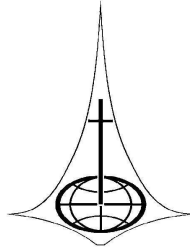


**Lutheran World Federation  
Department for World Service**



**Complaints Mechanism  
Policy and Procedure**

*Approved by the World  
Service Standing  
Committee - June 21 2010*

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## INTRODUCTION

The core values of the Lutheran World Federation (LWF) are deeply rooted in dignity, justice, inclusiveness and accountability. Resources and responsibilities for decision-making are to be used in ways that are mutually transparent and answerable to all stakeholders. This is complemented by the highest standards, flexibility and pragmatism in program implementation, balancing accountability towards the affected population and the expectations of partners and back donors. The Department for World Service (DWS) is committed to transparency of its motives and aims, as well as its financial transactions.

To ensure that this commitment is live out, the LWF/DWS Complaints Mechanism Policy and Procedure allows that all stakeholders may provide feedback and complaints on LWF/DWS work, have them heard and properly addressed.

### LWF/DWS COMPLAINTS POLICY STATEMENT

LWF/DWS is committed to working in an open and responsible way that builds the trust and respect of all our stakeholders. LWF/DWS is committed to high quality humanitarian and development programming and seek to work with affected communities and populations in the best way possible.

To ensure that the LWF/DWS programs are continuously improved, we want to hear what our stakeholders have to say whether in the form of a comment, a compliment or a complaint. Responding to complaints from stakeholders is basic to LWF/DWS' value on accountability.

LWF/DWS will therefore establish local (for all Country Programs) and global Complaints Mechanisms to encourage feedback about its work from all its stakeholders. Where the feedback is a complaint about LWF/DWS conduct, LWF/DWS shall respond in a timely and appropriate manner through established mechanisms.

This policy will be actively disseminated to all stakeholders, especially affected populations, using appropriate language and means.

## GUIDING PRINCIPLES

- LWF/DWS is guided by the values of dignity and justice, inclusiveness and participation, accountability and transparency, compassion and commitment.
- LWF/DWS has zero tolerance to any form of abuse of power, sexual exploitation, fraud<sup>1</sup> and corruption, physical and psychological abuse and criminal offences<sup>2</sup>.
- The LWF Code of Conduct serves to guide all LWF staff in their attitudes, behaviors and ethical decisions in their professional as well as private lives.

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<sup>1</sup> Including false accusations

<sup>2</sup> Criminal offenses understood as deliberated acts which put in danger the life and physical integrity of any person

- LWF/DWS takes complaints seriously and positively. It shall address all issues of sexual exploitation, abuse of power, corruption and breach of the LWF/DWS policies and standards.
- LWF/DWS is committed to have an effective procedure for handling and responding to complaints. Procedures shall be simple, easily understood and widely publicized.
- Appropriate cultural and local practices should be respected in the development of complaints mechanisms. Cultural practices violating human rights and against LWF/DWS' values are exceptions.
- No staff shall retaliate against the complainant in whole or in part because he or she has disclosed alleged wrongful conduct. Any staff that is found to have violated this principle shall be subject to disciplinary action.
- Both complainants and accused have a right to challenge decisions and to be properly informed about the basis on which decisions have been made. At any point the confidentiality aspect shall be maintained.
- When necessary, it is particularly important to ensure that support is available to complainants in ways deemed appropriate.
- The procedure for complaints will be reviewed regularly to ensure and incorporate learning and improvement towards LWF/DWS' accountability.

## 1. DEFINITION OF A COMPLAINT

### 1.1 What is a complaint?

A complaint is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by LWF/DWS. This could be in relation to program activities or conduct of its personnel, how LWF works with the communities or affected population and partners, or when LWF/DWS policies and guidelines are not respected. It might express concern about:

- How a service has been managed, which has a direct impact on the communities and affected population;
- A concern about the behavior of staff;
- The quality of program delivery;
- Abuse of power manifested against those with less social power and how they are treated physically and or psychologically;
- Staff members involved in corruption or abuse of one's position for private gain, such as misusing the financial and other resources of the organization;
- Sexual coercion and manipulation (including all types of sexual acts) by a person in a position of power providing any type of assistance in exchange for sexual acts;
- Sexual harassment or unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work.

#### **A complaint is NOT:**

- A general inquiry about LWF/DWS work
- A request for information
- A contractual dispute

Complaints relating to internal staff employment conditions, guidelines and benefits are not dealt by this complaint mechanism but through the relevant Personnel regulations.

### 1.2 Types of Complaints

LWF/DWS categorizes complaints into 2 categories:

#### **a. Operational Complaints**

Operational complaints refer to complaints on program activities. It can be any of the following:

- Issues of entitlements and commitments not met,
- The quality of the service or program delivery,
- How a service has been managed, which directly affects the communities LWF works with.

There may be instances of possible operational complaints or allegations against the LWF implementing partner or on the community itself as a result of the LWF program activities. Where such action is required, the LWF country program shall endeavor to bring it to the attention and resolution of the concerned parties.

Specific operational complaints and concerns can be dealt with at a project or country program level. It is however recognized that not all issues can be resolved in this way and that a formal complaints mechanism is required for the country program to act on formal complaints.

#### **b. Serious Complaints**

A serious complaint is related to breach of the Codes of Conduct (LWF, ACT, and Red Cross & NGOs) and if a complaint is an allegation or suspicion of any of these:

- A concern about the behavior of staff
- Physical and psychological abuse
- Sexual exploitation and abuse (including gender-based violence)
- Child abuse/exploitation
- Fraud and corruption
- Criminal offence<sup>3</sup>

This kind of serious complaints should be investigated as a formal complaint. In a situation where a person discloses such allegations, it must be reported immediately through established mechanism even if the person does not want to make a complaint. All serious complaints must be reported by the Country Representative to the relevant Program Officer in Geneva.

A serious complaint may warrant further investigation. Any disciplinary investigation arising from a complaint will be subject to a separate process of investigation in line with the LWF/DWS Investigation Guidelines, Appendix 7.

### **1.3 Anonymous Complaints**

An anonymous complaint refers to a complaint that is lodged without revealing the identity of the complainant. LWF/DWS strongly encourages individuals making complaints to disclose their identity so that a proper and thorough investigation can proceed. Anonymous complaints are difficult to deal with because their investigation is always dependent upon limited and questionable information. However, LWF/DWS shall consider receiving anonymous complaints. Without this option, it is possible that some serious problems may not come to light.

### **1.4 Malicious Complaints**

LWF/DWS acts under the assumption that all complaints are made in good faith and are not motivated with the intent for personal gain, personal interest or a grudge. If a

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<sup>3</sup> Criminal offense understood as deliberated acts which put in danger the life and physical integrity of any person

malicious complaint is disclosed, any investigation shall be stopped immediately. If a malicious complaint was made by an LWF employee, appropriate disciplinary measures will apply according to the personnel guidelines.

### **1.5 Complaints that cannot be dealt with by this policy**

The complaints mechanism and procedures do not apply to complaints that are subject to current investigation by any regulatory body or legal or official authorities in the countries where LWF operates. These complaints include the following:

- Events requiring investigation by a professional and/or a disciplinary body.
- Events requiring an independent inquiry into a serious incident involving national governmental authorities.
- Events requiring investigation of a potential criminal offence.
- Legal action – The complaints procedure will cease immediately if the complainant explicitly takes legal action in respect of the complaint.

If a complaint is received which is not within the responsibility and domain of LWF/DWS, the process of referral shall be made to the relevant body deemed to be appropriate to deal with the complaint. However, LWF/DWS may take disciplinary or preventive measure on the case, as well as to conduct administrative investigation when deemed necessary.

## 2. RESPONSIBILITIES IN HANDLING COMPLAINTS

***ALL Staff have a Responsibility:*** All staff should respond positively to any complaints made to them and feel confident to do so. Senior management should ensure an atmosphere of trust, confidence and value orientation for this purpose. Guidance and procedures are provided for staff and for the communities and affected population in order to avoid ad hoc, defensive, negative responses and uncertainty about what is expected of staff in responding to complaints.

Staff needs to know what the steps are regarding dealing with complaints, who the specific focal point person is and the corresponding timelines to deal with complaints. A flow chart in [Appendix 2](#) gives a visual glimpse of the procedure and timelines. These should be made available to all parties to encourage a focus on problem solving.

### 2.1 Country Program Level

Each Country Program shall establish a Complaints Mechanism based on the LWF/DWS Complaint Mechanism Policy and Procedure. The specific Country Program Complaints Mechanism shall be simple, easily understood and widely publicized. The policy shall be translated into the national language and information and awareness of the Complaints Mechanism Policy and Procedure shall be disseminated to the communities and affected populations.

The LWF/DWS Complaints Mechanism Policy and Procedure shall be posted and disseminated to all staff and communities and affected populations.

The following are the key responsibilities:

The **LWF/DWS Representative** is responsible for ensuring that the Complaints Mechanism is relevant and functional. He/she acknowledges the complaint and makes the final decision on the appropriate action, based on the provisions of the Complaints Mechanism Policy and Procedure.

A **Focal Point Person** is assigned to receive the complaints and ensure that the policy is followed according to the established procedures. The focal point person ensures the complaint and the procedures are documented and files are complete and secure.

A **Complaints Handling Committee** shall be constituted and could be composed of senior management. The focal point person should be a member of the Complaints Handling Committee. The Committee recommends to the LWF/DWS Representative the steps to be taken with regards to the Complaint.

Complaints against senior management staff may be directed to the LWF Representative. If the complaint is about the Representative, complaints must be directed to the relevant Program Officer in Geneva. Details are available in [Appendix 5](#) or in the general information notices in the country program.

If the complaint warrants further investigation, the complaint is forwarded to an **Investigation Team**. The investigation then follows the LWF/DWS Investigation



Guidelines in Appendix 6. The recommendation of the Investigation Team is submitted to the Complaints Handling Committee and the Country Representative takes the final action on the complaint.

**All serious complaints shall be communicated by the LWF Representative to the appropriate Program Officer in Geneva.** Geneva must be informed of the process in responding to serious complaints.

## **2.2 Geneva Secretariat Level**

To ensure consistency of response and to manage formal complaints effectively, LWF/DWS Secretariat in Geneva will follow the same procedure as with the Country Programs. The Director is responsible for ensuring that the Complaints Mechanism is relevant and functional. A Focal Point Person and a Complaints Handling Committee shall be assigned. An Investigation Team shall also be constituted based on the Investigation Guidelines.

## **2.3 Devising and disseminating the procedures to handle complaints**

It is the responsibility of LWF/DWS senior management in Geneva to devise and publicize the Complaints Mechanism Policy and Procedure for handling complaints from all sources and to respond to the complaints in an appropriate manner. This system should be effective, accessible and safe.

It is also a delegated responsibility to the Country Representatives to adapt the LWF/DWS Complaints Mechanism Policy and Procedure, amending it where appropriate to Country Program specific context. The Country Representative shall also ensure that all staff and the communities LWF/DWS work with are aware of the Complaints Mechanism Policy and Procedure.

The possible misuse of a complaints mechanism must also be considered. Measures to protect people and the organization against misuse of the complaint mechanism are necessary due to the risks such policy can favor.

A record of complaints, along with responses shall be maintained by the LWF/DWS Country Program, and also by the LWF/DWS Secretariat in Geneva.

## **2.4 Complaints involving partners LWF works with**

In working with partners who implement on behalf of LWF/DWS, the partnership agreement shall outline the partner's adherence to the Codes of Conduct (LWF, ACT, IRC). Partners shall be requested to set up their own complaints handling mechanisms.

If operational complaints are raised regarding the project LWF is working on with the partner, this shall be dealt with in the usual partnership meetings and monitoring visits. Serious complaints about the partner must be referred to the respective organization.

### 3 HOW TO COMPLAIN

#### 3.1 A complaint could be raised by:

- an individual or community with whom LWF/DWS works
- a partner organization, including LWF member Churches, LWF related agencies, UN, government
- a member of the public
- a staff of LWF/DWS

#### 3.2. Complaints may be made through any of the following mechanisms:

- **In person** (all levels)
- **Through a trusted intermediary**
- **A complaints box** (in a refugee/IDP camp, in the office, etc.)
- **e-mail message** to an assigned confidential e-mail (e.g. *complaints@lutheranworld.org*)
- **hotline** (to be established in each country program and Geneva Secretariat)

A complaint may be brought directly to the attention of a staff person. [Appendix 4](#) is a sample Complaints Form. In cases where the person receiving the complaint is not the designated Focal Point, the staff shall forward the complaint to the Focal Point in charge of receiving complaints.

A written complaint may be dropped in a “**complaint box**”, where the Focal Point person opens the box and retrieves the complaints on a periodic schedule. The location of such a public complaint box is important – preserving the principles of safety, confidentiality, transparency and accessibility ([Appendix 3](#)). Where appropriate, a “**helpline**” should also be installed.

A confidential **e-mail** connection or a telephone **hotline** may also be established, as means to preserve confidentiality in the communications.

A complaint may also be channeled initially and verbally within the affected population or community, which shall have their own procedures in place. For example, a refugee or community focal person or committee may be established to receive and handle a complaint.

#### 3.3 Time limit for making a Complaint

Any complaint should be made as soon as possible, but no later than **six months** from the date when the incident happened.

## 4 STEPS IN PROCESSING COMPLAINTS

All complaints should be dealt with in a fair and professional manner. The following are the steps in processing complaints:

### 4.1 Providing written acknowledgement to the Complainant

When a complaint is received, the focal point person studies the complaint and convenes the Complaints Handling Committee (see Section 2.1).

A written acknowledgement that a complaint has been received is drafted by the Focal Point Person, as recommended by the Complaints Handling Committee, and signed by the Representative.

This written acknowledgement is important for reasons of accountability and transparency. It shows the complainant that the allegation is taken seriously and it gives her/him the information they need to ensure that LWF/DWS is responding properly. If an investigation follows, this provides a record that the LWF/DWS has received the complaint and has given initial indications on how it has handled the situation in the initial stage.

The letter of acknowledgement is generally a letter to the complainant telling her/him that LWF/DWS has received the complaint and summarizing the actions it will take.

#### ***Acknowledgement Letter states***

- When and how the LWF/DWS received the complaint
- Who in LWF/DWS is responsible for acting on the complaint
- Who the complainant should contact regarding questions or feedback

The acknowledgement letter should be in writing, concise and clear. If the complainant does not want a letter, or the LWF/DWS believes that such may put the complainant or others at risk, it is possible to confirm receipt orally.

### 4.2 Adhering to Confidentiality

Confidentiality should be maintained, so that only the staffs who are handling the complaint are aware of the complaint and the information surrounding the complaint. Any breach of confidentiality shall lead to disciplinary action according to the LWF Personnel Regulations.

### 4.3 Identifying Risks and Providing Protection

At the initial contact with the complainant, the LWF/DWS focal person 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 the security focal person. Adequate and rapid protection and security measures must be provided to the

person initiating the complaint, to ensure that he/she is protected from any possible reprisals.

#### **4.4 Taking Action**

The Complaints Handling Committee (see Section 2.1) shall meet and deliberate on the Complaint received and the form of action to take. This shall be communicated to the Country Representative.

#### **4.5 Deciding whether to investigate and or channeling as appropriate**

The next step is for the Complaints Handling Committee to recommend to the LWF/DWS Representative whether to investigate the allegation. It means asking these questions:

- Is there a complaint? The complaint must be a genuine concern of the complainant, and is raised in good faith, and is not motivated with the intent for personal gain, personal interest or a grudge. If it is determined that the complaint was not made in good faith, disciplinary measures should be taken.
- Does the complaint relate to a breach of Code of Conduct on Sexual Exploitation and Abuse of Power, or violation of any of the LWF/DWS policies and guidelines?
- Is there sufficient information and evidence or is there a need to further investigate?
- At this point, is the allegation conclusive enough to take management action?

Answers to these questions by the Complaints Handling Committee or the relevant decision maker will determine whether an investigation is justified. If so, then investigation procedures should be put in place.

Some complaints may not be as straightforward. The Complaints Handling Committee may refer to any of the following:

- LWF Code of Conduct on Sexual Exploitation and Abuse of Power
- LWF/DWS Whistle blowing Policy (Section 5.4 Finance Manual)
- LWF/DWS Policy for Management of Fraud (Section 5.5 Finance Manual)
- LWF/DWS Procurement Policy
- LWF/DWS Disciplinary Procedures (part of the national and international staff regulations)
- Criminal law/litigation
- LWF Investigation Guidelines

#### **4.5 Informing the Complainant about the Investigation Outcome**

The outcome of the investigation will be communicated to the Complainant, where possible within 30 days after the acknowledgement of the complaint. In case for justifying reasons this timeline is not feasible, the complainant shall be immediately informed.

The Representative is responsible for communicating the outcome of the investigation to the complainant. This could be done in writing.

#### 4.6 Appeal Process

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. The LWF Representative and the Complaints Handling Committee shall analyze the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation.

The appeal shall be considered only once.

#### 4.7 Time Allotment on Respective Actions

LWF/DWS will aim to resolve complaints within 30 working days of receipt. In the event that a complaint cannot be resolved within this timeframe, the complainant will be informed in writing about when he/she can expect a full response. The following is the time allotment for specific actions.

Action	Time Allotment
Complaint Received	Incident should be reported soonest but can be brought up within 6 months of incident
Acknowledgement of Complaint Received	Within 2 days
Resolution on Operational Complaints	Decision within 7 days
For Complaints needing further investigation	Actual investigation ideally in 7 days though may vary depending on the nature and complexity of complaint Maximum 21 days
Inform Geneva Secretariat on serious complaints	Soonest information is known, and reflected in the Management monthly report
Resolution of a complaint undergoing investigation	Maximum 30 days of receipt of complaint
Appeal process	Within 30 days of decision

## **5. INVESTIGATING A COMPLAINT**

If the complaint is to be further investigated, the investigation guidelines in Appendix 6 must be followed.

Operational complaints not needing a formal investigation will go through the normal process of action and decision making by the Representative in consultation with the Country Program management team.

## **6. COMPLAINTS ABOUT LWF/DWS ASSOCIATE PROGRAMS**

### **6.1 Complaints about LWF/DWS Associate Programs**

Complaints about LWF/DWS Associate Programs must be referred to the respective organization. The LWF/DWS is unable to investigate or respond to such complaints and this should be explained to the complainant.

### **6.2 Redirecting complaints**

If the LWF/DWS receives a written complaint about an Associate Program, it must seek the permission of the complainant before passing the complaint on to the Associate Program for investigation and response. Some complainants may prefer to write direct to the other organization themselves. LWF/DWS will monitor that Associate Programs are maintaining their complaints mechanisms.

## **7. CONFIDENTIALITY**

LWF/DWS recognizes the confidentiality is critical to a satisfactory outcome as it protects the privacy and safety of the concerned individuals. The facts and nature of the complaint, the identity of the key participants and the investigation records are confidential.

- Information should not be disclosed unless the person who has provided the information has given written, explicit consent to disclose the information.
- Particular care must be taken where the complainant's record contains information provided in confidence by, or about, a third party who is not an LWF employee.
- Disclosure of information provided by a third party outside the LWF also requires the expressed consent of the third party. If the third party objects then the information can only be disclosed where there is an overriding public interest in doing so. It is not appropriate for someone to make this decision on his/her own. Legal or other advice must be sought

LWF/DWS shall only allow disclosure when:

- It is required or permitted by law
- It is required by management in the best interest of the organization and parties involved



## **8. MONITORING AND EVALUATING THE COMPLAINTS MECHANISM**

- 8.1 The use and relevance of the complaints mechanism shall be monitored. The LWF/DWS Program Officer for Quality Assurance and Accountability will be responsible for monitoring the LWF/DWS Complaints Mechanism in coordination with the country program focal point person. This will be monitored: through liaison with staff at all levels; in promoting the philosophy behind the procedure throughout the LWF/DWS; by involvement in training programs; and by contributing to various means of quality assurance and accountability.
- 8.2 This may include local initiatives with staff such as a Complaints Handling Committee and focal persons, exploring in detail how resolved complaints were handled to identify any possible lessons, improvements to complaints handling or suggestions for changes in practice, as well as good practice examples.
- 8.3 The LWF/DWS Complaints Mechanism Policy and Procedure will be formally reviewed every three years. Critical lessons learnt and suggestions for improvement should be considered as appropriate and relevant when there is a need to upgrade the system.

## Appendix 1 Definition of Key Terms

**Complaint** A complaint is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by LWF/DWS. This could be in relation to program activities or conduct of its personnel, how LWF works with the communities or affected population and partners, or when LWF/DWS policies and guidelines are not respected.

**Complainant** is the woman, man, girl, boy or team of people who lodge(s) a complaint.

**Corruption** is the “offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person”

**Criminal Offence** is understood as deliberated acts which put in danger the life and physical integrity of any person. It is a breach of one or more State rules or laws that may ultimately prescribe a punishment.

**Fraud** is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization’s financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit.

**Physical abuse** is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or harm.

**Psychological abuse**, also referred to as **emotional abuse** is a form of abuse characterized by a person subjecting or exposing another to behavior that is psychologically harmful. It involves the willful infliction of mental or emotional anguish by threat, humiliation, or other verbal and nonverbal conduct. It is often associated with situations of power imbalance, such as abusive relationships and child abuse.

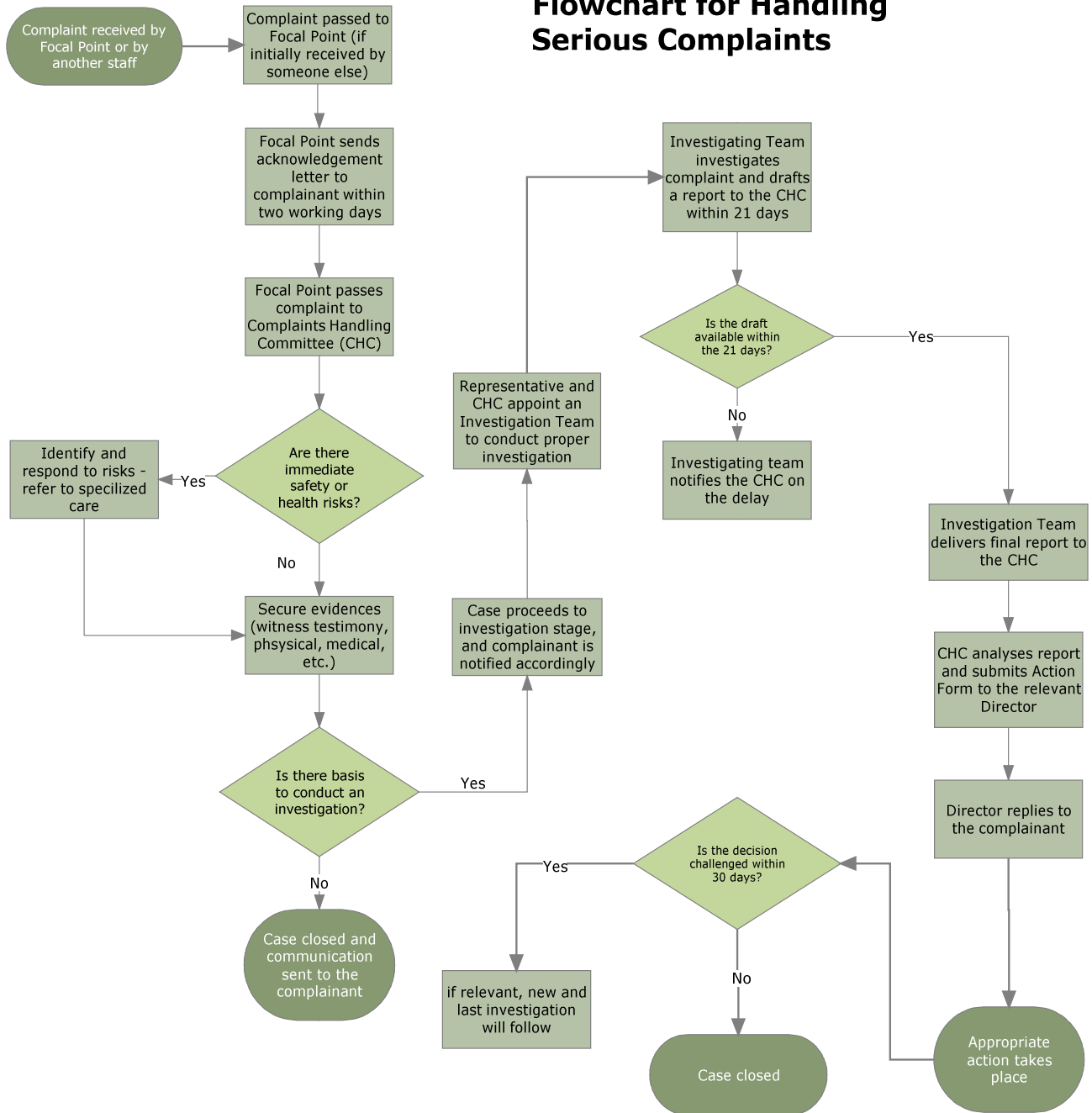
**Sexual exploitation** means any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (UN SG Bulletin, 2003).

**Sexual abuse** means the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions (UN SG Bulletin, 2003)

**Subject of the Complaint** is the individual or team who are alleged to have been involved in minor or serious misconduct or malpractice.

**Witness** is someone who has firsthand knowledge about a crime or dramatic event through seeing, hearing, smelling, or touching and can help certify important considerations to the crime or event. It is important to remember that a Subject of Complaint is treated as a witness until proven to have committed a breach of conduct or a crime.

## Appendix 2



## Appendix 3

### WHAT A COMPLAINTS MECHANISM ENTAILS

- A Complaints Mechanism is supported by governing body and senior management and appropriate resources, including human resources devoted to this purpose
- Affected population and host communities are consulted regarding appropriate ways to make complaints
- The organization finalizes its complaints handling policy and procedures based on local input
- Staff and affected population are trained in the processes and procedures
- Complaints are submitted to established entry points
- Complainant is acknowledged
- Complaints are reviewed
- Feedback is given
- Both complainant and accused may appeal the decision
- Information from complaints is continuously fed into project improvement
- The Complaints Mechanism is evaluated and adjusted according to lessons learnt

#### Characteristics of an Effective Complaints Mechanism\*

**Safety** – considers potential dangers and risks to all parties and incorporates ways to prevent injury and harm

**Confidentiality** – restricts access to and dissemination of information, requiring that information is available only to a limited number of authorized people (generally members of the complaint handling committee of the organization) for the purpose of concluding necessary investigations.

**Transparency** – LWF staff and persons of the affected community know it exists, and possess sufficient information on how to access it. People of concern should be able to speak to member staff regularly about the operation of the complain mechanism and know who in the organization is responsible for handling complaints and communicating outcomes.

**Accessibility** – allows the mechanism to be used by as many people as possible from as many groups as possible in places where LWF/DWS is operational. Communities must set up their own complaints procedures, must be told how to complain and be actively encouraged to make complaints when problems arise.

**Quality of information** – should be accurate, and have a clear sequence of events.

**Verifiability** – to ensure that the information is reliable.

**Timeliness** – of reporting, and related follow-up measures, must be ensured.

**Assistance to those reporting** – should be a part of the complaints mechanism, to deal with possible psychosocial, medical and other needs.

**Documentation** – the importance of objective, reliable documentation is critical.

# CONFIDENTIAL

## Appendix 4

## Lutheran World Federation Department for World

### Complaint Form

*This form should be completed by the person wishing to lodge a complaint or documented by a third party. All information must be held securely and confidentiality must be maintained at all times*

File Number: \_\_\_\_\_

#### A: General data

1. Name of the person lodging the complaint \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Tel: \_\_\_\_\_ email: \_\_\_\_\_
4. Name of the person you wish to lodge a complaint against (if known): \_\_\_\_\_
5. Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_
6. Place of incident \_\_\_\_\_
7. Date of reporting \_\_\_\_\_ Time of reporting \_\_\_\_\_

#### B: What is the complaint? (State the nature and key issue of the Complaint)

**C: Brief description of the incident or concern** (State what exactly happened, trying to follow the sequence of events from start to finish; If the incident location is not well known, describe the location based on your memory of it; Give a description of the 'subject of complaint' if you do not know her/his name;

**D: Name of witnesses** (if any) Supply the names of witnesses and where they can be contacted, if known;

**E: State what kind of a response you expect from LWF and how you wish to see the matter resolved**

Name and Signature of Complainant: \_\_\_\_\_  
Date: \_\_\_\_\_

Case referred to: \_\_\_\_\_ Date referred: \_\_\_\_\_

Name and signature of LWF Staff responding to the Complaints \_\_\_\_\_

**Describe action taken:** (provide detailed information example, if medical assistance has been provided, what psychosocial care has been provided and whether a report has been made to the Police.)

## **WHERE TO SEND YOUR COMPLAINTS**

*(this information would be also available on the LWF webpage).*

### **Hotlines and e-mails**

#### **LWF/DWS Geneva Secretariat**

- **+41 22 791 00000** or [complaints@lutheranworld.org](mailto:complaints@lutheranworld.org)

Communication to:

- Ms. Maryssa Camaddo – Quality Assurance and Accountability – FOCAL POINT  
(+41 22 791 6445) – [mjc@lutheranworld.org](mailto:mjc@lutheranworld.org)
- Mr. Michael Hyden – Program Officer for Eastern Africa  
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- Mr. Duane Poppe – Program Officer for Southern and West Africa  
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## Appendix 6

### LWF/DWS Investigation Guidelines DRAFT April 12 2010

#### 1. Introduction<sup>4</sup>

1.1. The purpose of this document is to provide guidelines for planning, conducting and managing a formal investigation for complaints received by LWF/DWS. It includes an overview of the key steps to be taken and the issues LWF/DWS must consider when conducting an investigation.

While LWF/DWS recognizes that many complaints can be dealt with and resolved informally, other complaints may require a formal investigation. All investigations should be conducted and addressed locally if possible. For very serious complaints and/or if the program does not have the resources or the capacity to resolve the complaint locally, it should be referred to LWF/DWS Geneva to the relevant focal points (as indicated in Appendix 5 of the Complaints Mechanism Policy and Procedure). Complaints involving LWF/DWS staff working in the most Senior Position (LWF representative, Country Director etc.) will be referred to and handled by DWS/Geneva as outlined in the LWF/DWS's Complaint Mechanism.

#### 1.2 Guiding Principles for Investigation

Those who conduct investigations must be professionally responsible, qualified, and objective. Their behavior and manner whilst conducting the investigation must be guided by the following principles:

- a) *Accountability*: Those who conduct the investigation must adhere to these guidelines and must record accurately and comprehensively the steps which are employed in conducting an investigation. The methods and techniques employed in the investigation must be appropriate for the circumstances and proportional to the objectives of the investigation.
- b) *Impartiality*: the investigation must be conducted in an unbiased, fair and respectful manner.
- c) *Timeliness*: investigations must be conducted efficiently and comprehensively in a timely manner as set out in this document.
- d) *Systematic*: investigations will be conducted in a systematic, methodological way in order to ensure accountability and fairness.
- e) *Transparency*: LWF/DWS staff and persons of the affected community know that this procedure exists and how to access those involved in conducting the investigation procedure.
- f) *Legality*: the investigation must be conducted in a legally enforcing way, demonstrating fairness and reason, and based on clear and convincing evidence

## 2. Initiating and Planning an Investigation

### 2.1 Appointing an investigation team

The most senior LWF/DWS representative and the Complaints Handling Committee must create a team to conduct the investigation. The composition of this team will vary in different situations and depending on the nature of the complaint. The team generally consists of a

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<sup>4</sup> This document draws from the HAP/Building Safer Organizations Investigations Guidelines as well as the ACT Investigation Guidelines

manager and investigators. The investigation team should be comprised of LWF/DWS staff that has some experience or qualifications dealing in investigation work, human resources, are professional and are responsible to handle the ToR set out by this guideline. Individuals comprising the Complaints Handling Committee must not be apart of the investigations team. Depending on the circumstances independent observers, interpreters and outside expertise may also comprise part of the investigations team.

In cases of fraud, a very specific methodology must be followed which adheres to these general guidelines. Investigations of this nature will require an independent financial expert to be apart of the investigation team.

#### 2.1.1 Investigations Manager

Every investigation team needs one manager to directly supervise the case. The responsibility of the investigation manager is to oversee the investigation and to coordinate the appropriate response. He or she is not to partake in the actual investigation; but rather to take on a supervisory role. He or she should ensure that the investigators are properly trained, supported and debriefed following difficult investigations, when necessary. This individual will report to other senior managers/ DWS Geneva on a need to know basis.

#### 2.1.2 Investigators

It is important that there are two investigators to work on every investigation. It must be a male and a female assigned to these roles. The investigators are responsible for developing and undertaking the day to day conduct of the investigation plan. This includes gathering evidence, preparing and submitting an investigation report.

#### 2.1.3 Observer

If there are not two investigators assigned, or if one investigator can not attend an interview, a third external, independent observer should sit in on the interviews. This is to provide the investigator with feedback and support as well as to ensure accountability. In extremely sensitive cases such as sexual exploitation, an external observer may be present.

#### 2.1.4 Preferably, interviews should be conducted in local languages. However, when this is not possible, English, French, Spanish or Portuguese will be used. Interpreters should be avoided whenever possible. When interpreters are necessary, they must be neutral and have no relationship to the interviewee. They must interpret directly what the witnesses' say without comment or inference.

#### 2.1.5 The investigation team should consult external expertise (legal expertise, experts on child interviewing, medical experts, financial consultants, member churches etc.) throughout the investigation where necessary and depending on the circumstances.

## 2.2 Devising an investigation plan

Once the decision is made to undergo a formal investigation, the investigation team must devise an investigation plan which is to be kept in an investigation file. The investigation file is where all information regarding the investigation is to be kept. This file is to be shared strictly with the investigation team and the utmost care is to be made to ensure the confidentiality of this file.

The investigation plan is designed to provide a general outline of the issues to be addressed, the investigative steps to be taken and to identify the practical constraints of the investigation. It should include:

- Who from LWF/DWS will be contributing to the investigation and what their role will be
- A statement which clarifies the main issue of the complaint, and which is clearly understood by all members of the investigation team
- The key witnesses to be interviewed
- What might be used as evidence and where to gather it
- What the investigation will cost in terms of resources and money
- Any security concerns that may be raised throughout the investigation and how they will be handled.
- Clear, published and understood time lines in which to complete the different phases of the investigation. **Ideally, investigations should be completed within 21 working days of the complaint being received.** However, due to the varied nature and complexity of complaints LWF/DWS recognizes that the investigation may require more time.

This initial investigation plan is based on current knowledge of the allegation at the onset of the investigation. Consequently, this investigation plan is not static and should be reassessed and updated as necessary throughout the investigation procedure.

### **2.3 Confidentiality**

The issue of confidentiality is of utmost importance and must be a primary focus for the investigation team. The fact and nature of the complaint, the identity of key participants and the investigation file are strictly confidential. Access to information about the complainant and the investigation is restricted and can only be disclosed to a limited number of specified people on a "need to know" basis. All LWF/DWS staff members involved in the investigation must sign an oath of confidentiality ([Appendix 6.1](#)), which is to be kept in the investigation file. All participants are responsible for any willful or negligent disclosure of information regarding the investigation and for violating the oath of confidentiality. The identities of LWF/DWS staff members that violate this oath will be disclosed to the appropriate director and subject to disciplinary measures according to LWF personnel regulations.

### **2.4 Investigating Anonymous Complaints**

It may be possible to investigate anonymous complaints if there is sufficient background information and/or if there are good leads to witnesses who can testify to the alleged incident. To the best of their abilities and with whatever limited information is available, investigators should research the anonymous complaint by gathering evidence that may be relevant, and if warranted, interview individuals who may have information regarding the alleged incident.

### **2.5 Legal Considerations**

Before beginning the investigation it is important to recognize and consider the various legal constraints on the investigation. It must be stressed that these are **administrative**, investigative guidelines which **do not supersede** legal or official authorities in the countries where LWF/DWS works. National employment laws, national criminal law, organizational policies and the subject of complaint's (SoC`s) contract may influence how the investigation proceeds.

If, pursuant to legal obligation to do so or on the basis of discretionary decision, either the complainant or LWF/DWS informs the national authorities of the allegation, the administrative investigation may continue if it can do so, legally and practically, without interfering with any

criminal or other official investigation. Information gathered during the administrative investigation may be transmitted to the relevant national authorities in response to an appropriate official request.

Depending on the circumstances and the complexity of the complaint, LWF/DWS will seek legal expertise when necessary.

### 3. Conducting an Investigation

#### 3.1 Gathering Evidence

Before investigators begin the interview process, it is necessary to gather additional background information and evidence that is relevant in deciding whether an allegation is true or not. It is important to **begin collecting evidence as soon as possible** after the complaint is received. This is to help avoid evidence being destroyed, tampered with or lost. It will also give the investigation team ideas about whom to interview and what questions to ask. This information may come in a number of forms:

- Documentary evidence (which may be in hard copy or electronic form).
- Physical evidence (found near by or at the physical site of the allegation)
- Witness testimony (information about what a person experienced ie. what someone saw, heard, smelt, etc)
- Expert evidence (expert opinion may be sought to gain specialized knowledge in a particular subject that is beyond what would be known by an average person ie. Medical expertise)

Most often, relevant documentary evidence will be located within LWF/DWS premises or in the possession of LWF/DWS staff members. Other evidence may be found unexpectedly while performing the investigation procedure. LWF/DWS bestows its investigation team with a mandate to initiate and conduct investigations on LWF/DWS's behalf. In doing so, this empowers investigators to collect evidence and to be granted access to do so without hindrance or prior clearance.

Examples of different forms of evidence that may be relevant to the investigation:

- staff records, rosters, staff organizational diagrams, individual case files, contracts
- photographs, telephone records, emails, computer files, surveillance video-tapes
- Financial records, payment vouchers, order forms, ration books etc.

**LWF/DWS staff members are required to cooperate fully in this process and have a duty to tell the truth and to disclose all information relevant to the case.** An LWF/DWS staff member who intentionally interferes in the investigation or willingly lie to obstruct justice will be disciplined according to LWF personnel regulations. This is to ensure that a timely investigation and a fair and just investigation process may proceed without delay.

#### 3.2 Rights and Obligations of the interviewees

The complainant(s), the SoC (subject of complaint) and all key witnesses should be interviewed during the investigation process. All interviewees are to be treated professionally and courteously throughout all stages of the investigation process. The SoC is to be treated in the same manner as all the other witnesses. S/he will be presumed innocent until proven otherwise and is entitled to a fair and just due process of investigation.

Before beginning the interview, all participants are encouraged to sign the oath of confidentiality mentioned above ([Appendix 6.1](#)). It is extremely important that those involved know that what they reveal will be held in confidence and that there will **be no reprisal for making a**

**complaint or for providing testimony that supports or negates the proposed allegation as long as it is made in good faith.**

In certain circumstances and depending on the nature of complaint, the SoC may be placed on administrative leave or suspended from work during the duration of the investigation.

### **3.3 Sequence of interviews**

3.3.1 The complainant should be interviewed first. The complainant should provide a comprehensive account of the proposed allegation including all important details and any leads to pursue. This will help to identify other potential witnesses who may need to be interviewed who were not previously considered.

3.3.2 Secondly, witnesses who have knowledge about the alleged incident but who are not believed to be involved in any wrong doing should be interviewed. Individuals with direct knowledge about the alleged incident who may have been involved or implicated in some way with the wrong doing should be interviewed afterwards.

3.3.3 The SoC is to be the last person to be interviewed. This is to give investigators maximum opportunity to compare the SoCs testimony against the other accounts. There are special considerations to take into account when interviewing the SoC:

- The SoC, like all other witnesses in the investigation, is entitled to a fair and impartial process. This means that the SoC may respond to the allegation by hearing the evidence brought against him/her and by having the opportunity to respond to that evidence. The SoC is able to bring up new evidence and indicate new witnesses that he/she feels are useful in disproving the allegation against him/her.
- The SoC should **not be presumed to be guilty of the alleged offence**. The focus of the investigation is to obtain information that **either proves or disproves** the allegation. All information that does either of these will be considered and there are to be no preconceived biases regarding the SoC.
- The SoC is not entitled to know the name of the complainant or any other witnesses, or the source of evidence brought against him or her.

Interviewees may be interviewed for a second time in order to clarify information, conflicting testimonies or if new evidence is brought forth to which they need to be questioned. Re-interviewing a subject is not advisable and careful planning should be done prior to conducting the interview in order to ensure proper preparation for the interview and to avoid having to re-interview a subject.

If re-interviewing does not resolve the conflicting testimonies, it may be necessary for the SoC and the complainant to meet face to face to discuss and clarify the discrepancies. If this step is to be taken, it must be done so in consultation with the most senior LWF/DWS representative in charge. This is only to be done as a last resort and only if the complainant accepts the disclosure of his/her identity to the SoC.

### **3.4 How to conduct an Interview**

There is no prototypical way to conduct an interview but there are some general guidelines one should adhere to:

- There should always be two investigators present at all times during the interview, respecting the criteria for composition of the investigation team.

- Interviews should always be conducted face to face if possible. If circumstances do not allow this, investigators may arrange an interview by telephone or a video conference instead.
- If the interview is to be tape recorded, the interviewee must be informed and needs to agree with this procedure before the interview begins.

### 3.4.1 Investigators should follow these four stages of interviewing

#### i). Establishing Rapport

It is important to build rapport with the interviewee at the beginning of the interview. Thus, the investigator should take the time to introduce him/her and to tell the witness why he/she is being interviewed. The rapport building stage is intended to gain the witnesses trust and set the tone for the remainder of the interview so investigators should be polite, informative and respectful.

#### ii). Free Narrative

The investigator should allow the witness to provide a 'free narrative' of what happened during the alleged incident. This is to give the witness an opportunity to give an uninterrupted account of the events. The investigator should begin by prompting the witness with very general, open ended questions.

- For example 'Can you tell me about your general duties? Or "Can you explain the sequence of events that happened on ...."' etc.
- The investigator should continue to probe the witness by using neutral prompts such as, "and then what happened?" Any specific questions or clarification that is needed should be asked after the witness is finished giving their testimony.

#### iii). Specific Questions

After the free narrative stage it is now appropriate for the interviewee to ask more specific and focused questions. These questions may take the form of:

- Open questions ie. Tell me more about your relationship with the SoC
- Specific questions ie. What happened after you picked up the supplies?
- Closed questions ie. What was the amount of the transaction?

It is important that the investigator adopts an active listener approach. Ask questions for clarification and probe for more information when necessary but avoid asking leading questions and using suggestive language which can distort the witness's memory.

- For example rather than asking "Was he wearing a red shirt?" which is a leading question, rephrase it as "What color was his shirt?"

#### iv). Closure

To end the interview, the interviewer should summarize what the witness has said, and provide ask if they have anything to add and answer any questions. The interviewer should provide the witness with their contact information for further communication and thank them for their time.

General Do's and Don'ts of Good interviewing
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<p>DO:</p> <ul style="list-style-type: none"> <li>• Be courteous, objective and professional</li> <li>• Ask direct and simple open-ended questions</li> <li>• Be sensitive to cultural and local practices</li> <li>• Regularly confirm information provided by the witness</li> <li>• Ask the witness to clarify ambiguous terms or information</li> <li>• Conduct the interview at the pace of the witness</li> <li>• Give the witness time to think and to answer questions without interruption</li> </ul>
<p>DON'T:</p> <ul style="list-style-type: none"> <li>• Use vague language, jargon, acronyms or euphemisms</li> <li>• Threaten, intimidate or mislead</li> <li>• Use long, leading or multiple questions</li> <li>• Use judgmental language</li> <li>• Give feedback on the witness' testimony, even unintentionally through face expressions and voice inflexions</li> <li>• Make moral or legal judgments</li> <li>• Make promises you cannot keep</li> </ul>

Investigators must maintain a neutral tone throughout the interview. One must remember that the investigation process is a fact finding mission. All information is to be taken at face value and recorded as such. It will be assessed for credibility after the interview and without the witness present.

### 3.5 Recording and Documentation of information given in an interview

During the interview it is best for one investigator to focus on asking the questions and the second investigator to be responsible for note taking. The notes should be very detailed and almost verbatim. **They should not include the investigators own opinions, conclusions or analyses.** These notes formulate the record of interview.

The record of interview should include;

- the details of the interview; the who, what, where, when and how
- The information asked for and provided during the interview
- Include facts obtained from the interviewee as well as their relevant opinions and impressions. (Note; the investigators own opinions, conclusions and analyses should NOT be included).
- It should be presented in an question-and-answer format

The interviewee is to review it and sign it if they agree with what has been recorded. If they do not agree with the record of interview any changes or comments that are made must be documented and an explanation given for the changes. Once agreed upon and signed, the record of interview is then to be put in the investigation file.

### 3.6 Validating the Evidence

Once all the evidence has been gathered and all of the interviews conducted, the accuracy and authenticity of the information must be established. When validating evidence the investigation team should take into consideration:

- if witnesses have certain biases or prejudices that may have influenced their testimony
- the credibility/reputation of the source
- Whether what was reported was based on hearsay (from a secondary source rather than based on personal knowledge)

- If testimony was based on opinion rather than fact
- if information/documentary evidence gathered is outdated, or taken out of context

Once the investigation team has evaluated the credibility of witnesses' testimonies and other evidence, they must establish the existence or non existence of proof of the allegation. In adherence with the criteria set out in these guidelines, an outcome is to be decided which accurately reflects the conclusion of the information gathered and which ensures the fair delivery of justice to those involved. Ideally, the outcome of the investigation should be reached by consensus of those involved in the investigation team. If consensus between the investigation team cannot be reached, the LWF/DWS representative in the most senior position should be consulted for further guidance.

## 4. Conclusions

### 4.1 Follow up and Recommendations

Once the evidence has been reviewed and validated, the investigators must write an investigation report which is to be prepared locally and presented to the LWF/DWS investigation manager for consideration before being signed by him/her. The investigation report is a summary that must address all aspects of the investigation including how the alleged misconduct was discovered, the steps taken to gather the evidence, the investigators conclusions and the evidence supporting those conclusions.

The conclusion of the investigation must be clearly stated in the investigation report and will result in one of the following:

- "found by reasonable inference"
- "not found due to insufficient or unclear evidence"
- "not found based on evidence to clear the SoC or to establish a malicious complaint"

The investigation team will submit the investigation report to the Complaints Handling Committee and the relevant Director/Representative for consideration. Upon approval, the relevant Director/Representative takes the final action and signs the investigation report and recommendation. This should demonstrate and document that appropriate action has been taken. In some instances, recommendations will be made in consultation with Geneva.

Where the investigation involves a serious complaint as indicated under item 1.2.b in LWF/DWS Complaints Mechanism Policy and Procedure, **a copy of the report must be sent to the LWF/DWS Geneva Secretariat, to the attention of the relevant Program Officer.**

### 4.2 Report Structure

The report should be structured in the following way and ideally with not more than ten pages in length:

- Title page which clearly indicates the confidential nature of the material
- Table of contents
- Introduction and preliminary remarks which must include how the alleged misconduct was discovered, who received the complaint and the completed Complaint Form (Appendix 4)
- Methodology that clearly states what steps were taken during the investigation, how the evidence was gathered, and details regarding the interviews
- Investigative findings
- Conclusions and recommendations
- Annexes



**The investigation report should be filed within 21 working days after the complaint was received**, unless there are extenuating circumstances. If it is not available within 21 days the investigation team must notify the relevant Director of the delay and the reasons why. **The final resolution of the investigation will be communicated back to the complainant within 30 days.**

#### **4.3 Informing participants of the outcome of the complaint**

a) Complainant

The Director/Representative is responsible for communicating to the complainant the outcome of the investigation. The complainant should be notified of the outcome of the investigation either way. However, he or she does not have the right to be informed of the identities or the evidence provided by the other witnesses.

b) SoC

The Director/Representative is responsible for informing the SoC of the outcome of the investigation. The SoC must also be informed if the allegation has been referred to national authorities and if further action will be taken. If the complaint is not substantiated, the SoC must not be informed of the identities of any informants or the complainant.

c) Other Witnesses

Other witnesses do not need to be notified of the outcome of the investigation.

#### **4.4 Discipline**

If the complaint has been substantiated the appropriate Director/Representative (in cases of sexual exploitation LWF/DWS Geneva) will decide on the appropriate disciplinary measure to be taken according to LWF personnel regulations. **Disciplinary decisions should never be taken by anyone involved in the investigation.**

If the SoC is a local employee, the appropriate Director/Representative must follow national employment laws when considering disciplinary measures. If they are not followed and the SoC was dismissed, s/he could be reinstated or awarded damages. If the employee is an expatriate, it is important to check if the employment laws of their sending country apply.

If the complaint was found to be a false allegation made out of malice and deceit the complainant will be subject to disciplinary measures to be decided by the appropriate Director/Representative.

#### **4.5 Appeals Process**

The complainant or the SoC may lodge an appeal **within 30 days of the receipt of the outcome of the investigation**. The circumstances in which an appeal may be sought may be due to the following:

- One of the parties feels that important parts of the complaint were not investigated
- More evidence was available but not gathered or certain witnesses that were important to investigate were not interviewed
- The evidence gathered does not support the investigation conclusions

The appeal will be heard by the Appeals board of LWF/DWS and if necessary a second and last investigation will be launched. The decision of the investigation may only be appealed once.

#### **4.6 Follow Up**

If investigators provide recommendations to management for follow up, especially if the allegation was a result of inadequate or unsatisfactory organizational practices, senior management must develop an action plan to address and prevent similar situations from occurring in the future. LWF/DWS management should monitor regularly to ensure that all possible measures have been implemented and are functioning properly.

## Appendix 6.1

### Example Oath of Confidentiality

I, the undersigned, shall exercise the utmost discretion with regard to my involvement in the investigation being conducted by The Lutheran World Federation. I shall hold secret all information known to me by reason of my participation in the investigation procedures. I shall not use such information for private gain, or to favour or prejudice any third party.

I understand that this declaration will remain in force after the completion of the investigation. I also understand that divulging confidential information to persons who are not authorized to receive it may amount to misconduct, and that the signed original of this declaration will be held in the relevant investigation file.

**Name**..... **Title**.....

**Role**.....

**Signature**.....

**Date and Place**.....

To be filled out by an Investigator before whom the Oath is taken:

**Case number** ..... **Title**.....

**Name**.....

**Signature**.....

**Date and Place**.....