

Policy & Procedure

Complaints Mechanism

June 2015



THE
LUTHERAN
WORLD
FEDERATION

A Communion
of Churches

TABLE OF CONTENTS

Contents

| | |
|--|-----------|
| TABLE OF CONTENTS | 1 |
| INTRODUCTION | 2 |
| THE LUTHERAN WORLD FEDERATION COMPLAINTS POLICY AND PROCEDURE STATEMENT | 2 |
| GUIDING PRINCIPLES | 2 |
| 1. DEFINITION OF A COMPLAINT | 4 |
| 2. RESPONSIBILITIES IN HANDLING COMPLAINTS..... | 6 |
| 3. HOW TO COMPLAIN | 7 |
| 4. STEPS IN PROCESSING COMPLAINTS | 7 |
| 5. CONFIDENTIALITY | 9 |
| 6. MONITORING AND EVALUATING THE COMPLAINTS MECHANISM | 10 |
| Glossary of Key Terms | 11 |
| APPENDIX 2 | 14 |
| APPENDIX 3 | 15 |

INTRODUCTION

The core values of the Lutheran World Federation (LWF) are dignity, justice, compassion, commitment, diversity, inclusiveness, participation, transparency and accountability¹. Resources and responsibilities for decision-making are to be used in ways that are mutually transparent and answerable to all stakeholders. This is complemented by the highest standards and flexibility in all its activities. LWF is committed to transparency in its motives and aims, as well as in its financial transactions.

To ensure that these commitments are lived out, the LWF Complaints Mechanism Procedure allows that all staff and stakeholders may provide feedback and complaints on LWF work, and have them heard and properly addressed.

THE LUTHERAN WORLD FEDERATION COMPLAINTS POLICY AND PROCEDURE STATEMENT

The LWF has a staff Code of Conduct regarding sexual exploitation and abuse, abuse of power, fraud and corruption.

LWF is committed to working in an open and responsible way that builds the trust and respect of all our stakeholders. LWF is committed to high quality performance in all aspects of its work.

To ensure that the LWF programs are continuously improved, we want to hear what our staff and stakeholders have to say whether in the form of a comment, a compliment or a complaint. Responding to complaints is basic to the LWF value on accountability.

LWF has therefore established Complaints Mechanisms to address any complaints about its work or its staff. All complaints shall be responded to in a timely and appropriate manner through established mechanisms.

This Procedure will be actively disseminated to all staff and implementing partners using appropriate language and means.

This Procedure is adapted from the LWF Department for World Service Complaints Mechanism Policy and Procedures (revised version, June 2014).

The LWF Code of Conduct regarding sexual exploitation and abuse, abuse of power, fraud and corruption is an integral part of the employment contract and guides all staff to make ethical decisions in their professional and private life.

Please see **Appendix 1** for a Glossary of Key Terms used in this document.

GUIDING PRINCIPLES

- LWF is guided by the values of dignity and justice, inclusiveness and participation, accountability and transparency, compassion and commitment.
- LWF has zero tolerance² to any form of abuse of power, sexual exploitation, fraud³ and corruption, physical and psychological abuse and criminal offences⁴.

¹ As contained in the LWF Strategy 2012 - 2017.

² The definition of "zero tolerance" is found in the Glossary, APPENDIX 1.

³ Including false accusations

- As mentioned in its Child Protection Policy, staff shall promote children's rights and ensure child protection.
- The LWF Staff Code of Conduct regarding Sexual Exploitation and Abuse, Abuse of Power, Fraud and Corruption (January 2015 version) serves to guide all LWF staff in their attitudes, behaviors and ethical decisions in their professional as well as private lives.
- LWF takes complaints seriously and positively. It shall address all issues of sexual exploitation, abuse of power, corruption and breach of the LWF policies and standards.
- LWF is committed to have an effective procedure for handling and responding to complaints. Procedures shall be simple, easily understood and widely publicized.
- No staff shall retaliate against the complainant in whole or in part because he or she has disclosed alleged wrongful conduct. Any staff that is found to have violated this principle shall be subject to disciplinary action.
- Both complainants and accused have a right to challenge decisions and to be properly informed about the basis on which decisions have been made. At any point confidentiality shall be maintained.
- When necessary, it is particularly important to ensure that support is available to complainants in ways deemed appropriate.
- The procedure for complaints will be reviewed regularly to ensure and incorporate learning and improvement towards LWF accountability.

⁴ *Criminal offenses understood* a violation of a law in which there is injury to the public or a member of the public and a term in jail or prison, and/or a fine as possible penalties (from *The Free Dictionary*)

1. DEFINITION OF A COMPLAINT

1.1 What is a complaint?

A complaint is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by a staff person of the LWF Communion Office. This could be in relation to program activities or conduct of its personnel, or when LWF policies and guidelines are not respected. It might express concern about:

- How an activity has been managed, which has a direct impact on the work of LWF;
- The quality of program/project/activities delivery;
- A concern about the behavior of staff;
- Abuse of power manifested against those with less social power and how they are treated physically and or psychologically;
- Staff members involved in corruption or abuse of one's position for private gain, such as misusing the financial and other resources of the organization;
- Sexual coercion and manipulation (including all types of sexual acts) by a person in a position of power providing any type of assistance in exchange for sexual acts;
- Sexual harassment or unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work.

A complaint is NOT:

- A general inquiry about LWF work
- A request for information
- A contractual dispute

Complaints relating to internal staff employment conditions, guidelines and benefits are not dealt with by this Complaints Mechanism but through the relevant LWF staff personnel policies/regulations.

1.2 Types of Complaints

LWF categorizes complaints into two categories:

a. Operational Complaints

Operational complaints refer to complaints on program/project activities. It can be any of the following:

- Issues of entitlements and commitments not met,
- The quality of the service, program/project delivery, or activity carried out by LWF, or
- How a service has been managed, which directly affects the communities LWF works with.

There may be instances of possible operational complaints or allegations against an LWF partner or on the community itself as a result of the LWF program/project activities. Where

such action is required, LWF shall endeavor to bring it to the attention and resolution of the concerned parties. As stipulated in relevant contractual agreements.

b. Serious Complaints

A serious complaint is related to breach of the LWF Staff Code of Conduct or the Code of Conduct for Participants in Events Organized by the LWF. A complaint is an allegation or suspicion related to:

- A concern about the behavior of staff
- Physical and psychological abuse
- Sexual exploitation and abuse (including gender-based violence)
- Harassment
- Child abuse/exploitation
- Fraud and corruption
- Unethical business practices
- Criminal offence
- Serious operational complaints, for example in service delivery of a project, having gross negative impact on the communities we are assisting

Serious complaints may warrant an investigation, in line with the LWF Investigation Guidelines, assuming that the allegation is conclusive enough to justify further action (see section 4.3. below). In a situation where a person discloses such allegations, it must be reported immediately through established mechanisms even if the person does not want to make a complaint. All serious complaints must be reported to the LWF Complaints Focal Point in the Communion Office.

1.3 Anonymous Complaints

An anonymous complaint refers to a complaint that is lodged without revealing the identity of the complainant. LWF strongly encourages individuals making complaints to disclose their identity so that a proper and thorough investigation can proceed. Anonymous complaints are difficult to deal with because their assessment is always dependent upon limited and questionable information. However, LWF will review anonymous complaints. Without this option, it is possible that some serious problems may not come to light.

1.4 Malicious Complaints

LWF acts under the assumption that all complaints are made in good faith and are not motivated with the intent for personal gain, personal interest or a grudge. If a malicious complaint is disclosed, any investigation shall be stopped immediately. If a malicious complaint was made by an LWF employee, appropriate disciplinary measures will apply according to the LWF personnel regulations.

1.5 Complaints that cannot be resolved with this Procedure

The Complaints Mechanism Procedure does not apply to complaints that are subject to a current investigation by any regulatory body or legal or official authorities in the countries where LWF operates. These complaints include the following:

- Events requiring investigation by a professional and/or a disciplinary body.
- Events requiring an independent inquiry into a serious incident involving national governmental authorities.
- Events requiring investigation of a potential criminal offence.
- Legal action – The complaints procedure will cease immediately if the complainant explicitly takes legal action in respect of the complaint.

If a complaint is received which is not within the responsibility and domain of LWF, the process of referral shall be made to the relevant body deemed to be appropriate to deal with the complaint. However, LWF may take disciplinary or preventive measures on the case, as well as to conduct an administrative investigation when deemed necessary.

2. RESPONSIBILITIES IN HANDLING COMPLAINTS

2.1. ALL staff members have a responsibility:

All staff should respond positively to any complaints made to them and feel confident to do so. All leadership team members should ensure an atmosphere of trust, confidence and value orientation for this purpose. Guidance and procedures are provided for staff in order to avoid ad hoc, defensive, or negative responses and uncertainty about what is expected of staff in responding to complaints.

Staff members need to know the steps in dealing with complaints, the specific focal point person, and the corresponding timelines to deal with complaints. A flow chart in **Appendix 2** gives a visual glimpse of the procedure and timelines. These should be made available to all parties to encourage a focus on problem solving.

2.2 Responsibility at Geneva Communion Office Level

All complaints will be directed to the LWF Complaints Focal Point, the Head of Human Resources. Should the complaint be with regards to the Focal Point, the complaint Focal Point will be the Director for Planning and Operations. He/she will receive the complaint and ensure that this Procedure is followed and adhered to.

A Complaints Handling Committee shall be established. The committee will be comprised of two persons appointed by the General Secretary (or the LWF President should the complaint be with regards the General Secretary) and the Complaints Focal Point.

An Investigation Team shall also be constituted as needed based on the Investigation Guidelines.

2.3 Devising and disseminating the procedures to handle complaints

It is the responsibility of LWF leadership team at the Communion Office to devise and publicize the Complaints Mechanism Procedure for handling complaints from all sources and to respond to the complaints in an appropriate manner. This system should be effective, accessible and safe.

The possible misuse of a complaints mechanism must also be considered. Measures to protect people and the organization against misuse of the complaint mechanism are necessary.

A record of complaints, along with responses, shall be maintained by the Communion Office Complaints Focal Point.

3 HOW TO COMPLAIN

3.1 A complaint could be raised by:

- an individual or community with whom LWF works
- a partner organization, including LWF member churches, LWF related agencies, or other organizations
- others coming into contact with LWF staff, LWF projects, program or Communion Office staff

3.2. Complaints may be made through any of the following mechanisms:

- **In person** (all levels)
- Through a trusted intermediary
- **e-mail message** to an assigned confidential e-mail (e.g. codeconduct@lutheranworld.org)

A complaint may be brought directly to the attention of a staff person. **Appendix 3** is a sample Complaints Form. In cases where the person receiving the complaint is not the designated Focal Point, the staff shall forward the complaint to the Focal Point in charge of receiving complaints.

3.3 Time limit for making a Complaint

Any complaint should be made as soon as possible, but no later than **six months** from the date when the incident happened.

4 STEPS IN PROCESSING COMPLAINTS

All complaints should be dealt with in a fair and professional manner. The following are the steps in processing complaints:

4.1 Providing written acknowledgement to the Complainant

When a complaint is received, the Focal Point studies the complaint, notifies the relevant Director and convenes the Complaints Handling Committee.

A written acknowledgement that a complaint has been received is drafted and signed by the Focal Point and sent within two days. The communication of acknowledgement is generally a letter to the complainant telling her/him that LWF has received the complaint and summarizing the actions it will take.

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 they need to ensure that LWF is responding properly. If an investigation follows, this provides a record that LWF has received the complaint and has given initial indications on how it has handled the situation in the initial stage.

The Acknowledgement Letter states

- When and how LWF received the complaint
- Who in LWF is responsible for acting on the complaint
- Who the complainant should contact regarding questions or feedback

4.2 Identifying Risks and Providing Protection

At the initial contact with the complainant, the LWF focal person should find out whether the complainant or anyone else is immediately or potentially at risk. Risks should be addressed, and referred for further follow-up to professional caregivers as appropriate. Adequate and rapid protection and security measures must be provided to the person initiating the complaint, to ensure that he/she is protected from any possible reprisals including the advice to staff to seek legal action directly.

4.3 Deciding whether to investigate and or channeling as appropriate

The next step is for the Complaints Handling Committee to recommend to the LWF General Secretary whether to investigate the allegation. It means asking these questions:

Is there a complaint? The complaint must be a genuine concern of the complainant, is raised in good faith, and is not motivated with the intent for personal gain, personal interest of a grudge. If it is determined that the complaint was not made in good faith, disciplinary measures should be taken.

Does the complaint relate to a breach of Code of Conduct on Sexual Exploitation and Abuse, Abuse of Power, Fraud and Corruption or a violation of any of the LWF policies and guidelines?

Is there sufficient information and evidence to take action, or is there a need for further review of the complaint?

At this point, is the allegation conclusive enough to warrant an investigation and take management action?

Answers to these questions by the Complaints Handling Committee will determine whether an investigation is justified. If so, then investigation procedures should be put in place.

Some complaints may not be as straightforward. The Complaints Handling Committee may refer to any of the following:

- LWF Code of Conduct on Sexual Exploitation and Abuse, Abuse of Power, Fraud and Corruption
- LWF Staff Personnel Policies and Regulations
- Criminal law/litigation
- LWF Investigation Guidelines

4.4 The Investigation

If the complaint is to be investigated, the LWF Investigation Guidelines (a separate LWF document) are the basis for the proper action and procedures to be taken. The focal point will

manage the investigation. An investigation team will be established. The composition of the team will be based on the expertise and competency needed depending on the nature of the complaint.

Once the evidence has been reviewed and validated, the investigators must write an investigation report which is to be prepared presented to the LWF Complaints Focal Point for consideration before being signed by him/her. The investigation report is a summary that must address all aspects of the investigation including how the alleged misconduct was discovered, the steps taken to gather the evidence, the investigators' conclusions and the evidence supporting those conclusions. The LWF Complaints Focal Point will review the investigation report, either for further discussion with the investigators, or for onward transmission to the LWF General Secretary for his/her review.

The conclusion of the investigation must be clearly stated in the investigation report and will result in one of the following:

- “found by reasonable inference”
- “not found due to insufficient or unclear evidence”
- “not found based on evidence to clear the Subject of Complaint (SoC) or to establish a malicious complaint”

When the investigation team finalizes its report, it will be shared with the General Secretary, the Director and the Focal Point. He/she will analyze the report and submit a recommendation to the General Secretary.

The Complaints Focal Point is responsible for communicating to the complainant the outcome of the investigation. The complainant should be notified of the outcome of the investigation either way. However, he or she does not have the right to be informed of the identities or the evidence provided by the other witnesses.

The Focal Point is responsible for informing the SoC of the outcome of the investigation. The SoC must also be informed if the allegation has been referred to national authorities and if further action will be taken. If the complaint is not substantiated, the SoC must not be informed of the identities of any informants or the complainant.

The Investigation Guidelines provide information on the report structure, how to inform the parties, the disciplinary measures and the appeal process (Part 4 : Conclusions of the Investigation Guidelines).

5. CONFIDENTIALITY

Confidentiality should be maintained, so that only the staff members who are handling the complaint are aware of the complaint and the information surrounding the complaint. Any breach of confidentiality shall lead to disciplinary action according to the LWF Personnel Regulations.

LWF recognizes that confidentiality is critical to a satisfactory outcome as it protects the privacy and safety of the concerned individuals. The facts and nature of the complaint, the identity of the key participants and the investigation records are confidential.

Information should not be disclosed unless the person who has provided the information has given written, explicit consent to disclose the information.

Particular care must be taken where the complainant's record contains information provided in confidence by, or about, a third party who is not an LWF staff.

Disclosure of information provided by a third party outside the LWF also requires the expressed consent of the third party. If the third party objects then the information can only be disclosed where there is an overriding public interest in doing so. It is not appropriate for someone to make this decision on his/her own. Legal or other advice must be sought

LWF shall only allow disclosure when:

- It is required or permitted by law
- It is required by management in the best interest of the organization and parties involved.

6. MONITORING AND EVALUATING THE COMPLAINTS MECHANISM

6.1 The use and relevance of the complaints mechanism shall be monitored. The Head of Human Resources will be responsible for monitoring the LWF Complaints Mechanism. This will be monitored:

- - Through liaison with staff at all levels;
- - In promoting the philosophy behind the procedure throughout LWF;
- - By involvement in training programs; and
- - By contributing to various means of quality assurance and accountability.

6.2 This may include initiatives and updates with staff such as 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.

6.3 The LWF Complaints Mechanism Procedure will be formally reviewed every three years. Critical lessons learned and suggestions for improvement should be considered as appropriate and relevant when there is a need to upgrade the system.

APPENDIX 1

Glossary of Key Terms

Abuse of power

Viewed positively, power is the ability to act, especially in ways that respect and empower rather than dominate and oppress others. Those in positions of authority or trust are expected to carry this out in responsible and just ways that do not take advantage of others, especially those who are more dependent or vulnerable. This includes other staff persons, beneficiaries, and others related to the organization. In most situations, because of unequal power related to gender and age, women and children are particularly vulnerable. Abuse of power is manifested in how those with less social power are treated physically, psychologically, emotionally, and/or sexually. Sexual activity, even when consensual, between those of unequal power in this sense is an abuse of power.

Accountability⁵

Taking responsibility towards affected populations and primary focus groups, staff, governance and external stakeholders, for actions undertaken, decisions made, and policies complied with.

Complaint

A complaint is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by LWF. This could be in relation to program/project activities or conduct of its personnel, how LWF works with the communities or affected population and partners, or when LWF policies and guidelines are not respected.

Complainant

Is the woman, man, girl, boy or team of people who lodge(s) a complaint.

Corruption

As a particular form of the abuse of power, corruption is the abuse of one's position for private gain, such as misusing the financial and other resources of the organization. The offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person is also to be considered as corruption.

Criminal Offence

Is understood as deliberated acts which put in danger the life and physical integrity of any person. It is a breach of one or more State rules or laws that may ultimately prescribe a punishment.

Fraud

Is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization's financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit.

⁵ From the LWF/DWS Accountability Framework, Chapter 6, Section I (Program Management and Operations) of the LWF/DWS Operations Manual.

Gender and power

Gender is the English word being used to describe cultural/societal differences between males and females in terms of expectations, power, privileges, rights, and opportunities. "Gender" refers to the differences between males and females that are rooted in culture, tradition, society, and religion. Gender is something that is learned from infancy. An individual or society's gender perspective can change. Unequal power relationships provide the basis for sexual exploitation and abuse. Due to their unequal status, women and girls are particularly at risk of sexual exploitation and abuse. However, it is important to recognize that boys are also vulnerable to sexual exploitation and abuse.

Harassment

Harassment means any unwelcome comment or behavior that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behavior that fails to respect the dignity of an individual. Harassment can be committed by or against any beneficiary, partner, employee or other individual visiting LWF.

Physical abuse

Is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or harm.

Psychological abuse

Also referred to as **emotional abuse** is a form of abuse characterized by a person subjecting or exposing another to behavior that is psychologically harmful. It involves the willful infliction of mental or emotional anguish by threat, humiliation, or other verbal and nonverbal conduct. It is often associated with situations of power imbalance, such as abusive relationships and child abuse.

Sexual abuse

Means the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions (UN SG Bulletin, 2003)

Sexual exploitation

Sexual coercion and manipulation (includes all types of sexual acts) by a person in a position of power providing any type of assistance in exchange for sexual acts. In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation. Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against his/her will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc. Sexual exploitation is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual harassment

Sexual harassment means any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

Subject of the Complaint

Is the individual or team who are alleged to have been involved in minor or serious misconduct or malpractice.

Witness

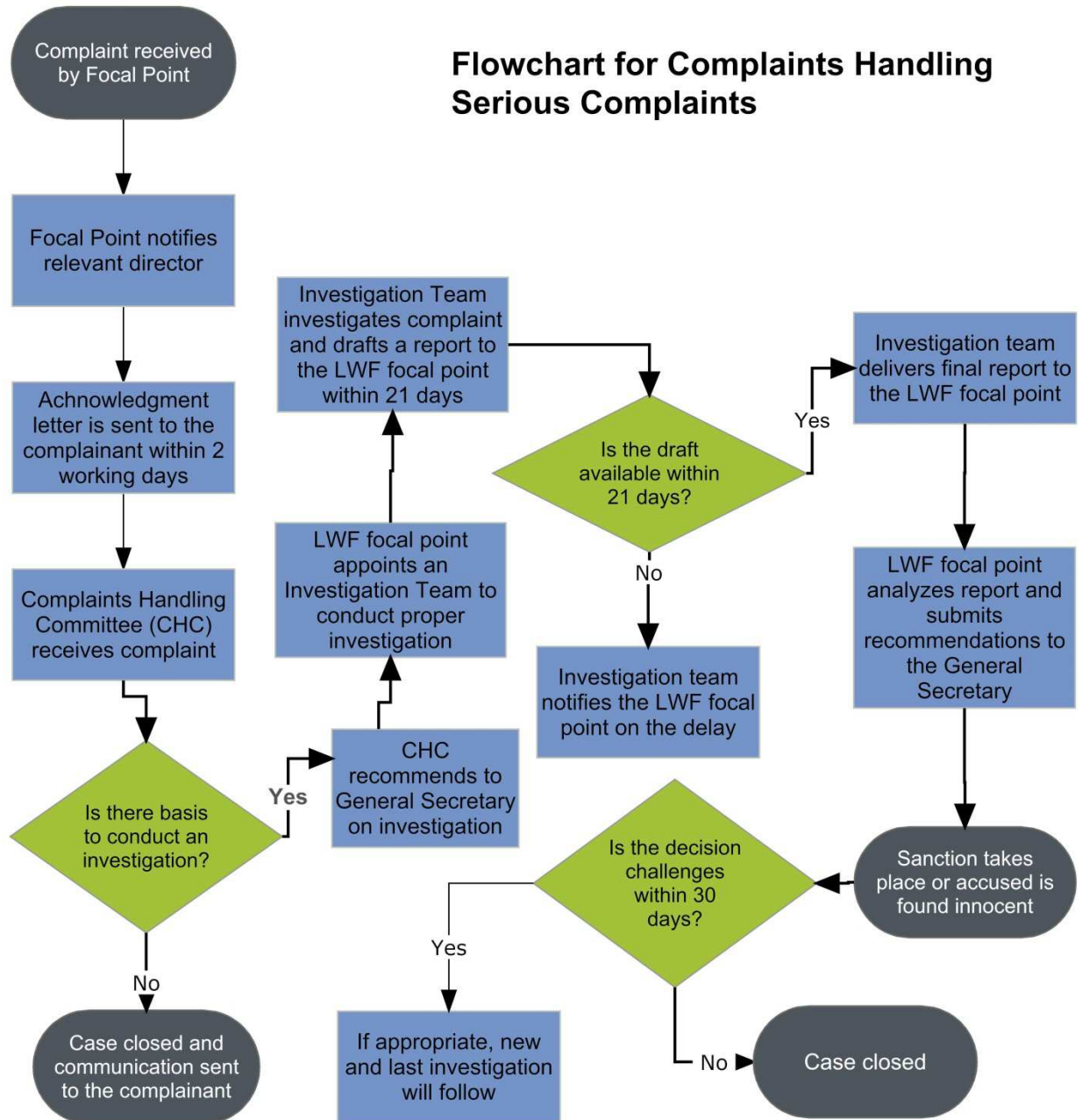
Is someone who has firsthand knowledge about a crime or dramatic event through seeing, hearing, smelling, or touching and can help certify important considerations to the crime or event. It is important to remember that a Subject of Complaint is treated as a witness until **proven** to have committed a breach of conduct or a crime.

Zero tolerance

Is the principle and practice of not tolerating any instance of sexual exploitation and abuse, harassment, abuse of power, fraud and corruption in all of our activities and responsibilities, at the organizational or program level in our humanitarian, development and advocacy work, and applying rules and penalties for breaches or violations.

APPENDIX 2

Flowchart for Complaints Handling Serious Complaints



APPENDIX 3

Complaint Form to be sent to codeconduct@lutheranworld.org

CONFIDENTIAL **The Lutheran World Federation**

This form should be completed by the person wishing to lodge a complaint or documented by a third party. All information must be held securely and confidentiality must be maintained at all times

File Number: _____

A: General data

Name of the person lodging the complaint _____ Sex _____ Age _____

Address: _____

Tel: _____ email: _____

Name of the person you wish to lodge a complaint against (if known): _____

Date of incident _____ Time of incident _____

Place of incident _____

Date of reporting _____ Time of reporting _____

B: What is the complaint? (State the nature and key issue of the Complaint)

C: Brief description of the incident or concern (State what exactly happened, trying to follow the sequence of events from start to finish; If the incident location is not well known, describe the location based on your memory of it; Give a description of the 'subject of complaint' if you do not know her/his name;

D: Name of witnesses (if any) Supply the names of witnesses and where they can be contacted, if known;

E: State what kind of a response you expect from LWF and how you wish to see the matter resolved

Name and Signature of Complainant: _____

Date: _____

Case referred to: _____ Date referred: _____

Name and signature of LWF Staff responding to the Complaints _____

Describe action taken: (provide detailed information example, if medical assistance has been provided, what psychosocial care has been provided and whether a report has been made to the Police.)