

Complaints Policy and Procedure for Alliance members and other Alliance stakeholders ¹

1. The Alliance mission

The mission of the CHS Alliance is to promote respect for the rights and dignity of people and communities vulnerable to risk and affected by disaster, conflict or poverty. The Alliance seeks to enhance the effectiveness and impact of assistance by building a culture of quality and accountability (Article 4, CHS Alliance Statutes).

2. Our commitment on complaints handling

Complaints present organisations with significant opportunities to improve services and strengthen relationships with stakeholders, as well as to test assumptions about the needs of communities and people affected by crisis. Good complaints handling systems allow Alliance beneficiaries to enforce an organisation's claims about quality and accountability. On the other hand, mishandled complaints can undermine peoples' confidence in organisations and even compromise security.

In accordance with Article 27 of the CHS Alliance Statutes, an Alliance Complaints Committee will ensure that: there is a safe and functioning complaints mechanism in place; complaints against member agencies are addressed in line with best practice; and, technical experts quality assure the complaints procedure.² It sets forth that *"the Committee will be established by By-Law and will be composed of technical experts. The committee will work together with specialised secretariat staff in achieving its goal"*.

Article 27 further notes that *"it is the responsibility of CHS Alliance member organisations to handle and respond to complaints about them. Complaints received by the CHS Alliance about members are handled in alignment with Board-approved CHS Alliance complaints policy"*.

As an Alliance that has the Core Humanitarian Standard on Quality and Accountability at the centre of its work, this policy is consistent with the spirit of CHS Commitment 5 which states that *"Communities and people affected by crisis have access to safe and responsive mechanisms to handle complaints"* and whose quality criterion states that *"Complaints are welcomed and addressed"*.

¹ This policy was adopted as a by-law of the Alliance by the Interim Board on 28 September 2016.

² CHS Alliance Statutes, approved by the CHS Alliance Constitutive General Assembly on 09 June 2015

3. Purpose of this policy

The purpose of the Complaints Policy and Procedure is to increase the level of member and stakeholder satisfaction with the work of the Alliance by being receptive to complaints and resolving them in an efficient, effective and professional manner.

The CHS Alliance seeks to maintain its reputation as an alliance of members who undertake high quality and accountable work, provide the best possible service, and are responsive to the needs and concerns of our members and other stakeholders, especially those whom we seek to serve in our humanitarian and development work.

4. Scope

This policy applies to all CHS Alliance members and other stakeholders, including Alliance partners, communities with whom Alliance members work, donors, supporters and the public.

This Policy and Procedure is a statement of what Alliance members and other stakeholders can expect from the Alliance when a complaint is lodged with the Alliance secretariat and provides guidance for responding to and resolving complaints.

As noted earlier, it remains the responsibility of each CHS Alliance member organisation to handle and respond to complaints that they receive.

A separate “*Grievance Policy and Procedure for CHS Alliance Staff*” ensures that Alliance employees, wherever they are based, have an effective way of raising grievances, and that they will be dealt with in a fair, thorough and prompt way.

A CHS Alliance Code of Conduct requires all Alliance employees, volunteers, consultants, interns, and any other individuals working for or representing the CHS Alliance (including board members and their related committees) to report allegations, concerns or suspicions of breaches related to abuse, exploitation and fraud and corruption.

4.1 Complaints addressed by this policy

The CHS Alliance will accept complaints about Alliance member organisations which allegedly:

- failed to apply, enforce, or otherwise apply their own commitments, and/or their obligations as a member of the CHS Alliance, in the course of humanitarian, development, or advocacy work;
- failed to apply, enforce, or otherwise implement the principles and commitments enshrined in the Core Humanitarian Standard – the standard that is at the centre of all Alliance work;

- had a staff member engaged in an act of sexual exploitation and abuse against a beneficiary.

The Alliance will also accept complaints concerning:

- the work or behaviour of any CHS Alliance secretariat staff, wherever they are based.

Whenever possible, complaints should be resolved internally by the organisation which is the subject of the complaint, rather than by the CHS Alliance. Before pursuing a grievance through the Alliance formal complaints procedure, the Alliance encourages complainants to address the matter directly with the management of the relevant organisation who should look into the matter and attempt to resolve it using their own organisation's complaints mechanism.

The Alliance complaints process should be used as a last resort, for example when a member does not have a complaints policy and procedure, when it fails to deal with a complaint in an appropriate manner, or when a complainant is afraid of retaliation.

4.2 Complaints not addressed by this policy

The CHS Alliance will not accept complaints outside the above scope, including, but not limited to:

- disputes over employment and labour matters and related contractual terms and conditions;
- complaints that are already the subject of legal proceedings and/or internal administrative procedures;
- complaints against non-member organisations or partners of members. Such complaints will be referred back to the relevant agency;
- offensive complaints using inappropriate or abuse language or complaints sent as part of a bulk mail from an unknown source. Such complaints will not receive a response.

5. Key definitions

The following key terms are defined for the purpose of this policy:

Feedback: The CHS Alliance makes a distinction between the term 'complaint' and '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

Complaint: A complaint for the purpose of this policy is a specific grievance linked directly to the four categories of complaints outlined in Section 4.1 that fall within the scope of this

³ This definition and other definitions in this section have been adapted from the ACT Alliance Complaints Policy

policy and where a response or resolution is explicitly or implicitly expected by the person or organisation that lodged the complaint.

Sensitive complaints: All complaints are serious and “sensitive” complaints are those relating to allegations of sexual exploitation and abuse, fraud and corruption or other gross misconduct. Such complaints must be handled by technical experts in alignment with the special procedures outlined in the CHS Alliance *‘Guidelines for Investigations: A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff’*.

Anonymous complaints: The CHS Alliance recognises that at times people with genuine concerns can't speak out because of special circumstances and may wish to lodge a complaint without revealing their identity. As a principle the Alliance does not accept anonymous complaints as it makes it difficult to assess the reliability of the complainant and the accuracy and credibility of the facts and evidence on which the complaint is based. In exceptional cases, the Alliance may give consideration to anonymous complaints and will seek information after addressing risk if there are grounds for further action.

Malicious complaints: Complaints that are filed with a malicious intent and with the intention of harming someone or some organisation. The Alliance 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 cleared. Complaints lodged for genuine reasons that are subsequently considered to be unfounded shall not be treated as malicious.

6. Guiding principles for complaints handling

The CHS Alliance considers the following guiding principles for efficient, effective and professional complaints handling:

Confidentiality

Confidentiality is critical to a satisfactory outcome in order to protect privacy and safety of all concerned. Personally identifiable information concerning the complainant is actively protected from disclosure. The nature of the complaint, its facts, identity of the complainant or alleged victor or survivor, witnesses and the subject of the complaint, as well as investigation records, are dealt with in a confidential manner. When a complaint is received by the Alliance Secretariat, access to information regarding the complaint and its response procedure is restricted to a complaints authorised staff who has been designated this duty by the Executive Director. The complaints focal person is the secretariat link with the Alliance Complaints Committee. Reports to the board on complaints received do not contain names of individuals.

Disclosure will be permitted when:

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

Responsiveness

Each complaint which falls within the scope of this policy is acknowledged in alignment with the agreed Alliance response timeframe as outlined in this policy.

Non-retaliation

It is the right of all stakeholders to complain. Any attempt of retaliation against an Alliance complainant is considered gross misconduct and the Alliance will take immediate disciplinary action against such behaviour.

Objectivity

Every complaint is addressed in an impartial, equitable and objective manner.

Safety and welfare

The safety of the complainant, alleged victim or survivor, witnesses, subject of complaint and staff is paramount. A risk assessment must be carried out for each complaint, and safety and welfare precautions must be considered before proceeding to deal with a complaint.

Finding solutions

The Alliance will assist members when requested, in finding solutions where concerns are raised about them. This will encourage learning and continual improvement.

7. Accompanying investigations guidelines

The CHS Alliance has accompanying *Guidelines for Investigations*. The Guidelines are designed to assist colleagues in the humanitarian and development context who conduct or manage investigations into serious allegations, including sexual exploitation and abuse (SEA) as well as allegations of fraud and corruption by humanitarian and development staff. It is recommended that potential users have investigations experience and familiarity with the key international standards on preventing sexual exploitation, abuse, fraud and corruption as well as other protection policies.

8. Partners of Alliance members

The Alliance encourages its members to support their partner organisations to put complaints mechanisms in place so that their beneficiaries have access to safe and functioning process for addressing grievances.

9. Complaints relating to Alliance Secretariat staff

Complaints regarding an Alliance employee or consultant should be addressed to the CHS Alliance Executive Director and will be dealt with according to Alliance Staff Code of Conduct. Complaints related to the Alliance Executive Director should be addressed to the Chair of the Alliance Board.

Such complaints are not handled by the Board Complaints Committee.

A separate “Grievance Policy and Procedure for CHS Alliance Staff” ensures that Alliance employees, where ever they are based, have an effective way of raising grievances, and that they will be dealt with in a fair, thorough and prompt way. This is supported by the “Disciplinary and Capability Policy and Procedure” for Alliance staff.

No financial compensation can be imposed or provided to any parties by the CHS Alliance or via the CHS Alliance.

Procedure for lodging a complaint with the CHS Alliance

10. Who can complain?

The Alliance will accept complaints from any individual or entity as long as it is compatible with Section 4.1 and it is submitted in good faith and without malicious intent.

11. How to complain?

Complaints may be addressed to the CHS Alliance by any means (email, telephone, text message, personal contact, through another Alliance member, or directly to the designated Alliance Secretariat staff focal person) who can be contacted as follows:

Email: complaints@chsalliance.org

Landline: +44 20 3445 5605

Executive Director: Tanya Wood – telephone +41 22 788 1641

Postal address: CHS Alliance, Chemin de Balexert 7, 1219 Châtelaine, Geneva, Switzerland

12. Assistance with making a complaint

If you need assistance in formulating or lodging a complaint, please contact the complaints focal person at complaints@chsalliance.org or ask for the designated Complaints Focal Person by calling the landline: +44 20 3445 5605.

13. Steps for processing complaints

13.1 Recording of the complaint

Once the Alliance Secretariat receives a complaint, it will be recorded by the Secretariat in its database for tracking purposes.

13.2 Acknowledgement of the complaint

The Secretariat will acknowledge receipt of the complaint within five working days, and will explain in writing to the complainant the scope of its mandate and the limits of its actions. It may also ask for further information and clarification of additional issues, in order to process the complaint. If the complaint is judged not to be within the remit of the Alliance complaints policy, this will be communicated to the complainant. The complainant will, where possible, be referred to the appropriate organisation for handling the complaint.

13.3 Communication with the organisation(s)

Once acknowledgement of the complaint has been sent to the complainant, the Secretariat will forward the complaint within three working days to the agency/agencies concerned, with an explanation of which membership obligation appears to have been breached.

13.4 Action by Alliance member organisation

Within twenty working days, the member organisation should report back in writing to the Secretariat with an initial report outlining their course of action.

Initial Report: If the member organisation agrees that the complaint falls within the scope of the complaints handled by the Alliance, this initial report should include:

- the investigation plan, including any assistance the agency would like from the Alliance; and
- the estimated time-frame within which the agency will be able to report back to the Alliance complaints focal person.

The Secretariat acknowledges receipt of the initial report and provides any appropriate comments within ten working days.

Final Report: After the agreed timeframe the member organisation will submit a final written report describing its investigation, the conclusions that it has reached, any follow-up actions it has taken or may take, and how it will communicate its findings to the complainant.

13.5 Action by Board Complaints Committee

The Complaints Committee (the committee) will review the final report submitted by the member organisation within five working days of receipt of the report.

If the committee is satisfied with the final report, the Secretariat will communicate to both the member organisation and the complainant within five working days. This communication will confirm that the committee has reviewed the report, that the committee is satisfied that the matter has been properly investigated, and that it is confident that appropriate corrective steps, if needed, will be, or have been, taken.

If the committee is not satisfied with the report, the Committee will give their reasons for not accepting the report, and will ask the agency to respond. If, after a reasonable amount of time, the agency does not respond to this communication to the committee's satisfaction, the matter is referred to the Alliance Governing Board for final resolution.

13.6 Alliance member determination that complaint is outside the Alliance complaints mandate

If the Alliance member organisation concludes that the complaint does NOT fall within the scope of Alliance complaints policy, the Board Complaints Committee will review this initial determination by the organisation.

13.6.1 Committee agreement with member determination

If, on review, the committee agrees with the member organisation's assessment, the Secretariat complaints focal person will communicate to both the organisation and the complainant that it has reviewed the organisation's initial report and that it is satisfied that the complaint falls outside the scope of Alliance complaints' mandate.

13.6.2 Committee disagreement with member determination

If the committee is not satisfied with the Alliance member determination, it will seek additional information and clarification from the organisation. If, after clarification, the committee is still not satisfied, it may recommend that the agency reconsider its decision. If after a reasonable time frame, the organisation refuses to reconsider its decision, the matter will be referred to the Alliance board for final resolution.

14. Appeal and Role of the Alliance Board

The board representative on the Complaints Committee will report to the Board according to the procedure stated above.

Within thirty days of receiving the committee's review, the complainant has a right to appeal to the Alliance Board, which will review the case and make a final decision. The decision of the Board is final.

As a result of the review of the reports submitted by the member organisation, the committee may also recommend to the Board that the organisation's membership of the Alliance be suspended or terminated. The Board will review the organisation's opinion and the Complaints Committee's recommendation and may decide on appropriate actions, including suspension or termination of the agency membership.

Should the matter become public at any time, the Alliance Board will issue a public statement about the procedures followed and the status and/or the outcome of the complaint review. The Board will not release any details about the case.

15. Role of the Alliance Secretariat

During the complaints handling process, the Secretariat will ensure that the complainant is kept adequately informed of the status of the complaint. The Secretariat will notify the complainant about the outcome of the complaint.

The designated Alliance secretariat complaints focal person will monitor and maintain a complaints log to ensure that information is received within the agreed timeframe. All documents related to the complaint, follow-up and outcome of the complaint must be filed in a restricted area of the Alliance intranet.

The Alliance Secretariat complaints focal person will provide a quarterly complaints status report to the committee and an annual report on the number and type of complaints received, as well as their status, to the committee and the Board. This information will also be included in the Alliance annual report. Any details that could identify the source of the complaints or key actors will be excluded from the report. Reports will be reviewed and signed off by the committee.

16. Role and Responsibilities of the Board Complaints Committee

See Annex 1: ToR for the Complaints Committee.

17. Review and revision of the policy

The CHS Alliance work on complaints and complaints handling is based on the findings and recommendations dating back some 15 years to the time of the Humanitarian Accountability Project, an inter-agency initiative set up in 2001 to identify, test and recommend accountability mechanisms and the learning from HAP's work on complaints over the past 12 years. The first HAP complaints policy was endorsed by the HAP Board in December 2003 and subsequently revised in April 2005 and 2010. The policy was consistently supported by a Complaints Committee of technical experts on complaints handling and investigations.

This CHS Alliance policy is a result of an extensive learning on complaints handling over the years and ongoing consultation processes with HAP members, non-members, field staff, beneficiaries and other stakeholders on the issue of feedback and complaints.

This policy was adopted as a by-law of the Alliance by the Interim Board in September 2016. The policy will be due for review in 2019.

Annex 1: Terms of Reference - Complaints Committee for CHS Alliance

1. Introduction

In accordance with the CHS Alliance Statutes, Article 24, the Board will have three standing committees:

1. Membership and Nominations Committee
2. Finance, Risk and Audit Committee
3. Complaints Committee

The roles, responsibilities and procedures for each committee are fixed by by-laws. This ToR constitutes the by-laws for the Complaints Committee.

The Complaints Committee is elected by the Board.

2. Purpose

As noted in the Alliance Statutes, the committee is established for the purpose of ensuring that: there is a safe and functioning complaints mechanism in place; complaints against member agencies are addressed in line with best practice; and, technical experts quality assure the complaints procedure.

3. Roles and responsibilities

The Alliance Board Complaints Committee will be responsible for:

- a) Reviewing the member organisation's determination about the scope of the complaint
ONLY if the agency determines the complaint is NOT within the scope of the Alliance complaints policy;
- b) Reviewing the final report submitted by the member organisation;
- c) Deciding whether it is satisfied with the investigation as described in the final report;
- d) Communicating this decision to the Secretariat complaints focal person in written form, signed-off via email by the committee members;
- e) Seeking additional information and clarification from the member organisation if not satisfied with the organisation's report;
- f) Reconsidering its earlier decision based on the additional information and clarification

supplied by the organisation;

- g) Communicating the results of the review to the Secretariat complaints focal person;
- h) As a result of the review of the member organisation's reports, the committee may also recommend to the Board that the organisation's Alliance membership be suspended or terminated;
- i) Reviewing lessons learned from dealing with complaints with the Secretariat;
- j) Reviewing the quarterly 'status of complaints' report from the Secretariat.

4. Committee composition

The Complaints Committee shall be composed of no more than six individuals elected by the CHS Alliance Board. The Committee shall include:

- two CHS Alliance Board members;
- two persons with significant technical expertise in complaints handling and investigations who are not an employee, volunteer or trustee of a member organisation; and
- two persons with significant technical expertise in complaints handling and investigations from CHS Alliance member agencies.

A balance of representation by region and gender should be sought where possible.

5. Quorum

The committee is considered functional with three individuals present or online at a time to deal with or review a complaint or decision, including at least one Board member. As far as possible gender balance should be maintained.

6. Eligibility criteria

Potential members of the Committee must meet the following criteria:

- Good knowledge and understanding of how an investigation is conducted.
- Good knowledge of international guidelines on complaints and investigations mechanisms and related procedures.
- Available for dealing with complaints and reviews on short notice and within a given time frame
- Person of good standing with experience of working with aid recipients

7. Terms in Office

Representatives on the Committee are elected for three years, renewable twice (maximum six years).

Except for the independent member, representation on the Committee ceases when the individual no longer has any affiliation with their agency. A call for new nominations will be made and the board will elect.

8. Code of Conduct and Conflict of Interest

The Committee will:

- a) Sign a confidentiality agreement covering all matters they address in the course of their work on the Committee.
- b) Sign the CHS Alliance Conflict of Interest Policy as well as the CHS Alliance Code of Conduct. In cases where a conflict of interest exists that makes it inappropriate for a Committee representative to participate in the review of a particular complaint, (including but not limited to, cases in which complaints are brought against a Committee representative's agency), the representative will step down from that investigation process.
- c) Committee representatives will follow the CHS Alliance investigation guidelines when and if conducting an investigation.
- d) When Committee representatives have begun reviewing a complaint, they will complete the review even if their term on the committee concluded part way through the review.

Annex 2: CHS Alliance Complaints Policy and Procedure: Summary flow chart

