

# 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 September 2011, 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 <http://actalliance.org/wp-content/uploads/2015/11/Complaints-and-Investigation-Guidelines-July-2010-1.pdf>

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

This document should be made available publically on the CWS website.

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<sup>1</sup> Relevant sections in the CEA include: 6.1 CWS Expectations of Staff Members, 9.1 Peaceful Resolution of Disputes, 43. 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.

## 1.2 Purpose

An effective complaints handling mechanism is a sign of organizational commitment to listening to the experience of stakeholders and 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
- provide clear policy guidance for responding to and resolving complaints
- strive for high quality and continuous improvement in CWS's humanitarian, development and advocacy work, and
- increase the level of stakeholder satisfaction with the work of CWS.

## 1.3 Obligation to disclose

All CWS employees and contractors are required to report allegations, concerns or suspicions of breaches related to abuse, exploitation and fraud and corruption. 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 gender, disability or age, for example. Whilst this policy, below, aims to protect vulnerable adults who wish to make complaints, there is a separate policy for Child safeguarding taking into account children's rights.

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>2</sup>

Christian World Service has a responsibility to handle and respond to the complaints it receives from its stakeholders. The Chair of the CWS Board will be the Complaints Focal Person who 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 populations 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.

CWS partners are expected to develop complaints mechanisms that are accessible to 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 their rights and entitlements and how to make a complaint.

## 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:

**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.

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

**Complaint:** A concern becomes a complaint for CWS when a policy is violated. There are three categories of complaints:

- *Sensitive:* Complaints related to allegations of sexual exploitation and abuse, fraud and corruption or other gross misconduct. 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.

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<sup>2</sup> CWS Board members are the Trustees

- *Anonymous*: Complaints lodged by a person who does not reveal her/his identity. As a principle Christian World Service does not accept anonymous complaints. In extraordinary situations the CFP can give consideration to anonymous complaints if it is evident that there are grounds for further action and in an effort to ensure a safe and abuse-free environment. CWS recognizes 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. In this instance, CWS should seek information after addressing risk and initiate an investigation, if indicated.

- *Malicious*: Complaints that the complainant knows to be false. CWS operates under the assumption that all complaints are made in good faith and are not motivated by intent for personal gain, personal interest or a grudge. However, should a subsequent investigation reveal a complaint to be malicious, any investigation underway must be stopped immediately and the Subject of Complaint (SoC) cleared. Complaints lodged for genuine reasons that are subsequently considered to be unfounded shall not be treated as malicious. If a malicious complaint is made by a staff member about a CWS staff member or volunteer, disciplinary measures will be taken.

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:

- complaints against CWS staff, volunteers, or Trustees in the course of providing humanitarian and/or development assistance, allegedly fail to apply, enforce, or otherwise implement a CWS policy
- work or behaviour of staff, volunteers or Trustees at CWS

If a person or organisation submits a complaint – hereinafter referred to as “the complainant” – that is not within the scope of CWS as outlined above, s/he/it will be informed and the complaint will be referred accordingly.

#### 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 employer human resource policies and staff rules and regulations.
- Complaints that are already the subject of legal proceedings.

CWS staff grievances are covered by the Collective Employment 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 which has been taken by a CWS partner. For example, CWS at times receives complaints about its partners from organisations with a different political viewpoint.
- 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 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. CWS will not accept a complaint more than six months after the alleged incident, except in exceptional circumstances and then only in cases of allegations of abuse, exploitation, gross misconduct or malpractice, where new 'evidence' has come to light.

## 4.2 How to complain

Complaints must be addressed to the CWS Complaints Focal Person in the first instance, 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)

By phone call to: the Complaints Focal Person and/or the CWS National Director

Tel: +64 3 3669274 x 708

## 4.3 Confirmation of receipt of complaint

Please note that English is the preferred language for receiving and dealing with complaints in order to limit the number of people having knowledge of the 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 or person responsible for the complaint
- 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 two-way communication between the complainant and the person who received the complaint. Complaints Focal Person/National Director

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 Christian World Service 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, s/he will investigate according to the ACT Guidelines accompanied by the Director as an observer. If the complaint relates to either of these people, an alternate Trustee will be appointed as the Complaints Focal Person and an additional Trustee to serve as impartial observer for any investigation deemed necessary.

#### 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, he/she/it/they can appeal the disciplinary decision to the Trustees. A letter requesting an appeal should be addressed to the Chair of the Trustees, who in turn will

inform the Trustees that an appeal has been lodged. Members of the Trustees who may have been part of the investigation team must not be involved in the appeal process.

The Chair of Trustees (appointing a second Trustee as an independent observer) should aim to convene the appeal meeting within 30 days of the request for appeal. The meeting will enable the complaint to be heard again. The Chair 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 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. This report should be presented in summary to CWS Trustees. Periodic reports on complaints and investigation outcomes will be made public, while preserving confidentiality. Complaints analysis will feed into CWS strategy review and future management decisions. 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  
\_\_\_\_\_ Male/Female \_\_\_\_\_  
Age \_\_\_\_\_
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: \_\_\_\_\_

**Document management and control**

**Owner:** National Director

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**Approved by:** CWS Board

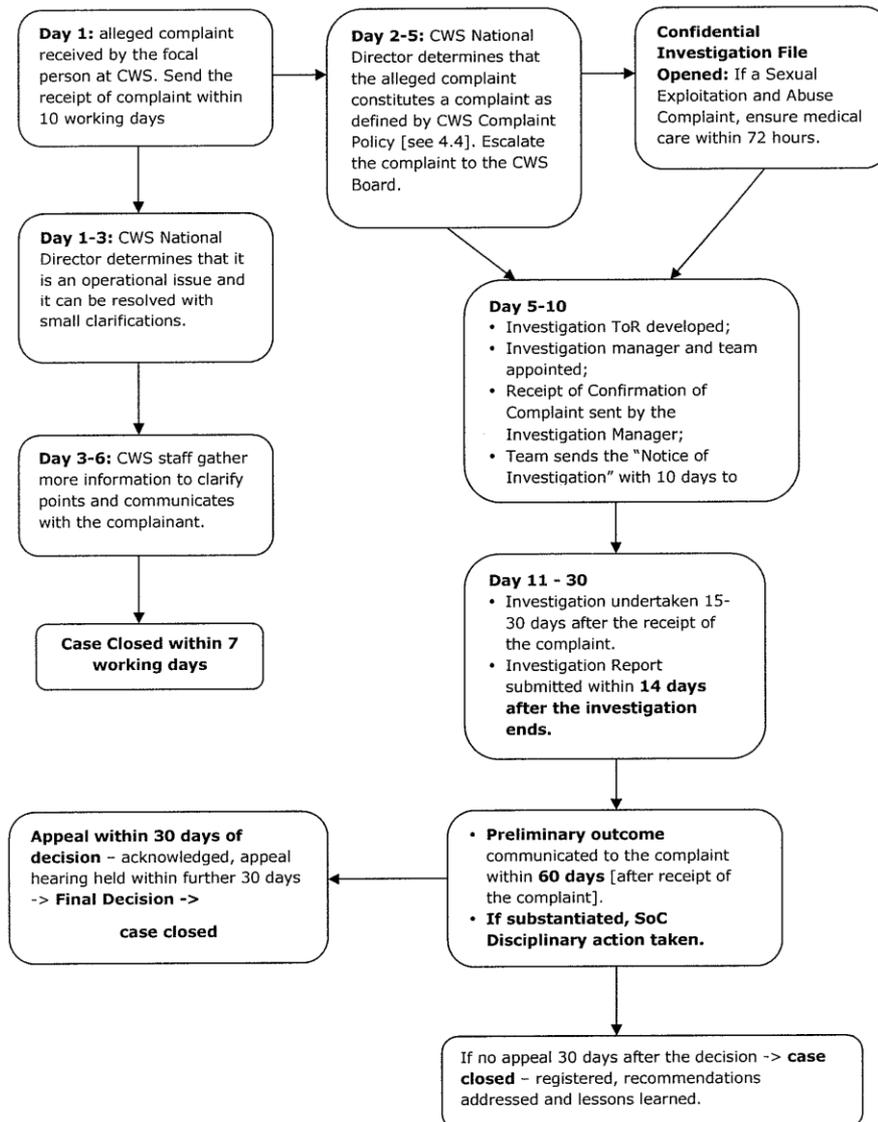
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Note – the default period is 3 years unless the owner requests a shorter period

## Appendix 2

### Flowchart for CWS Complaint and Investigation Procedure<sup>18</sup>



<sup>18</sup> Based on ACT Alliance Complaints Handling and Investigation Guideline (2010), p 30.