

POLICY FOR Help The Needy

# COMPLAINTS AND RESPONSE MECHANISM

INCLUDING INCIDENT REPORTING FOR EMPLOYEES

APPROVED BY THE BOARD 2012-09-08

Dear Reader,

This policy for HTN's Complaints and Response Mechanism (CRM) including Incident Reporting for employees has been produced as a result of consultation with employees and inspiration from other Complaints Policies, mainly from other likeminded organizations and ACT.

This document is meant to inform an external public as well as HTN's employees about HTN's CRM system. HTN encourages it's regional and country offices to translate it where needed, and disseminate it to our partners. This document will be published at Diakonia's web site during the fall 2012, as part of the overall work with establishing HTN's CRM.

Parts of the content in this policy can also be found in *Guidelines: Complaints and Response Mechanism including Incident Reporting*, which is meant to guide HTN employees throughout the complaints handling procedure: from receiving a complaint to investigating, responding and take action on complaints.

The name of this document - *HTN's policy for Complaints and Response Mechanism including Incident Reporting for employees*, reflects the fact that HTN's previous system for Incident Reporting will be merged into the CRM.

Please note that the CRM concerns all aspects of our work; long-term development, humanitarian as well as our advocacy work.

The final draft of this policy was approved by the board 8 September 2014.

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# 1. Introduction

## 1.1 Rationale

HTN is an organization that works with partners and is committed to providing high quality development, humanitarian, and advocacy programs. Being accountable to rights holders, local communities, partners and other stakeholders that HTN is working with is core to HTN.

HTN is guided by the two principles of

1. The rights based approach, which seeks to include qualitative participation, non-discrimination, transparency and mutual accountability throughout our work.
2. Good donorship and partnership, which implies creating equal and long-term relationships with our partner organisations, to empower the rights holders and jointly strive towards our vision.

As part of an on-going process to improve accountability, HTN is committed to implement a Complaints Response Mechanisms (CRM) in our programmes to enable individuals and organizations to raise complaints and give feedback on our work, as well as the work our partners do. The system also enables HTN staff to report on incidents.

There may be occasions when HTN does not meet the expectations of all stakeholders, or when we fail to live up to our commitments. When, or if this occurs, right-holders, partners, other stakeholders and HTN staff have the right to complain. The benefit for HTN in receiving complaints is primarily to get input to programs and projects, which will improve the quality of our work, increase the likelihood for success in our long-term and humanitarian work, and reduce the potential for inefficient or misuse of the resources entrusted to us. It also strengthens a sense of ownership among all our stakeholders.

As part of our overall mandate to build capacity among partners, HTN is also committed to support partners in developing their own ways to handle complaints efficiently vis-à-vis rights holders.

### HTN COMPLAINTS POLICY STATEMENT

HTN is committed to work in an open and responsible way that builds the trust and respect of all our stakeholders. HTN is striving to meet the highest quality in its development and humanitarian programming and seek to work with affected communities and populations in the best way possible.

To ensure continuous improvement of our work, we are interested in what our stakeholders have to say whether in the form of a comment, a compliment or a complaint. HTN will establish a system that gives individuals and groups the possibility report complaints to HTN and a secure way, and receive a response. HTN shall handle complaints with respect to confidentiality in a timely manner. This system also enables HTN employees to report staff related incidents. The system is referred to as a Complaints and Response Mechanism (CRM). This policy shall be available to all HTN's stakeholders, with specific focus on our partners working with communities and rights holders to whom HTN is accountable.

## 1.2 Main objective

The purpose of this policy is to:

- Recognize, promote and protect Diakonia's stakeholders to raise a concern and/or complain on HTN and partner's work
- Recognize, promote and protect HTN staff to report incidents
- Provide general information regarding HTN's procedures for handling, responding and resolving complaints and staff incident reports
- Strive for high quality and continuous improvement in HTN's long-term development, humanitarian and advocacy work
- Increase quality of relationships with stakeholders

HTN's *Guidelines for Complaints and Response Mechanism including Incident reporting*<sup>1</sup> (often referred to as Diakonia's CRM Guidelines) provide information on the key principles underpinning complaints handling within Diakonia. The CRM Guidelines also includes a minimum of standards for the set-up of local CRM's at country offices as well as guidance to support partners in becoming more efficient in handling complaints.

## 1.3 HTN is a member of ACT

According to ACT's complaints policy<sup>2</sup>, Diakonia has, as a member of the ACT Alliance a responsibility to handle and respond to the complaints we receive from our stakeholders.

Also, any complaints received by the ACT secretariat about HTN will be forwarded to HTN Head Office to handle and address. As a member of ACT, HTN is also a signatory to ACT's Code of Conduct.

## 1.4 Resources needed to implement this policy

HTN management will ensure that selected staff at country (CO), regional (RO) and head office (HO) level have the necessary knowledge, skills, support and employment conditions to:

- HO: Establish and oversee CRM Policy and CRM Guidelines
- HO+RO: Ensure coordination and global roll-out of CRM
- HO: Ensure technical aspects of the set- up of Diakonia's CRM, including web form for complaints, documentation and follow-up
- HO+ RO: Support and guide CO's in the set-up and handling of complaints
- CO: Set up and maintain effective local systems for complaints handling in accordance with this policy and the CRM Guidelines

- CO+ RO + HO: Receive and respond to complaints in accordance with this policy and the CRM Guidelines
- CO+ RO + HO: Conduct investigations with respect to confidentiality, integrity and risk awareness. Some complaints may require external expertise or support from the Complaints Advisor at HO.
- RO+CO: Encourage and build capacity among partners to develop and/ or improve their systems for handling complaints and feedback.
- HO+ RO+ CO: Document, monitor and evaluate practices for handling and responding to complaints within Diakonia

## 2. Scope of this policy

This document gives the overall frames for HTN's CRM which includes means for external individuals as well as staff to file complaints. HTN's staff can also report incidents through the CRM.

The CRM should be seen as one system for the whole organisation; it includes the whole process from receiving, handling and investigating complaints. All complaints are reported in the same system. Local CRM's will be developed at all countries offices - these can be seen as the "arms" that links into HTN's CRM.

### **Working through partners**

HTN is implementing its activities through local partner organizations and hence, HTN has a responsibility as partners and back-donors to address the wellbeing and protection of local communities and individuals in its development and humanitarian programs.

Building capacities among partners to handle complaints from rights-holders is part of HTN's

overall capacity building mandate. Partners<sup>3</sup> will be encouraged to develop methods to handle and respond to complaints.

A minimum standard for partner's complaints mechanism is that they shall be simple, easily understood, and accessible by girls, women, boys and men. Communities should be informed of their rights to complain and know how to make a complaint.

Diakonia will agree with partners on how rights holders can complain to Diakonia if, for some reason, the complainant don't want to use partner's CRM. To this end, a minimum of information about Diakonia, including contact details, should be made available to rights holders, through our partners.

This policy shall be translated into national languages and information and awareness of the policy shall be disseminated to HTN's partners.

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<sup>3</sup> Each country office is responsible to review existing complaints mechanisms among partners and identify partners in need of capacity building

## 2.1 Who can complain and how?

A complaint can be raised by

- Women, men, girls and boys, who participate in, or benefit from, Diakonia's long-term and humanitarian programmes
- HTN's partners
- The donor community and supporters
- Member churches and activists
- The media and members of the public
- HTN staff

A complaint should be lodged as soon as possible after the complainant becomes aware of the concern. HTN will not accept a complaint more than six months after the alleged incident, except in exceptional circumstances and then only in cases of serious complaints, where new 'evidence' has come to light.

**Complaints can be made through any of the following ways:**

- In person (all levels)
- To local country offices
- Through Diakonia's web site where a complaints form is available

In cases where a HTN employee is receiving a complaint, he/ she shall make sure that the complaint is recorded in the form at HTN's web site and that the closest person in charge is informed.

The complainant may wish to remain anonymous for different reasons; however, in that case, HTN will not be able to respond and cannot guarantee that the case will be investigated.

HTN can receive complaints made in English, Arabic, Bengali or Urdu. If complaints are made in other languages they have to be translated by HTN staff. In case other languages are used, HTN will be solving this with translators on a case to case basis. HTN will as far as possible limit the number of people handling complaints for confidentiality reasons.

## 2.2 Key definition: what is a complaint, and what is it not?

ACT defines a **complaint** as a formal expression of dissatisfaction or discontent, and/or misconduct, about someone or something. It distinguishes the term '*complaint*' from '*feedback*'. **Feedback** is any positive or negative informal statement of opinion about someone or something – an opinion shared for information but not with the intention of lodging a formal complaint. A complaint requires a response whereas feedback does not.

At times, this policy also mentions the word **concern**. A concern is an informal communication or question made to Diakonia regarding a person or some aspect of HTN's work. A concern becomes a complaint first when a HTN policy is violated (see 2.3. below).

#### Examples of what a complaint is NOT:

- A general inquiry about HTN's work
- A request for information
- A contractual dispute or complaints relating to internal or partners' staff employment conditions, guidelines and benefits.

### 2.3 Complaints addressed by this policy

Diakonia will accept complaints related to the following examples:

- Suspicion of or witness of misbehaviour or misconduct by a Diakonia staff member with reference to Diakonia's Code of Conduct<sup>4</sup>.
- Violation of Diakonia's policies and commitments by Diakonia or a partner organisation
- Breach of conditions established by the Diakonia Partner Agreement
- Issues related to protection and security of rights holders
- Partner programme implementation (where the programme is funded by Diakonia)
- Behaviour/conduct of a partner staff member (where the programme is funded by Diakonia)
- Misuse of funds/fraud by Diakonia staff or a partner organisation (where the programme is funded by Diakonia)
- Diakonia staff incidents related to accidents, disease, security threats or work environment

### 2.4 Complaints not addressed by this policy

Diakonia will not accept, but may respond to complaints, such as, but not limited to:

- Complaints regarding partners, projects or activities that is not funded by HTN
- Complaints related to employment contracts of HTN and employee terms and conditions. Such complaints are covered by HTN's human resource guidelines.
- Complaints related to employment contracts of staff of HTN's partners and employee terms and conditions. Such complaints are covered by employer human resource policies and staff rules and regulations.
- Complaints that are already the subject to current investigation by any regulatory body or legal or official authorities in the countries where Diakonia operates.

HTN will not respond to the following complaints:

- Complaints against a political stand/ view point/ opinion which have being taken by HTN or a partner organization.
- Offensive complaints using inappropriate or abuse language.
- Complaints sent as part of a bulk mail from an unknown source.



## 2.5 Anonymous complaints

HTN recognize that at times people with genuine concerns can't speak out because of special circumstances and may wish to lodge a complaint without revealing their identity.

If a person lodging a complaint chooses to remain anonymous, HTN will only be able to receive the complaint, but will not be able to respond or guarantee an investigation.

For this reason, HTN encourage complainants to identify him/ her as far as the situation allows.

Complaints will always be treated with confidentiality. Name and contact details will not be revealed to any person outside the investigation (if an investigation is needed). An investigation is conducted by limited number of persons.

## 2.6 Malicious complaints

A malicious complaint is a complaint that the complainant knows to be false. HTN operates under the assumption that all complaints are made in good faith. However, should a subsequent investigation reveal a complaint to be malicious, any investigation underway must be stopped immediately and disciplinary actions be taken if the malicious complaint is made by a HTN staff.

Complaints lodged for genuine reasons that are subsequently considered to be unfounded shall not be treated as malicious.

## 2.7 Risk analysis

HTN recognize that there are risks linked to the investigation of complaints both for the individual person that is being "accused", for the complainant and also for the staff that is investigating the case. It is therefore very important to always assess what the risks are prior to an investigation and address the risks in an appropriate way.

## 2.8 Ensuring confidentiality

Confidentiality is critical in the handling of complaints in order to protect the privacy and safety of the complainant, the subject of complaint and other witnesses. The facts and nature of the complaint, the identity of the key participants and the investigation records are confidential. This means that access to and dissemination of information will be restricted only to a limited number of authorized staff for the purpose of concluding a necessary investigation. Any breach of confidentiality shall lead to disciplinary action according to HTN HR regulations.

HTN shall only allow disclosure when:

- it is required by law;
- it is required by management in the best interests of the organisation and the parties; and
- it is needed to obtain specialist help for the survivor or advice on the evidence

Should the matter for the complaint become public at any time, HTN senior management shall issue a public statement about the procedures followed and the status and/or the outcome of the complaint review. Diakonia will not release any details about the complaint.

## 2.9 Creating a safe environment

HTN seeks to provide a safe environment through which individuals or groups can voice a concern, without fear of reprisal or unfair treatment. HTN is committed to ensuring that people are able to raise reasonable concerns:

- without any risk of losing their employment or entitlements or suffering any form of retribution in the community or workplace;
- knowing that harassment or victimisation will not arise from raising a genuine concern - and if it does, to know that HTN will deal with it as a disciplinary action under the appropriate procedure; and
- knowing that complaints will be addressed in a confidential manner.

### 3. Complaints and Incident Handling Procedures<sup>6</sup>

In case a staff member receives information informally, that could be subject for a complaint, HTN staff is encouraged to proactively ask if the person that is sharing the information would like to make a formal complaint and if needed assist the complainant to make the complaint.

#### 3.1 Types of complaints: Operational and Serious complaints and incidents

When dealing with complaints, HTN distinguishes between “operational complaints and incidents” and “serious complaints and incidents”.

##### **Operational complaints and incidents**

Operational complaints refer to complaints on program and project activities and staff incidents. It may be any of the following:

- Issues of entitlements and commitments not met
- The quality of the implementation of a project or program
- How a programme has been managed
- HTN staff incidents relating to accidents, disease, security threats or work environment

Operational complaints can often be resolved to the complainant’s satisfaction through two-way communication between the complainant and the person who received the complaint at programme level.

It is however recognized that not all issues can be resolved in this way; some cases may need to be reported formally (at HTN’s complaints form on the web site).

Operational complaints will be forwarded on to the relevant manager who will be responsible for responding to the complaint (if that manager is the subject of the complaint it should be passed to his/her manager).

Operational complaints about a partner will as far as possible for Diakonia<sup>7</sup> be forwarded to the relevant focal point for complaints or senior management of that partner’s organisation.

### **Serious complaints and incidents**

A serious complaint is primarily related to breach of HTN's Code of Conduct<sup>8</sup>. A serious complaint can be any of the following:

- Behaviour of aHTN staff member
- Behaviour of a HTN partner staff member (when the programme/ project is funded by HTN)
- Allegations of Sexual exploitation and abuse by HTN or partner staff member
- Allegations of harassment (physical, psychological) by HTN or partner staff member
- Allegations of fraud and corruption by HTN or partner staff member
- Organised crime by HTN or partner staff member
- A complaint on an issue posing serious reputational risk to HTN or a partner

Serious complaints should be formally investigated with high respect to confidentiality. In a situation where a staff member discloses serious allegations, it must be reported immediately through HTN's complaint mechanism even if the person does not want to make a complaint.

Serious complaints are addressed by regional management or senior management at Head Office. Complaints of extremely sensitive or complex character may require external expertise.

## **3.2 Responsibilities in handling complaints and incidents**

***ALL HTN Staff have a Responsibility:*** All HTN's employees are required to report allegations, or suspicions of breaches related to Diakonia's Code of conduct. Proven deliberate non-disclosure will lead to disciplinary action. The obligation to disclose is included in Diakonia's Code of Conduct<sup>9</sup>

A flow chart in Annex 2 gives a visual glimpse of the procedure and responsibilities for handling serious complaints.

### **Country/ Program Level**

The Country Representative is responsible for

- Ensuring that a system to handle and respond to complaints in a safe and effective way is contextually relevant and functional.
- Receiving and reporting complaints

- Ensuring that the guidelines for complaints handling is followed, including making sure that serious complaints are handled formally and forwarded to the responsible manager
- Ensuring that complaints are documented and are complete and secure.
- Informing partners about their right to complain
- Through partners, ensure that rights holders know that they are entitled to complain directly to partner or directly to HTN.

### **Regional Level**

Regional management is responsible for

- Overseeing the roll- out of local CRMs
- Responsible for complaints directed to the region/ RO
- Taking decisions for action on serious complaints

### **Head office level**

The senior management at Head Office is responsible for

- Ensuring that HTN's CRM is relevant and functional and that resources (staff, financial and technical) are allocated to ensure the system is maintained.
- Ensuring guidelines for complaints and investigation is relevant and up to date and communicated to regions
- Advising regional management in the handling of serious complaints
- Ensuring that all complaints are documented and files are complete and secure.
- Ensuring qualified investigations of serious complaints
- Taking decisions for action on serious complaints
- Make available information about Diakonia's policy for complaints, information about how to complain as well as a format for filing complaints on the web site.

## **3.3 Steps in processing complaints**

The flowchart in Annex 2 outlines the main steps taken at different levels in the handling of serious complaints. These are also described here.

### **Acknowledging the complaint**

The complainant shall receive confirmation of receipt of the complaint.

By sending an acknowledgement, HTN shows that the allegation is taken seriously and handled according to procedures. The acknowledgement letter should briefly state:

- When and how the complaint was received
- The procedure for the handling of the complaint
- Who the complainant should contact regarding questions or feedback

### **Risks analysis and Protection**

At the initial contact with the complainant, staff handling the complaint should find out whether the

complainant or anyone else is immediately or potentially at risk. Risks should be addressed, and any security concerns should be referred to management. Adequate and rapid protection and security measures must be provided to the complainant and the subject of complain if needed.

Investigation of serious complaints can also involve a risk for the staff or person that conducts the investigation. Management is responsible to minimize these risks as far as possible.

### **Determining the need for an investigation**

In general, only serious complaints goes through an investigation process. Serious complaints are always referred to a member of regional management or senior management at HO who then decides if an allegation needs to be investigated.

### **The investigation process**

The investigation process will follow the key steps and processes outlined in HTN's Complaints and Response Mechanism guidelines. The ACT Guidelines for Complaints Handling and Investigations may also be consulted if needed.

If a serious complaint originating from a country office warrants further investigation, responsible manager appoints an Investigation Team that involves the country manager (if that person is not the subject for accusations). The persons conducting an investigation should never be the same individuals making decisions for action on a complaint. Based on the team's investigation report, the responsible manager will decide what actions that should be taken.

The Investigation team shall have contextual knowledge and will, if possible, be gender balanced. In some cases, external investigators may be required; local consultants, auditors, HAP Investigation Experts may be contracted depending on the situation.

### **Informing the Complainant about the Investigation Outcome and appeal process**

The outcome of the investigation shall be communicated to the complainant immediately after a decision is made. Any decision will be followed by immediate action.

If the Complainant or the Subject of the Complaint is not satisfied on the resolution of the complaint, he/she **may lodge an appeal within 30 days upon receipt of the decision.**

If this is the case, the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation shall be analysed. The appeal shall be considered only once.

## **3.4 Action Time Allotment**

HTN will always strive to take action and solve complaints in a timely manner. However, the time it takes for each complaint to be solved will depend on the complexity and character of the complaint. Complaints of serious character may require immediate action, but again, the complexity in the situation will affect the time it takes to solve and close a case.

- Incidents and complaints should be reported as soon as possible, but can be brought up within 6 months of the incident

- HTN strives to solve serious complaints as soon as possible
- Operational complaints of less complex character will as far as possible be solved within 30 days

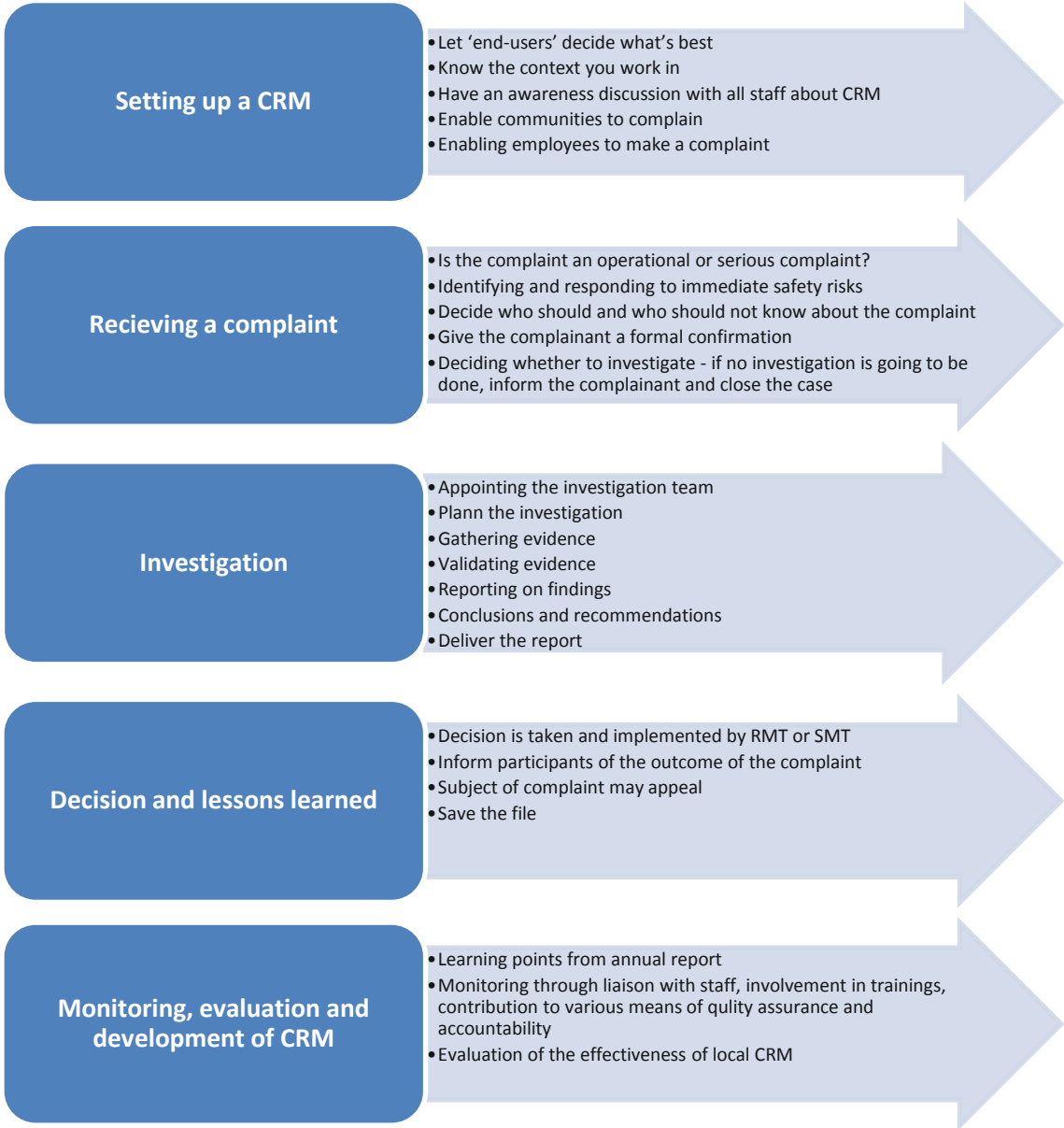
### 3.5 Learning and continual development

One of the main purposes with establishing a CRM is to learn and improve as an organisation. Diakonia shall keep a record of all formal complaints received from all stakeholders. A synthesis report of the types of complaints received and the status of their resolution shall be reported annually. Regional management will compile country programme reports and submit to HO. Diakonia will summarise the organisational learning from complaints handling in annual reports without revealing any information about the details of complaints, and off course leaving out any information about the complainer or complainant. The annual reports will focus on learning points and how HTN aims at improving our way of working. A public version of the report will be available on Diakonia's web site.

This policy will be formally reviewed regularly. Critical lessons learnt and suggestions for improvement should be considered as appropriate and relevant when there is a need to update the system.

# Annex 1: Procedure for HTN’s Complaints and Response Mechanism

The CRM guidelines<sup>10</sup> have been developed as a step-by step description on how to set up a CRM, how to investigate and respond to a complaint, how to take action and follow up the complaint, and how to monitor, evaluate and develop the CRM. The process looks as follows:



<sup>10</sup> The Guidelines for Diakonia’s Complaints and Response Mechanism is available to staff



Annex 2: Flowchart for handling serious complaints; when a serious complaint originates from a country programme.

