

POLICY FOR DIAKONIA'S

# COMPLAINTS AND INCIDENTS MECHANISM

APPROVED BY THE BOARD 2012-09-08

REVISED MARCH 2019

Dear Reader,

This policy for Diakonia's Complaints and Incident system (CRM) has been produced as a result of consultation with employees and inspiration from other Complaints Policies, mainly from other likeminded organizations and ACT.

This document is meant to inform both an external public as well as Diakonia's employees about Diakonia's CRM/Incident system. Diakonia encourages it's regional and country offices to translate it where needed, and disseminate it to our partners. This document is published on Diakonia's web site.

Please note that the CRM concerns all aspects of our work; long-term development, humanitarian as well as our advocacy work.

This policy was approved by the board on the 8<sup>th</sup> of September 2012.

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# 1. Introduction

## 1.1 Rationale

Diakonia is an organization that works with partners and is committed to providing high quality development, humanitarian, and advocacy programs. Being accountable to rights holders, local communities, partners and other stakeholders with whom we work is core to Diakonia.

Diakonia's policy for the Complaints and Incident Mechanism is referred to as the CRM Policy in this document.

Diakonia is guided by the two principles of

1. The rights based approach, which seeks to include qualitative participation, non-discrimination, transparency and mutual accountability throughout our work.
2. Good donorship and partnership, which implies creating equal and long-term relationships with our partner organisations, to empower the rights holders and jointly strive towards our vision.

As part of an on-going process to improve accountability, Diakonia is committed to implement a Complaints Response Mechanisms (CRM) in our programmes to enable individuals and organizations to raise complaints and give feedback on our work, as well as the work our partners 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, or if this occurs, right-holders, partners, 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 a sense of ownership among all our stakeholders.

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

### DIAKONIA COMPLAINTS/INCIDENTS POLICY STATEMENT

Diakonia is committed to work in an open and responsible way that builds the trust and respect of all our stakeholders. Diakonia is striving to meet the highest quality in its development and humanitarian programming and seek to work with affected communities and populations in the best way possible.

To ensure continuous improvement of our work, we are interested in what our stakeholders have to say whether in the form of a comment, a compliment or a complaint. Diakonia has established a system that gives individuals and groups the possibility to report complaints/incidents to Diakonia in a secure way, and receive a response. Diakonia shall handle complaints with respect to confidentiality in a timely manner. This system also enables Diakonia employees to report. The system is referred to as a Complaints and Incidents Response Mechanism (CRM).

This policy shall be available to all Diakonia's stakeholders, with specific focus on our partners working with communities and rights holders to whom Diakonia is accountable.

## 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 and partner'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 staff incident reports
- Strive for high quality and continuous improvement in Diakonia's long-term development, humanitarian and advocacy work
- Increase quality of relationships with stakeholders

## 1.3 Diakonia is a member of ACT

According to ACT's complaints policy<sup>1</sup>, Diakonia has, as a member of the ACT Alliance a responsibility to handle and respond to the complaints we receive from our stakeholders.

Also, any complaints received by the ACT secretariat about Diakonia will be forwarded to Diakonia Head Office to handle and address. As a member of ACT, Diakonia is also a signatory to ACT's Code of Conduct.

## 1.4 Resources needed to implement this policy

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

- HO: Establish and oversee CRM Policy
- HO+RO: Ensure coordination and global roll-out of CRM
- HO: Ensure technical aspects of the set-up of Diakonia's CRM, 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 from the Complaints Advisor at HO.
- RO+CO: Encourage and build capacity among partners 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

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<sup>1</sup><http://www.actalliance.org/search?SearchableText=complaints+policy>

## 2. Scope of this policy

This document gives the overall frame for Diakonia's CRM which includes means for external individuals as well as staff to file complaints through the system.

The CRM should be seen as one system for the whole organisation; it includes the whole process from receiving, handling and investigating complaints. All complaints are reported in the same system, but different ways of reporting them exist. Local CRM's will be developed at all countries offices - these can be seen as the "arms" that link into Diakonia's CRM.

### 2.1 Working through partners

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

Building capacities among partners to handle complaints from rights-holders is part of Diakonia's overall capacity building mandate. Partners<sup>2</sup> will be encouraged to develop methods to handle and respond to complaints.

A minimum standard for partner's complaints mechanism is that they shall be simple, easily understood, and accessible by girls, women, boys and men. Communities should be informed of their rights to complain and know how to make a complaint.

Diakonia will agree with partners on how rights holders can complain to Diakonia if, for some reason, the complainant don't want to use partner's CRM. To this end, a minimum of information about Diakonia, including contact details, should be made available to rights holders, through our partners.

This policy shall be translated into national languages when so is needed and information and awareness of the policy shall be disseminated to Diakonia's partners.

### 2.2 Who can complain and how?

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 (Rights holders)
- Diakonia's partners
- The donor community and supporters
- Member churches and activists
- The media and members of the public
- Diakonia staff

A complaint should be lodged 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 through any of the following ways:**

- In person (all levels)

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<sup>2</sup> Each country office is responsible to review existing complaints mechanisms among partners and identify partners in need of capacity building

- To local country offices
- Through Diakonia’s web site where a whistleblowing/complaints form is available<sup>3</sup>

When a Diakonia employee is receiving a complaint, s/he shall make sure that the complaint is recorded in the form on Diakonia’s intranet and inform the line director, unless s/he is the subject of the complaint. The CRM Advisor at Head Office shall also be informed, and is responsible to inform Senior Management at Head Office.

The complainant may wish to remain anonymous for different reasons. This is possible, an employee can fill in a report for that person, or s/he can complain through the online format on our web site. Diakonia investigates anonymous complaints to the best of our possibilities, but will not be able to respond to the complainant.

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 to case basis. Diakonia will as far as possible limit the number of people handling complaints for confidentiality reasons.

### 2.3 Key definition: what is a complaint/incident, and what is it not?

Diakonia defines a **complaint** or an **incident** as a formal expression of dissatisfaction or discontent, and/or misconduct, about someone or something. 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 requires a response whereas feedback does not.

At times, 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 internal or partners’ staff employment conditions, guidelines and benefits.

### 2.3 Complaints/Incidents addressed by this policy

Diakonia will accept complaints related to the following examples:

- Suspicion of or witness of misbehaviour or misconduct by a Diakonia staff member with reference to Diakonia’s Code of Conduct<sup>4</sup>. The document is available on Diakonia’s web page.
- Violation of Diakonia’s policies and commitments by Diakonia or a partner organisation
- Breach of conditions established by the Diakonia Partner Agreement
- Issues related to protection and security of rights holders, and especially children
- Partner programme implementation (where the programme is funded by Diakonia)
- Behaviour/conduct of a partner staff member (where the programme is funded by Diakonia)

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<sup>3</sup> <https://diakonia.whistleblower-eu.com/>

<sup>4</sup> Diakonia’s CoC also 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.

- Misuse of funds/fraud by Diakonia staff or a partner organisation (where the programme is funded by Diakonia)
- Diakonia staff incidents related to accidents, disease, security threats or work environment
- Any concerns regarding the safety and best interests of children will at all times have priority

## 2.4 Complaints/Incidents not addressed by this policy

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

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

Diakonia will not respond to the following complaints:

- Complaints against a political stand/ view point/ opinion taken by Diakonia or a partner organization.
- Offensive complaints using inappropriate or abuse language.
- Complaints sent as part of a bulk mail from an unknown source.

## 2.5 Anonymous complaints/incidents

Diakonia recognize that at times people with genuine concerns can't speak out because of special circumstances and may wish to file a complaint 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 complaints will always be treated with confidentiality. Any complainants name or contact details will never be revealed to anyone outside the investigation team (if an investigation is needed). An investigation is conducted by limited number of persons under confidentiality.

## 2.6 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.

However, should an investigation reveal a complaint to be malicious, any investigation underway must be stopped immediately. Have the malicious complaint been filed by a Diakonia employee s/he might face disciplinary actions. Genuine complaints/incidents reported that may after an investigation be unfounded are not considered to be malicious.

## 2.7 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 also 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.

## **2.8 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 the purpose of 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 organisation and the parties involved; and
- it is needed to obtain specialist help for the survivor or for advice on the evidence<sup>5</sup>

Should the matter for the complaint/incident become public at any time, Diakonia's Senior Management shall issue a public statement about the procedures followed and the status of the case and/or the outcome of the complaint review. Diakonia will not release any details about the complaint/incident.

## **2.9 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 ensuring that people are able to raise reasonable concerns:

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

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<sup>5</sup>Adapted from BSO/ICVA "Guidelines for Receiving and Investigations allegations of abuse and exploitation by humanitarian workers", Building Safer Organizations, pg. 13.

### 3 Complaints and Incident Handling Procedures<sup>6</sup>

In case a staff member receives information informally, that could be subject for a complaint, Diakonia staff is encouraged to proactively 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 Types of complaints: Operational and Serious complaints and incidents

When dealing with complaints, Diakonia distinguishes between “operational complaints and incidents” and “serious complaints and incidents”.

##### **Operational complaints and incidents**

Operational complaints and incidents refer to complaints or incidents on program and project activities and staff incidents. It may be any of the following:

- 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

Operational complaints 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).

Operational complaints will be forwarded on to the relevant director who will be responsible for responding to the complaint (if that director is 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). Operational complaints about a partner will as far as possible for Diakonia<sup>7</sup> be forwarded to the relevant focal point for complaints or senior management of that partner’s organisation.

##### **Serious complaints and incidents**

A serious complaint/incident is primarily related to breach of Diakonia’s Code of Conduct<sup>8</sup>. A serious complaint can be any of the following:

- Behaviour of a Diakonia staff member
- Behaviour of a Diakonia partner staff member (when the programme/ project is funded by Diakonia)
- Allegations of Sexual exploitation and abuse by Diakonia or partner staff member
- Allegations of harassment (physical, psychological) by Diakonia or partner staff member

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<sup>6</sup> Annex 1 gives an overview of the whole CRM/incident procedure at Diakonia

<sup>7</sup> Precaution should be taken regarding sending sensitive information about individuals from Sweden to some of the countries in which Diakonia operates. In these cases, Diakonia will guide the complainant on how he/she can address the information to the right partner.

<sup>8</sup> Diakonia’s Code of Conduct is found on the web site, [www.diakonia.se](http://www.diakonia.se). Diakonia’s CoC is in line with the ACT’s CoC and the CoC of Red Cross and Red Crescent & NGOs working in Disaster, to which Diakonia is a signatory.

- Allegations of fraud and corruption by Diakonia or partner staff member
- Criminal actions by Diakonia or partner staff member
- A complaint on an issue posing serious reputational risk to Diakonia or a partner

Serious complaints should be formally investigated with high respect to confidentiality. In a situation where a staff member discloses serious allegations, it must be reported immediately through Diakonia's complaint/incident mechanism even if the person does not want to make a complaint.

Serious complaints are addressed by senior management at Head Office or regional management. Complaints or incidents of extremely sensitive or complex character may require external expertise.

### 3.2 Responsibilities in handling complaints and incidents

***ALL Diakonia Staff have a responsibility:*** All Diakonia's employees 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 serious complaints.

#### Country/ Program Level

The Country director is responsible for

- Ensuring that a system is set up to handle and respond to complaints/incidents in a safe and effective way is contextually relevant and functional.
- Receiving and reporting complaints/incidents
- Ensuring that the CRM Policy for complaints and incident handling is followed, including making sure the handling of cases is done professionally and with highest confidentiality.
- Ensuring that complaints are documented and are complete and secure.
- Informing partners about their right to complain
- Through partners, ensure that rights holders know that they are entitled to complain directly to partner or directly to Diakonia.

#### Regional Level

Regional management is responsible for

- Overseeing the roll- out of local CRMs/incident handling systems
- Responsible for complaints directed to the region and the regional office
- In consultation with Senior management at HO taking decisions for action on serious complaints

## **Head office level**

The senior management at Head Office is responsible for

- Ensuring that Diakonia's CRM is relevant and functional and that resources (staff, financial and technical) are allocated to ensure the system is maintained.
- Ensuring the handling of complaints and investigations are carried out in the organization according to the CRM policy
- Receive all serious complaints/incidents and take a formal decision whether to investigate a complaint/incident or not
- Advising regional management in the handling of serious complaints
- Ensuring that all complaints are documented and files are complete and secure.
- Ensuring qualified investigations of serious complaints
- Taking decisions for action on serious complaints
- Make available information about Diakonia's CRM policy, information about how to complain as well as a format for filing complaints on the web site.

## **3.3 Steps in processing complaints**

The flowchart in Annex 2 outlines the main steps taken at different levels in the handling of serious complaints, 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
- Who the complainant should contact regarding questions or feedback

### **Risks analysis and Protection**

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

Investigations of serious complaints/incidents 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.

### **Determining the need for an investigation**

Generally, only serious complaints will be investigated. It is Senior management (usually the international director together with the human resources director) who decides if an allegation shall be investigated or not. They will refer the responsibility for the investigation to a regional director.

### **The investigation process**

The ACT Guidelines for Complaints Handling and Investigations<sup>9</sup> or the CHS Alliance Complaints Policy and Procedure for Alliance members and other Alliance stakeholders<sup>10</sup> may be consulted for support regarding the key steps and processes for an investigation.

It is the Senior management at Head office (usually the International director together with the Human Resources director) that decides if a serious complaint/incident originating from a country office shall be investigated. Usually the regional director will be appointed responsible for the investigation. The regional director will appoint an Investigation team, and most likely the country director is part of it (if that person is not the subject for accusations). The Investigation team shall have contextual knowledge and will, if possible, be gender balanced. In some cases external investigators may be required; local consultants, auditors, HAP Investigation Experts etc. may be contracted depending on the situation.

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 concluded with the approval from a member of Senior Management at Head Office (for program related issues the International director and for staff related issues the Human Resources director).

### **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 other new evidences should be shared with Diakonia. The analyses of the new information may lead to a new investigation. The appeal shall be considered only once.

### **3.4 Action Time Allotment**

Diakonia will always strive to take action and solve complaints in a timely manner. However, the time it takes for each complaint/incident to be solved will depend on the complexity and character of the case. Complaints of serious character may require immediate action, but again, the complexity in the situation will affect the time it takes to solve and close a case.

- Incidents and complaints should be reported as soon as possible, but serious incidents/complaints can be brought up independently of the time since the alleged incident occurred
- Diakonia strives to solve serious complaints as soon as possible
- Operational complaints of less complex character will as far as possible be solved within 30 days

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<sup>9</sup> <https://actalliance.org/wp-content/uploads/2015/11/Complaints-and-Investigation-Guidelines-July-2010-1.pdf>

<sup>10</sup> [https://www.chsalliance.org/files/files/CHS%20Alliance\\_Complaints%20Policy%20%26%20Procedure\\_final.pdf](https://www.chsalliance.org/files/files/CHS%20Alliance_Complaints%20Policy%20%26%20Procedure_final.pdf)

### 3.5 Learning and continual development

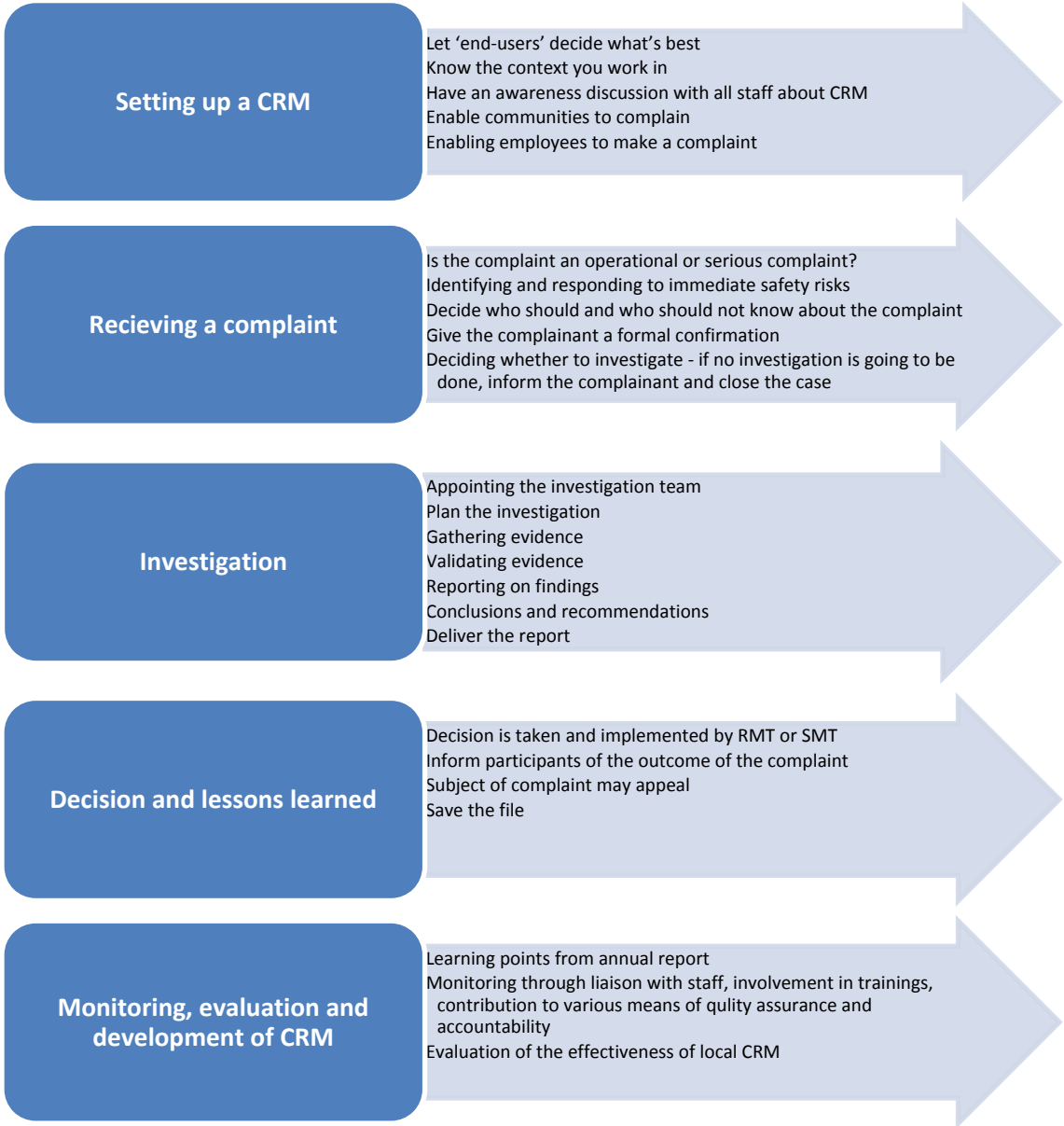
One of the main purposes with establishing a CRM/incident handling system is to learn and improve as an organisation. Diakonia shall keep a record of all formal complaints received from all stakeholders. A synthesis report of the types of complaints received and the status of their resolution shall be reported annually. Regional management will compile country programme reports and submit to HO.

Diakonia will summarise the organisational learning from complaints handling in annual reports without revealing any information about the details of complaints, and of course leaving out any information about the complainer or complainant. The annual reports will focus on learning points and how Diakonia aims at improving our way of working. A public version of the report will be available on Diakonia's web site.

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

# Annex 1: Procedure for Diakonia’s Complaints and Response Mechanism

The CRM/Incident system has been developed as a step-by step description on how to set up a CRM, how to investigate and respond to a complaint, how to take action and follow up the complaint, and how to monitor, evaluate and develop the handling of complaints/incidents. The process looks as follows:



**Annex 2: Flowchart for handling serious complaints/incidents; when it originates from a country programme.**

