Complaint Mechanisms

for Non-Governmental Organizations

A PRACTITIONER'S GUIDE

Luise Ammerschuber and Elisabeth Schenk
on behalf of

The Community of Cooperation of Bread for All
& Its Partner Organizations

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Introduction

Recent years have seen an increase in the desire and need of NGOs to strengthen their accountability in order to reinforce their legitimacy and position as agents of change within society. Improving governance and designing effective programmes are important measures to enhance accountability. Since 2012, the Community of Cooperation of Bread for all and its partner organizations[1] recognized this need and defined good governance, with an initial focus on the fight against corruption, as one of its key topics. The working group on Good Governance was established with the aim to foster the Community's reflection on governance, to create knowledge products for its members, to support member organizations in their effort to improve governance at all levels and to capitalise on experiences and lessons learnt.

The present *Practitioners Guide*, a knowledge product of the working group, focuses on a specific tool for increased accountability and better governance named *"complaint mechanisms"*. The latter are formal channels through which victims and witnesses of misconduct within an organization – ranging from mismanagement and corruption to physical and sexual abuse – are given the opportunity to file a complaint, without any fear of retribution, and expect to see a response in a timely manner. Complaint mechanisms have proven to be a very effective tool to identify misconduct, give victims a voice and ultimately improve operations. Nevertheless, they remain a relatively new concept within the NGO sector.

This guide was developed for the member organizations of the Community of Cooperation and their partners worldwide but is also applicable and relevant to any organization interested in getting involved in this area. It is based on an identified need and provides practice-oriented guidelines based on the experiences of various NGOs. It shows what needs to be taken into consideration when planning, establishing and implementing a successful complaint mechanism. **Our most important message is: you do not need to reinvent the wheel when designing your complaint mechanism.** The guide will be continuously improved and adapted, based on our partner's future experiences in implementing complaint mechanisms and – hopefully – enriched with lessons learnt and good practices from within our network.

[1] The partners of the Community of Cooperation of Bread for all are cfd, Connexio, DM – échange et mission, Horyzon, International Blue Cross, Mission 21, Mission Evangélique Braille (MEB), Foundation Salvation Army, Service de Missions et d'Entraide (SME) and TearFund.

Executive Summary

The following executive summary can be used as a **checklist** for organizations aiming to establish a mechanism or that have already established one and wish to improve it.

What is a Complaint Mechanism?

- **Definition:** A complaint mechanism (CM) is a formalized mechanism to give victims and witnesses of misconduct by an organization a chance to report cases, and for organizations to deal with these complaints in a structured manner. Complaints are an expression of dissatisfaction or discontent about misconduct.
- **Types of complaints:** A CM can receive both operational complaints (e.g. about programs, quality of work, donor registration, project participant selection) and serious complaints (corruption, nepotism, misuse of funds, physical/psychological/sexual abuse)
- **Accessibility:** A CM should be designed in such a way that it can be used by everyone (employees, volunteers, project participants, partners or anyone else who has observed misconduct by the organization)
- **Essential qualities:** Your CM needs to be characterized by the following essential qualities: safety, confidentiality, transparency, accessibility, quality, verifiability, timeliness, assistance to those reporting, documentation

Reasons for and Benefits of a Complaint Mechanism

Complaint Mechanisms:

- allow NGOs to live up to their responsibility toward donors, project participants, the NGO sector and society at large
- give victims a voice
- constitute an early warning mechanism to uncover hidden patterns
- help create trust and protect the organization's reputation
- help NGOs to save money by detecting misappropriation of funds and inefficient systems

Design of a Complaint Mechanism

- **Choose type and core design of CM:**
  - Depending on the needs and structure of your organization, choose a CM design that is **centralized** (CM at headquarters) or d**ecentralized** (multiple levels: CM at headquarters as well as at regional/country level)
  - A centralized CM is established by headquarters. In a decentralized CM, the local partner organizations are responsible for setting up their own mechanisms.
  - Receivers of the complaints can be **internal** (Complaints Officer/Department) and/or **external** (e.g. ombudsperson)

- **Assign staff:** Choose to create a full-time, part-time and/or pro bono position for handling the complaints. If necessary, consider pooling resources with other organizations for this purpose.
- **Create entry-points:** Ensure the CM has multiple entry-points, e.g. complaint boxes, phone line, email address, office hours of Complaints Officer. Make sure that the entry-points are adapted to the needs of end-users (e.g. for literate and illiterate)
- **Create ownership:** Create commitment by discussing the CM with the wider organization. Include senior management right from the start to ensure its full support
- **Work on organizational culture:** Help foster an open-minded organizational culture that is self-critical and open to feedback and improvement
- **Create trust:**
  - Ensure confidentiality
  - Choose a trusted person with the right qualifications to handle complaints
  - Implement policies consistently

Establishing an Effective Complaint Mechanism

- **Assign resources:** Ensure that the necessary resources (human, financial etc.) are available, including in the long run
- **Customize your CM:** Discuss the planned CM with end-users in countries to get their feedback and adapt the CM to their needs (incl. identifying access, barriers etc.)
- **Identify barriers:**
  - Consider allowing for anonymous complaints
  - Address barriers due to gender/ethnicity/religion/language
  - Offer complainant protection
- **Be aware of malicious complaints:**
  - Protect your organization from malicious complaints by including a zero-tolerance policy toward them.
  - Recognize malicious complaints, which are usually non-specific and not documented, and contain angry language
- **Communicate about your CM:** Communicate clearly the existence of the CM, its purpose and its functioning both internally (e.g. through regular staff trainings, website, posters, flyers, appraisal meetings) and externally (e.g. public meetings, presentations, newspaper, radio etc.)
- **Engage your partner organizations:** Make sure your partner organizations are fully committed to the CM. In a centralized CM, their main task will be to spread awareness about its existence and functioning. In a decentralized CM, your partner organizations are responsible for setting up their own mechanism and communicating its functioning.
- **Create a policy:** Enshrine the complaint mechanism and the complaint handling procedure in the CM guidelines and policy with links to other relevant documents. All employees should sign an acknowledgment of the policy and be trained in the procedure.

Process of Handling Complaints – Step by Step

Step 1: Receiving a Complaint

- **Register complaint:** Register the complaint in a standardized, written form (e.g. complaint form)
- **Acknowledge receipt:** Send the complainant a written acknowledgement of the complaint
- **Identify type of complaint:** Identify if it is an operational or serious complaint
- **Identify threats:** If necessary, provide protection for the complainant, e.g. against physical threats, retaliation, etc.
- **Decide whether to conduct an investigation:** Decide whether to investigate based on desk research. Is there enough evidence to resolve the case and do the benefits outweigh the costs?
- **Schedule your process:** Have defined time limits for each step of the process so the process is transparent and the complainant feels s/he is safe and being taken seriously

Step 2: Investigating a complaint

Operational complaints are usually handled through desk research. A decision to investigate is taken only if a complaint is qualified as *"serious"* (as opposed to *"operational"*).

- **Forward complaint to higher authority:** Any serious complaint is to be forwarded to a higher authority by the complaints officer. Often this is a complaints handling committee.
- **Establish investigation team:** An investigation team is established ad-hoc, composed of staff with expertise relevant to the case.
- **Decide on investigative methodology:** For corruption cases, external and social audits can be useful tools.
  - **External audits:** Investigative external audits are called forensic audits. Please note that not all auditing companies are qualified to conduct forensic audits. If corruption is suspected, it is recommended to proceed with the investigation without providing prior notification to the entity/person(s) being investigated.
  - **Social audits:** Social audits create full transparency by giving the target group information about project finances (and other relevant aspects), thus empowering communities to take on a watchdog function.

Step 3: Decision Making, Sanctions & Appeal

Possible sanctions should be transparent, widely communicated and proportionate. They

can range from a warning to a relocation or a demotion to a lower job. In severe cases, it can mean the loss of a job. If a partner organization is concerned, results can include temporary or complete termination of cooperation, a demand of repayment or a contractual penalty. Sanctions also act as a deterrent for future perpetrators. In the event of a criminal offense, the case must be referred to law enforcement.

- **Taking a decision:**
  - The decision should be made by an entity other than the one conducting the investigation. This designated higher authority takes a final decision based on the written recommendation of the investigation team.
  - The same procedure applies for a possible discontinuation of an investigation. Here as well, the investigation team will make a recommendation while a higher authority will take the decision on whether to discontinue the investigation.
- **Inform complainant/subject of complaint:** Both the complainant and the subject of the complaint should be informed immediately of the result.
- **Allow for appeal:** The complainant as well as the subject of the complaint have the right to make an appeal in writing, providing a justification and within a given time frame.
- **Document the process:** All steps of the complaint procedure should be documented in writing, providing as much detail as possible. This is important for the systematic analysis of cases.

Step 4: Systematic Analysis, Reporting and Improvements

A CM also has a learning purpose. Through the systematic analysis of all cases structural malfunctions can be detected and addressed thus, leading to improved practices and processes within an organization.

- **Analyze the cases:** The systematic analysis of written records can reveal structural malfunctions in the organization. Once detected, these can be addressed through new (or revised) guidelines, policies or processes.
- **Publish annual complaints report:** It is a good practice to produce an annual complaints report, containing information on all cases received and dealt with. By openly communicating the results, the organization shows its proactive stance toward fighting misconduct.
- **Assess your CM:** The CM should be evaluated regularly (e.g. every three years) to identify shortcomings and challenges that should be tackled in order to improve the mechanism

Acknowledgements

We would like to thank the Community of Cooperation of Bread for all & its partner organizations for making this Practitioner's Guide possible. Special thanks to the organizations that have played a pioneering role in having established, maintained and continuously improved their complaint mechanisms. Many of them helped us, through interviews, to get detailed insights into the functioning and reality of their mechanisms. Their stories are the key element in making this *A Practitioner's Guide* instead of merely a theoretical study. Thank you also to any other organization which offered valuable additional insights through interviews.

A special thank you to every victim or witness of misconduct or abuse within or by an organisation who shared their stories in informal conversations. They took the time to explain how a complaint mechanism would have helped in their personal circumstances; this allowed for the Guide to be adapted to real needs.

Abbreviations and Acronyms

AGkE TI	Arbeitsgruppe Kirchliche Entwicklungszusammenarbeit von Transparency International Deutschland e.V.
ACR	Annual Complaints Report
BFM	Beneficiary Feedback Mechanism
BSO	Building Safer Organisations
CINI	Child In Need Institute
CM	Complaint Mechanism
CoC	Code of Conduct
CRM	Complaints & Response Mechanism
DCA	DanChurchAid
DFID	UK Department for International Development
DRC	Danish Refugee Council
DWS	Department for World Service
DZI	Deutsches Zentralinstitut für Soziale Fragen
FP	Focal Point
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HAP	Humanitarian Accountability Partnership International
ICVA	International Council of Voluntary Agencies
LWF	Lutheran World Federation
NGO	Non-governmental organization
SEA	Sexual Exploitation and Abuse
TF	Task Force
TI	Transparency International

Contents

The Increasing Demand for NGO Accountability

Throughout recent decades, NGOs have developed an increasingly important role in social and environmental service provision and advocacy worldwide in a wide range of domains. Traditionally, NGOs are not well regulated in many countries, leaving them more at liberty and less controlled in their operations. In light of the lack of direct legal and public oversight and accountability, severe discrepancies, inconsistencies and even scandals have occurred involving NGO management, finances and operations. Examples include excessive salaries of senior staff, high administrative costs, misappropriation of funding, corruption and a general lack of transparency, e.g. due to a lack of reporting about activities. To avoid scandals and to become more transparent and accountable, many NGOs are increasingly striving to put systems and mechanisms in place that improve their governance, integrity and transparency. Measures are diverse, ranging from new policies on gifts, travelling and hospitality to implementing a code of conduct or an anti-corruption policy. However, it is not sufficient simply to adopt and improve new policies, systems and procedures. It is necessary to find a way to ensure commitment to them and to enforce them in case of non-compliance.

For an organization committed to maintaining high standards of ethical and legal conduct within the organization and in all its projects, programs and business relations, a complaint mechanism is an important tool. It allows all stakeholders - employees, project participants, donors and so forth - to report abuse of power, fraud, corruption and sexual exploitation, for example, as well as problems regarding the organization's functionality. Thus, the complaint mechanism is an important instrument to enforce the Code of Conduct or anti-corruption clauses and to discover structural malfunctions of an organization. The mechanism is part of a larger set of measures to achieve more accountability and transparency, and it improves the overall credibility of the organization in the long term. Furthermore, an improved reputation increases trust and may have a positive impact on funding.

The purpose of this paper is to help organizations and institutions interested in establishing a complaint mechanism to understand how best to develop and run it to make it successful. The research and interviews have focused on non-governmental and faith-based organizations active in international development cooperation, which are the principal target group of this Practitioner's Guide. It is both for small grassroots organizations as well as large international ones, active in developing and developed countries alike. The best practices described in this manual, however, can also be adapted to the needs of other types of institutions, organizations and companies who want to establish a complaint mechanism. The manual is not about presenting a one-size-fits-all approach. Instead it provides various practitioners' perspectives of existing complaint mechanisms in order to show best practices, challenges and solutions, from the design to the implementation and improvement of such a mechanism.

The first part is designed to create a common understanding of the concept by defining what a complaint mechanism is, for whom it is meant and why it is important to have one. Subsequently, the different types of complaint mechanisms are outlined as well as the most important factors to make it a success.

The second part illustrates the factors that go into establishing an effective complaint mechanism. We elucidate the best practices by analy-

zing challenges other organizations have faced and concluding with the lessons learned through tackling the problems. Emphasis is thus put on case studies and practical experiences. Subsequently, we present and refer to theoretical considerations underlying the whole process from design to implementation.

The third part describes the steps for receiving and investigating complaints, making decisions and introducing lessons learned into project improvement as well as evaluating, monitoring and developing the complaint mechanism. These topics are explained following the same structure as that of the previous parts. The last section presents the Guide's conclusions.

Research Methodology of the Guide

As a first step in preparing *A Practitioner's Guide*, desk research about complaint mechanisms and whistle-blower protection in a range of domains was conducted, examining the private, public as well as civil society sectors. The desk research revealed that many larger companies and banks use complaint mechanisms, partly due to legal pressure. In the public sector in many developed countries, complaint mechanisms are also becoming increasingly common. With a closer look at the civil society sector, on the other hand – specifically NGOs – another image emerges: only a very limited number of organizations have established complaint mechanisms.

Following the wider literature review, an in-depth, qualitative analysis of the documents of approximately 20 NGOs was conducted based on their experience with complaint mechanisms. Among those documents were, for example, complaint mechanism policies and procedures, Codes of Conduct, anti-corruption-clauses, complementary guidelines and complaint reports. The documents were compared to uncover similarities and differences in the way the mechanisms function and how complaints are received and handled. Throughout this process, the organizations with the most effective complaint mechanisms and detailed documentation about them were identified.

As a second step, interviews were conducted with five NGOs: DanChurchAid, Danish Refugee Council, Diakonia, Kindermissionswerk *"Die Sternsinger"* and Lutheran World Federation. This is not an exhaustive list of NGOs with complaint mechanisms, but rather those that were available for interviews and that stand out both for having experience with establishing and maintaining a complaint mechanism and having sufficient documentation that is publicly accessible. Their experience provided deep insights into the practical challenges encountered in designing, implementing and improving complaint mechanisms and form the basis of this Guide. Additionally, the task force of Transparency International for Ecclesiastical Development Cooperation and the campaign Report the Abuse were interviewed for additional input. The analysis of the interviews of these organizations led to the formulation of the best practices and recommendations on how to deal with challenges that are presented in detail in this Practitioner's Guide, complemented by the documents of the organizations. Throughout the text, Recommended Sources boxes allow the reader to go more into depth on the different aspects of establishing and maintaining a complaint mechanism.

As an additional step throughout the course of the research, many informal discussions were held with victims and witnesses of abuse, corruption or unfair treatment by organizations and institutions who did not have the chance to report their cases at the time of the incident. Their feedback helped to adapt *A Practitioner's Guide*, taking into consideration the needs of those whom a complaint mechanism intends to serve.

I. Complaint Mechanism – Definition and Scope

1. What Is a Complaint Mechanism?

In non-governmental organisations, various situations occur out of which complaints can emerge: Project mismanagement, corruption, misuse of funds, nepotism as well as psychological, physical and sexual abuse. These incidents leave victims or witnesses of wrongdoing with the question of how to voice their complaints and organisations with the question of how to receive and handle them. A complaint mechanism offers a solution by giving victims and witnesses a chance to report a case through a formal and safe channel and for organisations to deal with complaints in a formalized manner.

The Humanitarian Accountability Partnership (HAP)[2] defines a complaint mechanism as follows: *"An effective complaint mechanism promotes accountability as communities and employees are better able to report abuse and access additional protection through deterrence."*[3] A complaint mechanism can function through different ways and channels: A complaint by (a) victim(s) or (a) witness(es) of misconduct can be made in person or anonymously by calling a complaint hotline, through a complaint email, by approaching an ombudsperson, by voicing the complaint in a public meeting etc. The complaint is then processed by (a) Complaint Officer(s) in a formalized manner.

Complaint mechanisms are used in various ways. In the context of organisations and institutions, some only target severe cases of misconduct, such as corruption or misappropriation of funds. Others include suggestions on how operations should be improved, e.g. by participants in projects or by employees. Due to the variety of cases dealt with and the different nature of organisations, mechanisms differ from organisation to organisation.

Both in the literature as well as in practice, a wide range of terminology is used to describe a complaint mechanism: Terms include *"feedback mechanism"*, *"whistle-blowing program"*[4], *"complaints and response mechanism"*, *"reporting mechanism"*, etc. It is advisable to keep the name of the complaint mechanism as neutral as possible, e.g. Reporting Mechanism.

[2] Humanitarian Accountability Partnership International (HAP International), a multi-agency initiative founded in 2003, was the first international self-regulatory body of the humanitarian sector working to improve the accountability of humanitarian action to people. In 2005, HAP International merged with People In Aid and is now known as the CHS Alliance.

Jordan, Lisa and van Tuijl, Peter (2006): NGO Accountability: Politics, Principles and Innovations Earthscan, London. p. 39. ISBN 1844073688.
CrossRoads' Global Hands. http://www.globalhand.org/en/browse/guidelines/7/global_issues/organisation/23481 (Retrieved 30/10/2016)

[3] HAP (2007): 2007 HAP Standard in Humanitarian Accountability and Quality Management: http://reliefweb.int/sites/reliefweb.int/files/resources/0753C21D42F-FEAA4C125727C0053B0D0-HAP%20-%20Coordination%20-Jan2007.pdf (Retrieved 25 October 2016)

[4] Whistle-blower = "A person who informs on a person or organization engaged in illicit activity". Oxford Dictionary. https://en.oxford-dictionaries.com/definition/us/whistle-blower (Retrieved 20/08/2016)

a. What Is a Complaint

Before establishing a complaint mechanism, it is of key importance to define what characterizes a complaint. This forms the basis for defining which cases fall under the scope of the mechanism. The organisation Diakonia describes a complaint as, *"[…] a formal expression of dissatisfaction or discontent, and/or misconduct, about someone or something".*[5] Examples can include,

- Misbehaviour by an organisation's staff member or partner
- Breaches of the organization's Code of Conduct (CoC; see best practice box), other policies or commitments by the staff itself or staff from partner organizations
- Poor quality of the program
- Physical, psychological or sexual abuse by staff member[6]

In addition to defining what a complaint is, it is of great value to define what it is not. General inquiries and requests for information for example do not fall under the definition of a complaint.[7] Most organizations, including the ones interviewed for this Practitioner's Guide, also exclude complaints regarding internal staff employment conditions.[8] General feedback also does not fall under complaint mechanisms. Diakonia defines feedback as follows:

"Feedback is any positive or negative informal statement of opinion about someone or something – an opinion shared for information but not with the intention of lodging a formal complaint. A complaint requires a response whereas feedback does not."[9]

This indicates an important aspect of a complaint mechanism: Unlike a mechanism merely designed to receive feedback, a complaint mechanism needs to give a response to a complaint filed by a complainant.[10]

Best Practice: Establishing a Code of Conduct as a Basis for the Complaint Mechanism

The basis of a good complaint mechanism is a clearly formulated and complete Code of Conduct. A Code of Conduct is a written document which expresses an organization's expectations towards employees to protect the organisation and to inform the employees. A CoC is signed by each employee who thus bind themselves to comply with it. If an employee breaches the Code of Conduct, a complaint can be filed via the mechanism about him/her.

[5] Diakonia (2012): Complaints and Response Mechanism. Including Incident Reporting for Employees, p. 7, https://www.diakonia.se/globalassets/blocks-ihl-site/ihl-file-list/call-for-proposal-attachments-2016/diakonia-complaints-response-mechanism.pdf (Retrieved 15/07/15)

[6] Ibid., p.8, 11-12

[7] Ibid., p.8

[8] Lutheran World Federation (2010): Complaints Mechanism. Policy and Procedures, p. 7-8, https://www.lutheranworld.org/sites/default/files/DWS-Complaints_Mechanism_Policy_0.pdf (Retrieved 24/04/16)

[9] Diakonia (2012): Complaints and Response Mechanism. Including Incident Reporting for Employees, p. 16, https://www.diakonia.se/globalassets/blocks-ihl-site/ihl-file-list/call-for-proposal-attachments-2016/diakonia-complaints-response-mechanism.pdf (Retrieved 19/1015)

[10] Some organisations still opt to call it a «feedback mechanism» as the term «complaint» can be perceived as too strong but will include complaints and give a response to cases. (see Annex 3: Case Study Child in Need Institute)

[11] For example: Lutheran World Federation, Complaints Mechanism Policy and Procedure, 2010, p. 5-6, available at https://www.lutheranworld.org/sites/default/files/DWS-Complaints_Mechanism_Policy_0.pdf (Retrieved 24 April 2016) or Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 11-12 (Retrieved 19 October 2015)

[12] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 11 (Retrieved 19 October 2015)

[13] Ibid, p.12.

b. Types of Complaints

To define more specifically which types of complaints can be made or cases reported through a complaint mechanism, most organizations[11] distinguish between two types:

- Operational complaints
- Serious complaints

Operational complaints are mostly related to projects and programs, e.g. the project management, the quality of work, donor registration, or *"staff incidents related to accidents, disease or security threats".*[12]

Examples are manifold:

- a former donor complains about not having been deleted from the fundraising data base yet
- a community member complains about not being selected to be involved in a project in spite of his family's need for support

A **serious complaint** is related to a breach of the Code of Conduct of an organization. In general, serious complaints can be divided into two categories:

- Corruption, fraud and financial issues and
- physical, psychological, sexual exploitation or abuse of persons (children or adults)[13]

Examples:

Corruption, Fraud & financial issues

- **Corruption:** A health worker requests money or presents from patients in exchange for treatment
- **Nepotism:** A manager selects his cousin for a job though he is unqualified.
- **Misuse of funds and/or property:** An employee observes her colleague using the organisation's car many times for private purposes. The car and its maintenance costs are paid through project money meant to help those in need.

Physical, psychological and sexual abuse and exploitation

- An aid worker in a refugee camp requests sexual favours from a young girl in exchange for food.

As can be seen in Table 1, at DanChurchAid, serious (*"sensitive"*) complaints are outnumbered by operational complaints which typically compose the main part of all incoming complaints, an experience shared by most of the organizations interviewed.

Practical example: DanChurchAid
DanChurchAid reports that most the complaints received are operational. Among these, most are about fundraising complaints, e.g. that a person was not deleted from the donor list as „requested". Complaints are made both about their activities in Denmark as well as internationally.

	2012	2013	2014	2015
Operational complaints	79	52	57	40
Operational complaints	8	8	15	15
Total of complaints	**87**	**60**	**72**	**55**

(Excerpt from Dan Church Aid (2015): Complaints Report 2015, p.4. For this report and more examples and how the organization dealt with complaints, see DCA Complaints Reports 2009-2015 as well as their Corruption Reports 2004-2010. https://www.danchurchaid.org/about-us/quality-assurance/complaints (Retrieved 25/10/2016))

c. Who Can File a Complaint

Who can file a complaint? The answer to this is very easy: anyone should be allowed to file a complaint through the mechanism. This includes people directly involved with the organization as well as any outsiders - the organization's employees, short-term employees, board members, management, volunteers, project participants[14] as well as suppliers and partners or anyone else in contact with, or influenced by, the organization and anyone who has observed wrongdoing by an organization. For the purposes of *A Practitioner's Guide*, people who use the mechanism are called end-users. Complaints can also be made by a group of people or on behalf of another person. The latter constitutes a special case, e.g. when a victim fears reprisal from filing a complaint and therefore entrusts another person to speak on his/her behalf (see Chapter II 3b I. Allow for anonymous complaints).

d. Reasons for and Benefits of a Complaint Mechanism

The reasons for establishing and the benefits of having a complaint mechanism are manifold. All stakeholders – leadership, employees, donors and project beneficiaries alike – can benefit from its existence. A complaint mechanism is a unique tool that allows victims and witnesses of misconduct to have their voices heard, and allows organizations to detect misconduct, enforce policies and improve operations and thus the efficiency and the impact of the organization.

I. NGOs Living up to Their Responsibility

To understand who benefits from having a complaint mechanism and how, it is important to understand to whom NGOs have a responsibility:

- **Donors and the government:** NGOs are the intermediary between the people who need help and the donors who want to help by donating money and who trust NGOs in their expertise to provide the best help possible. NGOs are thus responsible for using the money in the most efficient way possible to ensure the greatest benefits.

[14] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p.7 (Retrieved 19 October 2015).

- **Project participants:** As the intermediary between donors and beneficiaries, responsible for developing programs and projects that best help the people in need, NGOs have a responsibility to beneficiaries to act in their best interests.
- **The organization itself:** NGOs have dedicated their work to a social, environmental and/or spiritual purpose. Organizations have a responsibility to work continuously toward fulfilling these aims and to live up to their own values in their daily operations.
- **The NGO sector:** NGOs are part of the wider aid and social sector, and/or spiritual sector, and are generally highly regarded for their intrinsic mission to help others. A scandal in one NGO can easily harm the reputation of other associated organizations and even the entire sector. Through a complaint mechanism, NGOs contribute to living up to their responsibility toward their stakeholders.

II. Giving Victims a Voice

Victims have a right to be heard. The most important reason for having a complaint mechanism is to give victims and witnesses of misconduct tools to access this right. In many cases where a complaint mechanism is absent, there is no possibility to report in a safe manner. Through a complaint mechanism, this gap is filled: an open ear in a safe and formalized setting is offered to victims and witnesses and their problems are taken seriously and handled professionally. The opportunity to complain brings real meaning to the rights contained in the Code of Conduct and statutes of an organization. Dealing with the complaint can challenge the status quo, improve the situation, and potentially prevent similar cases from happening in the future.

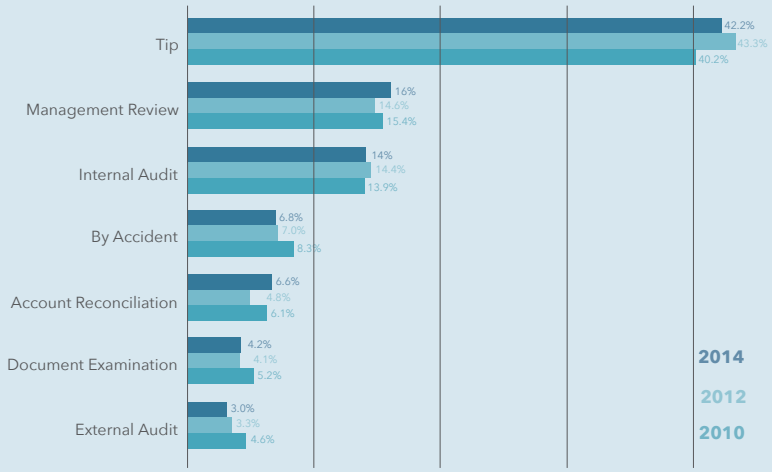
Arguments for Complaint Mechanisms

- Help to uncover patterns in misuse of power
- early warning mechanism
- Enforcement mechanism for other accountability measures
- Improfe reputation and overall credibility of the organization
- Improve work atmosphere
- Identify structural malfunction of your organization.

III. Early Warning Mechanism and Improving Operations

In Table 2, one can see that tips by observers of misconduct (e.g. by filing a complaint through a formalized mechanism) are the most effective way to discover cases of occupational fraud.[15] The misconduct pointed out through these tips demonstrates weaknesses in the system of the organization. The establishment of a complaint mechanism is a chance to detect these, to enforce existing policies and procedures and thus to improve the system as a whole. A complaint mechanism thus also functions as an early warning mechanism. The systematic analysis of the complaints enables an organization to uncover structural malfunctions and patterns of misuse, and in some cases problems that have appeared consistently for years in many projects. This analysis helps to:

- Identify how the problem emerged and which weaknesses of the organization enabled the problem to occur;
- Adapt and improve guidelines and policies and decide which new instruments to develop;
- Explain the reasoning behind and benefits of these guidelines and instruments to the employees.



"Report to the Nations on occupational Fraud and Abuse – 2014 Global Fraud Study", Association of Certified Fraud Examiners
Table 2: Initial Detection of Occupational Fraud

IV. Creating Trust

In the long term, the establishment of new systems and minimization of cases of misconduct improves trust not only by outside actors but also within

[15] Excerpt from Figure 11: Initial Detection of Occupational Fraud, in Association of Certified Fraud Examiners, Report to the Nations on Occupational Fraud and Abuse – 2014 Global Fraud Study, 2014, p.19, available at http://www.acfe.com/rttn-download-2014.aspx (Retrieved 20 October 2016).

the organization. Furthermore, it allows an organization to send a strong signal of zero tolerance. The complaint mechanism acts as a deterrent against potential future misconduct. (For more information on this topic, see Chapter V. *Systematic Analysis, Reporting & Improvements*)

V. Financial Benefit

The argument that a complaint mechanism can bring a financial benefit might sound contradictory to those who fear the cost of establishing one. The NGO sector is under constant pressure to keep administrative costs as low as possible. However, even if the mechanism can increase administration costs initially, the benefit it brings might well outweigh its costs over time: organizations lose a significant amount of money through corruption, nepotism and other misconduct. By establishing a system through which misappropriation of funds and similar cases can be discovered, weak spots are identified and the misuse and loss of money diminished.

VI. Protecting and Enhancing the Organization's Reputation

The discovery of misconduct or corruption within an organization, e.g. by the media, can harm its reputation and future operations. A complaint mechanism is a great opportunity for an organization to take a proactive stance against corruption by offering a channel within the organization to report wrongdoing. The mechanism allows the organization to deal with corruption and other incidents by itself and/or with the help of a third-party service, and to demonstrate a willingness to actively investigate cases of wrongdoing. This way, cases can be dealt with internally before reaching the public eye. It enables organizations to control how they deal with wrongdoers and how they communicate information to the public. A complaint mechanism thus enhances an organization's overall reputation.

2. Basic Design of Complaint Mechanisms

Throughout the research for *A Practitioner's Guide*, a number of different complaint mechanisms were identified that can be classified as centralized and decentralized. Both are characterized by a variety of entry points. The kind of mechanism to be chosen depends on the type and structure of an organization, its needs and the resources available. To make your decision easier, the main differences, advantages as well as disadvantages of all types will be explained, and the different entry points highlighted.

Practical Experience : Danish Refugee Council - Decentralized System

"Sometimes we have to accept that we cannot set up the mechanism in the way we would like to, but rather in the way that reflects the resources we have. We have a **decentralized system.** Serious complaints are investigated locally and only if this is not possible there will be an investigation through the head office. If we had more resources, we preferred to apply a central system at the head quarter, because this supports consistency."

(Niels Bentzen, DRC, interviewed 3 November 2015)

a. Centralized vs Decentralized Complaint Mechanism

To understand which type of complaint mechanism to choose and how to design it, it is necessary to look at the operational structure of an organization. At one end of the spectrum of how to design a complaint mechanism lies the **centralized system.** In a centralized system, there is only one level of complaint mechanism, and it is located at the headquarters. The number of people responsible for handling a complaint is restricted (e.g. one to three persons as focal points, depending on the size of the organization). These people have the responsibility for checking the veracity and the type of the complaint and deciding about the next steps. The centralized option has been chosen by DanChurchAid, which has a rather open policy: its partner organizations are not obliged to establish their own mechanism but are officially free to use DCA's mechanism. This allows small partner organizations with limited resources to offer a complaint

[16] Michelle Keun-Rasmussen, DCA, interviewed 12 August 2015.

[17] Sonja Grolig, Kindermissionswerk "Die Sternsinger", interviewed 19 November 2015.

[18] Natascha Linn Felix, DCA, interviewed 8 December 2015.

mechanism in a cost-effective way.[16] (For more information on DCA's implementation of its complaint mechanism with partners, see the case study on it in Annex 4.)

At the other end of the spectrum lies the **decentralized system.** In this system, the complaint mechanism consists of more than one level. In practice, this can mean that in addition to a department or person responsible for the mechanism at headquarters level, a similar department or person is also responsible at the regional and/or country level. This structure, which is used by the Danish Refugee Council, is premised on the principle of closest proximity. Thus, a case should be brought at the local level first. Only in rare cases should the case be filed directly at, or forwarded to, the headquarters complaint person(s). Examples of this include when the complainant does not trust the national complaint level and feels more comfortable approaching the headquarters about the matter, or when the ombudsperson him-/herself at the national level is the subject of the complaint.

As in most aspects of the complaint mechanism, which type of mechanism you choose depends on the needs and structure of your organization as well as your resources. Table 3 below gives an overview of the advantages and disadvantages of each system:

	Advantages	Disadvantages
Centralized System	· Centralization of all complaints:[17] allows for an overview and systematic analysis of all complaints · Supports consistency - in terms of implementation of the whole mechanism toward the staff - in terms of how the complaints are received and investigated etc., thus consistency toward the end-users	· A lot of responsibility for a few people. If these persons are corrupt, the whole mechanism is not functioning · Distance from target community: - Limited accessibility for communities, e.g. not having access to internet - People might not trust a mechanism located far away
Decentralized System	· A local access point, e.g. through an ombudsperson in the country, makes the mechanism more accessible in contrast to a centralized system · Regional representatives have a better understanding of local communication channels and dispute- settling traditions. · Target communities might trust a person whom they know directly more than a mechanism far away	· Difficulty of local quality assurance by headquarters · Potentially incomplete overview of all local complaints mechanisms - limits possibility of systematic analysis · Inconsistent system: e.g. different conditions to conduct an investigation, to suspend a payment and for how much time · A person might know the ombudsperson too well and might not report due to personal relationship · Risk that a complaint is handled operationally, although it is a serious complaint (a familiar problem reported by DCA)[18]

Table 3: Advantages & Disadvantages of Centralized and Decentralized Complaint Mechanisms

b. Types of Receivers: Internal Complaints Officer vs External Ombudsperson

Complaints are usually handled centrally by either a designated person, group of people or department (hereinafter *"Complaints Officer(s)"*). This entity can be located internally within the organization or externally. A major advantage of an **internal** entity is that the person(s) responsible have a good understanding of the organizational culture and procedures and are close enough to examine what has happened. However, being part of the organization, the Complaint Officer(s) might also be biased due to professional and personal connections with others. It is thus important to ensure that the Complaints Officer(s) is/are an independent entity within the organization and in a position to hold anyone, even senior management, accountable

In contrast to an internal entity, an **external** entity, such as an ombudsperson (see Best Practice and Practical Experience boxes), is independent from the organization. Thus, the person is not dependent on professional or personal relations and can investigate without being influenced, even in cases involving senior management. Some complainants might trust an external entity more due to this independence, especially in cases of serious complaints where they might be in danger.

Neither an internal nor an external entity has to handle complaints full-time; this depends on the size and needs of an organization. In most organizations, complaints will occur not daily but only occasionally. The complaint officer's position can thus be a limited mandate (e.g. a 10% position, or 4 hours per week) or an additional responsibility of an existent position. Smaller organizations or those with limited resources can even enter a pro-bono agreement with a lawyer or consultant, or pool their resources with other organiza-

Best Practice: Ombudsperson

An ombudsperson is a person usually appointed by a government/organization/ institution but with a significant degree of independence, who is charged with representing the interests of the public/stakeholders by investigating and addressing complaints of misconduct, maladministration or a violation of rights.

[19] Recommendation from Ewa Widén, Diakonia, interviewed 27 November 2015.

Practical Experience: The Ombudsperson of the German Red Cross

The German Red Cross was one of the first non-profit organizations to implement an ombuds position in 2008. As an external, independent person of trust, the ombudsperson receives complaints from employees both from headquarters as well as abroad, e.g. about corruption or misconduct. He investigates cases and thus fulfils a preventive function as well.

tions to hire on a limited-mandate basis[19]. Annex 1 provides an example of a joint complaint mechanism shared by LWF, Save the Children and World Vision.

c. Types of Entry Points

Independent of whether the complaint mechanism is handled by an internal or external entity or a combination thereof, the entity can be approached through different entry points. Entry points describe the channels through which a person can file a complaint. Examples are multiple, ranging from complaining via an email address, a confidential phone number, a complaint letter box, an online platform or public audits to a face-to-face meetings. Ideally, an organization will decide to offer different entry points for its complaint mechanism, e.g. by combining channels that can be used anonymously with others that involve directly approaching a designated person. Complainants who feel unsafe or unable to disclose information through one channel (e.g. due to a lack of trust in the chosen ombudsperson or the inability to make a written complaint due to illiteracy) can choose a different entry point. Which channel is used also depends on the type of complaint (see practical experience box below and Annex 1: Joint complaint mechanism for examples of combining different entry points and how these are processed).

It is important to make sure there is

Best Practices of Entry points

- Designated focal points, chosen by the community based on being trustworthy
- Multiple 'entry points' for lodging complaints, catering to the most at-risk in the population, including methods that can be used by people who cannot read or write
- Clearly explained roles for all the parties to the complaint
- Clear rules regarding disclosure of information about the complaint
- Safe spaces for witnesses who may be in danger as a result of the complaint
- Procedures for making complaints by proxy (i.e. that allow one person to complain for another) and/or that allow people to make anonymous complaints

Best Practices for Complaint Mechanisms in Communities

- Well-known and trusted **community focal points** such as protection officers and health workers;
- Youth **focus groups** in community centres and schools;
- F**ree phone lines** in 'safe' locations that can be accessed by all people;
- **Complaints boxes** positioned in safe, confidential and accessible locations;
- **Email address**

(Diakonia, Guidelines: Complaints and Response Mechanism. Including Incident Reporting, 2012, p.11)

also a range of recipients to whom a complainant can report or disclose information safely and thus complain indirectly, ranging from a supervisor to an officially designated confidant,[20] an external ombudsperson or otherwise trusted person. These people, if approached, act as intermediary entry points and forward the complaint confidentially to the official mechanism. Therefore, all employees, volunteers etc. need to be trained in the complaint policy and should understand themselves to be part of the complaint mechanism. As LWF puts it:

"All staff should respond positively to any complaints made to them and feel confident to do so. Senior management should ensure an atmosphere of trust, confidence and value orientation for this purpose. (…) Staff needs to know what the steps are regarding dealing with complaints, who the specific focal point person is and the corresponding timelines to deal with complaints."[21]

[20] A confidant is an individual (e.g. employee or volunteer) chosen by the project participants or employees themselves based on his/her trustworthiness who can be approached about complaints or problems.

[21] Lutheran World Federation, Complaints Mechanism Policy and Procedure, 2010, p.9, available at https://www.lutheranworld.org/sites/default/files/DWS-Complaints_Mechanism_Policy_0.pdf (Retrieved 24 April 2016).

Practical Experience: CARE International in Cambodia – Offering Different Entry Points

In order to increase accountability in its Disaster Preparedness Action Planning Project (DPAP) in Prey Veng Province, Cambodia, a working group of CARE developed a Complaint Mechanism that was presented for comment and approval to all stakeholders, especially beneficiaries. Workshops and presentations were conducted until the mechanism comprising a combination of the following three entry points was agreed upon:

- **Committees for Addressing Complaints (CAC),** to be established at various levels of the project. The six members came from district and community levels and two beneficiaries were included. The CAC were tasked not only with receiving and processing complaints but also with providing a channel for receiving verbal complaints and feedback.
- **Complaint Boxes** attached to the Village Information Boards (VIBs, see photo): A member of the Village Complaint Committee was tasked with keeping the key and opening the box weekly.
- **Complaint telephone numbers** (displayed clearly on VIBs): One was CARE's, the other was of the Government District Committee for Disaster Management counterpart staff.

The three entry points ensured that if community members felt uncomfortable or unable (e.g. illiterate) to use one route for feedback, they had other options to choose from. The different entry points also made anonymous complaints possible.

Complaint Box attached to Village Information Board

CARE International in Cambodia – Complaints Mechanism Case Study. Presented at HAPI Complaints Mechanism Workshop, 4-5 April, 2006, Denmark. http://www.chsalliance.org/files/files/Resources/Tools-and-guidance/care-cambodia-complaints-mechanism-case-study.pdf (Retrieved 24 November 2016

3. Essential Qualities of a Complaint Mechanism

To establish a well-functioning complaint mechanism, it is crucial to state the aim of the mechanism clearly. This is often written in the Code of Conduct of the organization. The most important features for a good complaint mechanism are the same in almost every complaint mechanism policy studied

Safety	considers potential dangers and risks to all parties and incorporates ways to prevent injury and harm	**Accessibility**	allows the mechanism to be used by as many people as possible from as many groups as possible in places where the organisation is operational. Communities should be supported to set up their own complaints procedures, and must be enabled to complain when problems arise.
Confidentiality	restricts access to and dissemination of information, requiring that information is available only to a limited number of authorized people (generally the Senior Management of the organisation) for the purpose of concluding necessary investigations.	**Quality**	should be accurate, and have a clear sequence of events.
Transparency	staff and persons of the affected community know it exists, and possess sufficient information on how to access it. People of concern should be able to speak to member staff regularly about the operation of the complaint mechanism and know who in the organization is responsible for handling complaints and communicating outcomes.	**Verifiability**	to ensure that the information is reliable.
		Timeliness	of reporting, and related follow-up measures, must be ensured.
		Assistance to those reporting	should be a part of the complaints mechanism, to deal with possible psychosocial, medical and other needs.
		Documentation	The importance of objective, reliable documentation is critical.

Table 4: Essential Qualities of a Complaint Mechanism[22]

for the purposes of this Guide. These are the following, summarized in Table 4 by Act Alliance:

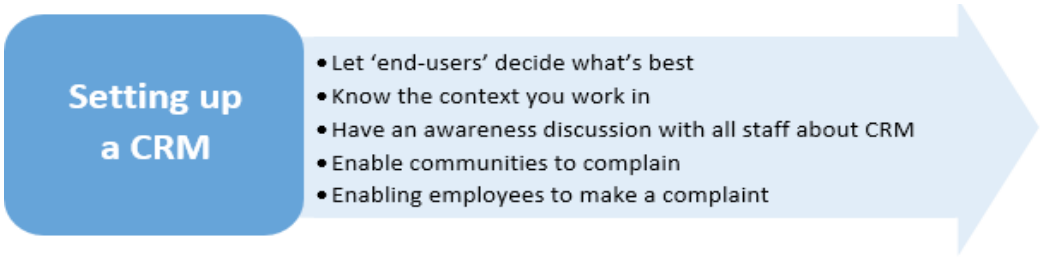
These factors are a good guideline for making your mechanism a success. The real challenge, however, lies in achieving them in the implementation and long-term running of a complaint mechanism. The difficulties you might face in the implementation process, and how to deal with them, are the topic of the next chapter, *Establishing and Implementing an Effective Complaint Mechanism*.

[22] Act Alliance, Complaints Handling and Investigation Guidelines, 2010, p.5, available at http://actalliance.org/wp-content/uploads/2015/11/Complaints-and-Investigation-Guidelines-July-2010-1.pdf (Retrieved 8 April 2015).

[23] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p.2 (Retrieved 5 February 2016).

[24] Act Alliance, Complaints Handling, p.1 (Retrieved 8 April 2015).

II. Establishing and Implementing an Effective Complaint Mechanism

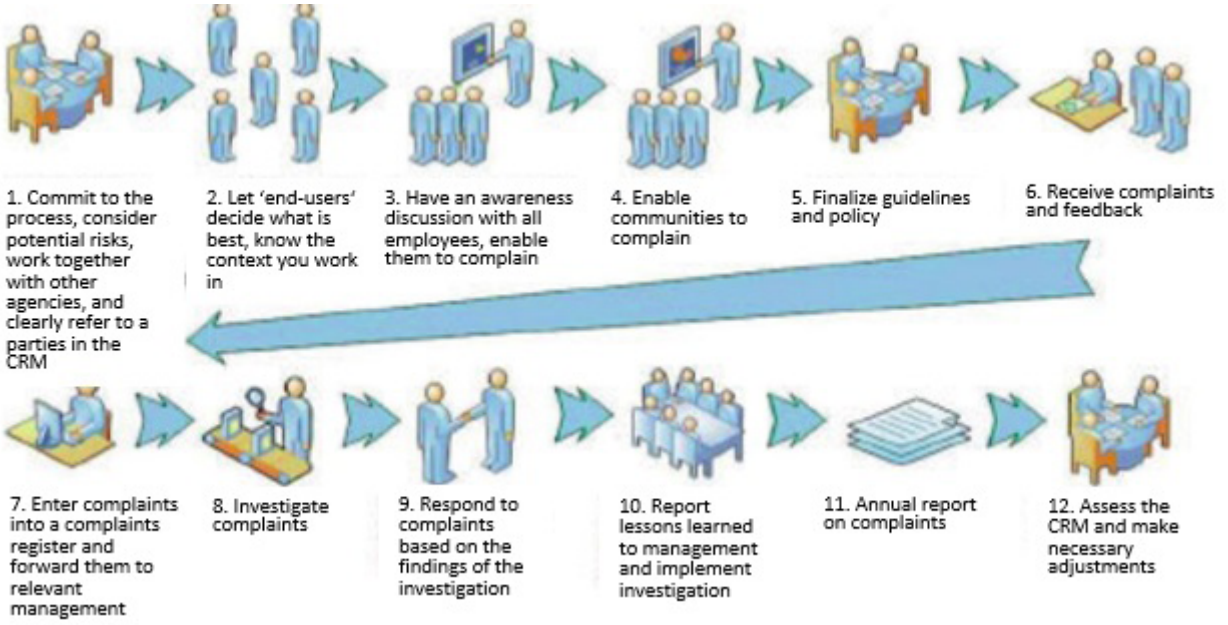


Graphic from Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 16

No Need to Reinvent the Wheel!

When establishing a complaint mechanism, there is no need to reinvent the wheel! Many organizations with complaint mechanisms originally consulted with other organizations that already had CMs and then modelled their mechanisms accordingly. Diakonia, for example, states that its mechanism is based on that of Act Alliance.[23] Act Alliance,for its part, modelled its mechanism on that of HAP.[24]

Our focus in this chapter is on the advice of complaint mechanism practitioners and their organizations who we consulted with. Recommendations are included to avoid problems organizations experienced as well as solutions for challenges you might face. Moreover, practical experiences and case studies included offer best practices to learn from. (For more information, see Recommended Sources box as well as Graphic 1.)



Graphic 1: 12 Steps of Complaints Handling[25]

Graphic 1 by Diakonia provides a useful, 12-step summary of the important points of the complaint mechanism process. It describes the process from the establishment of the mechanism to the handling of complaints to the evaluation of the mechanism, which will be treated in the chapters below.

Recommended Sources:

- Diakonia, Policy for Diakonia's Complaints and Response Mechanism (2012)
- International Council of Voluntary Agencies (ICVA), Building Safer Organisations Guidelines (2007)
- Act Alliance, Complaints Handling and Investigation Guidelines (2010)
- LWF, Complaints Mechanism. Policy and Procedure (2010)

[25] Diakonia, Guidelines: Complaints and Response Mechanism, p.6. (unpublished, approved on 09.08.2012)

1. Commit to the Process

The idea for a complaint mechanism can emerge out of a simple discussion by motivated colleagues, arise from cases of mismanagement in the absence of a mechanism to handle them, or be initiated by senior management due to legal or societal pressure or for other reasons. Once the idea takes hold, the process gets under way when there is full commitment within the organization. For this to happen, it is important to broaden the discussion to the wider organization. There should be a general consensus within the organization on the purpose and objectives of the complaint mechanism. Basic prerequisites include support by (senior) management and having appropriate resources, both human and financial. In this initial stage, potential risks and dangers should be identified and strategies to handle them should be developed. It is also at this stage that roles and responsibilities must be defined. This includes decisions on who will receive, handle and investigate the complaints as well as who will train and communicate about the mechanism internally as well as externally. To fully commit to the process, both an open-minded organizational culture as well as human and financial resources are crucial.

Practical Experience: Changing Perspective Takes Time

Ten years ago, Transparency International published a paper discussing corruption in Catholic institutions. The assumption that **"we are Catholic institutions/organizations, therefore we are honest"** was opposed to the notion that there is as much corruption in religious organizations as in secular NGOs. The aim of the study was to increase people's awareness of corruption and misbehavior. It initiated extensive discussion, which culminated in the conference *"Mut zur Transparenz" ("courage for transparency")* in Bad Boll, Germany, on corruption in church development cooperation. Today, many religious organizations are proud to be part of the Transparency International working group on Ecclesiastical Development Cooperation. Moreover, they honor the strength of those who fought against criticism ten years ago for an open-minded organizational culture.

(Sonja Grolig, AGkE TI, interviewed 19/11/15)

Recommended Source:

- Diakonia, Policy for Diakonia's Complaints and Response Mechanism (2012), pp. 5-6 and 12-13, provides a detailed list of human resources and steps needed to implement the complaint mechanism policy and precise description of tasks of the country, regional, and head office level

a. Open-minded Organizational Culture

Organizations often mention external reasons for the implementation of a complaint mechanism. These include, for example, the desire to be transparent and accountable to donors, stakeholders, employees and the public. Only a few organizations referred to internal reasons for setting up a mechanism. Those internal reasons can include, among others, management's desire to fight against corruption or misuse of power in their own organization. However, this presumes an awareness of the potential for corruption or abuse of power. A self-critical management that values integrity highly and can question its own organizational structures is part of an open-minded organizational culture. Moreover, an important characteristic of this integrity is a willingness to communicate weaknesses openly or learn from mistakes. This integrity increases the trust stakeholders and employees need to use the mechanism. Senior management's attitude toward corruption and misconduct is crucial for the success and effectiveness of the mechanism.

Recommended Source:

- Checkpoints for Managers," in Act Alliance, Complaints Handling and Investigation Guidelines (2010), pp. 27-29

b. Resources

In addition to organizational culture, another key element for the establishment of a complaint mechanism is resources. NGOs are under constant pressure to keep their administrative costs as low as possible. A complaint mechanism brings additional costs. The organization thus needs to communicate and justify, both internally and externally, why a mechanism is important and how the mechanism can improve its operations, protect its finances and deliver high-quality projects.

Among the resources that need to be considered are human resources: either a position should be created, or a percentage of an existing position dedicated to the receiving and handling of the complaints, or a person should be hired pro bono. Additionally, at different points, other departments will need to contribute human resources, e.g. for a person to become part of the investigation process for a limited time frame. Financial resources are needed to develop training and training material. Financial resources will also be needed not only to establish a complaint mechanism but to sustain it. The long-term success and credibility of a mechanism are at risk if funds to run it are insufficient.

2. Let End-Users Decide and Be Aware of the Cultural Context

A basic challenge many organizations encounter is that there is no *"one size fits all"* solution to creating a complaint mechanism. Rather, the mechanism must be adapted to the needs of the *"end-users."*

"What will help people of concern report abuse in one environment may not help people of concern in another environment. This is because barriers to reporting vary greatly from place to place depending on factors such as the nature of the humanitarian crisis, how people are vulnerable and local social norms, including gender norms. It is therefore essential that organisations develop policies in consultation with people of concern as well as staff. Policies used in a number of environments should be flexible and require staff to investigate local circumstances before and during implementation."[26]

Regardless of whether you choose to establish a centralized or decentralized system, make sure the mechanism is discussed not only at headquarters but with end-users in each country. To establish a well-functioning complaint mechanism, it is essential to integrate

[26] International Council of Voluntary Agencies (ICVA), Building Safer Organisations Guidelines. Receiving and investigating allegations of abuse and exploitation by humanitarian workers (2007), p. 8, available at http://www.chsalliance.org/files/files/Resources/Tools-and-guidance/bso-guidelines.pdf (Retrieved 21 March 2017).

Practical Experience: Diakonia – Workshops to Spread Awareness in Partner Countries

Diakonia organized workshops with representatives of each country. The representatives looked at the guidelines and provided input on the contextual perspective. Furthermore, six peer countries helped one another to set up their systems.
"(…) the representatives gave workshops for their colleagues and came up with ideas about how to set up a complaint system in their country."
(Ewa Widén, Diakonia, interviewed 27 November 2015)

the mechanism into existing structures and adapt it to the needs of end-users. You need to understand the context in which you work. The best way to achieve this is to have discussions with representative groups of potential end-users to debate the requirements and details of the complaint mechanism. Explore with stakeholders questions about:

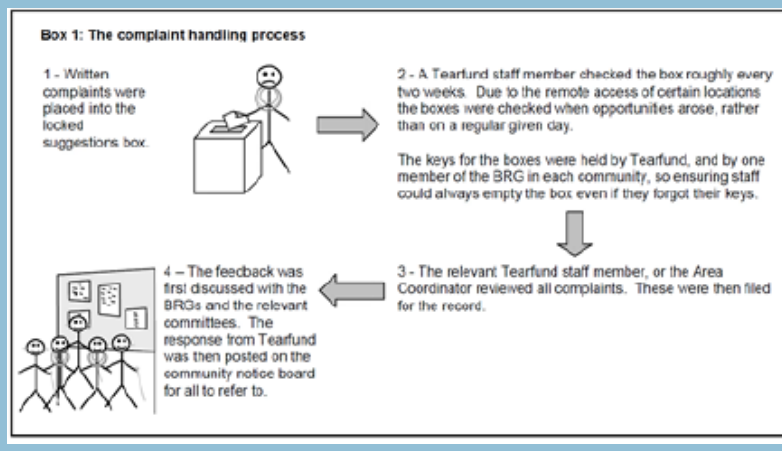
- Traditional systems for lodging complaints locally
- Types of complaints
- Barriers to lodging complaints
- Access and the ways to submit a complaint

By including people in the design process, you let end-users decide what is best, which helps create ownership of the mechanism. Moreover, by participating in the process, people are made aware of the mechanism and how to use it in the future. An inclusive design process typically includes awareness discussions, for example at team meetings, as well as end-user information sessions. If more input is needed, small task groups can be formed and mandated to assist in designing the mechanism. Internal end-users such as staff should also be reminded regularly of standards of conduct, complaint procedures and early-warning signs during their service.[27] Based on the feedback from end-users, you will be able to design and establish the mechanism.

[27] For more information see Diakonia, Guidelines: Complaints and Response Mechanism, p.9-10 (Retrieved 5 February 2016).

Practical Example: Tearfund in Northern Kenya – Suggestion Boxes and Beneficiary Reference Groups

In the framework of its project work in Northern Kenya, the organization Tearfund established **Beneficiary Reference Groups (BRGs)** to ensure queries, complaints and feedback from the communities could be received and processed. The Beneficiary Accountability Officer had identified the need for an alternative channel for written (and if needed anonymous) feedback and complaints. Therefore, Tearfund discussed the idea of setting up complaint boxes in each community with the BRGs. They decided to call it **"suggestion boxes"** as "*complaint*" was seen as too negative and could keep people from filing complaints due to fear of losing the aid of Tearfund. As a result of the process, five boxes were established in the areas where Tearfund operated. The location of the box was chosen by the area chief together with the BRGs, based on factors such as access, security for users, etc. A descriptive summary was placed next to it and awareness raised within the community. Box 1 shows the complaint handling process. The total **cost** for the five boxes was **80 USD (16 USD each)** in addition to the staff time needed to sensitize the BRGs and the committees. Within three months, Tearfund received 16 (mostly anonymous) complaints via the suggestion boxes, 15 of which were deemed relevant for Tearfund's work. Most focused on the beneficiary selection process and the recruitment process of agricultural workers. The staff and the BRGs felt the suggestion boxes were instrumental in getting feedback from the community that would not have been voiced in other ways.



HAP & Tearfund, "Tearfund North Kenya Programme: Suggestion boxes for community feedback," 2007, available at http://www.alnap.org/resource/10535 (Retrieved 25 November 2015)

For a more detailed example of a feedback mechanism, see **Annex 3: Case Study – Child in Need Institute's Beneficiary Feedback Mechanisms, Kolkata, India.**

3. Enable and Encourage End-Users to Use the Complaint Mechanism

Potential complainants need to have easy and safe access to the mechanism. This is especially important for disadvantaged groups such as women, ethnic minorities, the illiterate, the elderly or young people. Many do not know their rights and entitlements. For this reason, awareness must be raised among end-users and their needs closely examined to determine how to enable and encourage them best to use the complaint mechanism. A key element is the creation of trust in the mechanism.

"One of the constraints is to make sure that people really understand their entitlements."

(Olivier Beucher, director of DRC's programmes in Lebanon and Syria.)

"They often don't know about their rights because we don't tell them."

(Maria Kiani, senior accountability adviser at HAP about the importance of accountability in the field. Both quotations from IRIN news, "Put Accountability into Practice," 4 December 2012. http://www.irinnews.org/fr/node/252206 (Retrieved 27 October 2016)

a. Create Trust

To ensure that the complaint mechanism is used, trust is one of the most important factors. However, this can also be one of the weakest points of a complaint mechanism.

"Complainants – whether they are persons of concern or staff members – will not come forward unless they trust that the allegation will be taken seriously and that they will be protected from reprisals. Managers must create a culture and related systems that promote trust among the host country, international/national staff and beneficiaries and in doing so mitigate factors which may deter individuals from making complaints."[28]

Establishing trust is a long-term process and depends very much on the organizational culture regarding misconduct. Therefore, the management, those directly responsible for the complaint mechanism and the wider organization all need to work together. Management has an enormous responsibility to create trust and encourage staff to support the complaint mechanism. Senior management support is therefore one of the most important enablers of the effective implementation of a complaint mechanism. Crucially, this sup-

[28] ICVA, Building Safer Organisations Handbook. Training materials on receiving and investigating allegations of abuse and exploitation by humanitarian workers, p. 76-77 (Retrieved 25 April 2016). For more examples, see Diakonia, Guidelines: Complaints and Response Mechanism. Annex 3: Questions and issues to keep in mind when establishing CRM, p. 28-29

port should not simply be lip service but should be backed up both politically and through support measures such as budget allocation and enforcement of accountability. Management should clearly and continuously state its backing for the mechanism, for example by using case studies of how it has benefitted the organization or other entities. Ultimately, management also has the responsibility to ensure confidentiality of a complaint mechanism, which should protect the complainant, the subject of the complaint until proven guilty and **other witnesses.** Policies must be developed, enforcement carried out and an organizational culture open to learning fostered. Employees should understand that the purpose of the complaint mechanism is organizational learning and that it is a safety net to raise awareness and address sensitive issues. They should feel comfortable handling complaints. Another central factor for the creation of trust is the person responsible for the complaint mechanism. The box below, based on interviews, presents the most important qualities of the person handling complaints:

Best Practices: Characteristics & Qualifications of the Complaints Officer(s)

1. Professional **qualifications in financial as well as legal fields** (e.g. external/internal auditing, keeping track of financial movements), solid understanding of organizational structure. For example, at LWF, the Quality Assurance and Accountability Focal Point is *"a mixture between internal auditor and benchmarking quality manager."* (Dr. Petra Feil, LWF, interviewed 30 July 2015.)
2. **Trustworthy, neutral** person with a certain independence from management, able to establish a good rapport with people (Niels Bentzen, DRC, interviewed 3 November 2015.)
3. **Motivated** person, eager to enforce the CoC and encouraging others to lodge complaints (Sonja Grolig, AGkE TI, interviewed 19 November 2015.)
4. **Consistent,** always bringing an investigation to a close (*"Nothing is worse for the morale of the employees and partner organization than to cancel a case without giving orientation how to better act/react"* (Sonja Grolig, AGkE TI, interviewed 19 November 2015.)
5. Ability to give strategical advice to complainant, knowledge of how to deal with the situation and of how the system works, ability to **communicate clearly** (Sonja Grolig, AGkE TI, interviewed 19 November 2015.)
6. **Courage** to fight corruption and abuse of power even of management, but only if there is a chance of success. (Sonja Grolig, AGkE TI, interviewed 19 November 2015.)
7. **Intercultural experience,** knowledge of foreign **languages**

b. Identify Barriers and Solutions to Overcome Them

There are many barriers to reporting: for example, the fear of retaliation or cultural norms that consider it unacceptable to challenge authority. Other barriers include the fear of losing a job, status, prospects or a source of income by filing a complaint, but also a simple lack of knowledge about the complaint mechanisms.[29] When planning and establishing a complaint mechanism, you need to consider barriers that might prevent people from using the mechanism and find solutions for overcoming them. Here are a few examples of possible obstacles and how to manage them:

Best Practice:

At the organization Report The Abuse, cases of sexual abuse in the humanitarian and development sector can be reported anonymously through an online form. While completely anonymous reports can already be filed, in the coming months additional measures are being put into place to provide more security for abuse survivors, as well as allowing for reports to be completed offline for uploading at a later time.

(Megan Nobert, Report the Abuse, interviewed 24 October 2016)

I. Allow for Anonymous Complaints

In some cases, a victim or witness of misconduct may choose to remain anonymous when filing a complaint to protect his/her identity and to avoid negative repercussions.[30] Among organizations with a complaint mechanism, anonymous complaints are the subject of some controversy. Organizations like Diakonia or Kindermissionswerk *"Die Sternsinger"*, which have extensive experience receiving complaints, state that it is essential to accept anonymous complaints if a complaint mechanism is to be taken seriously.[31] The Danish Refugee Council (DRC) has been accepting anonymous complaints for several years, after having not done so. DRC explains that many people who would like to complain are in a dangerous situation. Only the possibility of anonymity encourages them to complain.[32] Nevertheless, all interviewees also admit that it is more difficult to verify the content of an anonymous complaint. However, it is not impossible to investigate one. Trust needs to be created with the anonymous complainant to establish more contacts and to obtain the needed information. In some cases, the person ends up revealing his/her identity because (s)he understands how im-

[29] For more examples, see Diakonia, Guidelines: Complaints and Reporting Mechanism, p. 28

[30] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 9 (Retrieved 19 October 2015).

[31] Ewa Widén, Diakonia, interviewed 27 November 2015. Sonja Grolig, Kindermissionswerk "Die Sternsinger", interviewed 19 November 2015.

[32] Niels Bentzen, DRC, interviewed 3 November 2015

[33] Dr. Petra Feil, LWF, interviewed 30 July 2015. Natascha Linn Felix, DCA, interviewed 8 December 2015.

[34] Natascha Linn Felix, DCA, interviewed 8 December 2015

[35] Dr. Petra Feil, LWF, interviewed 30 July 2015.

Practical Experience:

The task force of Transparency International for Ecclesiastical Development Cooperation supports the option of an anonymous complaint: *"If we imagine the cultural, legal and social context of other countries and if we put ourselves in the position of a person working for an NGO [..,], who fears mobbing, suspension or even personal threat once his/her name is given to his/her employer, it seems quite understandable to file an anonymous complaint."*

(Sonja Grolig, AGkE TI, interviewed 19 November 2015)

portant it is for the investigation.

Some organizations, such as DanChurchAid or the Lutheran World Federation, do not accept anonymous complaints because they believe it makes the investigation more difficult and malicious complaints easier.[33] Moreover, it can be argued that anonymous complaints represent *"false protection because often there are only a few people who could have known this information. So people might think they are anonymous but in reality people know who could have filed the complaint."*[34] Instead, DCA and LWF offer the option to complain through a third person. This is any person the complainant trusts. (S)he acts as an intermediary who transmits information about the case. One difficulty of this procedure is that the information can potentially be falsified.[35]

II. Gender, Ethnicity, Religion, Language

Potential complainants might be hesitant to use a complaint mechanism that is not adapted to their individual needs. A female victim of abuse, for example, might feel uncomfortable reporting the case to a male ombudsperson. A victim who faced unfair treatment based on his/her ethnicity or religion might not dare to file a complaint to a confidant of the same ethnicity or religion as the subject of the complaint. In designing the complaint mechanism, these factors thus need to be taken into consideration, e.g. by having trustworthy people of both genders and different ethnic or religious backgrounds available. Language is another component that should be taken into consideration. The organization should clearly indicate in which languages complaints can be received and, for other languages, should arrange for a translator

who is bound by a confidentiality clause. If resources do not allow, choose a person of the gender/ethnicity/religion/language etc. that most end-users will feel the most comfortable with.

III. Fear of Repercussions

A victim r a witness might abstain from reporting due to fear of repercussions (losing a position or advantages, physical threats etc.). The mechanism must ensure that complainant protection is in place. For more information on this matter, see Chapter III.3 *Identify Risks and Provide Protection ("Whistle-blower Protection")*.

Recommended Sources:

- Diakonia, Policy for Diakonia's Complaints and Response Mechanism (2012)
- International Council of Voluntary Agencies (ICVA), Building Safer Organisations Guidelines (2007)
- LWF, Complaints Mechanism. Policy and Procedure (2010)

4. Protection from Malicious Complaints

any oranizations are concerned about the potential misuse of a complaint mechanism motivated by personal or political agendas. An employee could, for example, use the mechanism as a tool to advance his/her political interests or to denounce an innocent colleague by fabricating a story about him/her. With this risk in mind, several organizations have included in their guidelines a zero-tolerance policy regarding malicious complaints. Diakonia emphasizes that complaints are generally approached in good faith, but if it turns out that the complaint is malicious or false, investigations are immediately stopped. Disciplinary action can be taken against the person filing the malicious complaint. It is important to include this aspect in the complaints guidelines as it sends a strong signal and acts as a deterrent to prevent misuse.

Best Practices: How to Detect Potential Malicious Complaints

According to Sonja Grolig of the task force of Transparency International for Ecclesiastical Development Cooperation (AGkE TI), a serious complaint usually provides **specific, specified and documented facts.** The clearer the complaint statement is, the more probable it is that it is a genuine complaint.

The characteristics of a malicious complaint are:

a. **Unspecific phrasing** of the misuse/act and/or general allegations
b. Use of **personal, angered and less factual expressions**
c. Existence of **controversial complaints,** meaning people make anonymous allegations against one another

(Ewa Widén, Diakonia, interviewed 27 November 2015)

Possible actions/solutions:

In cases of potentially malicious complaints, the AGkE TI suggests that basic investigation, e.g. a phone call, often suffices to solve the case. AGkE TI also states that it is easy to differentiate serious from malicious complaints thanks to systematic registration and a bit of experience.

(Sonja Grolig, AGkE TI, Interviewed 19/11/1

5. Communication

Communication is one of the most important aspects of creating an efficient complaint mechanism. However, it is also one of the most underestimated and neglected parts. Creating an effective complaints mechanism is not only a matter of setting it up, but also of communicating its existence to all stakeholders. It is necessary to communicate clearly a) what a complaint mechanism is as well as its purpose, and b) how it can be used. For this reason, information about the mechanism should be easily visible, accessible and frequently communicated.

"Each country team needs to find out the best way to communicate with the partners and stakeholders. Setting up the process requires work, but once you have it going on it is not that time-consuming anymore."
(Ewa Widén, Diakonia, interviewed 27 November 2015)

a. Internal Communication

Internal communication means the communication that takes place on all levels within the organization, from management to employees and volunteers. These stakeholders are both potential complainants as well as the subject of a complaint and thus of key importance. Examples of internal communication are:

- **Staff trainings:** Upon introduction of the mechanism, annual training for new employees as well as regular refresher courses
- Information as part of a **welcome package** to new employees
- **Website:** Link "complaint mechanism" directly on the organization's home page, e.g. next to "contact us" button
- **Posters and flyers** in central office rooms indicating complaint mechanism website, phone number and email address

Best practices: Communication to Stakeholders

"Make sure people of concern are aware of their rights and the mechanisms to enforce them. A mechanism will only be effective if people of concern know their rights and how they can enforce them. Organizations will communicate these messages most effectively if they consider:

- Their **audience/s** – what is the gender, age, physical ability, language, level of literacy and ethnicity of the target population?
- The available **communication tool/s** – is it better to advertise through posters, dramas, focus groups, local action and/or community groups?
- The **core message** – what does the target population really need to know?
- The **budget** – how can they reach the widest cross-section of the community within budgetary constraints?"

(ICVA, Building Safer Organisations Guidelines, p.9)

- Briefing on the mechanism at the annual **employee appraisal interview** and the **annual staff assembly** or information session

b. External Communication

It is important also to promote the complaint mechanism externally. Examples are **public meetings and presentations, newspapers, radio, theatre,** etc. The research for this Practitioner's Guide identified several organizations with a complaint mechanism but that have no information on their website or other communication channels about it. This lack of external communication limits the target groups that can use and benefit from the mechanism. If, however, the CM is made visible and easily accessible to anyone, people who are not part of the organization but who witness misconduct can file a complaint.

6. Engage your Partner Organizations

One challenge can be the geographical distance to the end-users. Often, direct communication between the head office and the beneficiaries is difficult because the organization operates through local partners as intermediaries. In this case, representatives of the regional office need to be involved in the process and have the task of ensuring the visibility and accessibility of the mechanism.[36] The extent of involvement depends on the type of mechanism chosen. In a **centralized system,** partners need to be involved in communicating the existence of a mechanism to stakeholders and how to use it. In this case, the headquarters can simply give a time frame within which the local trainings have to take place as well as provide informational material to assist partners.

In a **decentralized system,** the obligations of partners are more complex. They are responsible for establishing

Best Practices: Setting Up a Decentralized Mechanism with Partners

- Discuss the complaint mechanism with the team of each country
- Each country decides how to set up, implement and run the mechanism
- Fixed time frame: e.g. within two years partner offices need to set up their mechanism
- Regular partners meeting to exchange and discuss difficulties, success stories, solutions challenges experienced, and to ensure the quality of each complaint mechanism.

[36] International Council of Voluntary Agencies (ICVA), Building Safer Organisations Guidelines. Receiving and investigating allegations of abuse and exploitation by humanitarian workers (2007) (Retrieved 21 March 2017).

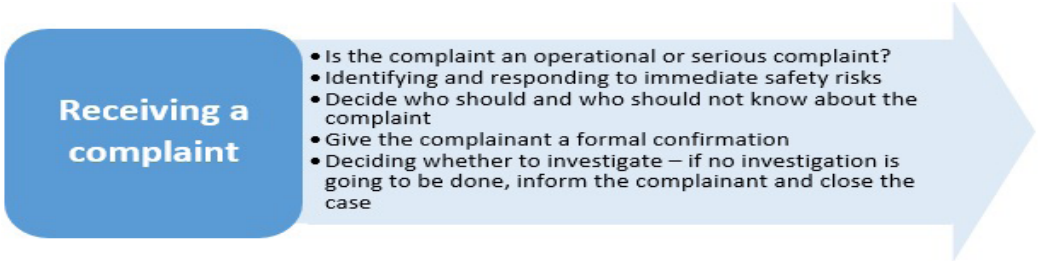
and running their own complaint mechanism as well as communicating it to their stakeholders. There are different ways for the headquarters to handle this. The most common is to ask every member or partner organization to install a mechanism in a specific period of time, but to give them the freedom to choose between the one proposed by headquarters or to create their own adapted version. For the latter case, headquarters may opt to define minimum standards that the local mechanism must fulfil.

7. Finalize Guidelines and Policy

All aspects of the complaint mechanism and the handling procedure need to be detailed in the complaint mechanism guidelines and policy. The guidelines set the overall framework of how to handle complaints within the organization. It should be compulsory reading for staff and can be the basis of trainings on how to use the complaint mechanism. Acknowledgement of the policy should be signed by each employee. The policy should be formulated in a clear and concise manner and entail links to other relevant documents. This serves end-users who want to inform themselves further, e.g. on the rules on sexual abuse or the investigation guidelines.[37]

[37] A very good example of a policy combining these best practice characteristics is LWF's Complaints Mechanism Policy and Procedure

III. Receiving a Complaint



Graphic from Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 16

In this part, we will examine the different steps that follow from receiving a complaint and discuss the best practices to make your complaint mechanism efficient. As in the previous sections, *A Practitioner's Guide* focuses on practical experiences and best practices. We will briefly present the theory and provide links to further literature (see Recommended Sources Box). The schematic diagram below illustrates the main steps associated with receiving a complaint.

1. Give the Complainant a Formal Confirmation

The person responsible for receiving the complaint has a duty to respond adequately to the complainant. First, independent of whether the complaint was received verbally or in a written manner, it should be written down and registered in a standardized way (e.g. in a complaint form; see Annex 5 for an example). In addition, a letter of acknowledgement should be sent to the complainant. The letter should inform the complainant that the organization or the ombudsperson has received the complaint and should summarize the steps that will be taken next.

Best Practice:

"Acknowledgement Letter states
- When and how the LWF/DWS received the complaint
- Who in LWF/DWS is responsible for acting on the complaint
- Who the complainant should contact regarding questions or feedback"

(LWF, Complaints Mechanism. Policy and Procedure, p.12)

"This written acknowledgement is important for reasons of accountability and transparency. It shows the complainant that the allegation is taken seriously and it gives her/him the information he/she needs to ensure that the LWF/DWS [Department for World Service] is responding properly. If an investigation follows, this provides a record that the LWF/DWS has received the complaint and has given initial indications on how it has handled the situation in the initial stage. […] The acknowledgement letter should be in writing, concise and clear. If the complainant does not want a letter, or the LWF/DWS believes that such may put the complainant or others at risk, it is possible to confirm receipt orally."

LWF/DWS, Complaints Mechanism. Policy and Procedure, p. 12

2. Decide What Type of Complaint It Is

The next step is to identify what kind of complaint or incident it is in order to decide how to handle it (see also chapter I).

For an **operational complaint** the best practice is the principle of the nearest person: Usually, the operational complaint should be handled as close to the case as possible, i.e. where it comes from. Thus, it needs to be forwarded to the responsible staff, e.g. the project manager. Often, these cases can be resolved through a simple desk investigation.

For a **serious complaint** however, the steps are more complex. It is recommended to use the principle of the next higher person: if the complaint is about the person's line manager, it should be forwarded to the next higher management level. In general, serious complaints are addressed by regional or senior management at the head office. This measure ensures consistency in how the complaint is handled.

Serious complaints should be investigated if enough evidence is available. Safety risks should be identified and responded to immediately (see Annex 2: *Diakonia's Flowchart for Handling Serious Complaints*.)

[38] ICVA, Building Safer Organisations Guidelines (2007), p. 8 (Retrieved on 21 March 2017)

Practical Experience: Serious Complaints

"[…] For issues concerning money, clear procedures to investigate exist, whereas the situation is much more complex for a case of sexual exploitation or abuse of power. We invariably need a special procedure that includes the cultural background."
(Sonja Grolig, AGkE TI, interviewed 19 November 2015)

When receiving complaints regarding **sexual exploitation and abuse (SEA),** special trained SEA investigators shall be used. In this case, the BSO [Building Safer Organisations] Guidelines for receiving and investigating allegations can provide further advice, as well as the HAP organization.

3. Identify Risks and Provide Protection ("Whistle-blower Protection")

People who file a complaint can face certain risks. Those in charge of the complaint mechanism should identify these risks, implement safeguards and ensure protection is provided.

"A safe complaint mechanism will consider potential dangers and risks to all parties and incorporate ways to prevent injury and harm. This will include ensuring confidentiality, offering physical protection when possible, and addressing the possibility of retaliation against witnesses." [38]

Protecting complainants means having rules and systems in place that ensure people who point out wrongdoings do not have to face negative consequences (e.g. losing their job or being discriminated against in the workplace). It also means protecting victims from continuing to suffer from the abuse about which they filed the complaint and providing other help such as medical and psychological assistance.

The Building Safer Organisations Guidelines of the International Council of Voluntary Agencies (ICVA) offer a good description of the process of considering risks:

"At the initial contact, the investigator should find out whether the complainant or anyone else is immediately at risk. S/he should then prioritise those risks and refer any security concerns to a competent colleague.

Identifying risks means thinking broad-

„I received little support and no justice. My organization did not provide me with medical care, psychological support, or any legal options (not that going to the police would have led to any sort of justice. PEP [Post-exposure prophylaxis] or emergency contraceptives were not made available. I had to seek out HIV and STI [sexually transmitted infections] testing and basic medical care on my own afterwards"
[Sexual Abuse] Survivor Testimony #9. https://reporttheabuse.org/survivor-testimony/ (Retrieved 30 November 2015)

Practical Experience: Complainant Protection :

„A boy complains to a volunteer about having been sexually abused by an educator. The volunteer passes on the information to the person responsible for the complaint mechanism." (Anonymous Source)

In the case of sexual or physical abuse, the threat is often not a one-time occurrence but continuous. The same applies in this case, where the threat is not of a past nature but still present as the educator is still in the surroundings of the boy and the volunteer. A number of people are potentially in danger: The boy affected by the abuse, other children who can become and might already be victims of the abuser, as well as the volunteer who passed on the information. Here, the first action is to remove the potential perpetrator from the victim and other potential victims. Sternsinger reports that in the above-mentioned case, they decided to move the volunteer to another home in another city. If he had remained in the place, the perpetrator might have known who reported him and retaliated.

(Sonja Grolig, Kindermissionswerk "Die Sternsinger", interviewed 19 November 2015)

ly about what has happened and could happen to everyone involved in the investigation, including the survivor, the complainant, the witnesses and the SOC. Some risks are physical and may be obvious (e.g. pregnancy, injuries from attack by the SOC or relatives etc). Other risks may not be so obvious e.g. sexual infections, psychological trauma and economic loss. All of these are harmful and reduce a person's quality of life and may inhibit her/his ability (or desire) to contribute to the investigation.

After the investigators have identified the risks, they need to rank them by person, type of danger and likelihood of those risks occurring i.e.: which risks are most pressing for each person and, between people, whose needs are most urgent? (Generally, the complainant's needs come first because s/he is most vulnerable)." [39]

Protection of the complainant is a priority. Threats should be taken seriously and not underestimated. In some cases the question might be how to get the information and proof without revealing the identity of the informant because it could put him/her in danger. If this is not possible, the informant might have to be taken off the case to protect him/her even if it harms the case. In some cases, the complainant might even choose to withdraw the complaint out of fear or for other reasons. As Megan Nobert of the campaign Report The Abuse[40] points out, we must be aware that this situation might occur and not put pressure on the complainant, but

[39] Ibid., p.11. See also Diakonia, Guidelines: Complaints and Response Mechanism, p.5

[40] Report The Abuse is a campaign that aims at addressing the problem of sexual violence against humanitarian and development workers, e.g. by gathering testimonies of survivors and witnesses of sexual violence within the humanitarian and development community. See http://reporttheabuse.org/ (Retrieved 21 March 2017)

[41] Megan Nobert, Report The Abuse, interviewed 24 October 2016

[42] Benjamin Novak, "Hungarian NGOs launch joint whistleblower protection program", The Budapest Beacon, 24 April 2015, available at http://budapestbeacon.com/featured-articles/hungarian-ngos-launch-joint-whistleblower-protection-program/22256 (Retrieved 25 April 2016).

[43] Transparency International, "Whistleblowing In Europe. Legal Protections For Whistleblowers in the EU," 2013, available at https://www.transparency.de/fileadmin/pdfs/Themen/Hinweisgebersysteme/EU_Whistleblower_Report_final_web.pdf (Retrieved 25 April 2016).

Recommended Sources:

- United Nations Office on Drugs and Crime, The United Nations Convention against Corruption: Resource Guide on Good Practices in the Protection of Reporting Persons (2005)
- Paul Stephenson, What makes a good whistleblower law? (2014)

accept their decisions and allow them to change their minds later if this is what they desire. It's the key to a survivor-centred approach. [41]

Organizational efforts should be supported at the state level: **national legislation** needs to ensure that it is not a crime to report a crime. The law should make clear that a person who speaks up in the public interest cannot be subject to civil or criminal lawsuits for their disclosure.[42] A whistle-blowing law certainly needs to take into account the legitimate reputational concerns of employers, but it must primarily offer real protection to whistle-blowers who speak up about the risk of harm or wrongdoing in the public interest. Unfortunately, national legislation is not yet very advanced in this regard: of the 27 member states of the European Union, only four have fully-fledged whistle-blower protection laws. Sixteen have insufficient or partial legislation and seven have none or very limited legislation[43]. (See Recommended Sources box for further information on whistle-blower protection.)

4. Decide Whether to Investigate

Upon receipt of a complaint, the responsible person needs to decide whether to initiate an investigation. For this purpose, the following questions can be raised:

- Does the complaint or incident relate to a breach of Code of Conduct or violation of any of the organization's policies and guidelines?
- Has the complaint been made in good faith? The complaint or incident should be a genuine concern of the complainant. It should not be motivated by personal gain, personal interest or a grudge[44]
- Is there sufficient information and evidence to start an investigation?
- How realistic is it to solve the case and to gain knowledge?
- Will the costs be higher than the benefits from the investigation (cost-be-

nefit analysis)? This question concerns corruption issues in particular. Indicators for the decision include:

- Age of Case: If a case is older than 2-3 years, it is often not worth the effort of investigating due to lack of evidence (no written documentation, staff turnover etc.).
- Location: If a project is in a secluded location, documentation is often insufficient.

Best Practice: Open Book Policy

Organizations often question how much information they should put online, both regarding the effort and an overflow of information. In this context, an openly communicated Open Book Policy can help. It can be a simple statement on the website that says that the books of the organization can be accessed upon request from partners.
"Just open your books and show the partner the numbers. There are simple solutions once you have analyzed what the problem is about."

(Natascha Linn Felix, DCA, interviewed 8 December 2015)

Recommended Sources:

- Act Alliance, Complaints Handling and Investigation Guidelines (2010)
- LWF, Complaints Mechanism. Policy and Procedure (2010)
- International Council of Voluntary Agencies (ICVA), Building Safer Organisations Guidelines (2007)

- Value of misappropriated money or bribe: If the amount is small, the cost of investigation can quickly exceed the amount involved. [45]

To answer these questions and reach a decision regarding launching an investigation, the responsible person conducts desk research. This means he or she looks into files, enters into informal dialogue with possible informants, and so forth. In many cases, especially regarding operational complaints, the problem can be resolved at the stage of the desk research if there is good communication with the complainant. An open book policy can benefit the organization (see Best Practice box).

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[44] See more in Chapter II.4 Best Practices: How to Detect Potential Malicious Complaints

[45] Sonja Grolig, AGkE TI, interviewed 19/ November 2015.

[46] LWF, Complaints Mechanism. Policy and Procedures, p. 14, (Retrieved 24 April 2016).

[47] Niels Bentzen, DRC, interviewed 3 November 2015.

5. Have Defined Time Limits

For both the complainant as well as the person(s) under investigation, fixed maximum time frames for each step of the complaint and investigation process should be openly communicated. Time limits make a complaint mechanism more transparent and comprehensible. This goes hand in hand with continuous communication with the complainant and the subject of the investigation. The complainant feels safer and taken seriously if (s)he is informed about when to expect a reply, a decision etc. For the person(s) under investigation on the other hand, time limits are important for avoiding the uncertainty of a never-ending investigation.

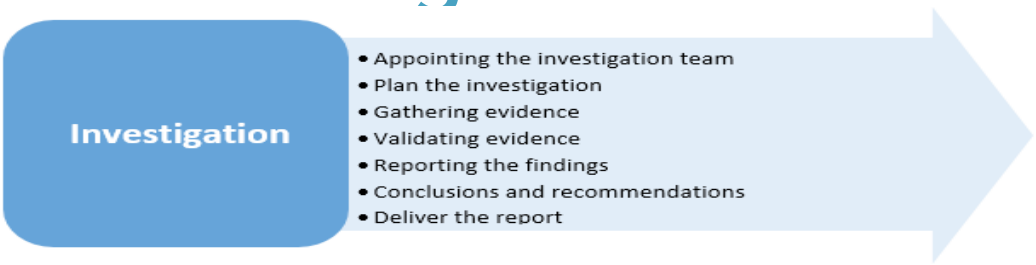
Many organizations seek to resolve a complaint within 30 working days of receipt. Table 5 illustrates LWF's list of the time allotment for the specific actions of a complaint mechanism:

Action	Time Allotment
Complaint Received	Incident should be reported soonest but can be brought up within 6 months of incident
Acknowledgement of Complaint Received	Within 2 days
Resolution of Operational Complaints	Decision within 7 days
For Complaints needing further investigation	Actual investigation ideally in 7 days though may vary depending on the nature and complexity of complaint. Maximum 21 days
Inform Geneva Secretariat of serious complaints	Soonest information is known, and reflected in the Management monthly report
Resolution of a complaint undergoing investigation	Maximum 30 days of receipt of complaint
Appeal process	Within 30 days of decision

Table 5: Time Allotment of Specific Actions of the Complaint Process[46]

Other organizations state that they prefer not to use time limits. The Danish Refugee Council, for example, argues that restrictive time limits are "artificial and unwise because you need to give the case the time it needs to be solved."[47] A Practitioners Guide's recommendation is to define realistic time frames but to allow for a (fixed) extension period for particularly challenging cases.

IV. Investigation



Graphic from Diakonia, Policy on Diakonia's Complaints and Response Mechanism, p.16

In this part of *A Practitioner's Guide*, we focus on challenges and best practices in implementing the investigation process, without elaborating upon every step of this process

Best Practices: Investigation:

- Adapt the investigation team to each specific case
- Qualities of an Investigation team:

a) Contextual knowledge

b) Gender balanced

c) Experts with skills and knowledge regarding the case

d) Trustworthy

- Avoid conflict of interest: The person conducting an investigation should never be the same individual making decisions for action on a complaint

(Diakonia (2012) Complaints and Response Mechanism, p. 13)

- Examine consistently

1. Appointing the Investigation Team

Regarding the investigation, a wide range of possible designs exists, and the type of investigation can be adapted to the needs of the organization. Nevertheless, strong similarities among the different investigation processes can be identified. The Complaint Officer(s) check(s) the veracity of the complaint and considers whether it is an operational or a serious complaint. In the latter case, the complaint is forwarded to a higher authority, e.g. an **ad-hoc complaint handling committee,** composed of senior management and the person(s) receiving the complaints. This committee recommends the necessary steps to be taken. In some organizations, this committee decides on its own, while in other organizations it makes recommendations to a higher authority (e.g. the board of the organization).

[48] DRC, "Procedure of Processing of Code of Conduct reports," p.3 (Retrieved 7 April 2016).

Practical Experiences:

„Classical example: Five years ago something happened in a region with poor infrastructure. Now there is no one there anymore who knows about the project back then. There is no documentation about the project anymore. In this case, it is not worth doing an external audit."
(Sonja Grolig, Kindermissionswerk "Die Sternsinger", interviewed 19 November 2015)

As forensic audits are quite expensive, Diakonia recommends "not to investigate more than you need (and) better to ask the money back instead of making a lot of forensic audits. Sometimes it is important to know what happened but not all the time."
(Ewa Widén, Diakonia, interviewed 27 November 2015)

"Answers to these questions will determine whether an investigation is justified. If so, the investigation procedures should be put in place. The decision is taken by the responsible manager. If, during the investigation, it is determined that there is no basis for proceeding, the investigation should be closed. All persons who know about the case should be informed of its closure."
(Diakonia, Complaints and Response Mechanism, p.16)

In serious cases that cannot be resolved through simple desk research, an investigation is necessary. The **investigation team** is established ad-hoc, as is the complaints handling committee. The composition of the investigation team is adapted to the needs of each case. The DRC Guidelines note:

The members of the investigation team might be appointed by the head of the department. They can be experienced staff, junior managers or others, with skills and knowledge relevant to the following three task force (TF) pools:

a) Human Resource dealing with harassment, sexual, physical and verbal abuse, exploitation, safety and health, discrimination and nepotism

b) Finance dealing with the falsification of records and authorisations, financial fraud

c) Administration dealing with conflicts of interest, disclosure of information and disloyal behaviour, disregard of laws and standards, abuse of resources and assets, procurement, logistics, vehicles, theft, corruption.

For a specific case the relevant TF pool appoints a two-person investigation TF among themselves. While the two TF members are jointly responsible for the TF's work, one member is appointed head of the TF, while the other member's role is to spar and assist. The TF will only include persons without responsibility or other interest in the matter(s) raised.[48]

The process of investigation and sanctioning cannot be undertaken by the project manager who oversees or has responsibility for the complainant or the person who is the subject of the complaint. Instead, the investigation team should have an unbiased perspec-

tive in relation to the case. Furthermore, the persons responsible for investigating should not report to their direct management but to a higher instance such as the board, which also decides when a case is finished. This guarantees a certain independence as well as the engagement of the board in risk management. It offers the board a chance to be involved in the practical work of the organization and receive insights into the weaknesses of the organization that need to be addressed.

The investigation team should be able to conduct the investigation in a thorough manner and to demonstrate clearly a zero-tolerance stance against misconduct. Regarding the specific way to investigate, there are many different options of developing an investigation plan, including how to gather evidence and conduct interviews as well as the contents of the final report and the follow-up. Sources containing detailed information and guidelines on these matters can be found in the Recommended Sources box.

Recommended Sources:

- CHS Alliance, Guidelines for Investigations (2015)
- Act Alliance, Complaints Handling and Investigation Guidelines (2010), p.18-22
- LWF, Complaints Mechanism Policy and Procedures (2010), Appendix 6 LWF/DWS Investigation Guidelines, p.26-35

2. Investigation Process Regarding Corruption Cases

In cases of suspected corruption, the investigation process may require different types of tools and strategies. In the following section, two examples of useful tools – namely, external and social audits are described.

a. External Audit

An external audit is the auditing of the financial statements of an organization or institution by an entity independent of the subject of the audit. One of the primary aims of the external audit is not only to check finances but to send a clear signal against corruption and for transparency among partners. Even in

[49] To identify a good audit organisation, experienced NGOs can be approached for recommendations.

„How much time and resources can one afford [time, money] and how much is the donor willing to pay for audits? Comprehensive audits covering all programs are simply not affordable"

(Sonja Grolig, AGkE TI, interviewed 19)

the absence of a direct complaint, it is beneficial for an organization to conduct **audits among randomly selected long-term partners** who receive large sums. If a partner continually turns down or postpones an external audit for various reasons, it should be a warning sign for the organization, which can temporarily suspend payments until the audit is undertaken.

A **good audit office** should have a solid reputation for doing reliable work, be able to conduct the specific audit needed (e.g. forensic audit) and know the specific needs of an NGO.[49] The external audit office should be changed regularly (e.g. every three years)

Practical Experience 1: External Auditing in Case of Suspicion of Corruption in a Partner Organization:

If a complaint reaches the mechanism about misconduct of a partner, the organization can decide to request an external forensic audit. The audit must be accepted by the executive board. The External Audit Office receives any documentation available. To be able to check the books of the partner without arousing suspicion, the organization informs the partner that it is simply conducting a random audit. Project funding is withheld until the audit is done. If the audit proves the existence of faked documents and receipts, misappropriation of funds or other misconduct, the result is sent to the board with recommendations on how to sanction the organization. No further money is sent until

a. The money is paid back
b. The recommendations by the external audit office are implemented by the partner

Sternsinger is in charge of reinforcing the ban on donations and for warning other NGOs by transmitting information to their anti-corruption network.
(Sonja Grolig, Kindermissionswerk "Die Sternsinger" interviewed 19 November 2015)

Practical Experience 2:
Diakonia – Problems with an Audit Partner

"For many years they have been the auditors for our partners and wrote the audit reports. But they did not conduct any investigation. They gave us an audit certificate that was not correct. In other words, they did not do the work and were just sitting in the office. We have learnt from this experience. Now, the partners change the auditors from time to time and Diakonia needs to be involved and assesses the new auditors from the beginning."
(Ewa Widén, Diakonia, interviewed 27/11/15)

Recommended Source:

- Centre for Good Governance, Social Audit: A Toolkit – A Guide for Performance Improvement and Outcome Measurement (2005)

to avoid nepotism. As it can be difficult to identify a good audit company, their work should be checked regularly. The **cost of an external** audit depends on the financial amount in question and the documents available at the partner organization. Usually, it is higher than an internal audit,[50] because the external auditors examine the documentation on the ground and conduct interviews. Costs can be reduced by partnering with other donor organizations that have the same partner to conduct a **collective external audit.** Upon finalization of the external audit, the partner receives the results and has a chance to explain any shortcomings.

a. Social audit

In a social audit (also called "audit from below", "public audit" etc.), the target group of projects and programs is informed of how the money is used to be able to question the organization directly about it and to demand accountability. This type of audit has long been supported and demanded by Transparency International.[51] Only a few NGOs systematically undertake social audits. Among churches, hardly any audits from below are undertaken.

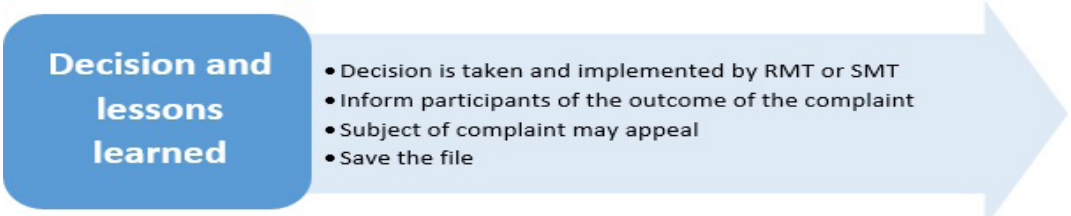
One of the major problems of social audits is that only the partner in the country has direct access to the target group. Therefore, a foreign donor is dependent on the willingness of the partner to undertake a social audit. The cost of the social audit, on the other hand, often has to be covered by the organization's headquarters, especially if there is no local budget for it. Furthermore, the effectiveness depends on conditions in the country (e.g. fear of criticizing openly) and the target group: if people are illiterate, a neutral person is needed to read all relevant documentation and explain financial statements in addition to facilitate the meeting. For an organization, it can be difficult to communicate its complex expenses to project participants.

[50] Up to 20-30% higher, according to an estimate by the task force of Transparency International for Ecclesiastical Development Cooperation. Regarding the time needed, the task force estimates that it takes 4-6 weeks from the assignment of the mission until the result.

[51] Centre for Good Governance, Social Audit: A Toolkit – A Guide for Performance Improvement and Outcome Measurement (2005), available at http://gateway.transparency.org/tools/detail/384 (Retrieved 20 November 2015).

[52] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p.14.

V. Decisions, Sanctions and Appeal



Graphic from Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 16

1. Decision Making

Based on the investigation report, conclusions and recommendations are made that form the basis for the final decision. The person investigating should never be the same individual taking decisions for action on a complaint[52]. Disciplinary decisions are taken by regional management (RM) or senior management (SM), never by anyone involved in the investigation. The same practice is applied for decisions regarding the end of an investigation and the analysis of the lessons learned. This procedure helps to avoid conflicts of interest by diversifying decision making. Immediately after a decision is made, the complainant should be informed of the result.

2. Sanctions

Depending on the severity of the findings, the consequences can be handled internally in the organization or externally through legislative sanctions. Possible sanctions should be transparent and fair (proportional to the misconduct) as well as widely known and understood within the organization and among its external partners. Consequences can range from an official warning and a note in the personal work file to relocation to another department or demotion to a lower job.

Practical Experience: Sternsinger – Corruption in a Partner Organization:

In the case of corruption in a partner organization or misappropriation of funding, the strategy of Sternsinger is to temporarily suspend payments to the partner until it has complied with the following conditions:

- Repayment of money
- Fulfilling the conditions of the External Audit Office

In this way, Sternsinger demonstrates zero tolerance toward corruption while giving the partner a second chance. This can prevent the organization's losing every partner engaged in corruption in the long term.

(Sonja Grolig, Kindermissionswerk "Die Sternsinger" interviewed 19 November 2015)

In severe cases, it can mean the loss of a job and expulsion from the organization. In the case of a partner organization, the sanction can be a temporary or complete cessation of cooperation, a demand of repayment or a contractual penalty. In the case of repetition, the sanction can become more severe. Sanctions and the communication thereof act as a clear signal that an organization does not tolerate any form of corruption and misconduct, and thus serve as a deterrent.

In case of suspicion or detection of a criminal offense under the law of the country in which the activity was conducted, the staff of the complaint mechanism is obliged to refer the case immediately to the law enforcement agents in the country. External legal consequences can include a financial penalty or a prison sentence.

3. Appeal

As in a court system, every person who is found guilty through an investigation procedure has the right to file an appeal against the decision. The appeal must be made in writing, provide justification and be lodged within a time frame specified by the organization. For all of the organizations interviewed, an appeal can be made only once.

"If the Complainant or the Subject of the Complaint is not satisfied on the resolution of the complaint, he/she may lodge an appeal within 30 days upon receipt of the decision. The LWF Representative and the Complaints Handling Committee shall analyse the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation. The appeal shall be considered only once."[53]

4. Written Documentation

Throughout the complaint procedure, all steps should be documented in writing, in as detailed a manner as possible. The documentation, including the final report and all annexes, must be saved in a secured file with access limited to designated people. This procedure is important for several reasons. The establishment of a complaint mechanism entails the risk of court cases, for example, of persons who were sanctioned due to a breach of the CoC. In these cases, detailed documentation must be at hand and good communication in place. The files are also important for systematic analysis and eventual structural improvement of the organization.

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[53] LWF, Complaints Mechanism Policy and Procedure, p. 13 (Retrieved 24 April 2016).

[54] Ewa Widén, Diakonia, interviewed 27 November 2015

VI. Systematic Analysis, Reporting and Improvements

1. Systemic Analysis for Improvement

As Diakonia emphasizes, "One of the main purposes for establishing a CRM [complaint and response mechanism] is to learn and [to] improve an organization."[54] To realize the potential of the complaint mechanism as a tool for learning and improvement, it is essential to analyze the cases dealt with: What were the origins of a complaint? Was it handled well? How can similar cases be avoided in the future? Knowledge can be gained from each complaint to improve the organization's operations. The more cases detected, the more systematic approaches can be developed. The lessons learned can feed continuously into project improvement and making anti-corruption activities more successful.

a. Systematic Analysis

With this purpose in mind, all complaints received – whether they lead to investigation or not – should be kept on record in written form. This way, complaints can be analyzed systematically and used for institutional improvement by detecting structural malfunctions. Through the systematic analysis of a complaint, we can find answers to the following questions:

- How did the problem emerge?
- What weaknesses in my organization led to the problem?
- How should guidelines/policies be adapted or which new instruments and strategies are needed to avoid similar cases in the future?
- How should new instruments against misconduct be best communicated?

Best Practices of Systematic Analysis for Improvement:

- All lessons learned drawn from the investigation reports are communicated to management and implemented in the organization
- Keep a record
- Create systematic statistics and analysis of lessons learned about the complaint mechanism
- Adapt Guidelines
- Draw up a black list of organizations to which donations are suspended due to involvement in corruption cases

Hence, it is important to analyze not only the lessons learned, but also:

- Who files complaints?
- What entry points are used?
- What types of complaints are made?
  - External or internal? By which group of stakeholders?
  - Serious or operational?
  - Anonymous?
  - Malicious?
- How many complaints have been proven to be valid?

The following practical experiences present two examples illustrating the detection of weak points through systematic analysis:

Practical Experience 1: External vs Internal Complaints

According to the task force of Transparency International for Ecclesiastical Development Cooperation, an imbalance between the rate of external and internal complaints points to potential weaknesses. External complaints are made, for example, by people from partner organizations who have insights into financial structures. Internal complaints, on the other hand, arise from the revision of finance reports, project visits, and annual audits. If the rate of external complaints is high, it demonstrates that the anti-corruption network is functioning well and that sensitization and engagement against corruption have increased among partners. However, it also hints at the fact that the internal control system might not be satisfactory. Hence it should be desirable to have more internal than external complaints.

(Sonja Grolig, AGkE TI, interviewed 19 November 2015)

According to DanChurchAid, corruption cases are detected primarily through functioning internal procedures, control mechanisms, evaluations and revisions. If external complaints dominate, this indicates that the organization in question needs to improve its internal control system to better detect breaches of the Code of Conduct.

(DCA, interviewed 12 August 2015 and 8 December 2015)

Practical Experience 2: Channel for Complaints, Danish Refugee Council

"Stakeholders mostly make complaints through personal meetings, by telephone and in written forms, e.g. letters in feedback boxes. However, when using feedback boxes you need to consider that many people do not like to use them for serious complaints, because people prefer to tell about a serious complaint to somebody trusted and not an anonymous box."

(Niels Bentzen, DRC, interviewed 3 November 2015)

Practical Experience 3: Comparing Complaints per Country with the Transparency International Corruption-Index

Sternsinger lists how many cases exist in each country in which it has projects. This number is then compared to the Transparency International (TI) Corruption Index. If corruption is very prevalent in a country, but there are only a limited number of complaints, it is an indication that the mechanism does not work well in the country yet. To formulate a proper statistic, the number of projects in each country should be integrated into the calculation.

(Sonja Grolig, Kindermissionswerk "Die Sternsinger", interviewed 19/11/15)

The following lessons can be learned from these examples:

- First, a high number of external complaints might be an indicator of a well-functioning network, but also of an inadequate/insufficient internal control system
- Second, by analyzing the channels through which complaints are filed over time, one can identify which channels are most effective for which type of complaint or stakeholder
- Third, if there are only a few complaints from (a) project(s) in a country with a high corruption index, the complaint mechanism is likely not functioning sufficiently there.

b. Adapting Existing - and Introducing New - Systems and Guidelines

Once weaknesses are detected, and organization can consider how to overcome them by adapting existing guidelines and introducing new systems and policies. Below, you will find a practical example of a very successful improvement in efficiency due to the adaptation of guidelines.

Practical Experience: Sternsinger – Corruption in a Partner Organization:

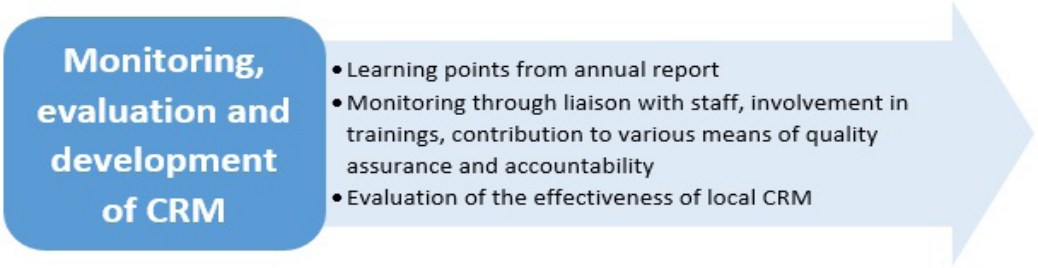
Through an analysis of the cases of mismanagement and corruption of different NGOs, AGkE TI found that most of them were related to construction projects, e.g. building of schools. In these cases, a contractor would often agree to build a school for a certain amount of money, yet finish only part of the work for this amount and ask for more money. The organization was then faced with the decision either to comply and pay more or to stop the construction altogether.

This example illustrates why construction corruption is so expensive. It is quite costly not only due to the bribery payment, but also (and especially) due to its consequences. The lack of building inspection means a decrease in construction quality and an increase in construction costs as the work is not controlled regularly and problems early discovered. Thereby, a building might have to be renovated sooner than usual, which results in even more costs.

Solution: All these follow-up costs, which are even higher than the original cost of the bribery, were avoided through a systematic analysis of the complaints. In this case the analysis revealed the high incidence of construction corruption and led to the employment of an external consultant to oversee professionally every construction project. This provided an easy, low-budget measure that saved a significant amount of donor money. It is therefore not only important to have a CM, but also to reflect on the cases, provide statistics, and have a constructive exchange with beneficiaries, employees and external persons in order to find the best way to solve the problem.

(Sonja Grolig, AGkE TI, interviewed 19 November 2015)

2. Annual Complaints Report



Graphic from Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 16

The annual complaints report (ACR) is a summary document of the cases the organization received and dealt with throughout the year. In the report, anonymized cases are published, leaving out any information about the complainant or the accused. The main purpose of the report should be to highlight lessons learned and how to improve both organizational structures and the complaint mechanism itself.[55] A good report therefore mentions the complaint, the course of action taken and the decision made as well as learning points from the case. Very good examples of ACR are provided by Diakonia and DCA (see Recommended Sources box).

The publication of an ACR demonstrates that you are taking the problems of corruption and misuse of power seriously by openly communicating the results of your efforts to fight corruption. The ACR offers an opportunity to analyze systematically the cases dealt with throughout the year. The systematic statistics represent an important step toward increased efficiency. And the ACR represents an important tool of communication toward all stakeholders - potential offenders and potential victims, but also donors and the public. It acts both as encouragement as well as a deterrent: the report is a platform to track success stories, thus motivating other people to use the mechanism for their complaints. Additionally, *"an annual report is a matter of explaining to a potential offender/committer that there is a mechanism that functioned. Thus, it allows you to deter any staff or third per-*

[55] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 15

[56] Niels Bentzen, DRC, interviewed 3 November 2015.

"Each year an annual report is done with a short summary of each complaint, what we did, and what we learned. No names of persons or partners are specified in the report"
(Ewa Widén, Diakonia, interviewed 27 November 2015.)

sons from potential misconduct, because they see on the paper that misconduct will be prosecuted".[56]

Despite many good arguments for annual reports and the relatively small amount of resources needed, not many organizations with a complaint mechanism develop or publish ACRs. In fact, every interviewee of organizations without reports lamented this fact, and attributed it to a lack of financial and personnel resources. As one anonymous practitioner explained, "This [lack] reflects two dimensions: First, that the organization puts the main effort in building the complaint mechanism. Secondly, that the management does not fully understand the importance of reporting about the mechanism."

Recommended Sources: Examples of Complaint Reports:

- **Diakonia:** Short and very concise reports can be found on Diakonia's Complaints, Incidents and Feedback Page
- **DanChurchAid:** Detailed reports with excellent systematic analysis of causes can be found on DCA's Complaints Page

3. Evaluation and Improvement of the Complaint Mechanism

Systematic analysis of the complaint mechanism can help identify errors and weaknesses in the system. In order to adapt CM to the needs of the people and the organization, complaint mechanisms should be evaluated *regularly,* for instance every three years. It is up to the organization to designate the persons responsible for monitoring the CM. These can be regional or senior management (as practiced by the Danish Refugee Council[57] or Diakonia)[58] or the person receiving the complaints in coordination with the country program focal point persons (as practiced by LWF).[59] The complaint mechanism can be monitored through liaison with staff at all levels. This may include local initiatives with staff in charge of handling the mechanism (for instance the complaints handling committee, focal persons etc.), exploring in detail how resolved complaints were handled to identify any possible lessons, improvements to complaints handling or suggestions for changes in practice, as well as good practice examples. The box below provides two practical examples of the process of evaluating the complaint mechanism as well as the results of one of the evaluations:

Practical Experiences 1: Opportunities to evaluate the complaint mechanism, Danish Refugee Council

"Misconduct demonstrates errors or weaknesses in the system. Whenever an investigator detects such a weakness, it will not be noted in the report itself but it will be noted in a **second advisory** report, which then will be sent to the management, without disclosing any confidential details about the complaint itself. General management then decides about systematic improvements."

(Niels Bentzen, DRC, interviewed 3 November 2015)

Practical Experience 2: Results of a Monitoring and Evaluation Process (Diakonia)

1. Problem: complaint mechanism documents (e.g. guidelines) are too long and thus not read by staff
   > Solution: Less detailed documents
2. Problem: staff does not use mechanism due to lack of communication about it
   > Solution: more information on the web about the mechanism to make it easier to use it
3. Problem: focused on corruption cases but forgot to inform donors about them
   > Solution: report to donors or donor agencies immediately on suspicion of corruption

(Ewa Widén, Diakonia, interviewed 27 November 2015)

[57] Danish Refugee Council, "Procedure of Processing of Code of Conduct reports," p.5, (Retrieved 7 April 2016).

[58] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, p. 15 (Retrieved 5 February 2016).

[59] LWF, Complaints Mechanism Policy and Procedure, p. 18 (Retrieved 24 April 2016).

Conclusion

A Practitioner's Guide has shown how best to set up a complaint mechanism so that it can be an effective tool to identify misconduct in an organization, give victims a voice and improve operations. The Guide summarizes the most important best practices, lessons learned and challenges that might be encountered in order to enable organizations to develop well-functioning complaint mechanisms.

The practical examples have shown that large international organizations and small grassroots NGOs alike can establish CMs. What type of mechanism an organization chooses – centralized or decentralized - and which type of recipients and entry points depends on its needs as well as the resources available. The examples of NGOs operating simple complaint mechanisms in countries with difficult conditions proved that even with limited resources it is possible to provide a mechanism to process complaints systematically and to improve operations.

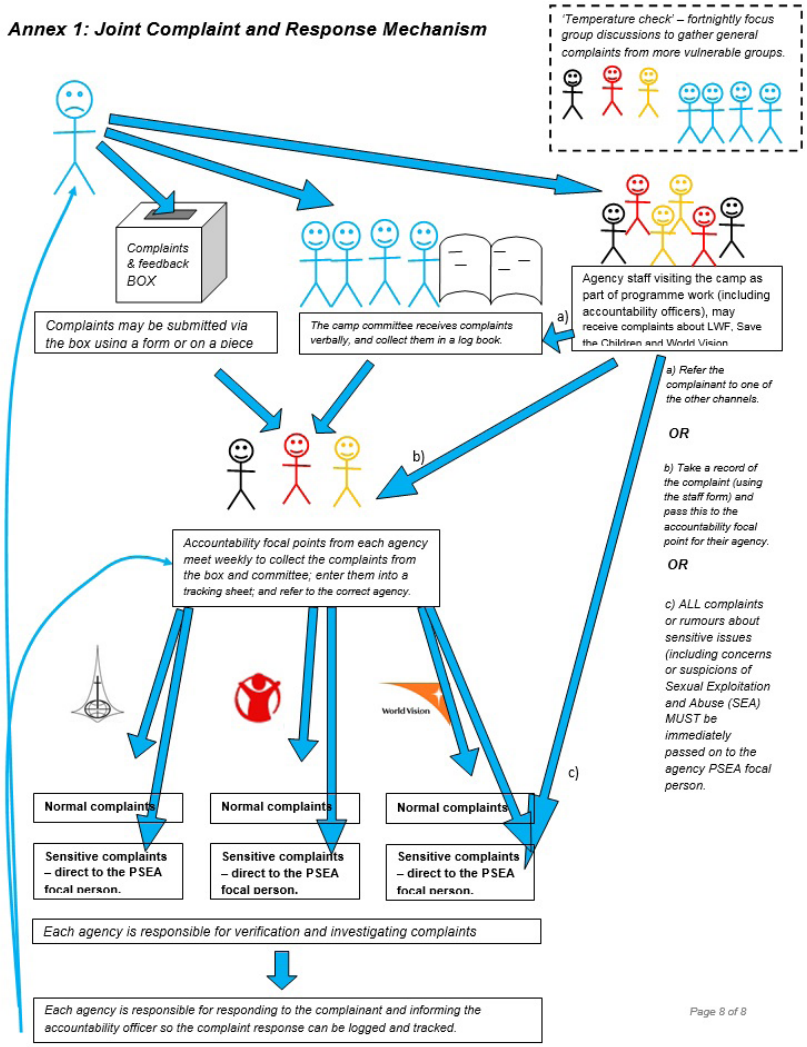
The key factor in making a complaint mechanism a success is establishing **trust** in it among those who are supposed to use it. This can be realized only if the mechanism takes into account the needs of different types of victims and witnesses of cases of misconduct. Therefore, *A Practitioner's Guide* aimed at covering the cases of a wide range of possible complaints, from operational to serious complaints such as corruption and abuse. It was not possible, however, to examine in depth the needs of different types of complainants. Whereas it suffices for an operational complainant to know that the complaint will be taken seriously and responded to according to a clear and transparent procedure, victims of serious complaints often require more measures in order to trust the mechanism. Victims of (sexual) abuse, for example, might fear retaliation by the abuser and might require psychological and other assistance. Observers of corruption can feel threatened by the accused and might need whistle-blower protection. Further research is required to adapt mechanisms to serve these specific victim groups and types of complaints, so that everyone feels comfortable in using the mechanisms.

A Practitioners' Guide has demonstrated the value of a complaint mechanism and what to take into consideration to make it efficient and effective. When more organizations follow the examples of the entities interviewed by creating a complaint mechanism, misconduct can be challenged systematically. To confront cases of wrongdoing, corruption and abuse within the not-for-profit sector and society more broadly, it is vital for NGOs active in fighting misconduct to build a network. NGOs with established complaint mechanisms and those aspiring to do so, or in the process of establishing one, can share strategies and lessons learned to help one another improve operations. This will not only help each organization individually; it will also ensure that the whole NGO sector benefits, and victims and witnesses of misconduct are accorded more justice.

Annex

Annex 1: Joint Complaint Mechanism by Lutheran World Federation, Save the Children and World Vision

The Joint Complaint & Response Mechanism, depicted in this graphic, was implemented by the Lutheran World Federation, Save the Children and World Vision in 2010 in Port-au-Prince, Haiti. *[For more information, see their Procedure for Joint Complaint and Response Mechanism.]*[60]

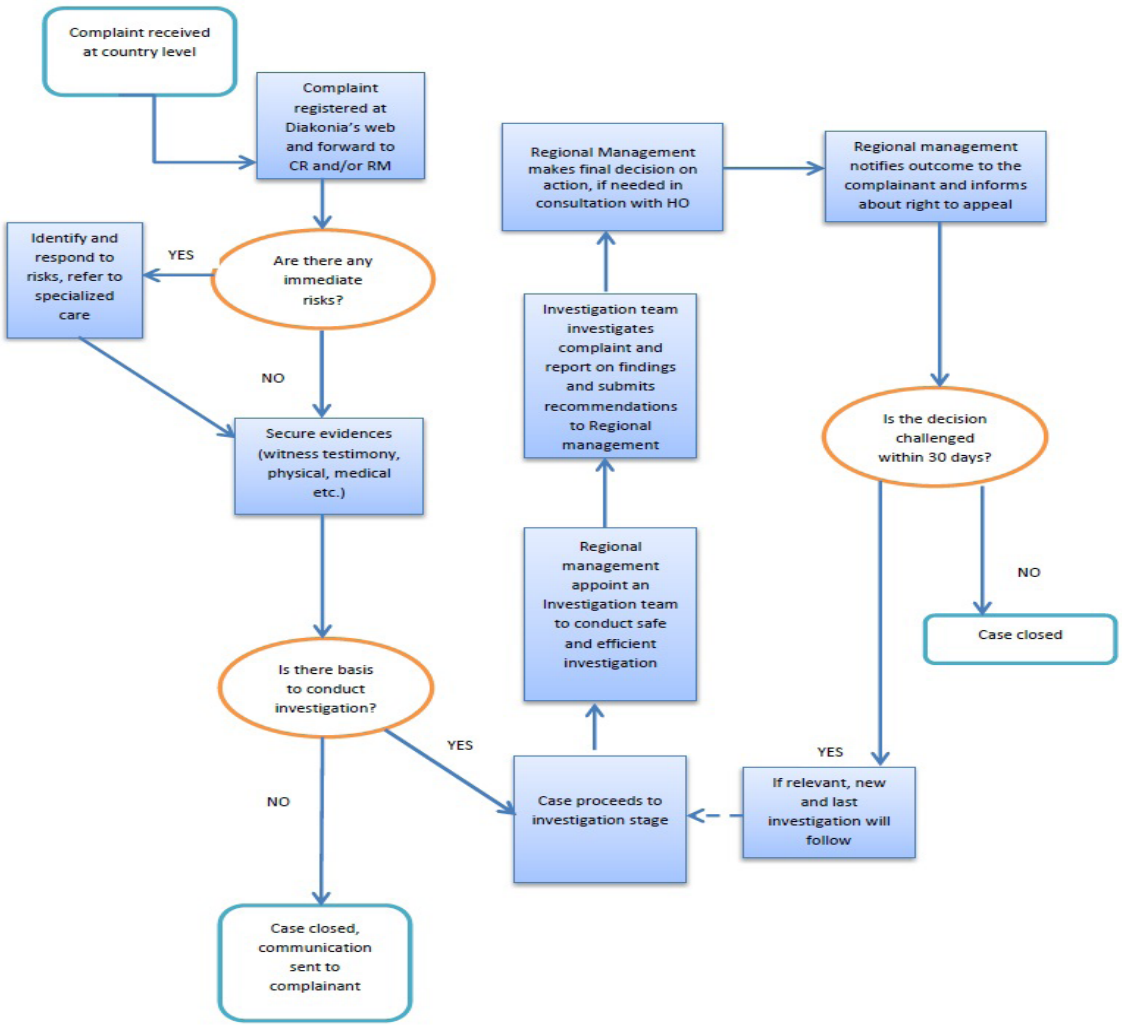


[60] The Lutheran World Federation, Save the Children and World Vision, "Procedure for Joint Complaint and Response Mechanism (JCRM)," 2010, available at http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwim-ozJkoPQAhVCOBQKHdP-BvkQFggmMAE&url=http%3A%2F%2Fwww.alnap.org%2Fpool%2Ffiles%2Fa)-joint-crm-procedure-lwf-save-world-vision-example-sept-2010.doc&usg=AFQjCNGzEeCMbIrlfvcUkE7kJ-CI92htf0Q&sig2=6aNJLj7AyWpT-wEIVZKROg (Retrieved 30 October 2016).

[61] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, Annex 2, p.17.

Annex 2: Diakonia's Flowchart for Handling Serious Complaints

The flowchart outlines the main steps Diakonia takes at different levels to handle serious complaints when they originate from a country program. [61]



CR = Country Representative

HO = Head Office

RM = Regional Management

Annex 3: Case Study – Child in Need Institute's Beneficiary Feedback Mechanisms, Kolkata, India

[The information in this case study comes from the "Beneficiary Feedback Mechanism Case Study: India", one of eight pilot studies compiled by World Vision and its partners][62]

Background

Between 2014 and 2016, several NGOs were supported by the UK Department for International Development (DFID) to pilot Beneficiary Feedback Mechanisms (BFMs)[63] in their maternal and child health projects. One of the participants was Child in Need Institute (CINI), a local NGO supporting children, adolescents and women in disadvantaged areas of India. The BFM was piloted in CINI's urban Maternal and Child Health Nutrition Project in Kolkata.

Raising community awareness

CINI shared information about the BFM with the relevant stakeholders (community members, local government members, maternal and child care providers, etc.). CINI's volunteer Change Agents – community members themselves responsible for connecting mothers with health services – then played a critical role in raising community awareness.

Collecting and responding to feedback

All stakeholders – mothers, community members, government officials and health service providers - were involved in designing the feedback mechanism. Together they decided which issues could be reported on and through which methods and formats feedback could be made. They decided to provide feedback through group meetings, one-on-one monitoring visits and suggestion boxes. The community also agreed on indicators on which they would provide feedback regarding health centers and other services.

During **group meetings,** mothers gathered in small groups to fill out a pictorial form indicating whether they were happy with aspects of the services, supported by written comments from literate mothers. The Change Agents collected the feedback and forwarded it to Ward Supervisors (CINI employees). During **one-on-one visits** further feedback was collected. Similar pictorial forms to those used for group meetings were developed for the **suggestion boxes** and distributed to families through the Ch-

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[62] World Vision UK, together with the International NGO Training and Research Centre (INTRAC), CDA Collaborative Learning Projects, and The Social Impact Lab Foundation (SIMLab), were contracted by the UK Department for International Development (DFID) to manage a pilot designing, monitoring and implementing different approaches to beneficiary feedback mechanisms (2013-2016).
Child in Need Institute, "Beneficiary Feedback Mechanism Case Study: India," 2016, available at http://cdn.worldvision.org.uk/files/9714/6056/3426/CINI_India1.pdf (Retrieved 30 October 2016).

[63] The definition of an effective feedback mechanism by the pilot studies was as follows: "A feedback mechanism is seen as effective if, at minimum, it supports the collection, acknowledgement, analysis and response to the feedback received, thus forming a closed feedback loop. Where the feedback is left open, the mechanism is not fully effective". Ibid, p.2.

"As a result of the BFM the mothers have learnt to demand as they have a clear knowledge of the kind and how much service they should get".
CINI, Ward Supervisor

"I would hesitate earlier, would be afraid…what will I say, why should I say it? But when we came to know about the BFM, that we should tell, that this is our right, it raised our confidence and my voice".
Mother, Kolkata

ange Agents, to be used when needed. The boxes were emptied once a month by Ward Supervisors, who forwarded all feedback forms to the Community Feedback Officer (CFO). All feedback was registered, followed by analysis and action: the CFO consolidated issues that needed follow-up. He then sent these to the Ward or met directly with service providers for feedback that was relevant to them. The CFO also monitored actions taken in response to feedback and recorded them until the case was closed. Decisions and progress were communicated back to the community during meetings and individually through a Ward Supervisor or Change Agent.

Changes as a result of beneficiary feedback

Through the feedback received, CINI was better able to adapt its programming and advocacy approach by having a better understanding of women's experiences and lives and what barriers they face. Some could be implemented directly whereas others required advocacy to the local government.

Results and Lessons learned

- Initially little feedback was given as the concept was new. Through repeated sensitization by change agents, Ward Supervisors and the Community Feedback Officer more feedback was provided;
- Feedback that could be responded to quickly showing quick results encouraged women to provide more feedback (through practical experience, it was easier for them to understand the methods and purpose);
- Due to illiteracy, it was essential to use Change Agents who spoke the different languages of the area;
- Consistent format between the suggestion box and meetings made the complaints system easier for Change Agents to administer and for the community to understand;

- Increased buy-in and ownership was achieved through community-designed and -led approaches;
- Women said that by hearing feedback during meetings they realized their own problems were not individual but common ones shared by others and became motivated to take action;
- An end of pilot survey showed that almost 85% of respondents were aware of the feedback system;
- Women were empowered (e.g. the Change volunteers). Some women started organizing a women's group that met weekly to discuss the feedback issues. The group then took action, e.g. by successfully mobilizing a community rally to keep the area cleaner.

Moving forward

As CINI worries about the level of sustainability of the BFMs, the organization would like to see sustainability built directly into the design of future BFMs. In practice this would mean a core team from the start, including community representatives and different stakeholders. This team would be responsible for implementation, opening the suggestion box and responding to issues, supported in the process by CINI only when needed. The ownership and responsibility for sustainability would thus be with the team and not CINI.

Annex 4: Case Study – DanChurchAid: Establishing a Complaint Mechanism through an Anti-Corruption Program

[The information for this case study comes from an interview with Natascha Linn Felix, Learning and Anti-Corruption Advisor at Dan Church Aid, as well as the organization's Complaints Report 2014.] [64]

To better integrate the complaint mechanism into the organizational culture at DanChurchAid, Natascha Linn Felix designed and implemented an Anti-Corruption Program over the course of two years. This program was designed to raise awareness about the CM and possible breaches of the Code of Conduct at all levels of the organization, including stakeholders and partners at the country level as well as staff members and management at the Head Office. To take the cultural context into account, Ms. Linn Felix established two

[64] Dan Church Aid, Complaints Report 2014, p. 13 and passim, available at https://www.danchurchaid.org/content/download/146380/2107069/version/1/file/DCA+-Complaint+Report+2014.pdf. (Retrieved 24 April 16), and Natascha Linn Felix, DCA, interviewed 8 December 2015.

different procedures for the two organizational levels.

Head Office Level

During the first year, Ms Felix developed an e-learning course of one hour that every employee had to undertake, as did every new staff person within three months of his/her appointment. She also gave trainings to colleagues and partners and began a newsletter on anti-corruption. This included success stories of people using the CM in the field.

Further, she organized a competition to trigger lively discussion about possible breaches of the Code of Conduct and cases to be brought before the complaint mechanism. Each office came up with fictional cases of corruption or other forms of misuse of power. The most inventive case won the competition. As Ms Felix put it, *"The goal was to take a completely different approach to talk about corruption, removed real cases where people feel bad for someone or something and make it into a social office event, the award was like a social gathering for the office."* Events like this help change the way corruption is perceived.

Country Level: focal points

Twelve people working for DCA around the world were trained by Ms Felix to be Focal Points (FPs) for complaint mechanisms in their regions. These 12 had been appointed by their respective managers based on their personal qualities (e.g. trusted by others). The training consisted of a one-hour e-learning course and 12 specialized, more detailed online training sessions about the policy, aspects of anti-corruption and the use of the complaint mechanism.

The focal points' task is to conduct trainings for colleagues and partners in their region to enable capacity building on anti-corruption for all staff and stakeholders working on DCA projects globally, and to encourage the implementation of the CM. For this purpose, a toolbox was developed during the first year of the program, including a Power Point presentation, a handout and exercises that the focal points can use for their trainings. The FPs must produce an annual update of the Anti-Corruption Action Plans incl. the topic of complaint mechanisms and ideally mention any collaboration with an Act Alliance partner on corruption.

To better motivate the partner organization to participate in the program, the FPs try to involve partners as actively as possible.

Perception of the people

"In the field, people are more open and interested in having a workshop about corruption than in Denmark, at the head quarter, because [she assumes] that Denmark is known as the least corrupt country. But once the workshop starts, it takes 10 minutes and everybody is talking about different experiences and starting to tell stories about corruption. So they recognize actually that corruption is everywhere." (Natasha Linn Felix)

Resources needed

During the first year, the Learning and Anti-Corruption Advisor was a full-time position. The advisor had support to create the e-learning training. In the second year, she needed 25% of her time (8-10 hours per week) to implement the program.

Result of the Anti-Corruption Program

This program aims at changing the organization's culture and attitude towards corruption. Though this is a long-term process, DCA reports a higher awareness about corruption in some countries and a slight increase in complaints in 2015.

Conclusion

DCA has been able to establish a complaint mechanism in every country in which it is working. At the time of the interview conducted for *A Practitioner's Guide*, Ms. Linn Felix hoped to train member organizations around the world to allow them to create their own complaint mechanisms, adapted to the cultural context of each country. She also hoped to start a systematic collection and analysis of all reported cases in order to increase organizational learning. The main challenge she continues to encounter relates to building trust so that the system will be more successful.

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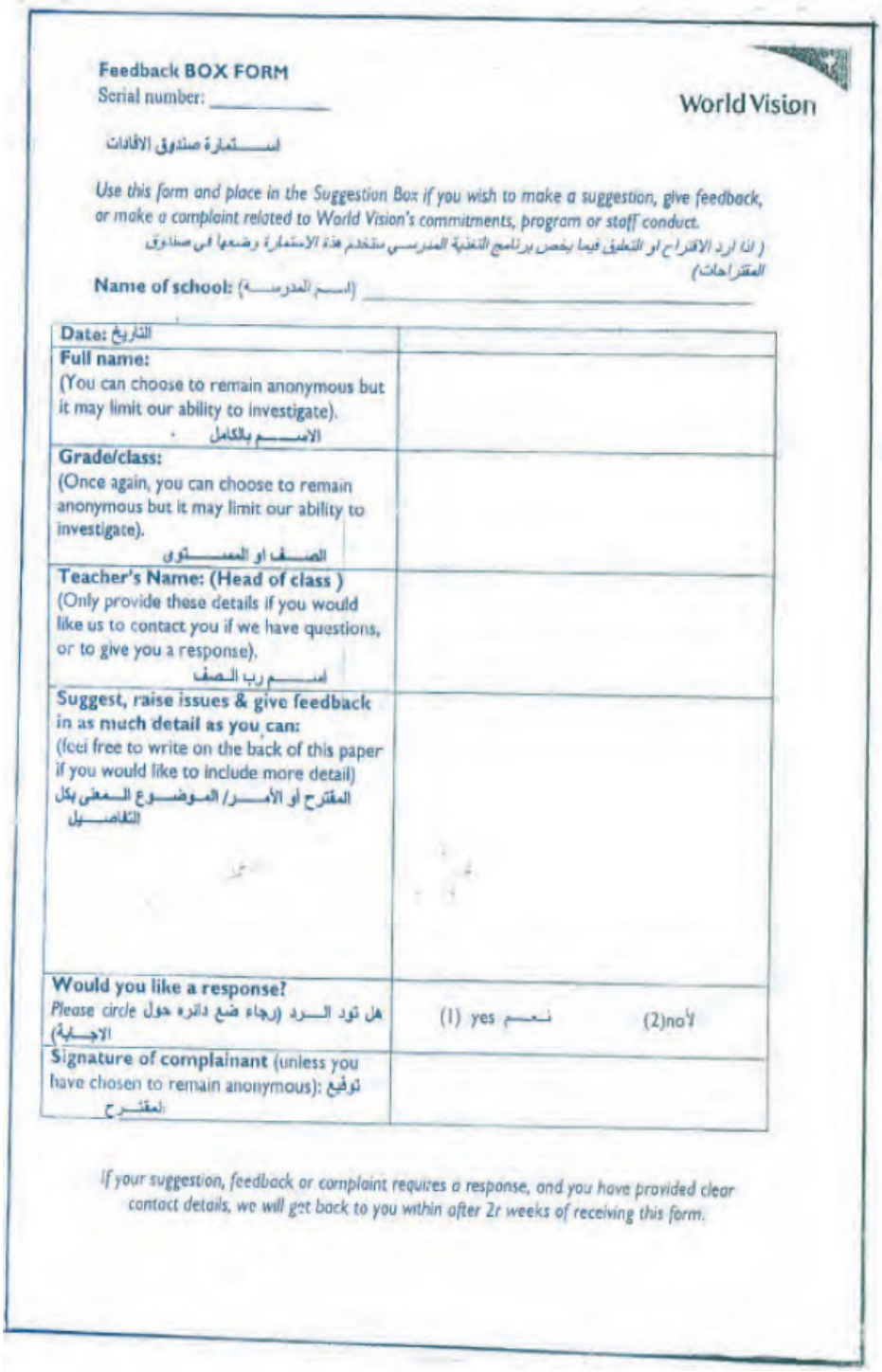
[65] Isabella Jean with Francesca Bonino, ALNAP & CDA, "'We are committed to you' – World Vision's experience with humanitarian feedback mechanisms in Darfur,"2012, Annex, p.37, available at http://www.alnap.org/resource/8851 (Retrieved 21 October 2016).

[66] Ibid.

Annex 5: Feedback Box Form by World Vision

This feedback box form by World Vision[65] is a good example of a form that is easy to use for a complaint mechanism, with information in both English and Arabic. It is part of a case study by World Vision on a feedback mechanism for a food assistance program in South Darfur.[66]



Feedback BOX FORM
Serial number: _____

World Vision

استمارة صندوق الافادات

Use this form and place in the Suggestion Box if you wish to make a suggestion, give feedback, or make a complaint related to World Vision's commitments, program or staff conduct.
(اذا اردت الاقتراح او التعليق فيما يخص برنامج التغذية المدرسي ستخدم هذة الاستمارة وضعها في صندوق المقترحات)

Name of school: (اسم المدرسة) _____

Date: التاريخ	
Full name: (You can choose to remain anonymous but it may limit our ability to investigate). الاسم بالكامل	
Grade/class: (Once again, you can choose to remain anonymous but it may limit our ability to investigate). الصف او المستوى	
Teacher's Name: (Head of class) (Only provide these details if you would like us to contact you if we have questions, or to give you a response). اسم رب الصف	
Suggest, raise issues & give feedback in as much detail as you can: (feel free to write on the back of this paper if you would like to include more detail) المقترح أو الأمر/ الموضوع المعني بكل التفاصيل	
Would you like a response? *Please circle* هل تود الرد (رجاء ضع دائره حول الاجابة)	(1) yes نعم (2)no لا
Signature of complainant (unless you have chosen to remain anonymous): توقيع المقترح:	

If your suggestion, feedback or complaint requires a response, and you have provided clear contact details, we will get back to you within after 2r weeks of receiving this form.

Interviews

Name	Job Title	Organisation	Interview date
Niels Bentzen	Policy Advisor, Risk & Governance	Danish Refugee Council	3 November 2015
Dr. Petra Feil	Global Quality Assurance and Accountability (QAA) and Planning, Monitoring and Evaluating (PME) Coordinator	Lutheran World Federation	30 July 2015
Natascha Linn Felix	Anti-Corruption and Learning Advisor	DanChurchAid	8 December 2015
Sonja Grolig	Leader	Arbeitsgruppe Kirchliche Entwicklungszusammenarbeit von Transparency International Deutschland e.V.	19 November 2015
	Controlling and Compliance	Kindermissionswerk *"Die Sternsinger"*	19 November 2015
Michelle Keun-Rasmussen	Founder, Director	DanChurchAid	12 August 2015
Megan Nobert	Senior Organization Secretary	Report the Abuse	24 October 2016
Ewa Widén	Senior Organization Secretary	Diakonia	27 November 2015