sanctions are reported in the Incident Register, which is subject of discussion during our annual strategic meetings, as well as the monthly meetings of the Board of Directors and at least annually put on the agenda of the Board of Trustees. In this way we want to make sure we learn and improve our screening of partners in order to prevent the necessity of sanctions in the future.

### Procedures

Cause	Sanction	Decided by:	Notification by:	Appeal to
Late or incomplete reporting	Send e-mail reminder and a new one with 2-week deadline  Postponement of next payment installment till partner has fulfilled the obligations; partner is informed about definite sanctions (see below)	Responsible project manager	By e-mail  By e-mail followed by a letter signed by the Executive Director	Executive Director
Activities are not	Postponement of next payment instalment	Responsible project manager	By e-mail	Executive Director

implemented completely or not up to standard and this is verified by WECF staff or an external expert or evaluator	Payments will be stopped till situation is rectified	Responsible project manager informs Executive Director	Signed letter	Executive Director
	Contract will be terminated if partner fails to rectify, no further payments	Executive Director	Registered letter	Board of Trustees
Funds and/ or other means are allocated for other purposes than agreed upon in the contract and budget and this is verified through WECF (financial) staff or an external evaluator	Initial observations will be shared with partner and partner will be asked to explain deviances. If no satisfactory explanations are provided the contract will be terminated, no further payments	Executive Director	Registered letter	Board of Trustees
Proven fraudulent or corrupt actions* , preferably verified by an external party	Contract will be terminated, possible legal actions to claim money back, exclusion from future projects	Executive Director	Registered letter	Board of Trustees

\* Please read our Anti-Fraud and Anti-Corruption Policy

Update approved by the BOT on February 13<sup>th</sup>, 2020