



Finn Church Aid

Complaints Policy

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1. Introduction

FCA is accountable to our stakeholders, including but not limited to, the communities and people we work with, partners, staff, donors, supporters and the public. With this policy, we strive to uphold our stakeholders' rights, including the right to give feedback, raise concern, and complain for a good reason.

Through complaints FCA can recognise issues such as shortcomings in programme implementation or misconduct, and intervene in a timely manner. Therefore, we strive to reduce barriers of people to complain, and make processing complaints safe, trustworthy and smooth. Appropriate complaints handling promotes continuous improvement and learning.

Within this policy, FCA understands a complaint as expression of dissatisfaction; it is a specific grievance of anyone who feels to have been negatively affected by FCA or FCA staff, or who believes that FCA has failed to meet its stated commitments. With this policy, FCA strives to ensure that complaints are heard, resolved and addressed in an effective and professional manner.

FCA's complaints system composes of a global complaints response mechanism managed by the Head Office, and context specific mechanisms managed by country programmes and other field missions.

Internal guiding documents closely relating to the Complaints Policy are the FCA Code of Conduct Policy, FCA Staff Code of Conduct, FCA Country Programme Guidelines on Complaints Handling, Handling of Employee's Grievance at the FCA, and FCA Quality and Accountability Framework. The CHS Guidelines for Investigations is applied in investigations.

2. Purpose

The purpose of the FCA Complaints Policy is to:

- recognise, promote and protect FCA stakeholders' rights, including the right to raise a concern and/or complain about breaches of or non-compliance with FCA standards and policies;
- ensure a consistent mechanism to hold FCA and FCA staff accountable, in terms of compliance with FCA's stated commitments on quality and accountability and expected behaviour;
- provide our stakeholders an accessible, safe, and responsive mechanism to raise concern or complaint about the work of FCA partner organisation or behaviour of their staff member;
- ensure that complaints are addressed in an impartial, equitable and objective manner;
- set out roles, responsibilities and timeframes on handling of complaints and provide clear policy guidance for responding to and resolving complaints;
- ensure that FCA learns from complaints in order to strive for high quality and continuous improvement in FCA's humanitarian, development, and advocacy work;
- increase the level of stakeholder satisfaction with the work of FCA.

3. Scope

This policy sets out principles of complaints handling in FCA globally.

Complaints addressed by this policy

FCA will accept complaints against:

- FCA when we, in the course of providing humanitarian and development assistance, advocacy, or other activities allegedly fail to apply, enforce, or otherwise implement FCA's stated commitments on quality and accountability;
- FCA staff who allegedly breaches the FCA Code of Conduct;
- a partner entity when contributing to or implementing a project funded or otherwise commissioned by FCA, allegedly fail to apply, enforce, or otherwise implement commitments on quality and accountability jointly agreed by FCA and the partner;
- a staff of a partner who, when working in a project funded or otherwise commissioned by FCA, allegedly breaches a Code of Conduct jointly agreed by FCA and the partner.
- the contractors and service providers, that are commissioned by FCA.

Complaints not addressed by this policy

FCA does not accept complaints outside the above scope, such as - but not limited to:

- disputes over employment and labour matters and related contractual terms and conditions; these issues will be addressed in accordance with relevant procedures;
- complaints about issues already discussed and decided on in line with proper procedures, except the cases when the complaint includes relevant new information;
- complaints that are already the subject of legal proceedings and acknowledged by FCA;
- complaints against an organisation or entity, or a staff member of an organisation or entity, which is not contributing to or implementing a project funded by FCA.

Anonymous complaints

An anonymous complaint refers to a complaint that is lodged without revealing the identity or real identity of the complainant. FCA strongly encourages individuals making complaints to disclose their identity to ensure that the complaint can be addressed properly. Anonymous complaints, especially when there is no opportunity to communicate with the complainant, may be difficult or impossible to deal with. However, FCA recognises that sometimes people cannot speak out because of special circumstances, and may wish to submit a complaint without revealing their identity. This is why FCA accepts anonymous complaints, and will address such complaints when there is sufficient information to justify further action.

Malicious complaints

FCA operates under the assumption that all complaints are made in good faith. Complaints motivated e.g. by intent for personal gain, personal interest or a grudge or harming somebody, or to divert investigation's resources from primary concerns requiring investigation, are considered as malicious. Should a subsequent investigation reveal a complaint to be malicious, any investigation underway must be stopped immediately and the Subject of Complaint be cleared. Complaints submitted for genuine reasons that are later considered unfounded, shall not be treated as malicious. If a malicious complaint is made by an FCA employee, disciplinary measures will be taken at the discretion of the employer.

Employees' Grievances

Employees' grievances are specific type of complaints or concerns, that employees can raise with the employer. They can relate to employee's work, working relationships or working environment. Employees can submit also such grievances through the complaints mechanism, but they will be handled in accordance with the procedure on Handling of Employee's Grievance at the FCA.

4. Management and staff responsibilities

Management duty: It is the duty of every line manager, country director, and head of a mission, to create and maintain an environment that prevents fraud and corruption, sexual exploitation and abuse, harassment, and abuse of power. S/he shall be responsible for taking appropriate action in case there is reason to believe, that FCA Code of Conduct has been violated. S/he shall promote organisational culture where complaints are welcomed and addressed.

Staff obligation: All FCA staff are obligated to report allegations, concerns or suspicions of breaches of the Code of Conduct. Proven deliberate non-disclosure will lead to disciplinary action.

5. Non-retaliation of complainant, whistle-blower and witness

FCA seeks to provide a safe environment where people can 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 FCA will deal with it as a disciplinary action under the appropriate procedure;
- knowing that complaints will be addressed in a confidential manner.

Any attempt of retaliation against a Complainant, whistle-blower or witness will be considered gross misconduct and FCA will take immediate disciplinary action against such behaviour.

6. Accessibility

FCA strives to ensure that all key stakeholders can raise a concern and complain for a good reason through a complaint response mechanism. Based on this policy, FCA Head Office maintains a global complaints mechanism and FCA Country Programmes as well as other field missions shall design and maintain local, context sensitive mechanisms based on consultations with key stakeholders.

The "FCA Country Programme Guidelines on Complaints Handling" provides guidance on how to apply the Complaints Policy and design a context sensitive complaints handling mechanism in FCA operations.

7. Confidentiality

Confidentiality is critical to a satisfactory complaints handling outcome because it protects the privacy and safety of the complainant, the Subject of Complaint (SoC), other witnesses and FCA staff. Ensuring strict confidentiality is paramount when handling sensitive complaints. 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. Complaints and all personal information as well as data received or collected during an investigation, must be handled with confidentiality and filed in a complaints data base where a designated persons only have access.

Management of investigations within FCA are divided between two functions, the standing complaint committee and the internal audit. To enable necessary information sharing on overlapping investigations, investigation materials may be shared between the investigators and the two functions as deemed necessary.

8. Safety and wellbeing

Safety and health of the Complainant, whistle-blower, alleged survivor, witnesses, subject of complaint, and staff is paramount. A risk assessment must be carried out for all sensitive complaints, and safety and welfare precautions must be considered before proceeding to investigation. This should include needs for medical and/or psychological support for the complainant, witness, and subject of complaint.

9. Disclosure

FCA shall allow disclosure of a complaint only when:

- specific permission was given by the complainant;
- it is required by law; or
- it is needed to obtain specialist help for the complainant, victim, or survivor, or advice on the evidence (with the permission of the complainant).

Should the matter become public at any time, FCA shall issue a public statement about the procedures followed and the status of the complaint review. FCA or those authorised to investigate the complaint will not release details about it.

10. Operational and sensitive complaints

An operational complaint refers to complaints relating to alleged shortcomings in the performance of activities and processes, decisions taken, or advocacy/policy position held by FCA or a partner. Operational concerns and complaints should be resolved as close to the activity as possible. Sometimes informal discussion can resolve the issue timely and effectively.

A serious Operational Complaint refers to alleged failures and shortcomings, that have caused or may cause significant risk to people, environment, and/or FCA's reliability and reputation. Serious operational complaints must be forwarded immediately to the Head Office Complaints Focal Point.

A sensitive complaint refers to a gross misconduct against the Code of Conduct, including but not limited to:

- Sexual and gender-based harassment, exploitation and abuse
- Fraud and corruption
- Serious abuse of power
- Serious malpractice
- Physical and mental abuse
- Bullying and retaliation

Sensitive complaints must be fast-tracked and forwarded immediately to the Head Office Complaints Focal Point for processing.

11. Who can complain?

FCA will handle and respond complaints from any individual or entity in the scope of this policy, as they are submitted in good faith and without malicious intent.

12. How to complain?

Complaints can be addressed to FCA by any means – through personal contact, email, text message, through country or regional office, through FCA Global Complaints System, through a partner organisation or another ACT Alliance member organisation, ACT Alliance secretariat, or through the CHS Alliance. The people FCA works with ideally submit their complaints through some of the entry points designed specifically for the project in concern, but they can also use any of the above mentioned channels available.

Head Office, Country Programmes and other missions shall actively inform the key stakeholders how to access FCA complaint response mechanism.

13. Processing a complaint

The Head Office and each Country Programme shall have their specific, documented procedures for complaints handling. Guidance on context specific complaint response mechanisms is provided in the "FCA Country Programme Guidelines on Complaints Handling".

Every complaint shall be addressed in an impartial, equitable, objective and timely manner. Processing complaints shall in all mechanisms follow the following steps:

Recording a complaint

Once the Complaint Focal Point receives a complaint, s/he shall record it in the complaint database (logbook) for tracking and follow-up. The Complaints Focal Point and other authorised persons only shall have access to the database.

Reviewing a complaint

The Complaint Focal Point alone, or, in the Head Office together with the Standing Complaint Committee and in a Country Programme with a Complaints Committee, shall determine if the complaint is in the scope of FCA policy and how it should be processed. This can be made responding the following questions:

- Does the complaint constitute a 'complaint' as defined by the FCA Complaints Policy?
- Does it relate to a serious operational issue?
- Does it constitute a sensitive complaint; i.e does it concern a breach of Code of Conduct, relating to fraud, corruption, gross misconduct, or any other form of harassment, exploitation or abuse?

Complaints that are in the scope of FCA policy:

- **Operational complaints** and complaints relating to non-sensitive breaches of the Code of Conduct will be addressed by the Country Programme or mission that it relates to. Such complaints received by the Head Office will be referred to the Country Programme in concern for them to process.
- **Serious operational complaints** must be reported to the Head Office complaints focal point. The Executive Director, when necessary after consulting the International Director and Country Director in concern, will decide on investigation.
- **Sensitive complaints** received by a Country Programme or other field mission, must be reported to the Head Office complaints focal point for processing in accordance with procedure for sensitive complaints.

Complaints that are not in the scope of FCA policy:

- Complaints against FCA not in the scope of FCA policy: will be recorded but not processed;
- Complaints against a partner organisation: if the partner has a complaints mechanism and if there is a consent of the Complainant, the complaint will be forwarded to the partner in concern. In case the complaint is sensitive and the partner is not able to deal with it, FCA can provide the partner with appropriate support.
- Complaint against a third party organisation: if the organisation has a complaints mechanism and if there is a consent of the Complainant, the complaint will be referred to the organisation.

Acknowledging a complaint

Receipt of a complaint must be acknowledged within the timeframe defined in the complaints procedure that will be applied, and explained in writing to the complainant the scope of its mandate. In order to process the complaint, the focal point may also ask for further information and clarification of additional issues. If the complaint is considered not to be within the scope of FCA Policy, this will be communicated to the complainant. If the complaint will be forwarded to another organisational unit of FCA or to a third party organisation, this will be also communicated to the complainant.

Resolving a complaint

Operational complaints will be resolved through processes appropriate, considering the type and urgency of the complaint, sometimes even in two-way communication with the complainant.

The process should be smooth, timely and affective, and take place as close to the activity as possible. A formal investigation must be considered always in case of sensitive or serious operational complaints.

Sensitive complaints: Determining the need for an investigation

Sensitive complaints will be processed in accordance with FCA Guideline on Sensitive Complaints. The Standing Complaint Committee will determine if allegation(s) made by the complainant constitute(s) a sensitive complaint. It is the mandate of the Executive Director to decide on investigation, based on proposal of the Standing Complaint Committee, or by himself in case the committee is not operational.

The following questions will help in defining if an investigation should be considered:

- Does this concern/allegation constitute a potential breach of FCA Code of Conduct, relating to fraud, corruption, gross misconduct, abuse of power, or sexual or other form of harassment, exploitation or abuse of a person?
- Is there an identified victim and Subject of Complaint?
- Is further information required to determine either of the above?
- What is the level of risk for all involved? Will an investigation process and/or potential outcomes put the lives of any parties to the complaint at risk, and if so, can all reasonable steps be taken to ensure those risks are minimised?

All sensitive complaints related to financial misconduct and mismanagement must be referred to FCA Internal Auditor prior to any further action. It is the mandate of the Chair of FCA Audit Committee to decide, if there are grounds for the internal auditing to address the complaint.

If investigation of an (serious) operational complaint concludes that the failure is caused by a serious misconduct, the case will constitute a sensitive complaint.

Investigation process

A formal investigation related to a sensitive complaint shall follow the principles and procedures outlined in the FCA Guideline for Sensitive Complaints and [CHS Guidelines for Investigations](#).

Feedback to complainant

The Complainant must always be informed on how the complaint has been resolved and addressed, in a timely manner. When a formal investigation has been carried out, FCA will communicate the outcome to the complainant(s), where possible, in 30 days after acknowledgment of the complaint. However, there can be reasons why an investigation may take longer. The complainant(s) will, however, be informed if the investigation timeframe is extended due to circumstances beyond FCA's control.

As a general rule, the complainant will not receive any details of the investigation, but will be informed of the outcome only. Any personal or other details relating to the investigation must not be revealed to the complainant. Possible outcomes include the following options:

- the complaint was substantiated and referred to management for a decision on discipline;
- the complaint was not substantiated due to insufficient or unclear evidence;

- the complaint was not substantiated due to sufficient evidence a) to clear the subject of complaint, or b) to establish a malicious complaint.

Follow-up and supportive actions

When an investigation may cause stress for those involved and confusion within the organisational unit(s) affected by the process, timely communication with relevant individuals or groups of people, need for psycho-social support, a healing process, and other supportive measures to help normalising the situation after an investigation, must be duly considered. Information on the investigation outcome and possible actions to follow, must be shared with relevant staff and stakeholders based on needs-to-know principle.

14. Appeal process

If the Complainant or the Subject of Complaint does not accept the outcome of the investigation, s/he can appeal the outcome within thirty days of receiving the information. The appeal will be handled by the Work Committee of the Board of Directors. Member(s) of the Work Committee who may have been part of the investigation, must not be involved in the appeal process.

The Work Committee should aim to convene the appeal meeting within 30 days of the request for appeal. The Work Committee will then make a decision regarding appropriate action that may be required to resolve the situation:

- In case the investigation process turns out to be incomplete, the Work Committee may decide on a new or a complementary investigation;
- In case new evidence is presented but the investigation process has been considered sound and complete, the Work Committee may decide to return the case to the Standing Complaint Committee.

The decision will be communicated, where possible, in writing within 10 days of the meeting. The decision of the Work Committee is final.

15. Disciplinary procedures

When an allegation on gross misconduct against an FCA employee is established, FCA will take, disciplinary action against the employee in accordance with FCA Disciplinary Procedure. In case of other staff such as consultants or service providers, this may lead to effective sanctions up to termination of contract.

For staff whose behavior is inappropriate towards a child but does not pose a significant risk to the safety and wellbeing of a child, relevant support or action should be recommended (such as training, counselling, increased supervision or transfer to other duties).

16. Role of the Standing Complaint Committee

See Annex 1: ToR of the FCA Standing Complaint Committee.

17. Resourcing

Head Office and Country Programmes should ensure that they possess sufficient capacity with appropriate expertise for handling complaints in accordance with this policy.

18. Learning and review of policy

Follow up and learning: Head Office and Country Programmes shall ensure that lessons learned from complaints will be utilised systematically, and contribute to planning, monitoring, evaluations, process and operations, and security management. Standing Complaint Committee will collect and analyse overall data of complaints processed. Complaints analysis will feed into FCA planning processes and policy reviews.

Policy Review: This policy should be reviewed at the minimum of every two years to take into account any lessons learned from handling complaints and to take into consideration any feedback received from the users of the complaints policy, including communities and children.

Complaints report: Standing Complaint Committee will collate an annual complaint report, that will be submitted to FCA Board of Directors (other publicity?). Personal details or other information that might compromise confidentiality, will not be disclosed in the report.

Key terms and definitions

For the purpose of this Complaints of Policy, the following definitions apply:

- **Bullying:** Aggression expressed psychologically and emotionally rather than physically. Repeated pattern of negative, intrusive, and/or violent behaviour against somebody.
- **Complainant:** The person making the complaint, including the alleged victim of sexual or any other exploitation and/or abuse.
- **Gender based harassment:** Unwanted conduct that is not of a sexual nature but which is related to the gender of a person, their gender identity or gender expression, and by which the person's psychological or physical integrity is intentionally or factually violated and an intimidating, hostile, degrading, humiliating or offensive atmosphere is created.
- **Gross misconduct and malpractice:** A serious breach of the Code of Conduct
- **Retaliation:** Any form of revenge against the complainant or victim of sexual exploitation/abuse.
- **Sexual abuse:** The actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.
- **Sexual exploitation:** The abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.
- **Sexual harassment:** Verbal, non-verbal or physical unwanted conduct of a sexual nature by which a person's psychological or physical integrity is violated intentionally or factually, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere.
- **Staff:** FCA's national and international permanent or fixed-term employees, as well as volunteers, consultants and any persons assigned by FCA to interact with communities and people it works with.
- **Stakeholder:** Individuals, groups or entities that have an influence on, or that are being influenced by, FCA's decisions and actions.
- **Stated commitments:** Internal and external policies, codes and standards on quality and accountability that FCA is committed to, as well as project documents and other commitments made by FCA.
- **Subject of Complaint (SOC):** The person alleged to have sexually or other ways exploited or abused the victim, or to have involved in corruption, fraud and/or any gross misconduct or malpractice.
- **Witness:** Any person giving testimony or evidence in the investigation, including but not limited to the victim, the complainant, a beneficiary, a staff member of a partner organisation, the subject of the complaint or another FCA staff member

Appendix 1: Terms of Reference of the FCA Standing Complaint Committee

Introduction

To safeguard its stakeholders' rights, FCA welcomes and addresses concerns and complaints made for a good reason. Principles, procedures, and practices for complaints handling are set out in FCA Complaints Policy and related guidelines.

Purpose

The purpose of the Standing Complaint Committee (SCC) is to ensure, that complaints that are in the scope of FCA Head Office to process are appropriately addressed, i.e. in line with FCA Complaints Policy and related guidelines, best practice, and with adequate technical expertise.

Roles and responsibilities

The FCA Standing Complaint Committee will be responsible for:

- reviewing complaints received through FCA Global Complaints Mechanism;
- processing the complaints considered being in the scope of FCA Head Office to address;
- undertaking investigation when decision on investigation is made;
- reviewing lessons learned from dealing with complaints;
- ensuring that FCA Complaints Policy, guiding documents, and procedures underpin best practice on complaints handling;
- in case a sensitive complaint received by the Head Office is delegated to a Country Programme or a partner for them to look into, following up that the complaint is processed appropriately;
- ensuring that FCA has adequate capacities for undertaking investigations of sensitive complaints;
- compiling an annual report on complaints handling.

The Complaints Committee is nominated by and it reports to FCA Executive Director.

Committee composition

The Committee shall be composed of three to four full members nominated by Executive Director. The Committee shall include:

Full members:

- Director of Administration (Head Office complaints focal point)
- Legal Specialist
- One to two staff members with technical expertise in complaints handling and investigations can be nominated as full member of the Committee.

Expert members, as appropriate, e.g. Child safeguarding Focal Point and a Country Programme representative.

The expert members do not participate in day-to-day work of the Committee, but will be involved by the Committee in cases where their contribution will bring value added, and there is no conflict of interest. In addition, the Committee may consult external experts when deemed necessary. The Internal Auditor will participate when deemed necessary. However, s/he has always right to attend Committee meetings as observer.

Committee and expert members must have good understanding of and technical expertise in complaints handling and investigations.

Quorum

The committee is considered functional with two individuals present or in connection online, one of them being Director of Administration or Legal Specialist.

Eligibility criteria

Members of the Committee must meet the following criteria:

- Good knowledge and understanding of FCA's guidelines on complaints and investigations mechanisms and related procedures.
- Good knowledge and understanding of how an investigation is conducted.
- Available for dealing with complaints and reviews on short notice and within a given timeframe.

Oath of Confidentiality and Conflict of Interest

The Committee full and expert members:

- will sign an Oath of Confidentiality covering all matters they address in the course of their work on the Committee;
- will step down from the investigation process in cases, where a conflict of interest exists that makes it inappropriate for the member to participate in the review of a particular complaint - including but not limited to, cases in which the complaint is against the member or his/her subordinate, or when his/her objectivity might be compromised;
- shall follow the FCA Complaint Policy and related guidelines when processing complaints and conducting an investigation.