#### This draft integrates the requirements of the 2010 HAP Standard as well as the comments received from the Review Committee via email, teleconference, consultation and face-to-face meetings. Additional feedback from workshop participants in Nairobi, Kathmandu, Sierra Leone and Liberia and from beneficiary consultations has been incorporated.

#### HAP COMPLAINTS POLICY

# **1. Introduction**

The purpose of the Humanitarian Accountability Partnership (HAP) International is to promote and achieve the highest principles of accountability through self-regulation by members, linked by common respect for the rights and dignity of the people they seek to assist.

HAP International Complaints Handling Mandate

Complaints present agencies with significant opportunities to improve services and strengthen relationships with stakeholders, as well as to test assumptions about community needs. Good complaints handling systems also allow beneficiaries to enforce agencies’ claims about quality and accountability. On the other hand, mishandled complaints can undermine community confidence in agencies and even compromise security.

In accordance with HAP’s statutes, articles 24 and 25, HAP will receive complaints against agencies concerning allegations of failure to apply, enforce, or otherwise implement HAP accountability principles and/or the concerned agency’s own accountability framework. It is a membership requirement to sign up to HAP’s complaints policy and adhere to it. This will assist members in finding solutions where concerns or complaints are raised about them.

As per HAP International’s constitution, it is the responsibility of member agencies to handle and respond to complaints about them. If complaints are addressed to HAP international, these complaints are in the first instance forwarded to the HAP member agencies for response. HAP encourages member agencies to use their own complaints policies and procedures to ensure that a complaint about their agency is addressed in a timely manner. Upon request from the agency concerned, the HAP secretariat will assist the agency in reviewing the complaint and finding solutions.

**What is a complaint?**

A complaint is an expression of dissatisfaction. It is a specific grievance of anyone who has been negatively affected by HAP or its staff or a HAP member’s action or who believes that an organisation has failed to meet a stated commitment. The scope or the types of complaints that will be addressed under this policy are described in section 4.

**2. Purpose of the Complaints Policy and Procedure**

This complaints policy is a statement of what the stakeholders can expect from HAP and its members when a complaint is lodged with HAP.

A complaints procedure is a specified series of actions through which an organisation deals with complaints and ensures that complaints are reviewed and acted upon. Details of what is required in a complaints procedure are given in the 2010 HAP Standard in benchmark 5, requirement 5.1. Organisations that meet the HAP Standard have procedures for handling all types of complaints, including those related to sexual exploitation and abuse by staff members.

**3. Principles of dealing with complaints**

**Confidentiality**

Confidentiality is critical to a satisfactory outcome in order to protect privacy and safety of all concerned. The nature of the complaint, its facts, identity of the alleged survivor, complainant, witnesses and the subject of the complaint, as well as investigation records, are dealt with in a confidential manner. When a complaint is received by the HAP Secretariat, access to information regarding the complaint and its response procedure is restricted to authorised personnel within the HAP Secretariat, the Standing Complaints Committee (SCC) and the HAP Board on a need–to-know basis only.

Disclosure will be permitted when:

1. Specific permission was given by the complainant; and,
2. If it is required by law;
3. If it is needed to obtain specialist help for the survivor or advice on the evidence (with permission of the complainant).

**Non-retaliation**

It is the right of all stakeholders to complain. Any attempt of retaliation against a complainant is considered gross misconduct and the concerned agency must take immediate disciplinary action against such behaviour.

**Safety and welfare**

The safety of the complainant, alleged survivor, witnesses, subject of complaint and staff is paramount. A risk assessment must be carried out for each complaint, and safety and welfare precautions must be considered before proceeding to deal with a complaint.

**Finding solutions**

HAP will assist members when requested, in finding solutions where concerns are raised about them. This will encourage learning and continual improvement**.**

4. Scope and limitations of HAP International’s complaints policy

**Scope**

HAP International will accept complaints against HAP member agencies, which, in the course of providing humanitarian assistance, development work or advocacy have allegedly failed to apply, enforce, or otherwise implement their own commitments and membership obligations. In accordance with HAP’s statutes, article 24 and 25, HAP will receive complaints against member agencies concerning allegations of failure to apply, enforce, or otherwise implement HAP accountability principles and/or the concerned agency’s own accountability framework.

Complaints against non–members will be referred to the relevant agency, but HAP will not take responsibility for following up on these complaints as HAP has no jurisdiction over non-members.

**Limitation**

HAP International will not accept complaints outside the above scope, such as (but not limited to), disputes over employment and labour matters, contractual questions, and other issues not directly related to the 2010 HAP Standard.

In addition, HAP International will not accept complaints that are already the subject of legal proceedings and/or internal administrative procedures.

HAP encourages member agencies to use their own complaints policy and procedures to resolve a complaint against their agency. The HAP process should be used as a last resort, for example when a member does not have a complaints policy and procedure, when it fails to deal with a complaint in an appropriate manner, or when a complainant is afraid of retaliation.

**Fast tracking of sensitive complaints, including sexual exploitation and abuse**

HAP International considers a sensitive complaint to be any complaint concerning the following:

* Sexual exploitation and/or abuse by a staff member
* Fraud and/or corruption by a staff member
* Breach of the organisation’s code of conduct
* Physical abuse

HAP will encourage members to fast track these complaints through their complaints handling procedures.

**Partners of HAP members**

An organisation working with partners needs to apply the HAP Standard in relation to its partners. The organisation should work with its partners to identify appropriate ways for them to meet the HAP Standard in relation to the people they aim to assist as well as other stakeholders, as appropriate. The HAP 2010 Standard benchmark 5 requirements 5.5 to5.7 provide guidance on what is required for organisations to facilitate their partners in meeting the requirements relevant to the direct provision of assistance.

**HAP Secretariat staff**

Complaints regarding a HAP employee or consultant should be addressed to the Executive Director of HAP. They will be dealt with according to HAP’s Staff Code of Conduct.

Within an agreed time frame, the Executive Director will report back to the Standing Complaints Committee on the steps taken, and provide them with any necessary or requested documentation. Any complaints against the Executive Director should be directed to the Chair of the HAP Board.

No financial compensation can be imposed or provided to any parties by HAP International or via HAP International.

**5. Who can complain?**

HAP will accept complaints from any individual or entity as long as it is submitted in good faith and without malicious intent.

**6. How to complain?**

Complaints may be addressed to HAP by any means (email, telephone, text message, personal contact, through another HAP member, or directly to a HAP Secretariat staff member). Contact details for HAP are as follows:

Landline: +41 22 788 1643

Mobile: +41 79 8121761

Email: [complaints@hapinternational.org](mailto:complaints@hapinternational.org)

Postal address: HAP International, Chemin de Balexert 7, CH-1219 Châtelaine, Geneva, Switzerland

**7. Steps for processing complaints**

1. **Recording of the complaint:** Once the Secretariat of HAP International receives a complaint, it will be recorded by the Secretariat in its database for tracking purposes.
2. **Acknowledgement of the complaint:** The Secretariat will acknowledge receipt of the complaint within five working days, and will explain in writing to the complainant the scope of its mandate and the limits of its actions. It may also ask for further information and clarification of additional issues, in order to process the complaint. If the complaint is judged not to be within the remit of HAP International’s complaints policy, this will be communicated to the complainant. The complainant will be referred to the appropriate organisation for handling the complaint.
3. **Communication with the agency/agencies:** Once acknowledgement of the complaint has been sent to the complainant, the Secretariat will forward the complaint within three working days to the agency/agencies concerned, with an explanation of which membership obligation appears to have been breached.
4. **Action by HAP member agency:** Within twenty working days, the member agency should report back in writing to the Secretariat with an initial report outlining their course of action.

4.1 **Initial Report:** If the agency agrees that the complaint falls within the scope of the complaints handled by HAP International, this initial report should include: (i)the investigation plan, including any assistance the agency would like from HAP International; and (ii) the estimated time-frame within which the agency will be able to report back to HAP International.

The Secretariat acknowledges receipt of the initial report and provides any appropriate comments within ten working days.

4.2 **Agency Final Report:**  After the agreed timeframe (as per 4.1) the member agency will submit a final written report describing its investigation, the conclusions that it has reached, any follow-up actions it has taken or may take, and how it will communicate its findings to the complainant.

* + 1. The Standing Complaints Committee (SCC) will review the final report submitted by the agency within five working days of receipt of the report.
    2. If the SCC is satisfied with the final report, the Secretariat will communicate to both the agency and the complainant within five working days. This communication will confirm that the SCC has reviewed the report, that the SCC is satisfied that the matter has been properly investigated, and that it is confident that appropriate corrective steps, if needed, will be, or have been, taken.
    3. If the SCC is **not** satisfied with the report. The Committee will give their reasons for not accepting the report, and will ask the agency to respond. If, after a reasonable amount of time, the agency does not respond to this communication to the SCC’s satisfaction, the matter is referred to the HAP Board for final resolution.
  1. **Agency determination:** If the agency concludes that the complaint does NOT fall within the scope of HAP International’s complaints policy, the Standing Complaints Committee will review this initial determination by the agency.
     1. **SCC agreement:** If, on review, the SCC agrees with the agency’s assessment the Secretariat will communicate to both the agency and the complainant that it has reviewed the agency’s initial report and that it is satisfied that the complaint falls outside the scope of HAP International’s complaints’ mandate.
     2. **SCC disagreement:** If the SCC is not satisfied with the agency’s determination, it will seek additional information and clarification from the agency. If, after clarification, the SCC is still not satisfied, it may recommend that the agency reconsider its decision. If after a reasonable time frame, the agency refuses to reconsider its decision, the matter will be referred to the HAP International Board for final resolution.

**8. Appeal and Role of the HAP Board**

Article 16.4 of the HAP statutes describes the role of the HAP Board in ensuring that HAP objectives are implemented and handling complaints about the HAP member agencies. As per Article 16.5 the HAP Board has delegated this responsibility to the Standing Complaints Committee (SCC). The SCC will report to the Board according to the procedure stated above.

Within thirty days of receiving the SCC review, the complainant has a right to appeal to the Board of HAP International, which will review the case and make a final decision. The decision of the Board is final.

As a result of the review of the reports submitted by the member agency, the SCC may also recommend to the Board that the agency’s membership of HAP be suspended or terminated. The Board will review the agency’s opinion and the SCC’s recommendation and may decide on appropriate actions, including suspension or termination of the agency membership.

Should the matter become public at anytime, the HAP International Board will issue a public statement about the procedures followed and the status and/or the outcome of the complaint review. The Board will not release any details about the case.

**9. Role of the HAP Secretariat**

During the process, the Secretariat will ensure that the complainant is kept adequately informed of the status of the complaint. The Secretariat will notify the complainant about the outcome of the complaint.

The specified HAP staff or their delegate will monitor and maintain a complaints log to ensure that information is received within the agreed timeframe. All documents related to the complaint, follow-up and outcome of the complaint must be filed in a restricted area of the HAP intranet.

The HAP Secretariat will provide a quarterly complaints status report to the SCC and an annual report on the number and type of complaints received, as well as their status, to the SCC and the Board. This information will also be included in the HAP annual report. Any details that could identify the source of the complaints or key actors will be excluded from the report. Reports will be reviewed and signed off by the SCC and the Board.

**10. Role and Responsibility of the Standing Complaints Committee**

The SCC will be responsible for:

1. Reviewing the agency's determination about the scope of the complaint ONLY if the agency determines the complaint is NOT within the scope of the HAP complaints policy;
2. Reviewing the final report submitted by the agency;
3. Deciding whether it is satisfied with the investigation as described in the final report;
4. Communicating this decision to the Secretariat in written form, signed by the SCC members;
5. Seeking additional information and clarification from the agency if not satisfied with the agency's report;
6. Reconsidering its earlier decision based on the additional information and clarification supplied by the agency;
7. Communicating the results of the review to the Secretariat;
8. As a result of the review of the member agency’s reports, the SCC may also recommend to the Board that the agency’s HAP membership be suspended or terminated;
9. Reviewing lessons learned from dealing with complaints with the Secretariat;
10. Reviewing the quarterly ‘status of complaints’ report from the Secretariat.

**11. Evaluation and revision of the policy**

HAP International’s work is based on the findings and recommendations of the Humanitarian Accountability Project, an inter-agency initiative set up in 2001 to identify, test and recommend accountability mechanisms. The Chief Executive Officers of member agencies endorsed these recommendations in January 2003. The HAP complaints policy was endorsed by the HAP Board in December 2003 and subsequently revised in April 2005 and 2010.

The updated version of the policy is a result of an extensive and ongoing consultation process with HAP members, non-members, field staff, beneficiaries and other stakeholders. The application of the current policy will be reviewed when the HAP strategy is evaluated. This will assess the policy’s effectiveness and efficiency. The learning from this review will be used to improve the policy. The Board will endorse necessary changes following this evaluation as per the HAP statutes. Otherwise, any revision to the Complaints Policy will be carried out following the updating of the HAP Standard to ensure coherence between the two.

**Appendix 1**

The Terms of Reference of the Standing Complaints Committee (SCC)

1. In accordance with the HAP statutes, article 24 and 25, HAP will receive complaints against member agencies concerning allegations of failure to apply, enforce, or otherwise implement HAP accountability principles and/or the concerned agency’s own accountability framework. It is a membership requirement to sign up to HAP’s complaints policy and to adhere to it. This will assist members in finding solutions where concerns or complaints are raised about them.

2. Article 16 of the HAP Statute allows for “Committees and working groups [to be] appointed by the General Assembly and the Board to operate under specific terms of reference”. The primary purpose of the SCC is to ensure that the HAP complaints policy and procedures are applied as set out in this document, and to provide an independent opinion.

**Composition**

##### 3. The SCC is composed of five members and two alternates elected by the HAP Board. The SCC shall include: two persons who are not an employee, volunteer or trustee of a member agency, two persons from HAP member agencies, and three alternates from different HAP member agencies. A balance of representation by region and gender should be maintained.

##### Quorum

##### 4. The SCC is functional with three members present at a time to deal with or review a complaint or decision, including at least one independent member. As far as possible gender balance should be maintained.

**Eligibility criteria**:

5. Potential members of the SCC must meet the following criteria:

* Good knowledge and understanding of how an investigation is conducted.
* Good knowledge of HAP/Building Safer Organisations guidelines and the procedures contained therein.
* Available for dealing with complaints and reviews on short notice and within a given time frame
* Person of good standing with experience of working with aid recipients
* HAP Board members are not eligible to be members of the SCC.

**Term**

##### 6. The SCC members are elected for two years, renewable twice (maximum six years).

##### 7. Except for the independent member, membership to the SCC ceases when a member no longer has any affiliation with their agency. In such a case, a qualified alternate will replace them until the next election.

8. Elections will be held every two years.

**Code of conduct**

9. The SCC will adhere to the following code of conduct:

1. SCC members will sign a confidentiality agreement covering all matters they address in the course of their work on the Committee.
2. SCC members will be asked to sign HAP’s conflict of interest policy (attached to this policy) as well as the code of conduct. In cases where a conflict of interest exists that makes it inappropriate for an SCC member to participate in the review of a particular complaint, (including but not limited to, cases in which complaints are brought against a SCC member’s agency), an alternate SCC member shall replace the conflicted member.
3. SCC members will follow the HAP investigation guidelines when and if conducting an investigation.
4. When SCC members have begun reviewing a complaint, they will complete the review even if their term on the committee concluded part way through the review.

**The role of the SCC and the process of dealing with a complaint**

10. The SCC will be responsible for:

1. Reviewing the agency's determination about the scope of the complaint ONLY if the agency determines the complaint is NOT within the scope of the HAP complaints policy;
2. Reviewing the final report submitted by the agency;
3. Deciding whether it is satisfied with the investigation as described in the final report;
4. Communicating this decision to the Secretariat in written form, signed by the SCC members;
5. Seeking additional information and clarification from the agency if not satisfied with the agency's report;
6. Reconsidering its earlier decision based on the additional information and clarification supplied by the agency which is the subject of the complaint;
7. Communicating the results of the review to the Secretariat;
8. As a result of the review of the member agency’s reports, the SCC may also recommend to the Board that the agency’s HAP membership be suspended or terminated;
9. Reviewing lessons learned from dealing with complaints with the Secretariat;
10. Reviewing the quarterly ‘status of complaints’ report from the Secretariat.

**HAP Complaints Policy: Summary flow chart**

If, after a reasonable amount of time, the agency does not respond to the SCC’s satisfaction, the matter is referred to the HAP Board for final resolution.

Within 5 working days, HAP communicates with agency & complainant that investigation satisfactorily completed.

Within 30 days, the complainant has the right to appeal to the Board of HAP, who will review the case & make a final decision.

Complaint is received by HAP.

SCC gives reasons for not accepting the report, and asks agency to respond.

HAP informs agency & complainant that the complaint falls outside the scope of HAP’s mandate.

If, after reasonable time frame, agency refuses to reconsider, matter referred to HAP Board for final resolution.

Standing Complaints Committee is **not** satisfied with the report.

Standing Complaints Committee is satisfied with the report.

Within 5 working days, SCC reviews the final report submitted.

If SCC is still not satisfied, it may recommend that the agency reconsider its decision.

SCC seeks additional information/clarification from agency.

Within time frame agreed between HAP & agency, agency submits final report.

Standing Complaints Committee agrees with agency’s determination.

Standing Complaints Committee does **not** agree with agency’s determination.

Within 10 working days, HAP acknowledges initial report & provides any comments.

Agency determines complaint falls within the scope of complaints reviewed by HAP.

Standing Complaints Committee (SCC) reviews agency’s initial determination.

Agency determines complaint does **not** fall within the scope of complaints HAP reviews.

Within 20 working days, agency responds in writing with an initial report.

Within 5 working days, HAP acknowledges the complaint.

Within 3 working days, HAP forwards the complaint to the agency/agencies concerned.