

# CWS Complaints Policy and Procedure

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## 1. Introduction

### 1.1 Striving for high quality

Christian World Service is committed to providing high-quality humanitarian, development and advocacy programmes and to working in an open and accountable way.

In an effort to achieve high quality, CWS strives to meet and even surpass the expectations of its stakeholders, i.e. partners, communities with whom CWS works, donors, supporters and the public. There may however, be occasions when CWS does not meet the reasonable expectations of all stakeholders at all times. CWS stakeholders have a right to raise a concern, give feedback and if necessary lodge a complaint when this occurs.

Christian World Service promotes accountable and transparent ways of working with all stakeholders. CWS wishes to address staff and stakeholder concerns quickly and effectively so that issues are resolved to the satisfaction of the concerned person and do not progress to the level of a complaint. Programme level concerns should be raised and discussed with responsible employees as close to the activity as possible.

This policy is based on a policy adopted by the ACT Alliance governing board in October 2016, and the standards set out for complaint-handling mechanisms outlined in its companion document “Complaints Handling and Investigation Guidelines for the ACT Alliance 12 July 2010”. These Guidelines are not reprinted here in full (37 pages) but should be consulted for practical advice about every stage of the process. The Guidelines can be found here <https://actalliance.org/wp-content/uploads/2015/11/Complaints-and-Investigation-Guidelines-July-2010-1.pdf>

This document should be read alongside the CWS Collective Agreement<sup>1</sup> that outlines desired, acceptable and unacceptable behaviour, and the CWS Whistle-blowing Policy which articulates the position and process for internal complaints made against CWS or representatives of CWS.

A summary of the Complaints process should be made available publicly on the CWS website and in the Annual Review.

### 1.2 Purpose

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<sup>1</sup> Relevant sections in the CA include 7.1 CWS Expectations of Staff Members, 10.1 Peaceful Resolution of Disputes, 44. Health and Safety in Employment, 58.2 Disciplinary Action, 58.3 Disciplinary Steps, 59.1 Employment Relationship Problems, 60 Procedure for Dealing with Employment Relationship Problems, 61 Personal Grievances, 62 Personal Grievance procedures and 63 Complaints Against another Staff Member.

An effective complaints handling mechanism is a sign of organisational commitment to listening to the experience of stakeholders and to continual improvement. The purpose of the CWS Complaints Policy is to:

- recognise, promote and protect CWS stakeholder rights, including the right to raise a concern, give feedback and/or complain
- set out roles, responsibilities and timeframes on handling of complaints and provide clear policy guidance for responding to and resolving complaints
- ensure that CWS learns from all situations in order to strive for high quality and continuous improvement in CWS's humanitarian, development and advocacy work
- increase the level of stakeholder satisfaction with the work of CWS

### 1.3 Obligation to disclose

All CWS employees and contractors<sup>2</sup> are required to report allegations, concerns or suspicions of breaches related to abuse, exploitation and fraud and corruption to the Complaints Focal Person. The Complaints Focal Person is the CWS National Director, supported by the CWS Board Chair as the independent observer (*see further details below\**). Proven deliberate non-disclosure will lead to disciplinary action.

### 1.4 Creating a safe environment

CWS seeks to provide a safe environment through which stakeholders can voice a concern, without fear of reprisal or unfair treatment. CWS is committed to ensuring that people are able to raise reasonable concerns:

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

These issues are particularly sensitive where discrimination may have occurred on the grounds of e.g. gender, disability or age. Whilst this policy aims to protect vulnerable adults and children who wish to make complaints, it sits alongside the CWS Safeguarding Policy.

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<sup>2</sup> All CWS staff refers to all permanent and temporary staff, their dependents, interns, consultants, observers, volunteers and individuals working for or representing CWS.

Christian World Service aims to ensure that complaints are addressed fairly, appropriately, and in a timely manner. Complaints classified as sensitive complaints, such as allegations of sexual exploitation and abuse, are handled confidentially and information shared only on a “need-to-know” basis.

### 1.5 CWS Responsibilities <sup>3</sup>

Christian World Service has a responsibility to handle and respond to the complaints it receives from its stakeholders in a timely manner. \*The CWS Board will appoint one person as the Complaints Focal Person (this could be the CWS Safeguarding Focal Person) and an alternative as an independent observer. In the event that the CWS Complaints Focal Person is on leave, otherwise un-contactable, or the focus of the complaint, the Board must be notified and they will then appoint another Trustee to act as the focal person and an independent observer (if needed) with no conflicts of interest in the issues that have been raised. NB: This may need to be persons independent of the Board who can act on their behalf.

All complaints should be channeled to the Complaints Focal Person to ensure consistent management of complaints. The Focal Person will receive and address the complaint as appropriate.

### 1.6 Responsibility to those CWS serves

Christian World Service recognises that it has a responsibility to address the wellbeing and protection of crisis-affected and other individuals and communities in its humanitarian and development programmes. CWS is responsible for complaints it receives against CWS staff and others in relation to a breach of CWS policies and practice.

CWS partners are encouraged to develop accessible, safe and responsive complaints mechanisms that are accessible to the women, men, boys and girls with whom they work. If they do not have the capacity to address complaints related to abuse, exploitation or gross misconduct they should have a safe referral system in place to address, at a minimum, allegations of sexual exploitation and abuse and fraud and corruption.

Communities should be informed of CWS’ organisational commitments, the expected behaviour of staff, how to complain and the scope of issues that can be complained about. Communities should be consulted on the design, implementation and monitoring of the complaints handling processes in place.

## 2. Key definitions

A number of key terms are used throughout this document: concerns, complaints and feedback. For the purpose of this policy they are defined as follows:

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<sup>3</sup> CWS Board members are the Trustees

**Concern:** A concern is an informal communication or question made to a CWS member or volunteer regarding a person or some aspect of work of CWS and expresses a hopeful resolution to the issue.

**Complaint:** A complaint is a specific grievance of anyone who has been negatively affected by CWS's action or who believes that CWS has failed to meet a stated commitment. A concern becomes a complaint for CWS when a policy is violated.

**Operational complaints:** These may include disagreements over funding sources, priorities, conflict over advocacy approaches, capacities of partner organisations, non-compliance with programme principles, decisions on funding appeals, strategy implementation. If the Complaints Focal Person identifies a complaint as operational, it should be referred to the National Director to gather further information for clarity and communication (within 7 days) and Complaints Focal Person records the complaint and action taken.

**Sensitive Complaint:** A sensitive complaint relates to allegations of sexual exploitation and abuse, fraud and corruption or other gross misconduct by a CWS staff member or representative. The policy supports the confidential handling of information related to sensitive complaints. It also ensures that sensitive complaints are addressed by management and complaints in relation to sexual exploitation and abuse are formally investigated by an expert team. In line with CWS Safeguarding Policy, CWS will report any allegations or complaints to management/donors/authorities as appropriate, depending on the nature and severity of the case and requirements of donors.

**Anonymous Complaint:** CWS recognises that at times people with genuine concerns cannot speak out because of special circumstances and may wish to lodge a complaint with a staff person without revealing their identity to a wider audience. CWS will accept an anonymous complaint when there is evidence that there are grounds for further action, and will deal with them seriously because of the potential for future abuse and harm. Every possible effort will be made to address the complaint when there is sufficient information to look into the allegation.

**Feedback:** CWS distinguishes the term 'complaint' from 'feedback'. Feedback is any positive or negative statement of opinion about someone or something – an opinion shared for information. It may be expressed formally or informally and may or may not require a response.

### 3. Scope of the policy

This policy applies to all CWS stakeholders, i.e. CWS and its partner organisations, volunteers, donors, supporters and the public. Anyone can make a complaint, but this policy applies to the complaints handling system that is within the scope of CWS governance.

#### 3.1 Complaints addressed by this policy

- Christian World Service will accept the following complaints:

against CWS staff, volunteers, Trustees or partners in the course of providing humanitarian and/or development assistance, allegedly fail to apply, enforce, or otherwise implement a CWS policy  
about the work or behaviour of staff, volunteers or Trustees at CWS, or partners.  
about statements or the use of images and stories in CWS publications.

If a person or organisation submits a complaint that is not within the scope of CWS as outlined above, they will be informed and the complaint will be referred to the relevant person or party in a manner consistent with good practice.

### 3.2 Complaints not addressed by this policy

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

Complaints related to employment contracts of staff of CWS partners and employee terms and conditions. Such complaints are covered by CWS Collective Agreement, human resource policies, staff rules and regulations.

Complaints that are already the subject of legal proceedings.

CWS staff grievances are covered by the Collective Agreement and its related complaints response mechanism and are not covered in this policy.

CWS governance will not respond to the following complaints:

- Complaints against a political stand or policy which has been taken by CWS or a CWS partner for advocacy purposes, unless that policy or position is in breach of a CWS policy or standard.
- Offensive complaints using inappropriate or abusive language.
- Complaints sent as part of a bulk mail from an unknown source.

### 3.3 Confidentiality

CWS recognises that confidentiality is critical to a satisfactory complaints handling outcome because it protects the privacy and safety of the complainant, the Subject of Complaint (SoC) and other witnesses. The facts and nature of the complaint, the identity of the key participants and the investigation records are confidential. This means that access to and dissemination of information will be restricted only to a limited number of authorised people for the purpose of concluding a necessary investigation.

CWS shall only allow disclosure when:

- it is required by law
- it is required by management in the best interests of the organisation and the parties, and
- it is needed to obtain specialist help for the survivor or advice on the evidence

Should the matter become public at any time, the CWS governing board shall issue a public statement about the procedures followed and the status and/or the outcome of the complaint review. The Board will not normally release details about the complaint.

#### 4. Lodging a complaint

##### 4.1 When to complain

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

##### 4.2 How to complain

Complaints must be addressed to the CWS Complaints Focal Person, using letter, email, phone or personal contact. It is important to include the full name (or in the case of an organisation – organisation's name), address and contact telephone number in the email or letter.

Please refer to Annex 2 attached, for a sample complaints letter format. This should serve as a guide and can be adapted as appropriate. When the details have been completed, it should be sent by letter or email to the following contacts:

By letter, addressed to:  
"The Complaints Focal Person"  
Christian World Service  
P O Box 22652  
Christchurch 8140  
Aotearoa New Zealand

By email, to: [complaints@cws.org.nz](mailto:complaints@cws.org.nz) – complaints by email would go to the Complaints Focal Person (as in 1.5)

By phone call to: the Complaints Focal Person  
Tel: +64 3 3669274 x 708

Please note that English is the preferred language for receiving and dealing with complaints.

***CWS is a member of the Council for International Development (CID) and follows the CID Code of Compliance. Complainants can make a complaint regarding an alleged breach of the Code directly to the Code Committee of the CID Board, via the CID website link:***

***[Make a Complaint - Council for International Development \(cid.org.nz\)](http://cid.org.nz)***

##### 4.3 Confirmation of receipt of complaint

The complainant shall receive confirmation of receipt of the complaint, where possible, within 10 days after CWS receives the complaint. The email, letter or phone call should give the following information:

- when and how the complaint was received
- how CWS has responded to the complaint so far and what it will do next
- the name of the Complaints Focal Person
- the person to contact with questions and feedback.

#### 4.4 Determining the need for an investigation

Not all complaints need a formal investigation process. Some complaints can be resolved to the complainant's satisfaction through communication between the complainant and the person who received the complaint. The Complaints Focal Person in consultation with the Independent Observer must decide if the allegation needs to be investigated. This can be decided by asking the following questions:

- 1) Does it relate to a breach of CWS's policies and procedures (including those endorsed by CWS)?
- 2) Does the complaint constitute a 'complaint' as defined by the scope of CWS Complaints Policy?
- 3) Is there enough information to investigate?
- 4) What is the level of risk for all involved? Will an investigation process and/or potential outcomes put the lives of the complainant or Subject of Complaint (SoC) or their families at risk, and if so, can all reasonable steps be taken to ensure those risks are minimised?

#### 4.5 The investigation process

The investigation will follow the key steps and processes, slightly adjusted for CWS structures, as outlined in the ACT Guidelines for Complaints Handling and Investigations especially (from Guidelines):

- Annex 3 Flow Chart of Complaints Handling and Investigation process
- Annex 4 Key components of an Investigation Team ToR
- Annex 5 Sample Oath of Confidentiality
- Annex 6 Roles and responsibilities of Investigation Team
- Annex 7 The four stages of Interviewing

As a small organization, the CWS process for complaints handling is as follows:

If the Complaints Focal Person decides an investigation is necessary, they will investigate according to the ACT Guidelines, accompanied by the independent observer. If the complaint relates to either of these people, the CWS Board must be notified and they will then appoint another Trustee to act as the focal person and/or independent observer with no conflicts of interest in the issues that have been raised. NB: This may need to be persons independent of the Board who can act on their behalf.

#### 4.6 Feedback on investigation outcome

Christian World Service will communicate the preliminary outcome of an investigation to the complainant(s), where possible, 60 days after acknowledgment of the complaint. In complex or exceptional cases, the investigation period may take longer. The complainant(s) will, however, be informed if the investigation timeframe is extended due to circumstances beyond the control of CWS. The complainant will not receive details of the investigation, but will be informed that the complaint has been substantiated and referred to management for a decision, or that the complaint was not substantiated.

#### 4.7 Appeal process

If the complainant(s) or Subject(s) of Complaint does not accept the outcome of the investigation, they can appeal the disciplinary decision to the Board. A letter requesting an appeal should be addressed to the Chair of the Board, who in turn will inform the Board that an appeal has been lodged. Members of the Board who may have been part of the investigation team must not be involved in the appeal process.

The Chair of the Board, if not the subject of the complaint, must appoint a second Trustee as an independent observer, also not the subject of the complaint, should aim to convene the appeal meeting within 30 days of the request for appeal. If the Board Chair is the subject of the complaint or has a conflict of interest then the CWS Board must be notified and they will then appoint another Trustee (or two if needed) to investigate. If all of the Board have a conflict of interest then they will need to find and appoint appropriate person/s who can act on their behalf.

The meeting will enable the complaint to be heard again. The Chair (or appointee) will then make a decision regarding appropriate action that may be required to resolve the situation. The decision will be communicated, where possible, in writing within 10 days of the meeting. The decision of the Chair (or appointee) is final.

#### 4.8 Follow up and learning

CWS shall keep a record of all complaints received from all stakeholders. The Complaints Focal Person(s) will develop a synthesis report of the types of complaints received and the status of their resolution annually, in addition to any lessons learned. This report should be presented in summary to the CWS Board. Periodic reports on complaints and investigation outcomes may be made public under special circumstances or on request, while preserving confidentiality. Complaints analysis will feed into CWS strategy review and future management decisions and operations. Names of complainants, organisations, witnesses, and Subjects of Complaints will not be revealed in public reports.

#### **Annex 1: Suggested complaint letter format**

This form should be completed (or adapted) by the person or organisation wishing to lodge a complaint or through a third party.



(All 'sensitive' complaints related to sexual exploitation and abuse, fraud and corruption and gross misconduct will be held securely and handled strictly in line with applicable confidentiality, reporting and investigation procedures.)

A: General data

1. Name of the person or organisation lodging the complaint  
\_\_\_\_\_
2. Address:  
Tel: \_\_\_\_\_ email: \_\_\_\_\_
3. Name of the person or organisation you wish to lodge a complaint against (if known):  
\_\_\_\_\_
4. Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_
5. Place of incident \_\_\_\_\_
6. Date of report \_\_\_\_\_ Time of report \_\_\_\_\_

B: Brief description of the incident or concern

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C: Name of witnesses (if any/and if relevant). Supply the names of witnesses and where they can be contacted, if known:

D: Describe action taken. If this is a complaint related to sexual exploitation and abuse, please provide detailed information regarding what medical assistance has been provided, what psychosocial care has been provided and whether a report has been made to the Police.

E: State what kind of response you expect from Christian World Service and how you wish to see the matter resolved

(Name) \_\_\_\_\_  
Signature \_\_\_\_\_ Date: \_\_\_\_\_

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Note – the default period is 3 years unless the owner requests a shorter period