



Finn Church Aid

COMPLAINTS POLICY

2024 ONWARDS



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ABBREVIATIONS AND DEFINITIONS

Definitions

Bullying	Aggression expressed psychologically and emotionally rather than physically. Repeated pattern of negative, intrusive, and/or violent behaviour against somebody.
Complainant	A person making a complaint, including the alleged victim of sexual or any other exploitation and/or abuse.
Complaint	An expression of dissatisfaction about the quality of delivery of FCA's work, FCA's actions or lack of action, or behaviour of FCA staff or anybody directly involved in the delivery of our work.
Misconduct	A breach against the Code of Conduct.
Retaliation	Any form of revenge against the complainant, witness, or victim of sexual exploitation/abuse.
Sexual abuse	An actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
Sexual exploitation	Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, 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, particularly by creating an intimidating, hostile, degrading, humiliating, or offensive atmosphere.
Subject of Complaint (SoC)	A person who has allegedly breached the Code of Conduct – against whom a complaint has been made.
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.
Survivor	The person who is, or has been, sexually exploited or abused. The term 'survivor' implies strength, resilience, and the capacity to survive.
Whistleblower	Within this document: A staff member who reports a misconduct. However, FCA also seeks to protect, as far as we can, those outside organisation reporting misconduct.
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.

Abbreviations

CO	Country Office
FCA	Finn Church Aid
HR	Human Resources Management
SAC	Service and Accountability Centre
SCC	Standing Complaint Committee
SoC	Subject of Complaint
SEAH	Sexual Exploitation, Abuse, and Harassment

1. INTRODUCTION

For the purposes of this policy, a complaint refers to an expression of dissatisfaction about the quality of delivery of FCA's work, FCA's actions, or the behaviour of FCA staff or others directly involved in the delivery of our work. We are committed to responding to and resolving complaints to the best of our ability. A complaint in this Policy also refers to such suspected misconduct that comes to the attention of FCA in ways other than through complaints.

FINN CHURCH AID (FCA) operates a Complaints Response Mechanism (hereafter 'complaints mechanism'), which enables people to raise concerns and complaints about issues within FCA's control. An accessible, safe, and confidential complaints mechanism is essential for FCA to identify, respond to, and act on misconduct incidents and quality issues effectively.

FCA's complaints mechanism consists of two core elements: the entry points, reporting channels, and other means by which people can raise their concerns and complaints, and the internal procedures by which the complaints are handled, resolved, and followed up. The complaints mechanism is an integral part of FCA's safeguarding framework, risk management and programming.

This policy is informed by the Core Humanitarian Standard on Quality and Accountability (CHS), Inter-Agency Standing Committee (IASC) Commitments on Accountability to Affected People (AAP) and Protection from Sexual Exploitation and Abuse. This policy upholds compliance with the Policy for Prevention of Sexual Exploitation, Abuse and Harassment by the Ministry for Foreign Affairs of Finland, the Whistleblowing Directive of the European Union (2019/1937) and related Finnish legislation, as well as the requirements of international donors.

This policy is linked with FCA Code of Conduct Policy, FCA Anti-Fraud and Corruption Policy, FCA Disciplinary Procedure and related CO procedures, as well as the Handling of Employee's Grievance at FCA and related CO procedures. The Complaints Policy endorses the implementation of FCA Safeguarding Policy. Implementation of the policy at country office level is guided in the FCA Country Guidelines on Complaints Handling. The 'CHS Alliance Sexual

Exploitation, Abuse, and Harassment Investigation Guide' is applied in workplace investigations associated with sexual exploitation, abuse, and harassment.

PURPOSE

The purpose of this Complaints Policy is to recognise, promote and protect the rights of FCA's stakeholders, including the right to raise concerns and complain about issues within FCA's control. For the purposes of this policy, stakeholders refer to the communities we work with and those affected by our work, partners, staff, donors, supporters, and the public.

This policy sets out the means by which FCA enables people to raise concerns and complaints, the procedures by which FCA handles, resolves, and follows up on them, and the roles and responsibilities associated with these procedures.

SCOPE OF APPLICATION

This Complaints Policy is a mandatory policy that applies to all FCA Group and their staff, including but not limited to all permanent and temporary employees, consultants, observers, volunteers, and any other individuals while under contract with or otherwise representing FCA, including the Board of Directors.

2. COMPLAINTS IN THE SCOPE OF THIS POLICY

Under this policy, FCA will accept and process complaints relating to, but not limited to:

- violations of FCA Code of Conduct by FCA or partner staff, including but not limited to fraudulent and corrupt behaviour, sexual exploitation, abuse, and harassment, abuse of power, and bullying and retaliation;
- the quality of programme delivery by FCA or a partner implementing a project with or on behalf of FCA; and
- a decision, campaign, or statement made by FCA that violates FCA's mandate or values.

Complaints that are outside the scope of this policy:

- disputes over employment and labour matters and related contractual terms and conditions; these matters will be dealt with in accordance with other procedures;
- complaints about matters that have already been resolved in accordance with this policy and related procedures, unless new evidence or other information is presented that may affect the conclusions;
- complaints that are already the subject of legal proceedings and have been acknowledged by FCA;
- complaints against an organisation or its employees that is not a partner or contractor of FCA; such complaints will be referred to the organisation in concern.

OPERATIONAL COMPLAINTS

An operational complaint is a complaint about the quality of programme delivery, a decision, a campaign, or a statement made by FCA. Operational complaints are handled, resolved, and followed up by the CO or department of the Service and Accountability Centre (SAC) in concern.

SENSITIVE COMPLAINTS – MISCONDUCT INCIDENTS

A sensitive complaint refers to alleged gross misconduct against FCA Code of Conduct, including but not limited to, sexual exploitation, abuse, and harassment, fraudulent and corruptive behaviour, abuse of power, bullying and retaliation against a complainant or a witness. All sensitive complaints must be submitted immediately to FCA's global complaints mechanism.

Sensitive complaints are processed, resolved, and followed up by the Standing Complaint Committee (SCC). However, incidents associated with corruptive and fraudulent behaviour or other misconduct that pose a high risk to FCA, are investigated, and followed up by the Internal Audit.

ANONYMOUS COMPLAINTS

People do not always want to disclose their identity because of fear for retaliation, shame, or other reasons. For this reason, anonymous complaints are processed always when there is sufficient information to do so.

MALICIOUS COMPLAINTS

A complaint that is motivated by an intention to personally benefit the complainant, advance a personal interest, or harm the subject of complaint is considered to be malicious. If an investigation reveals that a complaint is malicious, any investigative process will be stopped, and the Subject of the Complaint will be cleared. A malicious complaint made by an FCA employee will result in disciplinary action. A complaint made for genuine reasons but later found to be unfounded, will not be considered malicious.



EMPLOYEES' GRIEVANCES

An employee's grievance is a complaint or concern, that an employee may raise with FCA as their employer. Such issues may relate to the employee's work, working relationships, or working environment. Employees' grievances submitted through the complaints mechanism are referred to relevant HR staff to be dealt with in accordance with related SAC or CO HR procedure.



3. COMPLAINTS MECHANISM

An effective complaints mechanism must be accessible to its in-tended users, have safe and effective procedures for handling complaints, and have clear roles and responsibilities. Complaints must be handled in an impartial, fair, objective, safe, and timely manner.

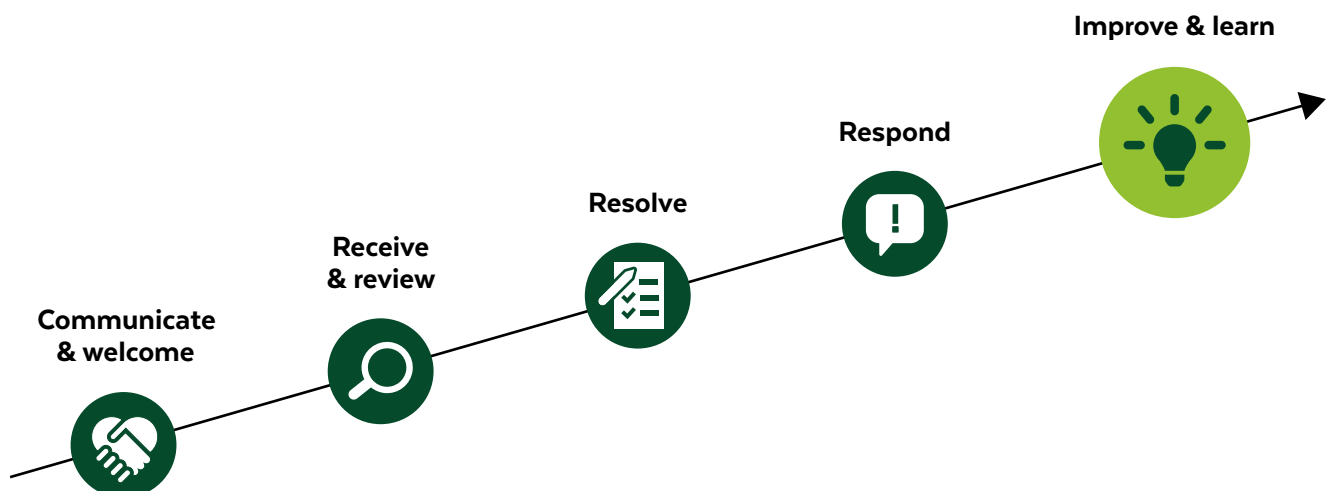
FCA'S COMPLAINTS MECHANISM consists of the global complaints mechanism operated by the Service and Accountability Centre (SAC) and the local complaints mechanisms operated by the Country Offices (CO) and other field missions. Both mechanisms have their dedicated tasks and mandates.

GLOBAL COMPLAINTS MECHANISM – STANDING COMPLAINT COMMITTEE

The Standing Complaint Committee (SCC) is mandated to handle operational complaints related to SAC departments and all cases of gross misconduct. The SCC is also responsible for ensuring functioning of the global complaints mechanism. The Terms of Reference of the SCC are approved, and the members are appointed by the Executive Director.

Access to FCA's global complaints mechanism must be provided through FCA's website, intranet (staff only), CO complaints focal points, and other means as appropriate.

Phases of the complaints handling:



LOCAL COMPLAINTS MECHANISMS

The COs and other field operations are mandated to handle operational complaints related to their operations and decisions. Sensitive complaints and misconduct incidents must be referred immediately to the global complaints mechanism.

Local complaints mechanisms must be culturally appropriate, relevant to the context, and accessible for different groups of people, in particular children, women, and other vulnerable groups. The mechanism must be made accessible in all project sites. Staff and other intended users of the complaints mechanism must be made aware of how to access it. To reduce barriers to reporting of SEAH incidents, discreet and safe means for submitting such concerns must be identified and applied.

Country Directors have the responsibility to ensure that the localised complaints mechanism is in place and functioning, the procedure for handling complaints is documented, and that the complaints committee

and complaints focal persons are duly appointed.

Guidance on localised complaints mechanisms is provided in the 'Country Office Guidelines on Complaints Handling'. The SAC is mandated to advise and assist COs and other field missions in establishing and operating local complaints mechanisms, and for monitoring their functioning. Alongside developing complaints mechanisms, staff and partners need to engage with rights holders and community members on an ongoing basis about FCA's values, what is and is not appropriate behaviour, their rights and how to report concerns.

A well-functioning complaints mechanism is:

- ✓ appropriate to the context
- ✓ accessible and well communicated to the intended users
- ✓ safe to use
- ✓ with a fair process
- ✓ responsive

4. MISCONDUCT INVESTIGATIONS

A misconduct investigation determines whether FCA's Code of Conduct or other related policies have been violated. Misconduct investigations are also known as workplace or administrative investigations, and they do not replace criminal investigations required by law. They must be independent, and those involved in the process must have no interest in the outcome, and no personal connection/relationship with the complainant, survivor, subject of the complaint, or witnesses.

THE NEED FOR a misconduct investigation is determined by either the SCC or Internal Audit, depending on the case. They are also responsible for managing/conducting the investigations in accordance with their respective procedures (see under 2/Sensitive Complaints).

Those conducting misconduct investigations must have qualifications and expertise relevant to the incident they are investigating. The case-specific investigation managers, appointed by the SCC or the Internal Audit must have the necessary knowledge and experience relevant for the task.

RISK MANAGEMENT

Potential safety, health, and psychosocial risks to all parties must be assessed prior to the investigation. The investigation manager is responsible for ensuring that the risks are properly managed before, during, and after the investigation. Survivor-centred approach must be followed.

SURVIVOR-CENTRED APPROACH

FCA places the dignity, experiences, considerations, needs, wishes, and resilience of survivors at the centre of its action before, during, and after SEAH investigations. The best interest of the child is prioritised in investigations where a child is the victim. Any action that may endanger a survivor/victim or result in re-traumatisation or re-victimisation must be avoided. Investigators are responsible for ensuring that survivors have a supportive environment that promotes their safety and empowers them to have a say in the investigation process, and that their health and welfare

concerns and needs are addressed. COs are responsible for identifying and mapping service providers and referral pathways to ensure that relevant support services are readily available when needed.

As part of survivor-centred approach, survivors/complainants can choose whether, when, and how to make a report, and decide whether they want FCA to take formal action. However, there may be occasions where FCA has a duty of care to respond even if the survivor/complainant does not wish to proceed. This will be decided on a case-by-case basis, following clear risk assessments. The safety and wellbeing of the survivor/complainant will be paramount.

SUPPORT TO SURVIVOR AND OTHER RELEVANT PARTIES

Support will be offered to survivors/complainants regardless of whether a formal response is carried out (e.g. an investigation). Support will also be offered as appropriate to others involved in an incident management process, recognising the impact this can have, for example on witnesses and those accused of carrying out inappropriate or harmful behaviours.

WHISTLEBLOWER PROTECTION

It is the duty of senior managers and supervisors to create an organisational culture where all staff can raise concerns and report misconduct without fear of losing their job or suffering any form of retaliation.

The identity of the whistleblower/complainant must be kept strictly confidential. Potential safety, health, and psychosocial risks to the whistleblower/

complainant must be identified prior to any investigation. Any actual or attempted actions to influence the survivor, whistleblower/complainant, or witness through intimidation, retaliation, discouragement, or other means will be considered gross misconduct, and will be subject to disciplinary action up to and including dismissal.

FCA must not take any action against an employee that could be construed as a consequence of the employee reporting suspected wrongdoing. Such action may include, but is not limited to, demotion, improper treatment, intimidation, or termination of employment. However, this does not apply to situations of malicious whistleblowing (see section 2).

FCA complies with the European Union's Whistleblowing Directive (2019/1937) in accordance with the relevant Finnish legislation.

PRIVACY AND INTERNAL INFORMATION SHARING

All data related to misconduct incidents and related investigations are classified as highly confidential. Access to this data, including investigation reports is always limited and based on 'need to know' bases (those who need to know only receive the information they need to know).

TIME FRAME AND FEEDBACK TO COMPLAINANT AND SURVIVOR

The approximate time frame for handling and investigating a misconduct case is 30 days from acknowledgment of the complaint. The complainant must be informed about the investigation outcome within this timeframe. If the investigation has not been completed by that time, the complainant/survivor must be kept informed about the process. The survivor, if different from the complainant, must also be informed about the investigation outcome.

DISCLOSURE

FCA will only permit disclosure of a complaint if required by law or with specific permission by the

complainant or by the survivor (if different from the complainant). If the matter becomes public through other channels, FCA will make a public statement about the status of the process and, when completed, the outcome of investigation.

REPORTING TO AUTHORITIES

A misconduct investigation determines whether the FCA's Code of Conduct or other related policies have been violated and may result in disciplinary action against the SoC. A criminal investigation, on the other hand, determines whether a law has been broken and may lead to formal charges against the person under investigation. A criminal investigation always takes precedence over a misconduct investigation.

Cases involving SEAH should only be referred for criminal investigation after consultation with the survivor and the Investigation Manager. Survivor-centred principles must be followed.

If a criminal investigation is initiated, the misconduct investigation must be postponed or suspended pending the outcome of the criminal investigation. However, a parallel misconduct investigation may be justified, for example, because of the length of time of the criminal investigation. Such decision can only be made after careful consideration, in consultation with the relevant and the survivor if the incident is related to SEAH.

It should be noted that a workplace investigation may be appropriate despite a criminal investigation finding that the complaint is unsubstantiated, and may find that the SoC has breached the Code of Conduct. This is due to the lower standard of proof of 'balance of probabilities' of misconduct investigations, compared to the standard of proof of 'beyond reasonable doubt' in criminal investigations.

REPORTING TO DONORS

Misconduct incidents, related FCA action, and investigation outcome must be reported to each donor according to their respective requirements. It is the responsibility of the SAC and the COs to be aware of the donors' reporting requirements, and to ensure the reporting is done accordingly. Identity of a complainant, a survivor, or the witnesses must not be disclosed.

5. INVESTIGATION FOLLOW-UP

WHEN THE INVESTIGATION is completed, the investigation conclusions and any related recommendations will be handed over to relevant senior management for disciplinary and/or other action.

DISCIPLINARY PROCEDURE

If the investigation substantiates the allegation of misconduct, disciplinary action will be taken in accordance with applicable HR policies.

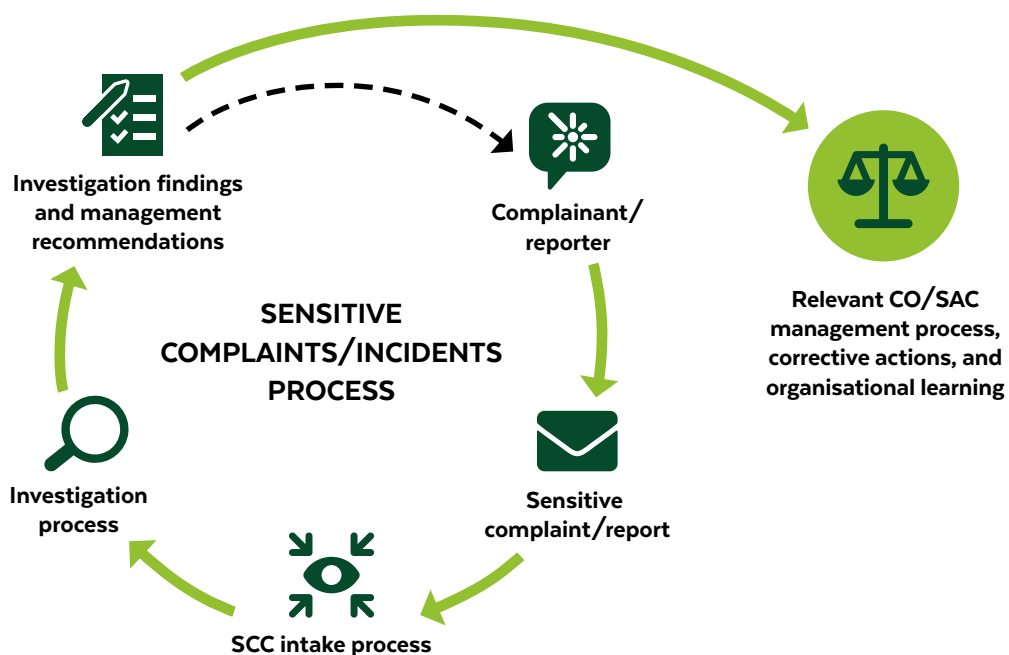
MANAGEMENT RECOMMENDATIONS

An investigation report will include recommendations on the case investigated and its follow up. Senior managers are responsible for ensuring that these recommendations are properly responded to and

implemented. The investigator(s) may also make recommendations on organisational policies, processes, and procedures based on their observations during the investigation. These recommendations must also be carefully considered and acted upon if they are found to be applicable.

APPEAL PROCESS

The Complainant and the Subject of the Complaint have the right to appeal the investigation conclusions if they believe that the process was not fair, was not conducted in accordance with the relevant FCA's procedures, or if they present evidence that was not known to the investigator. The Standing Complaint Committee will handle the appeal unless it relates to possible failure by the Committee. In the latter case, the appeal is referred Internal Audit for review.



6. WORKING WITH PARTNERS

FCA MUST ENSURE that partners have a complaints mechanism in place and functioning in projects that they implement with or on behalf of FCA. Such obligations will be incorporated in cooperation agreements. FCA works with partners to help them set up and operate complaints mechanisms.

7. LEARNING AND IMPROVEMENT

FCA WILL PROMOTE internal learning and improvement in complaints handling and misconduct investigations by:

- regularly reviewing and monitoring FCA's performance against this policy, using relevant audits, evaluations, reviews, and assessments, and responding to identified needs and gaps in programming;
- analysing and acting on findings and related recommendations from investigations associated with safeguarding incidents;
- facilitating internal learning through relevant internal forums;
- seeking and acting on feedback on the effectiveness of the Complaints Mechanism and misconduct investigations within FCA, and consistently identifying areas for improvement;
- sharing learning in and drawing on, communities of practice and other relevant external fora dedicated to promoting safeguarding in the aid sector.



8. MANAGEMENT AND STAFF RESPONSIBILITIES

IT IS THE SPECIFIC responsibility of management and supervisors to create and maintain an organisational culture that supports compliance with this policy, a safe environment for reporting misconduct,

and non-retaliation against a whistleblower. All FCA employees are responsible for complying with and promoting this policy, reporting misconduct, and participating in investigations of misconduct.

Position	Key responsibilities
Board of Directors	Approving the Complaints Policy and oversee to establishment and maintenance of a safe organisation.
Audit Committee	Assessing the functionality, effectiveness, and adequacy of FCA's complaints mechanism. Providing guidance and follow-up as appropriate.
Executive Director, Director of Administration	Ensuring that FCA has the capacity to handle and investigate sensitive complaints and misconduct incidents effectively and in a timely manner.
Standing Complaint Committee (SCC)	Handling complaints and misconduct incidents in accordance with this Policy and ensure that misconduct investigations are conducted in accordance with best practice.
	Preparation of FCA's annual Complaints Report and related analyses.
	Carrying out other duties and tasks in line with the SCC Terms of Reference.
SAC directors and Country Directors	Creating a safe environment where staff feel comfortable and safe to raise concerns without fear of retribution.
Country Directors	Ensuring that CO complaints handling procedures and practices are in line with the Complaints Policy and related Country Office Guidelines.
	Ensuring sufficient resources and funding are allocated to complaints handling at country and field location levels, and that Complaints Focal Points are appointed and capacitated, and that necessary training budgets are allocated.
	Ensuring that the relevant management recommendations from investigation reports, including disciplinary actions, are implemented.
Programme Managers/ Coordinators, Area Managers	Ensuring that the complaints mechanism is incorporated in all projects.
Line Managers	Creating a safe environment in their area of responsibility and directly with the staff they manage, to ensure that staff and others feel able to raise concerns without fear of retribution.
	Ensuring that staff members in their line of authority receive an induction on this policy.
	Ensuring that any concerns raised about staff in their line of authority are dealt with in an appropriate manner.
	Ensuring that staff members are aware of their responsibilities to report misconduct and the procedures for doing so.

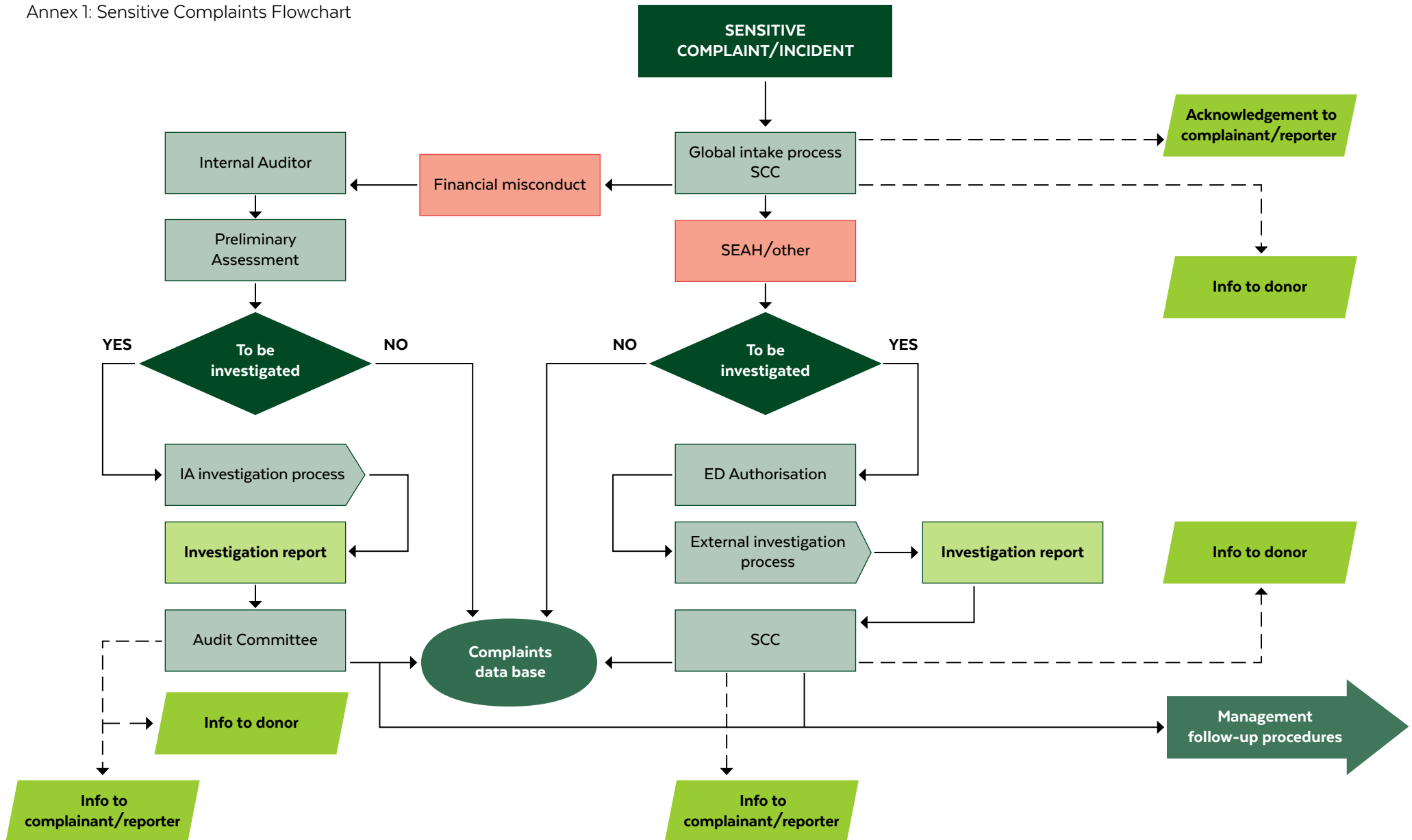
Position	Key responsibilities
Safeguarding/ Complaints Focal Points	<p>Working with and supporting the country office management to create a safe environment where staff and others feel able to raise concerns without fear of retribution.</p> <p>Providing training and awareness raising to all staff on this policy and related procedures and practices, that fall within the remit of SEAH and other Safeguarding concerns.</p>
Complaints Focal Points	<p>Ensuring that complaints mechanism and related procedures and practices are in line with this policy and related country office guidance.</p> <p>Carrying out other duties and tasks in line with the Complaints Focal Point ToR (included in Country Office Guidelines on Complaints Handling)</p>
SAC/CO grants management	Ensuring project budgets include support for safeguarding activities, including the local complaints mechanism and relevant staff, trainings etc.
SAC and CO HR	<p>Support misconduct investigations where appropriate.</p> <p>Ensuring that HR policies are in line with this policy.</p>

9. POLICY REVIEW

THIS POLICY will be reviewed and if necessary, revised every three years, or earlier if needed.

10. ANNEXES

Annex 1: Sensitive Complaints Flowchart





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