

Policy for Diakonia's Complaints and Incident Response Mechanism

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1 Introduction

1.1 Rationale

Diakonia is a faith-based development organization with a conviction that all people are of equal worth. Diakonia works with partner organizations but also have some self-implemented programs. Diakonia is committed to providing high quality development, humanitarian and advocacy programs. Being transparent and accountable to rights holders, local communities, partner organizations and other stakeholders with whom we work is core to Diakonia.

Diakonia is a member of ACT Alliance. We coordinate our Complaints and Incident Response Mechanism (CIRM) with ACT Alliance and other member organizations when needed. Diakonia is also a signatory to the Core Humanitarian Standards and is committed to the nine commitments¹ on transparency and accountability. This policy, and Diakonia's guidelines, refers to the fifth commitment of the CHS Standard, which focuses on the right of communities and people reached by development and humanitarian activities to have access to safe and responsive mechanisms for complaints handling. As such, this policy shall be available to all Diakonia's stakeholders, with specific focus on our partner organization working with communities and but also to rights holders to endure that they know how to hold Diakonia and partner organizations accountable.

When handling complaints and incidents, Diakonia takes upon itself to respect national and international legislation. Diakonia have also adopted some instructions from the CHS Alliance Guidelines for Investigation² in these guidelines, but Diakonia also refers to the CHS guidelines for additional reference.

Diakonia's policy for the Complaints and Incident Response Mechanism is referred to as the CIRM Policy in this document. All Diakonia's work is guided by the organization's Theory of Change.

As part of an on-going process to improve accountability, Diakonia is committed to implement a CIRM in our programmes to enable individuals and organizations to raise complaints and give feedback on our work, as well as the work our partner organizations do. The system also enables Diakonia staff to report on incidents.

There may be occasions when Diakonia does not meet the expectations of all stakeholders, or when we fail to live up to our commitments. When this occurs, right-holders, partner organizations, other stakeholders and Diakonia staff have the right to complain. The benefit for Diakonia in receiving complaints/incidents is primarily to get input to programs and projects, which will improve the quality of our work, increase the likelihood for success in our long-term and humanitarian work, and reduce the potential for inefficient or misuse of the resources entrusted to us. It also strengthens ownership among all our stakeholders.

¹ The CHS Alliance Core Humanitarian Standards <https://corehumanitarianstandard.org/the-standard>

² The CHS Alliance Guidelines for Investigations are available in English, Spanish, French and Arabic here: https://d1h79zighft2zs.cloudfront.net/uploads/2019/07/Guidelines_for_investigations.zip

As part of our overall mandate to build capacity among partner organizations, Diakonia is also committed to support partner organizations in developing their own ways to handle complaints efficiently vis-à-vis rights holders.

1.2 Main objective

The purpose of this policy is to:

- Recognize, promote and protect Diakonia's stakeholders to raise a concern or incident and/or complain on Diakonia's and partner organization's work
- Recognize, promote and protect Diakonia staff to report incidents
- Provide general information regarding Diakonia's procedures for handling, responding and resolving complaints and incident reports
- Strive for high quality and continuous improvement in Diakonia's long-term development, humanitarian and advocacy work
- Increase quality of relationship with stakeholders

1.3 Resources needed to implement this policy

Diakonia's management will ensure that staff at country (CO), regional (RO) and head office (HO) level have the necessary knowledge, skills, and support to:

- HO: Establish and oversee the CIRM Policy
- HO+RO: Ensure coordination and global roll-out of CIRM
- HO: Ensure technical aspects of the set-up of Diakonia's CIRM, including web form for complaints, documentation and follow-up
- HO+RO: Support and guide CO's in the set-up and handling of complaints/incidents
- CO: Set up and maintain effective local systems for complaints/incidents handling in accordance with this policy
- CO+RO+HO: Receive and respond to complaints/incidents in accordance with this policy
- CO+RO+HO: Conduct investigations with respect to confidentiality, integrity and risk awareness. Some complaints/incidents may require external expertise or support.
- RO+CO: Encourage and build capacity among partner organizations to develop and/or improve their systems for handling complaints/incidents and feedback.
- HO+RO+CO: Document, monitor and evaluate practices for handling and responding to complaints/incidents within Diakonia. Include lessons learnt from CIRM in the learning reports.

2 Scope of this policy

This document gives the overall framework for Diakonia's CIRM work that includes means for external individuals as well as staff members to file incidents and complaints through the system.

2.1 Working through partner organizations

Diakonia is implementing its activities through local partner organizations and has a responsibility as a partner organization and donor to address the wellbeing and protection of individuals and local communities in its programs.

Building capacities among partner organizations to handle complaints from rights-holders is part of Diakonia's overall capacity building mandate. Partner organizations³ commit by signing agreements with Diakonia; to develop and set up systems to handle and respond to complaint to the best of their ability.

Partner organization's complaints mechanism shall be simple, easily understood and easily accessible by girls, women, boys and men. Communities shall actively take part of the development and design of the CIRM system. They shall be informed of their rights to complain, and understand that complaints are welcome, and will be acted on by partner organizations and Diakonia.

This policy shall be translated into local languages when so is needed, and information and the policy shall be attached in contracts between Diakonia and a partner organization.

2.2 Who can complain and how this is done

A complaint/incident can be raised by

- Women, men, girls and boys, who participate in, or benefit from, Diakonia's long-term and humanitarian programmes
- Diakonia's partner organizations
- The donor community and the members of the public in the countries where Diakonia works
- Media
- Diakonia staff members⁴

A complaint or an incident shall be reported as soon as possible after the complainant becomes aware of the concern. However, Diakonia will accept complaints/incidents independently of the time passed since the alleged incident occurred.

Complaints/Incidents can be made in, but not limited to, any of the following ways:

- In person (all levels)
- To local country offices
- To regional office and Head Office
- Through Diakonia's web site where a whistleblowing/complaints form is available⁵
- Through the formats available for staff members on VoiceIT

³ Each country office/Regional program is responsible to review existing complaints mechanisms among partner organizations and identify partner organizations in need of capacity building

⁴ Refers to, but not limited to, all permanent and temporary staff members, interns, consultants, activists, volunteers, journalists, photographers, people participating in Diakonia-organized travels and all elected Diakonia representatives

⁵ <https://diakonia.whistleblower-eu.com/>

When a Diakonia staff member receives a complaint, s/he shall make sure the complaint is recorded in the format provided on VoiceIT and inform his/her line director and the CIRM Focal point at Head Office as soon as possible. The complainant is however still the external person and not the staff member. The Senior Management Team at Head Office will be informed by the CIRM Focal point who also makes sure the complaints/incidents reach the correct entity for each specific complaint.

- If the case concerns a partner organization, the International Director decides whether to investigate and delegates the responsibility to appoint an investigator to a Regional Director.
- If the case concerns a staff member of Diakonia, the Human Resources Director decides whether to investigate and delegates the responsibility to investigate to a Regional Director or a Director at the Diakonia Head office
- If the case concerns a Regional Director or a Director at the Diakonia Head Office, the case is reported to the Secretary General.
- In case there is a complaint against the Secretary General, the complaint will be reported to the Chairperson of the Board of Directors.
- A complaint that concerns anyone in the Board of Directors shall be reported to the Secretary General.

Diakonia can receive complaints written in English, Swedish, French or Spanish. In case other languages are used, Diakonia will be solving this with translators on a case-by-case basis. Diakonia will as far as possible for confidentiality reasons limit the number of people handling complaints.

2.3 Key definition: Diakonia's definition of a complaint/incident

Diakonia defines a **complaint** or an **incident** as a formal expression of dissatisfaction or discontent, and/or misconduct, about someone or something related to Diakonia's work. It distinguishes the terms '*complaint*' or '*incident*' from '*feedback*'. **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 filing a formal complaint. A complaint or an incident requires a response whereas feedback does not.

This policy also mentions the word **concern**. A concern is an informal communication or question/statement made to Diakonia regarding a person or some aspect of Diakonia's work. A concern may become a formal complaint after an assessment is made by Senior Management.

Examples of what a complaint is NOT:

- A general inquiry about Diakonia's work
- A request for information
- A contractual dispute or complaints relating to Diakonia or partner organization employment conditions, guidelines and benefits

2.4 Complaints/Incidents addressed by this policy

Diakonia will accept complaints related, but not limited to, the following examples:

- Suspicions or observations of misbehaviour or misconduct by a Diakonia staff member with reference to Diakonia's Code of Conduct⁶. The document is available on Diakonia's web site.
- Violation of Diakonia's policies and commitments by Diakonia or a partner organization
- Breach of conditions established by the agreement between Diakonia and Partner organization, including but limited to, late reporting
- Issues related to protection and security of rights holders, and especially children
- Any concerns regarding the safety and best interests of children will always have priority⁷
- Partner organization's programme implementation (where the programme is funded by Diakonia)
- Behaviour/conduct of a partner organization's staff member (where the programme is funded by Diakonia)
- Misuse of funds/fraud by Diakonia staff or a partner organization (where the programme/project is funded by Diakonia)
- Diakonia staff incidents related to safety issues

2.5 Complaints/Incidents not addressed by this policy

Diakonia will **not accept, but may respond** to complaints, such as, but not limited to:

- Complaints regarding partner organizations, projects or activities that is not funded by Diakonia
- Complaints related to employment contracts of Diakonia and staff member terms and conditions. Such complaints are covered by Diakonia's human resource guidelines.
- Complaints related to employment contracts of staff of Diakonia's partner organizations and staff member terms and conditions. Such complaints are covered by employer human resource policies as well as staff rules and regulations
- Complaints that already are subject to current investigation by any regulatory body may it be legal or official authorities in the countries where Diakonia operates

Diakonia will **not** respond to the following complaints:

- Complaints against a political standpoint/viewpoint/ opinion taken by Diakonia or a partner organization
- Offensive complaints that are using inappropriate or abuse language
- Complaints sent as part of a bulk mail from an unknown source

⁶ Diakonia's Code of Conduct refers to the ICRC/NGO's working in disasters Code of Conduct to which Diakonia is a signatory, and to the ACT Code of Conduct.

⁷ Diakonia's Child Safeguarding Policy outlines how this is done, and is found on Diakonia's web site

2.6 Anonymous complaints/incidents

Diakonia recognize that at times people with genuine concerns cannot speak out because of special circumstances and may wish to file a complaint/incident without revealing their identity.

If a person reporting a complaint/incident chooses to remain anonymous, Diakonia will only be able to receive the complaint, but will not be able to respond to the complainant. However, Diakonia investigates anonymous complaints/incidents reports as far as possible. The incidents or complaints will always be treated with confidentiality. A complainant's name or contact details will never be revealed to anyone outside the investigation team (if an investigation is needed). An investigation is conducted by a limited number of persons under confidentiality.

2.7 Malicious complaints/incidents

A malicious complaint is a complaint/incident report that the complainant knows to be false. Diakonia operates under the assumption that all complaints/incidents are made in good faith. An investigation that is underway must be stopped immediately in case an investigation reveals the complaint to be malicious. In case the malicious complaint filed by a Diakonia staff member, s/he might face disciplinary actions. Reported genuine complaints/incidents that after an investigation may be unfounded are not considered malicious.

2.8 Risk analysis

Diakonia recognizes that there are risks linked to the investigation of complaints/incident both for the individual person that is being "accused", for the complainant and for staff that is investigating the case. It is therefore very important to always assess what the risks are prior to an investigation and address the risks in an appropriate way. The risk analysis is described in Diakonia's guidelines for Complaints and Incident Response Mechanism.

2.9 Ensuring confidentiality

Confidentiality is critical in the handling of complaints/incidents in order to protect the privacy and safety of the complainant, the subject of complaint and witnesses. The facts and nature of the complaint/incident, the identity of the key participants and the investigation records are confidential. This means that access to and dissemination of information will be restricted only to a limited number of authorized staff for concluding a necessary investigation. Any breach of confidentiality may lead to disciplinary action.

Diakonia shall only allow disclosure of information regarding a complaint/incident when:

- it is required by law
- it is required by management in the best interests of the organization and the parties involved, and

- it is needed to obtain specialist help for the survivor or for advice on the evidence

Should the matter for the complaint/incident become public at any time, Diakonia's Senior Management Team shall act, and disciplinary actions shall be taken. Diakonia will however not release any details about the complaint/incident.

2.10 Creating a safe environment

Diakonia seeks to provide a safe environment through which individuals or groups can voice a concern without fear of reprisal or unfair treatment. Diakonia is committed to ensure that people can raise concerns:

- without any risk of losing their employment or entitlements or suffering any form of retribution in the community or workplace
- knowing that harassment or victimisation will not arise from raising a genuine concern - and if it does, be sure that Diakonia will deal with it as a disciplinary action under the appropriate procedure, and
- Being sure that complaints will be addressed in a confidential manner

3 Complaints and Incident Handling Procedures⁸

In case a staff member receives information informally that could be subject for a complaint/incident, Diakonia staff shall ask if the person that is sharing the information would like to make a formal complaint, and if needed assist the complainant to make the complaint.

3.1 Complaints/Incidents not requiring investigations

When working with complaints and incidents Diakonia has found that not all of them require an investigation. Some of the issues that are brought up can often be resolved to the complainant's satisfaction through two-way communication between the complainant and the person who received the complaint at programme level. It is however recognized that not all issues can be resolved in this way; some cases may need to be reported formally (via Diakonia's form on VoiceIT or on the web site). Examples of issues that may be resolved without an investigation are:

- Issues of entitlements and commitments not met
- The quality of the implementation of a project or program
- Management of a project/program
- Diakonia staff incidents relating to accidents, decease, security threats or work environment

Complaints or incidents like these don't require investigations and can be forwarded to the relevant director who will be responsible for responding to the complaint (if the director is

⁸ Annex 1 gives an overview of the whole CIRM procedure at Diakonia

the subject of the complaint it should be passed to his/her director or filed in the whistleblowing system found on the web site or in VoiceIT).

3.2 Complaints/Incidents requiring investigation

A complaint or an incident that will require an investigation is primarily related to breach of Diakonia's Code of Conduct or a breach of a condition set out in an agreement and/or contract between Diakonia and a stakeholder. Examples of this can be any of the following:

- Behaviour of a Diakonia staff member e.g. breach of Code of Conduct and Child Safeguarding policy
- Behaviour of a partner organization's staff member e.g. Code of Conduct and Child Safeguarding (when the programme/ project is funded by Diakonia)
- Allegations of Sexual exploitation and abuse by Diakonia or partner organization's staff member
- Allegations of harassment (physical, psychological) by Diakonia or partner organization's staff member
- Allegations of fraud and corruption by Diakonia or partner organization's staff member
- Criminal actions by Diakonia or partner organization's staff member
- A complaint on an issue posing serious reputational risk to Diakonia or a partner organization
- Misuse of funds/fraud by Diakonia staff or a partner organization (where the programme is funded by Diakonia)
- Partner organization is late in reporting according to existing contracts
- Other types of breach of contractual agreements between Diakonia and a stakeholder

Incidents and complaint of these types shall be formally investigated with high respect to confidentiality. In a situation where someone discloses serious allegations, it must be reported immediately through Diakonia's complaint/incident mechanism.

3.3 Responsibilities in handling complaints and incidents

All Diakonia's staff members are required to report allegations, or suspicions of breaches related to Diakonia's Code of Conduct. Proven deliberate non-disclosure of such information will lead to disciplinary action. The obligation to disclose such information is included in Diakonia's Code of Conduct.

A flow chart in Annex 2 gives a visual glimpse of the procedure and responsibilities for handling complaints and incidents that require investigations.

Country/ Program Level

The Country Director is responsible to:

- Ensure that a system is set up to handle and respond to complaints/incidents in a safe and effective way that is contextually relevant and functional

- Receive and report complaints/incidents
- Ensure that the CIRM Policy for complaints and incident handling is followed; including making sure the handling of cases is done professionally and with highest confidentiality
- Ensure that complaints are documented and are complete and secure
- Inform partner organizations about their right to complain.
- Through partner organizations, ensure that rights holders know that they are entitled to complain directly to a partner organization or directly to Diakonia.
- Propose decisions for how and when a case shall be closed

Regional Level

Regional Director management is responsible for:

- Safeguarding that staff members in the region have knowledge about Diakonia's CIRM policy and know how to use the complaints and incidents system
- Oversee the roll-out of local CIRM
- Be responsible for forwarding complaints directed to the region and the regional office to HO
- Be responsible for investigations when HO has decided that a case shall be investigated
- Appoint investigator or investigation team
- Propose decision for how and when a case shall be closed

Head office level

The Senior Management Team at Head Office is responsible for:

- Ensure that Diakonia's CIRM is relevant, functional and enough resource to ensure the system is maintained (staff, financial and technical)
- Ensure the handling of complaints and investigations are carried out in the organization according to the CIRM policy
- Receive all complaints/incidents and take a formal decision whether to investigate a complaint/incident or not. This is done by the International Director (partner organization related) and the HR Director (Diakonia staff related).
- Advise regional directors in the handling of incidents and complaints
- Ensure that all complaints are documented, and files are complete and secure on VoiceIT
- Ensure qualified investigations of cases
- Take decisions for action, and closing of cases that have been investigated
- Make information available about Diakonia's CIRM policy and how people can complain and report incidents

3.4 Steps in processing complaints

The flowchart in Annex 2 outlines the main steps taken at different levels in the handling cases that needs to be investigated and below is a short description.

Acknowledging the complaint

The complainant shall receive confirmation of receipt of the complaint/incident.

By sending an acknowledgement, Diakonia shows that the allegation is taken seriously and handled according to procedures. The acknowledgement letter should briefly state:

- When and how the complaint/incident was received
- The procedure for the handling of the complaint/incident
- The person the complainant should contact regarding questions or feedback

Risk analysis and Protection of people

Staff who are handling a case should immediately find out whether the complainant, whistleblower, or anyone else is at risk. Risks shall be addressed, and any security concerns shall be referred to management. If needed, adequate and rapid protection and security measures must be provided for.

Investigations can also involve a risk for staff members or the person that conducts the investigation. Management is responsible to minimize such risks as far as possible.

Risk analysis and Protection of information

Regarding cases that involves any kind of misconduct, it is important to analyse for example the risks of loss of information that can serve as proof. This includes not least the information stored in Diakonia's IT-systems. Management is responsible to safeguard that information is not altered or lost during an investigation and that it remains confidential.

Determining the need for an investigation

It is the International Director or the Human Resources Director, who decides if a reported incident or complaint shall be investigated or not. They will refer the responsibility for the investigation to a Regional Director or a Department Director.

The investigation process

The Diakonia Guidelines for Complaints and Incident Response Mechanism, together with the CHS Alliance Cases Guidelines for investigations⁹ shall be used for guidance for the investigation process.

A regional or department Director will usually be appointed responsible for the investigation. The Director will appoint an Investigation team, where the country Director for the concerned country is most likely a part of it (if that person is not the subject of the complaint). The Investigation team shall have contextual knowledge and shall be as gender balanced as possible. In some cases, external investigators may be required; local consultants, auditors etc. can be contracted depending on the situation.

⁹ The CHS Alliance Guidelines for Investigations are available in English, Spanish, French and Arabic here: https://d1h79zlgft2zs.cloudfront.net/uploads/2019/07/Guidelines_for_investigations.zip

Based on the Investigation team's report, the regional director in cooperation with the country director will propose actions that should be taken. An investigation is always finalized with the written approval from a member of the Senior Management Team at Head Office (for program related issues the International Director and for staff related issues the Human Resources Director).

Regarding Protection against Sexual Exploitation and Abuse (PSEA) investigations or investigations regarding breaches of the Child Safeguarding Policy, Diakonia does not have in-house expertise regarding investigation of cases. Diakonia therefore takes upon itself to contract an external expert on the subject from the CHS Alliance or through the ACT Alliance network to handle such investigations.

Informing the complainant about the investigation outcome and appeal process

The outcome of the investigation shall be communicated to the complainant as soon as possible. Any decision will be followed by immediate action.

If the Complainant or the Subject of the Complaint is not satisfied on the outcome of the complaint/incident, s/he may appeal within 30 days upon reception of the decision. Should s/he like to appeal, the reasons behind this and any new evidences shall be shared with Diakonia. The analyses of the new information may lead to a new investigation, which will be headed by the Senior Management Team at the Diakonia Head Office. An appeal shall only be considered once.

3.5 Diakonia's Allotted time frames

Diakonia shall always strive to act and solve cases of submitted complaints in a timely manner. The time it takes for each complaint or incident to be investigated and completed will depend on the complexity and character of the case. Cases present constraints for Diakonia's operations, and foremost they affect people who have not received what they are entitled to or who might have been harmed in some way. Therefore, it is important to investigate and come to terms with shortcomings in Diakonia's programming or any kind of behaviour that could be considered as misconduct.

Important things to consider are that:

- Incidents and complaints should be reported as soon as possible
- Incidents and complaints that need to be investigated can be brought up independently of the time since the alleged incident occurred
- Diakonia strives to solve incidents and complaints as soon as possible
- Incidents and complaints not requiring investigations will as far as possible be concluded within 30 days

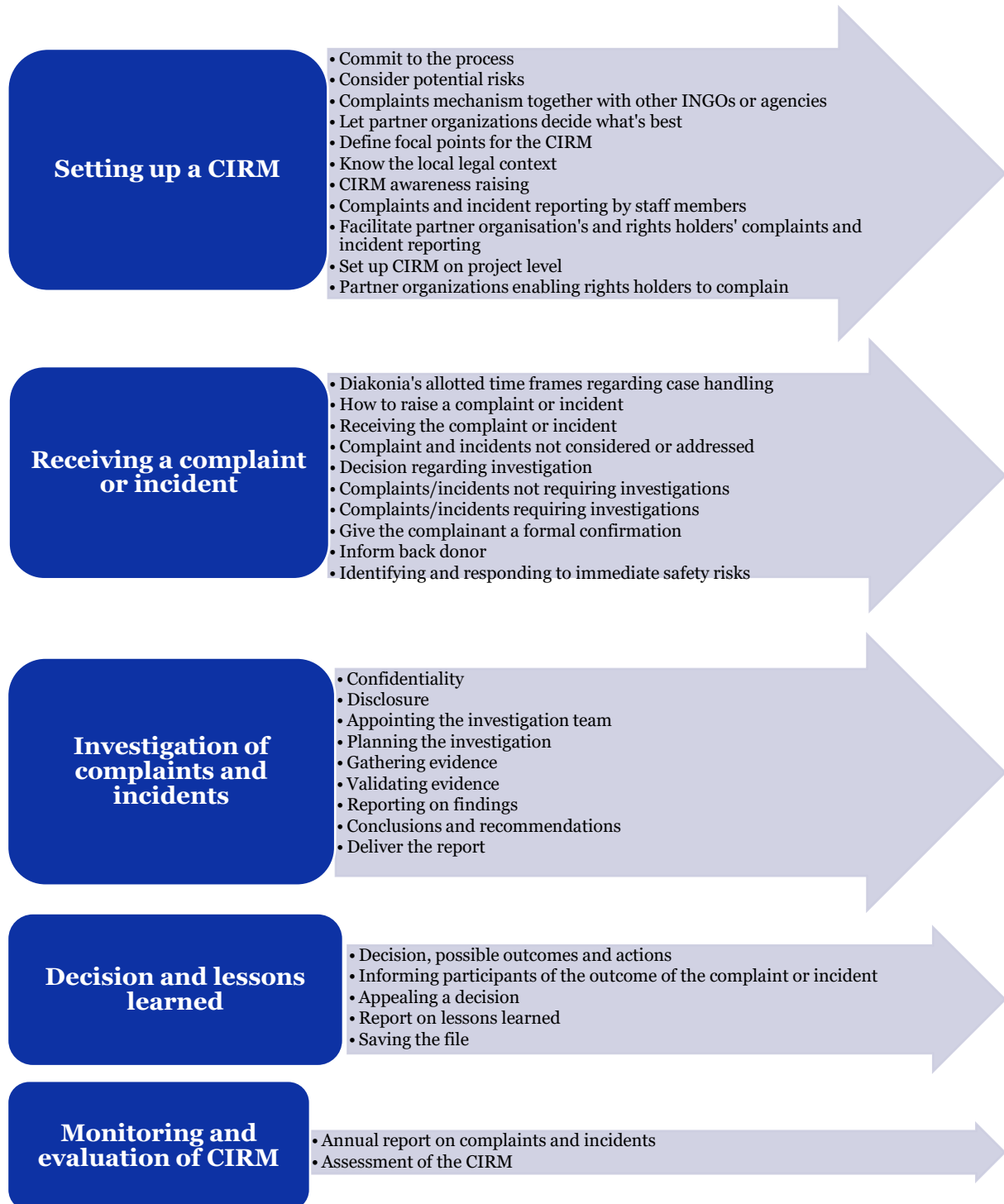
3.6 Learning and continual development

One of the purposes with establishing a CIRM handling system is to learn and improve as an organization. Diakonia shall keep a record of all formal complaints received from all stakeholders. A synthesis report of the types of complaints received and the status of their resolution shall be reported annually and be uploaded on the Diakonia web site at the latest June 30th each year.

Diakonia will summarise the organizational learnings from complaints handling in the annual reports without revealing any information about the details of complaints and leaving out any information about the complainant. The focus of the annual report will be on learnings for improvements.

This policy will regularly be reviewed. Critical lessons learnt and suggestions for improvement shall be added as appropriate and relevant when there is a need to update the system.

Annex 1: Diakonia's step by step CIRM process



Annex 2: Flowchart in handling complaints/incidents

