

Complaints Policy

For the ACT Alliance

September 2011

This policy was approved by the ACT governing board in September 2011. It replaces the July 2010 'pilot' complaints policy and reflects lessons learnt from a review of the pilot first year. This policy replaces the ACT Conflict Resolution Mechanism Terms of Reference (March 2004). The ACT Membership Disciplinary Policy (April 2007) will be revised in 2011 and will support implementation of this policy.

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1. Introduction

1.1 Striving for high quality

The ACT Alliance as a membership-based organisation is committed to providing high-quality humanitarian, development and advocacy programmes and to working in an open and accountable way.¹ The alliance was founded with clear respect for the independence of its members. At the same time, the ACT Alliance has a vested and collective interest in the performance of individual members or group of members.

In an effort to achieve high quality, ACT strives to meet and even surpass the expectations of its stakeholders, i.e., ACT members and their partners, communities with whom ACT members work, donors, supporters and the public. There may however, be occasions when ACT does not meet the reasonable expectations of all stakeholders at all times. ACT stakeholders have a right to raise a concern, give feedback and if necessary lodge a complaint when this occurs.

The ACT Alliance promotes accountable and transparent ways of working with all stakeholders. It encourages its members and the secretariat to address staff and stakeholder concerns quickly and effectively so that issues are resolved to the satisfaction of the concerned person and do not progress to the level of a complaint. Programme level concerns should be raised and discussed with responsible employees as close to the activity as possible.

1.2 Purpose

The purpose of the ACT Complaints Policy is to:

- recognise, promote and protect ACT stakeholder rights, including the right to raise a concern, give feedback and/or complain;
- provide clear policy guidance for responding to and resolving complaints;
- strive for high quality and continuous improvement in ACT's humanitarian, development and advocacy work; and
- increase the level of stakeholder satisfaction with the work of the ACT Alliance.

The ACT *"Guidelines for Complaints and Investigations"* provide guidance to ACT members on the key principles underpinning complaints handling and outline the minimum standards for the establishment of complaints handling mechanisms within their own organisations and programmes.

1.3 Obligation to disclose

All ACT employees² are required to report allegations, concerns or suspicions of breaches related to abuse, exploitation and fraud and corruption. Proven deliberate non-disclosure will lead to disciplinary action. Please see the ACT Code of Conduct for ACT employee commitments.

¹ ACT Alliance Founding Document, February 2009

² Employees of ACT members and staff of the ACT secretariat, including all service providers contracted by members or the secretariat

1.4 Creating a safe environment

ACT seeks to provide a safe environment through which stakeholders can voice a concern, without fear of reprisal or unfair treatment. ACT 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 ACT will deal with it as a disciplinary action under the appropriate procedure; and
- knowing that complaints will be addressed in a confidential manner.

The ACT Alliance aims to ensure that complaints are addressed fairly, appropriately, and in a timely manner. Complaints classified as sensitive complaints, such as allegations of sexual exploitation and abuse, are handled confidentially and information shared only on a “need-to-know” basis.

1.5 ACT member and ACT secretariat responsibilities

Each member of the ACT Alliance has a responsibility to handle and respond to the complaints they receive from their stakeholders. Equally, ACT governance and the ACT secretariat have a responsibility to handle and respond to complaints they receive. Any complaints received by the ACT secretariat about the staff or activities of an ACT member organisation will be forwarded to the concerned organisation to handle and address while keeping the ACT secretariat informed. If however, the complaint is about the overall director of the organisation at the headquarters level, the complaint will be referred to the relevant governance of the ACT member.

The alliance encourages its members to adopt the spirit and principles of the ACT Complaints Policy and related guidelines to ensure that all complaints are handled professionally and effectively.

1.6 Responsibility to those ACT serves

ACT recognises that as an alliance it has a responsibility to address the wellbeing and protection of crisis-affected populations and communities in its humanitarian and development programmes. The primary responsibility for this lies with each ACT member. The ACT Alliance is, however, responsible for complaints it receives against ACT members in relation to a breach of ACT policies and ACT funding appeals.

ACT members are expected to develop complaints mechanisms that are accessible to women, men, boys and girls with whom they work. If they do not have the capacity to address complaints related to abuse, exploitation or gross misconduct they should have a safe referral system in place to address, at a minimum, allegations of sexual exploitation and abuse and fraud and corruption. Communities should be informed of their rights and entitlements and how to make a complaint.

1.7 Advisory group on complaints handling

The ACT Alliance Advisory Group on Complaints Handling (AGCH) shall provide advice and support on complaints received by the secretariat and governing board. It is composed of four persons, drawn from the following:

- the ACT secretariat General Secretary/and or Deputy General Secretary
- three persons from ACT member agencies who may or may not be part of the ACT governing board who have technical expertise in complaints handling

Additionally, an external consultant with specific expertise may be required for specialised investigations.

The Advisory Group on Complaints Handling is accountable to the ACT secretariat which will annually report the work of the group to the governing board. Group members are nominated by the general secretary for a two year renewable period. If there is a conflict of interest that makes it inappropriate for an AGCH member to participate in the review of a particular complaint, an alternative AGCH member will be sought. See **Annex 1**: Terms of Reference for ACT Advisory Group on Complaints Handling.

2. Key definitions

A number of key terms are used throughout this document: concerns, complaints and feedback. For the purpose of this policy they are defined as follows:

Concern: A concern is an informal communication or question made to an ACT member or the secretariat regarding a person or some aspect of work of the alliance and expresses a hopeful resolution to the issue.

Complaint: A concern becomes a complaint for ACT Alliance when an ACT policy is violated. There are three categories of complaints:

- *Sensitive:* Complaints related to allegations of sexual exploitation and abuse, fraud and corruption or other gross misconduct. The policy supports the confidential handling of information related to sensitive complaints. It also ensures that sensitive complaints are addressed by senior management and complaints in relation to sexual exploitation and abuse are formally investigated by an expert team.
- *Anonymous:* Complaints lodged by a person who does not reveal her/his identity. As a principle the ACT Alliance does not accept anonymous complaints. In extraordinary situations ACT management and the ACT Advisory Group on Complaints Handling can give consideration to anonymous complaints if it is evident that there are grounds for further action and in an effort to ensure a safe and abuse-free environment. ACT recognises that at times people with genuine concerns can't speak out because of special circumstances and may wish to lodge a complaint with a staff person without revealing their identity to a wider audience. In this instance, ACT should seek information after addressing risk and initiate an investigation, if indicated.
- *Malicious:* Complaints that the complainant knows to be false. ACT operates under the assumption that all complaints are made in good faith and are not motivated by intent for personal gain, personal interest or a grudge. However, should a subsequent investigation reveal a complaint to be malicious, any investigation underway must be stopped immediately and the Subject of Complaint (SoC) cleared. Complaints lodged for genuine reasons that are subsequently considered to be unfounded shall not be treated as malicious. If a malicious complaint is made by an employee of an ACT member or the ACT secretariat, disciplinary measures will be taken.

Feedback: ACT distinguishes the term ‘complaint’ from ‘feedback’. Feedback is any positive or negative statement of opinion about someone or something – an opinion shared for information. It may be expressed formally or informally and may or may not require a response.

3. Scope of the policy

This policy applies to all ACT stakeholders, i.e., ACT members and their partners, communities with whom ACT members work, donors, supporters and the public.

3.1 Complaints addressed by this policy

This policy applies to the complaints handling system that is within the scope of its secretariat in Geneva and ACT governance.

The ACT Alliance secretariat will accept the following complaints:

- complaints against ACT member organisations who, in the course of providing humanitarian and/or development assistance, allegedly fail to apply, enforce, or otherwise implement an ACT Alliance policy;
- ACT member disputes in relation to ACT funding appeals. Complaints can only be made against ACT Alliance members who have, in one way or another, been involved in an appeal. Complaints against an ACT member by its non-ACT partner in relation to funds received via an ACT appeal will be accepted. Such complaints can only be referred to the ACT secretariat when dispute resolution efforts between both parties fail; and
- work or behaviour of staff at the ACT secretariat.³

If a person or organisation submits a complaint – hereinafter referred to as “the complainant” – that is not within the scope of the alliance as outlined above, s/he/it will be informed and the complaint will be referred accordingly.

3.2 Complaints not addressed by this policy

The Alliance secretariat and ACT governance will not accept, but may respond to complaints, such as, but not limited to:

- Complaints against a partner organisation of an ACT member who is not receiving funds from an ACT funding mechanism. Such complaints must be addressed directly between the partner organisation and the relevant ACT member organisation. Any such complaints received by the secretariat will be referred back to the relevant ACT member for action.
- Complaints related to employment contracts of staff of ACT members 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 of legal proceedings.

³ All ACT Secretariat staff grievances are covered by the World Council of Churches staff rules and regulations and their related complaints response mechanism and are not covered in this policy.

The ACT secretariat and ACT governance will not respond to the following complaints:

- Complaints against a political stand which has been taken by an ACT member. For example, ACT funding members at times receive complaints about their partners from organisations with a different political viewpoint.
- Offensive complaints using inappropriate or abusive language.
- Complaints sent as part of a bulk mail from an unknown source.

3.3 Confidentiality

ACT recognises that confidentiality is critical to a satisfactory complaints handling outcome because it protects the privacy and safety of the complainant, the Subject of Complaint (SoC) 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 authorised people for the purpose of concluding a necessary investigation.

ACT 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.⁴

Should the matter become public at anytime, the ACT governing board shall issue a public statement about the procedures followed and the status and/or the outcome of the complaint review. The board will not release details about the complaint.

4. Lodging a complaint

4.1 When to complain

A complaint should be lodged as soon as possible after the complainant becomes aware of the concern. The secretariat will not accept a complaint more than six months after the alleged incident, except in exceptional circumstances and then only in cases of allegations of abuse, exploitation, gross misconduct or malpractice, where new 'evidence' has come to light.

4.2 How to complain

Complaints must be addressed to the ACT "Complaints Focal Person" at the ACT secretariat using any of the following means (letter, email, phone or personal contact). It is important to include the full name (or in the case of an organisation – organisation's name), address and contact telephone number in the email or letter.

⁴ Adapted from BSO/ICVA "Guidelines for Receiving and Investigating allegations of abuse and exploitation by humanitarian workers", Building Safer Organisations, pg. 13.

Please refer to **Annex 2** attached, for a sample complaints letter format. This should serve as a guide and can be adapted as appropriate. When the details have been completed, it should be sent by letter or email to the following contacts:

- *By letter, addressed to:*
 “The Complaints Focal Person”
 ACT Alliance Secretariat
 150 Route de Ferney
 PO Box 2100
 1211 Geneva 2
 Switzerland
- *By email, to:* complaintsbox@actalliance.org
- *By phone call to:* the Complaints Focal Person and/or the ACT deputy/general secretary at the ACT secretariat: Tel: + 41 22 791 6033

Please note that English is the preferred language for receiving and dealing with complaints in order to limit the number of people having knowledge of the complaint.

4.3 Confirmation of receipt of complaint

The complainant shall receive confirmation of receipt of the complaint, where possible, within 10 days after ACT receives the complaint. The email, letter or phone call should give the following information:

- when and how the complaint was received;
- how the alliance has responded to the complaint so far and what it will do next;
- the name of the focal point or person responsible for the complaint; and
- the person to contact with questions or feedback.

4.4 Determining the need for an investigation

Not all complaints need a formal investigation process. Some complaints can be resolved to the complainant’s satisfaction through two-way communication between the complainant and the person who received the complaint. The deputy general secretary in cooperation with the Advisory Group on Complaints Handling must decide if the allegation needs to be investigated. This can be decided by asking the following questions:

- 1) Does it relate to a breach of ACT’s policies and procedures (including those endorsed by ACT)?
- 2) Does the complaint constitute a ‘complaint’ as defined by the scope of the ACT Alliance Complaints Policy?
- 3) Is there enough information to investigate?
- 4) What is the level of risk for all involved? Will an investigation process and/or potential outcomes put the lives of the complainant or Subject of Complaint (SoC) or their families at risk, and if so, can all reasonable steps be taken to ensure those risks are minimised?

4.5 The investigation process

The investigation will follow the key steps and processes as outlined in the ACT Guidelines for Complaints Handling and Investigations.

4.6 Feedback on investigation outcome

The ACT Alliance will communicate the preliminary outcome of an investigation to the complainant(s), where possible, **60 days** after acknowledgment of the complaint. In complex or exceptional cases, the investigation period may take longer. The complainant(s) will, however, be informed if the investigation timeframe is extended due to circumstances beyond ACT's control. The complainant will not receive details of the investigation, but will be informed that the complaint has been substantiated and referred to management for a decision on discipline, or that the complaint was not substantiated.

4.7 Disciplinary procedures

The ACT Advisory Group on Complaints Handling, via the general secretary, may recommend disciplinary procedures against ACT member(s) to the Membership and Nominations Committee. Disciplinary procedures may lead to censure, suspension of privileges and/or termination of membership as outlined in the ACT Membership Disciplinary Policy. The committee makes final recommendations to the governing board.

4.8 Appeal process

If the complainant(s) or Subject(s) of Complaint does not accept the outcome of the investigation, he/she/it/they can appeal the disciplinary decision to the executive committee – a task delegated to the executive committee by the governing board. A letter requesting an appeal should be addressed to the general secretary, who in turn will inform the executive committee. If the general secretary is implicated in the case, then the appeal letter can be directed to the moderator of the governing board. Members of the executive committee who may have been part of the investigation team must not be involved in the appeal process.

The executive committee should aim to convene the appeal meeting within **30 days** of the request for appeal. The meeting will enable the complaint to be heard again. The executive committee will then make a decision regarding appropriate action that may be required to resolve the situation. The decision will be communicated, where possible, in **writing within 10 days of the meeting**. The decision of the executive committee is final.

4.9 Follow up and learning

The ACT secretariat shall keep a record of all complaints received from all stakeholders. The complaints focal point(s) will develop a synthesis report of the types of complaints received and the status of their resolution annually. This report should be presented first to the ACT Advisory Group on Complaints Handling for comment and then submitted to the ACT governance. Periodic reports on complaints and investigation outcomes will be made public, while preserving confidentiality. Complaints analysis will feed into ACT Alliance strategy review and future management decisions. Names of complainants, organisations, witnesses, and Subjects of Complaints will not be revealed in public reports.

Annex 1: Terms of Reference - Advisory Group on Complaints Handling

Introduction

One of the responsibilities of the ACT Membership and Nominations Committee is to receive and respond to complaints about members or the ACT secretariat, following procedures agreed by the ACT governing board.

The ACT Advisory Group on Complaints Handling is composed of four persons, drawn from the following:

- The ACT secretariat general secretary/and or deputy general secretary
- Three persons from ACT member agencies who may or may not be part of the ACT governing board and who have technical expertise in complaints handling

Additionally, an external consultant with specific expertise may be required for specialised investigations.

The Advisory Group on Complaints Handling is supported by the ACT secretariat. Coordination for the Advisory Group on Complaints Handling will be provided by the complaints focal point at the ACT secretariat. The group terms of reference will be reviewed every two years.

Functions

The functions of the ACT Advisory Group on Complaints Handling are to:

- provide expert advice to ACT management on complaints handling and ensuring improvement;
- ensure complaints are handled in line with ACT policy and procedures;
- ensure the core principles of complaints handling are maintained;
- ensure a consistent approach to the management of complaints;
- build the capacity of the ACT Membership and Nominations Committee on membership complaints handling.

Reporting

The Advisory Group on Complaints Handling is accountable to the ACT secretariat. The secretariat will report annually to ACT governance on the work of the group.

Selection of committee members

Group members are appointed by the ACT general secretary for a two year renewable period, based on their proven expertise in complaints handling. If there is a conflict of interest that makes it inappropriate for a group member to participate in the review of a particular complaint, an alternative member will be sought. If a member cannot fulfil the term of service, a replacement will be appointed.

Confidentiality

The Advisory Group on Complaints Handling will maintain strictest confidentiality within the parameters laid out in the ACT Complaints Policy.

Annex 2: Suggested complaint letter format

This form should be completed (or adapted) by the person or organisation wishing to lodge a complaint or through a third party.

(All 'sensitive' complaints related to sexual exploitation and abuse, fraud and corruption and gross misconduct will be held securely and handled strictly in line with applicable confidentiality, reporting and investigation procedures.)

A: General data

1. Name of the person or organisation lodging the complaint _____
 Male/Female _____ Age _____
2. Address: _____
 Tel: _____ email: _____
3. Name of the person or organisation you wish to lodge a complaint against (if known):

4. Date of incident _____ Time of incident _____
5. Place of incident _____
6. Date of report _____ Time of report _____

B: Brief description of the incident or concern

C: Name of witnesses (if any/ and if relevant) Supply the names of witnesses and where they can be contacted, if known:

D: Describe action taken. If this is a complaint related to sexual exploitation and abuse, please provide detailed information regarding what medical assistance has been provided, what psychosocial care has been provided and whether a report has been made to the Police.

E: State what kind of response you expect from the ACT Alliance and how you wish to see the matter resolved

(Name) _____

Signature _____

Date: _____