

ACT Alliance COMPLAINTS POLICY

*Approved by the Executive Committee in October 2016,
this policy replaces the September 2011 Complaints Policy*

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 groups 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 and/or complain about breaches or non-compliance to the ACT Alliance Code of Conduct and or the Code of Good Practice;
- set out roles, responsibilities and timeframes on handling of complaints and provide clear policy guidance for responding to and resolving complaints;
- ensure a consistent mechanism to hold ACT members, staff of members and the secretariat staff accountable in terms of their behaviour and compliance with ACT standards and policies;
- provide a mechanism for stakeholders to raise a concern or complaint about the work of an ACT member if that member does not have its own complaints policy in place;
- ensure that ACT learns from all situations in order to strive for high quality and continuous improvement in ACT's humanitarian, development and advocacy work;
- increase the level of stakeholder satisfaction with the work of the ACT Alliance; and
- learn from and improve the work of the ACT Alliance.

The ACT *"Complaints Handling and Investigations Guidelines"* provide additional, specific and complementary guidance to ACT members and the ACT secretariat 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. These additional guidelines support the implementation of this policy.

¹ ACT Alliance Founding Document, February 2009

1.3 Obligation to disclose

All ACT staff (as per definitions, this refers to, but is not limited to, all permanent and temporary staff, their dependents, interns, consultants, observers, volunteers, and all individuals working for or representing the ACT members and its secretariat) are obligated to report allegations, concerns or suspicions of breaches related to the ACT Alliance Code of Conduct and the ACT Code of Good Practice. Proven deliberate non-disclosure will lead to disciplinary action.

1.4 Non-retaliation (whistleblowing)

ACT seeks to provide a safe environment through which stakeholders can voice a concern, without fear of reprisal or unfair treatment. ACT Alliance aims to ensure that complaints are addressed fairly, appropriately, and in a timely manner. 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.

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) is 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 at the discretion of the employer.

1.5 ACT member and ACT secretariat responsibilities

All ACT members and the ACT secretariat have a responsibility to ensure that all their staff are aware of and understand the Quality and Accountability Framework, including but not limited to the ACT Complaints Policy, the ACT Code of Conduct and the ACT Code of Good Practice.

Each member of the ACT Alliance has a responsibility to handle and respond to the complaints they receive from their stakeholders in a timely manner. Equally, ACT governance and the ACT secretariat have a responsibility to handle and respond to complaints they receive. All complaints received by an ACT structure (e.g. Governing Board, ACT forum, Membership and Nominations Committee) should be immediately channelled to the ACT Complaints Focal Point to ensure consistent management of the complaints. Any complaints received by the ACT secretariat complaints focal point 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 complaints focal point 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 ACT secretariat has a responsibility to inform the ACT members of this Complaints policy including the ACT Code of Conduct, the ACT Code of Good Practice, how to complain and the scope of issues that can be complained about. The ACT secretariat shall appoint a Complaints Focal Point who will also be the Child Safeguarding Focal Point.

1.6 Responsibility to those ACT serves

ACT recognises that as an alliance it has a specific responsibility to address the wellbeing and protection of communities with whom ACT members work. 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 the ACT Code of Conduct and the ACT Code of Good Practice.

All ACT members are encouraged to develop their own accessible, safe and responsive complaint mechanism for their stakeholders, but where this is not the case, they are encouraged to use and promote the ACT complaint mechanism, as described by this policy, as an alternative. At a minimum, a safe referral system should be in place to address allegations of sexual exploitation and abuse, fraud and corruption.

All ACT members should have clear procedures/guidelines, which are accessible and appropriate to the local context, for how community members and children themselves can report a breach of the Code of Conduct or Code of Good Practice by a staff member or other person associated with the ACT member. Communities and people affected by crisis should be consulted on the design, implementation and monitoring of the complaints handling processes put in place.

All ACT members are expected to inform their partners and communities of organisational commitments, the expected behaviour of staff (including on prevention of sexual exploitation), how to complain and the scope of issues that can be complained about.

1.7 Complaints Handling Advisory Group (CHAG)

The ACT Alliance Complaints Handling Advisory Group (CHAG) shall provide advice and support on complaints received by the secretariat and Governing Board. The CHAG has a responsibility to ensure any complaints received and forwarded to members are managed according to the ACT Complaints policy. It is composed of a minimum of five persons, drawn from the following:

- The ACT secretariat General Secretary or Director.
- At least three persons from ACT members who may or may not be part of the ACT Governing Board and who have technical expertise in complaints handling, including expertise in Human Resources.
- The Complaints Focal Point (staff member of ACT secretariat).

Coordination for the Complaints Handling Advisory Group will be provided by the Complaints Focal Point. The Complaints Focal Point will be a senior staff member and the position is formally included in the job description. A back up Complaints Focal Point will be appointed for long absences and/or holidays. All complaints received by the ACT secretariat will be channeled to the Complaints Focal Point who will work closely with the Complaints Handling Advisory Group (CHAG). It is important that either the ACT General Secretary or the ACT Director participates in the CHAG, at a minimum by receiving briefings from the Complaints Focal Point on how complaints are managed by CHAG and how investigations are progressing, when relevant.

The Complaints Handling Advisory Group is accountable to the General Secretary and will annually report the work of the group to the Governing Board. Group members are nominated by the General Secretary for a two year period, renewable for a maximum of two periods. If there is a conflict of interest that makes it inappropriate for a CHAG member to participate in the review of a particular complaint, an alternative CHAG member will be sought.

2 Scope of the policy

This policy applies to the work performed by ACT members and the ACT secretariat in relation to alleged breaches of the ACT Code of Conduct and the ACT Code of Good Practice.

2.1 Complaints addressed by this policy

The ACT secretariat will accept the following complaints:

- complaints against ACT member organisations who, in the course of providing humanitarian, development assistance and/or advocacy work, allegedly fail to apply, enforce, or otherwise implement the ACT Code of Good Practice;
- complaints against a member of staff of an ACT member who, in the course of their work, allegedly is in breach of the ACT Code of Conduct.
- Complaints against staff of the ACT secretariat who, in the course of their work, allegedly is in breach of the ACT Code of Conduct.

If a person or organisation submits a complaint 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 to a relevant party in a manner consistent with good practice.

2.2 Complaints not addressed by this policy

Complaints such as, but not limited to, the complaints listed below are not addressed by this policy. However, the ACT secretariat or ACT governance may respond to such complaints and/or refer them to a relevant party:

- Complaints against a partner organisation of an ACT member when the partner is not an ACT member and the partner is not receiving funds through an ACT member 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.
- All ACT Secretariat staff grievances, unless related to an alleged breach of the Code of Conduct or the Code of Good Practice. Such grievances are covered by the staff rules and regulations and the related complaints response mechanism and are not covered in this policy.
- Complaints that are already the subject of legal proceedings.

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

- Complaints against a policy or position which has been taken by the ACT Alliance and/or an ACT member, for advocacy purposes, unless that policy or position is in breach of an ACT policy or standard.

2.3 Anonymous complaints

ACT recognises that at times people with genuine concerns cannot 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. This is why ACT also accepts anonymous complaints when there is evidence that there are grounds for further action, and will deal with them seriously because of the potential for future abuse and harm. Every possible effort will be made to address the complaint when there is sufficient information to look into the allegation.

2.4 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), other witnesses and ACT 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.

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;
- it is a breach of national and/or international law; and
- it is needed to obtain specialist help for the survivor or advice on the evidence.

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 Complaints Handling Advisory Group (CHAG) will not release details about the complaint. Any paper records relating to complaints shall be kept in a locked cupboard and electronic files shall only be accessible to the Complaints Focal Point and are password protected.

3 Lodging a complaint

3.1 Who can complain:

Complaints can be lodged by all ACT stakeholders, including crisis-affected populations, communities with whom ACT members work, ACT members and their partners, the ACT secretariat, donors, supporters and the public.

3.2 When to complain

A complaint should ideally be lodged as soon as possible after the complainant becomes aware of the concern, in order to maximise the effectiveness of any potential investigation. However the secretariat is willing to accept complaints at any time.

3.3 How to complain

The ACT website contains details of how to complain, including a sample complaints letter format (www.actalliance.org/complaints).

Complaints must be addressed to the 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.

Complaints from children (anyone under the age of 18) will be managed by the ACT Child Safeguarding Focal Point. When possible, the Focal Point will handle complaints from children in person.

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 or sms/text message (number to be made available on ACT website on Complaints page)*

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.

3.4 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 ACT 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 Investigating a complaint

4.1 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 Complaints Handling Advisory Group must decide if the allegation warrants an investigation. This can be decided by asking the following questions:

- 1) Does it relate to a breach of ACT Code of Conduct and ACT Code of Good Practice?
- 2) Does the complaint constitute a ‘complaint’ as defined by the ACT 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 any parties to the complaint at risk, and if so, can all reasonable steps be taken to ensure those risks are minimised?

4.2 The investigation process

The investigation will follow the key steps and processes as outlined in the *ACT Guidelines for Complaints Handling and Investigations*. A preliminary investigation phase should be considered in order to analyse the appropriateness and risks of a full investigation.

4.3 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 of the outcomes of the investigation. Possible outcomes include that the complainant:

- was substantiated and referred to management for a decision on discipline;
- was not substantiated due to insufficient or unclear evidence,
- was not substantiated due to sufficient evidence to clear the subject of the complaint or to establish a malicious complaint .

4.4 Disciplinary procedures

For ACT members:

The ACT Complaints Handling Advisory Group may recommend disciplinary procedures against ACT member(s) to the Membership and Nominations Committee (MNC). Disciplinary procedures may lead to censure, suspension of privileges and/or exclusion of membership as outlined in the ACT Membership Disciplinary Policy. The Membership and Nominations Committee makes final recommendations to the Governing Board.

The Complaints Handling Advisory Group can also consider recommending to the MNC suspension of privileges and/or membership where a complaint into misconduct is under investigation (e.g. suspending access to funding through ACT humanitarian mechanism if there is evidence of fraud or corruption) or if a complaint is not being followed up and resolved in a timely and appropriate manner. Decisions will be made on a case by case basis using a risk assessment approach.

For staff of ACT members:

The ACT Complaints Handling Advisory Group may recommend disciplinary procedures against staff of ACT members who are found to be in breach of a relevant code of conduct to the management or governance body of the ACT member, however it is the final decision of the ACT member as to the appropriate disciplinary action to take.

If an ACT member does not take appropriate action to minimize the risk of a similar breach in the future, then this could be grounds for disciplinary action against the ACT member. This includes non-dismissal of staff found to have sexually abused or sexually exploited a child, or other serious breaches of the ACT Code of Conduct.

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

For ACT Secretariat Staff:

The ACT Complaints Handling Advisory Group may recommend disciplinary procedures against staff of the ACT Secretariat to the General Secretary, or to the Governing Board if the complaint was related to the General Secretary. However, the final decision on disciplinary action is to be taken by the General Secretary in consultation with the direct supervisor (for staff) or by the Governing Board (for the General Secretary). An ACT Secretariat staff member who is found to have abused or exploited a child will be dismissed from their post.

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

4.5 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 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.

5 Learning and Review of Policy

5.1 Follow up and learning

The ACT secretariat shall keep a record of all complaints received from all stakeholders. The Complaints Focal Point will develop a synthesis report of the types of complaints received and the status of their resolution annually, in addition to any lessons learned. This report should be presented first to the ACT Complaints Handling Advisory Group 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 complainant(s), organisations, witnesses, and Subjects of Complaint(s) will not be revealed in public reports.

5.2 Policy Review

This policy should be reviewed every 4 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. ACT members should routinely be consulted as part of the review process.

Annex 1: Key Definitions

A number of key terms are used throughout this document, they are defined as follows:

ACT Staff: refers to but is not limited to all permanent and temporary staff, their dependents, interns, consultants, observers, volunteers, and all individuals working for or representing the ACT members and its secretariat.

Dependents: any individual accompanying a staff member abroad and living on premises which are rented or belong to the organisation.

Complainant: the person making the complaint, including the alleged survivor of the misconduct or another person who becomes aware of possible misconduct. Staff have an obligation to report any knowledge, suspicions, or concerns of breaches of the ACT Code of Conduct or ACT Code of Good Practice through appropriate channels as outlined in the Complaints policy. This includes any suspicion of sexual exploitation and abuse.

Complaint: a specific grievance of anyone who has been negatively affected by an organisation's action or who believes that an organisation has failed to meet a stated commitment.

Investigation: a systematic process through which information is gathered that proves or disproves an allegation.

Sensitive complaints: allegations of sexual exploitation and abuse, fraud and corruption by staff of an ACT members or ACT secretariat. 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.

Subject of Complaint: the person alleged to have perpetrated the misconduct in the complaint.

Witness: a person who gives testimony or evidence in the investigation, including the survivor, the complainant, the subject of the complaint, staff member of a partner organisation, or another staff member.

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 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: _____