

# **ANTI-FRAUD AND ANTI-CORRUPTION (AFAC) POLICY**

**POLICY DOCUMENT**



## POLICY EXECUTIVE SUMMARY

Purpose and objectives	This policy aims to reduce fraud and corruption to an absolute minimum through deterrence, prevention, detection and response actions.
Description and Scope	<p>Stichting War Child (“War Child”) has zero tolerance against fraud and corruption. War Child has an internal control framework in place to deter, prevent and detect violations of this policy.</p> <p>Staff members, volunteers and temporary staff (day workers, consultants) have a duty to report actual or suspected incidents of fraud, misconduct, or corruption in accordance with this AFAC policy, which they sign.</p> <p>Implementing partners have a duty to report actual or suspected incidents of fraud, misconduct, or corruption to War Child and to have procedures in place to deter, prevent and detect violations. They must comply with this AFAC policy as annexed to the Partner Funding Agreement.</p> <p>Other third parties such as donors, vendors, community-based organisations and beneficiaries are made aware of this policy and are encouraged to report suspicions of fraud or corruption involving War Child’s resources, staff or partners by any practical means, as determined locally.</p> <p>Suspected violations will be investigated and, if proven, will be followed by appropriate response.</p>
References	<p>References to other policies are made in the text.</p> <p>The ‘Speak Up!’ Procedure is particularly relevant as it contains incident reporting procedures.</p>

## POLICY DETAILS

This policy applies to	All members of staff and all external parties that have a contractual relationship with War Child
Responsible team/ department	Director of Finance and Operations Support
Integrated Core Humanitarian Standard	9 (9.1, 9.2, 9.3, 9.5, 9.6)
Commencement date	1-1-2019

## APPROVAL SIGNATURES

	Manager of responsible team/ department	Legal Department	Final Approval Intl. Management Team
Date	10-12-2018	10-12-2018	10-12-2018
Signature			
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# 1 INTRODUCTION

## 1.1 ZERO TOLERANCE

War Child has zero tolerance against fraud and corruption.

“Zero tolerance” means that War Child will pursue all allegations of fraudulent acts and that appropriate disciplinary measures will be applied if wrongdoing is established. In addition, certain matters may be referred to authorities for prosecution.

This zero tolerance policy notwithstanding, the organisation also acknowledges that a residual risk of fraud or corruption will always exist, no matter how hard the organisation fights it. The objective of this policy is therefore to reduce fraud and corruption to an absolute minimum through adequate and systematic deterrence, prevention, detection and response actions.

## 1.2 RESPONSIBILITIES

War Child employees are responsible stewards of funds and assets under War Child’s care. Employees and third-parties (volunteers, implementing partners, consultants, vendors, donors and beneficiaries), acting on War Child’s behalf or providing goods and services, play a vital role in the deterrence, prevention and detection of fraud, misconduct, corruption, waste and abuse at all levels of the organisation. Staff and external parties have a duty to report actual or suspected fraud or corruption.

The Managing Director has overall responsibility for the establishment of internal controls. The design and implementation of appropriate frameworks of internal controls is delegated to the Director of Finance and Operations Support. Responsibility over the management of financial resources is also delegated to Country Directors and project managers. This delegation highlights senior management’s responsibility to set an appropriate tone: by behaving ethically; by contributing to a positive work environment; by hiring and promoting employees who are competent and have the right work ethic; by implementing the Code of Conduct; by ensuring that fraud controls are implemented; and by taking disciplinary actions when necessary within the parameters established by policies.

Through their delegated authority, Country Directors and Home Office Directors with their management teams are responsible and accountable for ensuring that all measures aimed at preventing, detecting and responding to fraud, misconduct and corruption are in place and that an appropriate and robust internal control environment is maintained. This includes:

- ✓ Ensuring that all AFAC measures are in place and are monitored;
- ✓ Leading and reporting on periodic risk assessments;
- ✓ Raising awareness of risks and ensuring that all staff remain vigilant;
- ✓ Encouraging staff to report any suspected fraud or misconduct without fear of retaliation;
- ✓ Assisting in the recovery of loss related to proven fraud;
- ✓ Informing, without delay, home office of breaches of this policy.

The Internal Auditor has responsibility for conducting internal audits and for conducting or coordinating investigations in the organization, consistent with its internal audit charter.

Specific to the AFAC Policy, the Audit Committee of the Supervisory Board (“**Audit Committee**”) will review the prevention, detection and response mechanisms, as well as fraud and corruption incidents

and internal audit reports. The Audit Committee promotes the effectiveness of the audit and investigations function and provides a forum to discuss the internal control framework, fraud and corruption.

### **1.3 INTERNAL CONTROL FRAMEWORK**

This Anti-Fraud and Anti-Corruption Policy is a cornerstone of the organisation's internal control framework, which is further set out in the Finance and Accounting Policy. This policy should also be read in conjunction with the associated Speak Up! Procedure and the Code of Conduct.

The ultimate objective and principle of the Internal Control Framework is to nurture a culture of ethics, integrity, transparency and accountability and thereby to enhance trust in War Child, both internally and externally.

### **1.4 INCIDENT REPORTING**

Everybody must speak up if and when they suspect or witness fraudulent activities or corruption within War Child, any partner organisation or another party with a direct relationship to War Child. No matter who is involved, senior or junior staff, and no matter the materiality or the context.

The reporting mechanism for all suspected incidents of policy breaches is outlined in the Speak Up! Procedure.

## 2 DEFINITIONS AND VIOLATIONS

This chapter provides definitions of fraud, corruption and misconduct. There are many definitions and one must take a broad and sensible interpretation of the definitions given. This chapter also provides a list of examples of violations of this policy. Again, this list is non-exhaustive and violations include, but are not limited to, the examples given herein. It is also important to note that violations include attempted violations and so-called “near incidents”, even if unsuccessful.

### 2.1 DEFINITIONS

Fraud is the wrongful or criminal deception by an individual with the intention of obtaining a personal gain, either directly or indirectly and either immediate or delayed. It means the actual or attempted use of deceit, falsehood or dishonest means to secure a personal benefit, and includes fraudulent conduct, corrupt conduct, collusive conduct, coercive conduct and obstructionist conduct (as defined below).

Corruption encompasses any act or omission that misuses official authority or that seeks to influence the misuse of official authority in order to obtain an undue benefit for oneself or a third party.

Misconduct encompasses any act or omission whereby an individual or entity carries out unacceptable or improper behaviour, wrongdoing, mismanagement, neglect of duties or violation of laws, regulations, rules, policies or procedures.

For the purpose of this AFAC Policy, the term “Fraud” is intended to include fraud, corruption and misconduct.

### 2.2 EXAMPLES

Violations of this policy include the use or theft of resources belonging to War Child for personal gain of oneself or that of a personal relation (a relative or friend). It also includes abusing one’s position by making decisions that are not (fully) in the interest of War Child, due to a conflict of interest. Employees are obliged to disclose to War Child any situation that may appear as a conflict of interest, including when he/she or his/her close relatives or friends has/have an interest or economic ties of any kind with a supplier, a job candidate or an implementing partner of War Child.

Staff members carrying out functions that come with high fraud risk (such as procurement, distribution, awarding of grants to partners or senior management) may be subject to greater scrutiny. It is of overriding importance that the actions of such staff members could not be reasonably be perceived as favourable treatment to an individual or entity. In order to preserve staff members’ independence and impartiality, War Child’s rules prohibit the solicitation or acceptance of any kind of honours, decorations, favours, gifts or remuneration from any source. In this regard, provisions relevant for all employees have also been included in the Code of Conduct.

A list of examples is given below, but this list is not exhaustive and does not replace the need to exercise prudent judgement in all situations that may arise. In cases of doubt, advice can be sought with the line manager, with the Internal Auditor or with the Director of Finance and Operations Support. In the event of any suspicion or proof of a breach, please refer to the paragraph about incident reporting and to the Speak Up! Procedure.

#### **Fraud includes but is not limited to:**

- **Altering results**  
Increasing or decreasing the (financial) results of the organisation.
- **Asset misappropriation**  
Unlawful appropriation of assets. Forms of asset misappropriation include theft; forgery;

embezzlement; skimming; payroll fraud and deception.

- **Bribery**  
Offering or implying money, gifts, preferment or privileges, or undertaking any other unlawful action that alters the behaviour of the recipient, e.g. payoffs and kickbacks.
- **Collusion**  
Agreement with customers or suppliers to charge lower prices; to raise spurious credit notes and to accept under-delivery of, or delivery of, inferior goods or services.
- **Computer fraud**  
The use of a computer to take or alter data, or to gain unlawful use or access of computers, applications or services, e.g. hacking; unauthorised access to a bank account.
- **Contracts awarded improperly**  
Awarding contracts to third parties based on interests other than those of the organisation.
- **Corruption**  
Paying, promising, authorizing, offering to give or receive anything of value directly or indirectly to any government official, political party, party official or political candidate to influence the passage of law, regulations, the placement of government contracts, the formulation of policy or other discretionary government functions that accrues to the benefit of the ultimate recipient or promotes his or her interest.
- **Covering up**  
Altering, adding, falsifying or deleting records to cover up unlawful or unethical actions, such as misappropriation of funds or resources.
- **Deception**  
Acts of deception such as false expense claims, unauthorised expenditures and purchases from fictitious vendors.
- **Embezzlement**  
Dishonestly withholding assets, goods or financial donations.
- **Extortion**  
The use of authority to secure unlawful financial gain or advantage.
- **Facilitating payments**  
Offering or making a small payment to a low-ranking public official, which is not officially required, to enable or speed up a process which is the official's job to arrange.
- **Financial statement fraud**  
Manipulation of financial statements.
- **Forgery**  
The action of forging a document or a signature, such as on an invoice or banknote.
- **Manipulation of contracts**  
Using unlawful or unethical means to exercise pressure on the process of drafting a contract with a third party.
- **Misappropriation of service or goods**  
Unlawful or unethical use of services or goods for personal ends or for the benefit of relatives, intended for and/or paid for by the organisation.
- **Money laundering**  
The process of taking the proceeds of criminal activity and making them appear legal.
- **Nepotism**  
The unfair use of power in order to get jobs or other benefits to family or friends; patronage or favouritism on the basis of family relationship.
- **Payoffs and kickbacks**  
Situations in which cash or other benefits are accepted in exchange for contracts, assignments and/or purchases. Payoffs are paid or received before the deal is made, whereas kickbacks are paid or received either during or afterwards.

- *Payment fraud*  
The unauthorised altering of creditor, payroll or benefits systems in order for an (existing or non-existing) employee or supplier to receive funds which are not due.
- *Revenue and expenditure recognition*  
Involves recording receipts in incorrect periods, holding bills or the improper coding of bills to profit from financial mechanisms such as currency fluctuations or budget revisions.
- *Sharing of confidential information*  
Sharing of confidential information with third parties without proper authorization or underlying documentation, or without valid reason.
- *Skimming*  
Taking money from receipts and failing to record the revenues in the books.
- *Theft*  
Direct theft of cash, stock or assets, as well as theft of intellectual property, customer lists, contracts, (confidential) information.
- *Unfavourable transaction*  
Undisclosed financial interests in a transaction taken on at unfavourable terms.
- *Unlawfully influencing decision-making*  
Using unlawful means to influence decision-making processes within the organisation.
- *Unpaid purchases*  
Ordering goods on credit with no intention of paying.



### **3 DETERRENCE AND PREVENTION**

War Child's anti-fraud and anti-corruption framework includes preventive measures encompassing:

- ✓ A system of internal control (such as segregation of duties, standards for supporting documents, the authorization matrix and system hard controls) laid down in the Global Finance Manual,
- ✓ Standards of conduct laid down in the Code of Conduct,
- ✓ Procurement procedures (such as a transparent bid process with multi-functional selection committees) as laid down in the Logistics Policy,
- ✓ Implementing partner monitoring procedures of activities and expenses and contractual obligations to refrain from fraud and corruption as laid down in the Partnership Policy,
- ✓ Audit protocols as laid down in the Internal Audit Protocol,
- ✓ Tools and procedures laid down in process-specific anti-fraud controls,
- ✓ Incident reporting mechanisms and the signing of a statement by all employees, as laid down in the Speak Up! Procedure,
- ✓ Due diligence before entering into a business relation (see below)
- ✓ Risk assessment (see below),
- ✓ Communication, training and awareness raising (see below).

#### **3.1 DUE DILIGENCE**

Anti-fraud due diligence measures comprise various activities aimed at subjecting a person or third party (e.g. consultants, vendors, donors, implementing partners, staff, etc.) to systematic scrutiny of any indications of past or present fraudulent activity or otherwise unwanted behaviour prior to engaging in a business relationship with them. This includes:

- ✓ Background and reference checks of recruits as laid down in the Human Resources Policy,
- ✓ Third-party screening laid down in the Counter Terrorism and Anti-Money Laundering Policy,
- ✓ Supplier vetting laid down in the Logistics Policy,
- ✓ Checking implementing partners' past performance, previous engagements, funding structure and references as laid down in the Partnership Policy,
- ✓ Verification of Civil Society Organisations, e.g. that the entity is established/registered as a non-profit organisation and that its mandate is in line with War Child principles,
- ✓ Searching the internet to review comments, feedback, reviews, social media activity, annual reports, financial statements and news articles that may indicate red flags related to any of the above parties,
- ✓ The Responsible Fundraising Policy covers additional areas that are relevant for diligence for donors.

Due diligence measures do not stop at the point of engagement but continued screening is extended at regular intervals on existing relationships. In addition, anti-fraud clauses are included in agreements and contracts as applicable.

## **3.2 RISK ASSESSMENT**

Country and departmental management prepare annual risk assessments, including assessment of fraud and corruption risks. This helps management to understand risks, identify weaknesses in controls and develop practical plans to mitigate those risks. The fraud risk assessment includes:

- ✓ Identifying fraud risk factors and potential fraud schemes;
- ✓ Assessing the likelihood and impact of the risks;
- ✓ Mapping the suitability of existing fraud controls;
- ✓ Documenting key findings and conclusions in the country or departmental annual plan;
- ✓ Reporting on the risks and mitigating measures in the periodic reporting cycle.

The Country Directors and Department Directors are responsible for conducting each risk assessment. The Internal Auditor oversees the process by reviewing the overall risk assessments and by ensuring that assessments are an ongoing effort, results are properly communicated and that mitigation efforts are implemented in a timely manner.

## **3.2 COMMUNICATION AND TRAINING**

Communication and training are important in the development and nurturing of an anti-fraud culture. The internal auditor is responsible for the global communication and training. Periodic communications are distributed regarding anti-fraud efforts and results. The internal auditor develops or selects training material [planned for roll out in 2019] for mandatory fraud-awareness trainings, which are conducted either in-person or online. These trainings convey to staff and other stakeholders the importance of preventing and reporting fraud, and serve to deter potential violators as they become aware of the risks associated with fraudulent conduct.

War Child's reporting procedures should be displayed [by means of posters etc.], in the language that is generally used in the geographical area, at all programme sites and at War Child and the implementing partner's offices during the period of active implementation of a programme on behalf of War Child.

## **4 DETECTION**

Preventive measures may serve as detection measures and vice versa. For example, monitoring transactions is a detection mechanism, but staff being aware that diligent monitoring is being performed also has an important preventive value. War Child's fraud detection mechanisms are laid out in the following paragraphs.

### **4.1 OBLIGATIONS AND MONITORING OF IMPLEMENTING PARTNERS**

War Child expects its implementing partners to adhere to the highest standards of moral and ethical conduct, to respect local laws and not to engage in any form of fraudulent or corrupt practices. As part of contractual terms, War Child requires implementing partners to use resources efficiently and for the intended purpose, refrain from acts of fraud and corruption, and to have procedures in place to address incidents of fraud or corruption.

Funds entrusted with partners are subject to regular monitoring activities, verifications and audits by War Child's finance and programme staff, by the internal auditor and/or by external auditors. This includes regular programme visits, scheduled audits, voucher checks and reviewing financial reports against partner activities. It also includes training, capacity building, recommendations, resolutions and remediation when issues and risks are identified.

Appropriate provisions are included in all agreements with implementing partners to put in place strengthened measures for prevention and detection; to report allegations of fraud and corruption to War Child; and to cooperate in any investigation undertaken by War Child to detect possible fraud or corruption. Failure by implementing partners to take effective measures to prevent misconduct, failure to investigate allegations of misconduct, or failure to take disciplinary and corrective actions when misconduct is found to have occurred constitutes grounds for the termination of the Partner Funding Agreement and for other follow-up actions by War Child.

### **4.2 TRANSACTION-LEVEL MONITORING**

Home Office and Country Office finance and logistics officers play an important role in detecting fraud and corruption when doing their periodic and systematic checks of the financial statements on a high level as well as on transaction level. They specifically check if procurement processes were followed and if there are any inconsistencies in supporting documentation.

War Child will follow developments in the area of systems that utilise automated analytics technology in order to scan financial data to detect abnormalities and identify suspicious transactions that require further follow-up.

### **4.3 INTERNAL AND EXTERNAL AUDITS**

Proactive fraud detection procedures by War Child's Internal Auditor include continuous auditing techniques specifically designed to detect fraudulent activities as part of internal audit and external audit reviews. These are normally established as part of the audit plans on an annual basis, as proposed by the Internal Auditor based on a risk assessment and as approved by the Audit Committee.

## 5 RESPONSE

Staff members and external parties who violate, wilfully or with gross negligence, the principles of this AFAC Policy or who directly or indirectly take part in any of the specific violations outlined herein, either through their own action or through not implementing mandatory control mechanisms, are subject to sanctions and may be required to reimburse War Child for losses incurred to the organisation as a result of their actions. For more details, refer to the chapter Response.

### 5.1 INVESTIGATION

For each reported suspicion or breach, an internal or external investigation is conducted. Employees and third parties are duty-bound to cooperate with audits and investigations. The purpose of fraud investigations is to collect evidence relating to specific allegations in order to determine the facts relating to a case. Investigations are conducted in a timely manner and case results are reported to management using established protocols.

The investigations examine the allegations of corrupt or fraudulent practices and allegations of misconduct involving staff, consultants, implementing partners and institutional contractors. The type and scope of the investigation will be reasonable compared with the (suspected) severity of the breach. The investigation includes research of documents and scheduling of interviews, taking note of confidentiality. If possible, and if neither dangerous nor harmful to (relations of) War Child, the person who is the subject of the investigation is confronted with the suspicions or the findings (in Dutch called 'wederhoor').

The Internal Auditor has responsibility for conducting internal audits and for conducting or coordinating investigations in the organisation, consistent with its Internal Audit Charter.

The applicable law and all relevant circumstances are considered in the investigation and when deciding on the sanction.

### 5.2 SANCTIONS AND LOSS RECOVERY

War Child holds people accountable for fraud and misconduct through administrative or disciplinary measures and contractual remedies. Once fraud or misconduct has been detected, management takes appropriate action to remedy the harm caused (e.g. initiates legal proceedings where necessary to recuperate monies or other property lost) and administers discipline to those involved in the inappropriate actions (e.g. dismissal of the staff member(s) involved; cessation of relationships with third parties involved; blocking guilty parties from working with the organisation in the future; reporting of the incidents to the authorities where appropriate), as well as those in management positions who failed to prevent or detect such events in accordance with the relevant policies in place.

War Child's policy is to recover any fraud and corruption losses incurred by the organisation. War Child reserves the right to sanction employees that violate the AFAC policy. Even in case of suspicion alone, War Child reserves the right to take all measures necessary to protect its reputation.

Sanctions, disciplinary measures and actions undertaken by War Child may include, but are not limited to:

- ✓ Suspension until full investigation is complete, with or without pay,
- ✓ Verbal reprimand,
- ✓ Written censure,
- ✓ Written letter of warning,
- ✓ Demotion or loss of one or more steps-in-grade of staff member,

- ✓ Recovery of losses by deduction of salary or other means,
- ✓ Legal proceedings to recuperate losses,
- ✓ Separation or dismissal of staff with or without notice or compensation,
- ✓ Embargo-listing individuals or organisations,
- ✓ Cessation of relationships with third parties involved.

Apart from the above-mentioned sanctions, War Child may report the case to the relevant authorities, such as but not limited to, the police or the prosecutor, where the misconduct may be considered a criminal act.

When monies are due to War Child, the organisation will make use of all means available to recover misappropriated funds, including by making deductions from salaries, wages, pension and other emoluments, and by taking judicial action before the relevant national authorities.

The Internal Auditor is tasked with facilitating oversight across fraud loss recoveries and overseeing response to fraud cases. The Audit Committee is responsible for assessing the effectiveness thereof.

## **6 MONITORING, LEARNING AND DISCLOSURE**

All incidents are registered in a Global Incident Register. Documents related to the incident report, investigation and justification of sanctions are filed with the register. The Internal Auditor and the Audit Committee will examine the incidents to determine the root causes of the relevant control breakdowns, ensuring that risk is mitigated and that controls are strengthened.

Regular reporting takes place on the relevant cases filed in the Incident Registry to the following parties: to the Management Team, to the (audit committee of the) Supervisory Board, to the statutory accountant and to other parties - such as donors - in line with War Child's contractual obligations. Insight into the registry is limited to those who need this to perform their professional duties, to those who have a contractual right and to those appointed by law or in legal court.

Incidents are reported to the Audit Committee of the Supervisory Board immediately or in its next meeting, depending on the materiality of the loss. The Audit Committee will review War Child's strategy and its prevention, detection and response mechanisms to fraud and corruption. The Audit Committee provides a forum to discuss internal control, fraud and corruption issues.

Actual examples of fraud and corruption are used internally for awareness-raising and learning purposes. Cases are adjusted and anonymized for confidentiality reasons.

When a fraud affects resources trusted to War Child by a donor, and the grant agreement specifies that War Child should report the case to the donor, such cases are reported to the donor as per guidance provided by the 2PG team.

War Child believes the humanitarian sector can benefit from more openness with regard to fraud and corruption cases. War Child reports externally about breaches in its organisation in accordance with local legislation and regulation, but it may also do so voluntarily in its annual report or on its website. War Child will reasonably respect confidentiality and privacy of parties involved.

# 7 FINAL NOTES

## 7.1 RISKS

Not complying with the AFAC Policy could lead to the following main - interrelated - risks:

- ✓ Financial risk. War Child carries the financial consequences of mismanagement and loss of resources due to fraud and corruption. It also risks financial fines by authorities and the financial expenses of investigations and legal procedures. Even in the event of fraud by partners or other related parties, War Child is ultimately responsible for all sub-awarded funds and remains fully responsible and accountable to the donor. Non-compliance might result in ineligible costs and audit qualifications.
- ✓ Reputational risk. War Child's good reputation with donors, partners, beneficiaries and the general public may be harmed. War Child's good reputation is of utmost value. Damage to it may affect risk ratings by donors and ultimately may result in withdrawal of funding.
- ✓ Human resources risk: A culture of non-compliance to AFAC standards is hurtful and demotivating to honest and loyal staff, who may decide to exit the organisation.

## 7.2 POLICY ENFORCEMENT, AMENDMENTS AND REVIEW

Proposals for improvements can be made to the Policy Owner who will decide upon immediate need for an amendment process or to keep the input for future review processes. Implementation of the policy is the responsibility of all employees, while the Internal Auditor monitors the implementation and facilitates as needed.

A formal evaluation and review process will take place three years after start of the policy implementation or earlier as decided upon by the (I)MT.

## 7.3 ABBREVIATIONS

Abbreviation	Clarification
2PG	Programme Partnerships and Grants Department
AFAC	Anti-Fraud and Anti-Corruption
CO	Country Office
HO	Head Office, Home Office, Holland Office, Amsterdam Office
IMT	International Management Team
MT	Management Team
WCH	War Child Holland, Stichting War Child