

# **Humanitarian Accountability Partnership - International** *"making humanitarian action accountable to beneficiaries"*

## **COMPLAINTS AGAINST MEMBER AGENCIES PROCEDURES**

### **INTRODUCTION**

#### **HAP International Mission and Objectives**

1. HAP International is a membership-based organisation committed to upholding and strengthening accountability to disaster-affected populations through collective self-regulation. Its 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. These recommendations were endorsed by the Chief Executive Officers of member agencies in January 2003.
2. HAP International's mission is to achieve and promote the highest principles of accountability through self-regulation by members linked by common respect for the rights and dignity of beneficiaries. Its objective is to develop, implement and monitor accountability to crisis-affected individuals and communities through:
  - Research, Consultation and collaboration
  - Capacity-building
  - Advocacy
  - Self-, external and peer monitoring
  - Identification of solutions to concerns and complaints
  - Peer accreditation
3. Membership requires each member agency to:
  - Improve its accountability to crisis-affected individuals and communities
  - Produce its own accountability work plan, with timescales and benchmarks
  - Monitor and report on work plan progress to HAP International's Board
  - Agree to external monitoring
  - Work towards peer monitoring
  - Review any complaints and report back to HAP International

#### **HAP International Complaints Handling Mandate**

4. As per HAP International 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 forwarded to the agencies concerned before the Board of HAP International reviews these complaints and the agencies' responses. Any complaint will be treated in confidence, until the complaints handling procedures have been exhausted and the Board has agreed not to treat it in confidence.

5. Upon request from the agencies concerned or the Board of HAP International, the international secretariat of HAP International will assist agencies in reviewing complaints and finding solutions.
6. All complaints addressed to HAP International will be forwarded to the agency/agencies concerned, whether or not the complaints falls within HAP International mandate.
7. HAP International will consider and review complaints against non-member agencies.
8. These procedures focus on complaints against member agencies. Another document focuses on complaints against non-member agency.

### **Limits of HAP International Complaints Handling Procedures**

9. HAP International Complaints procedures are not legally enforceable
10. No financial compensation can be imposed or provided by HAP International or via HAP International

### **STANDING COMPLAINTS COMMITTEE (SCC)**

11. The SCC is composed of three members and two alternates elected by the Board. The SCC shall include: one member who is not an employee, volunteer or trustee of a member agency, two persons from member agencies, and two alternates from different member agencies.
12. Board members are eligible to be members of the SCC.
13. The SCC members are elected for two year, renewable
14. The SCC members are assisted by the HAP International Secretariat, and when required, by a consultant with necessary expertise.
15. 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, an alternate will replace them until the next election.
16. If 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.

### **SCOPE OF THE COMPLAINTS**

17. HAP International will accept complaints against agencies who, in the course of providing humanitarian assistance, allegedly have failed to apply, enforce, or other wise implement HAP International accountability principles and/or the concerned agency's own accountability framework.
18. 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 accountability to beneficiaries.

19. In addition, HAP International will not accept complaints that are already the subject of legal proceedings.

## **PROCEDURES FOR COMPLAINTS AGAINST MEMBER AGENCIES**

20. Recording of the Complaint: Once a complaint is received by the secretariat of HAP International, it will be recorded by the Secretariat in its database for tracking purposes.
21. Acknowledgement of the Complaint: The Secretariat will acknowledge receipt of the complaint and will explain in writing to the complainant the scope of its mandate and the limits of its actions.
22. Communication of the complaint to the SCC: The Secretariat will forward the complaint to the agency/agencies concerned, and to the SCC.
23. Agency Initial report: Within 30 working days, the member agency, having reviewed the initial complaint, reports back in writing to the Secretariat. This initial report will include a determination as to what standards, if any, are relevant to the complaint, as per paragraphs 17,19 and 20 above.
  - 23.1. Agency determination: Complaint falls within the scope: If the agency determines that the complaints do fall within the scope of the complaints received by HAP International, this initial report will also include: (i) the investigative plan, including any assistance the agency may desire from HAP International; and (ii) the estimated time-frame within which the agency will be able to report back to HAP International.
  - 23.2. The Secretariat will submit the initial report to the SCC who shall acknowledge the initial report and provide any appropriate comments. (Please refer to Paragraph 24 below)
  - 23.3. Agency determination: Complaint does not fall within the scope: If the agency determines that the complaints do NOT fall within the scope of the complaints addressed by HAP international, the SCC will review the initial determination by the agency.
    - 23.3.1. SCC agreement: If the SCC agrees with the agency opinion, the Secretariat communicates both to the agency and the complainant that it has reviewed the agency initial report and THAT it is satisfied that the complaint falls outside the scope of HAP International complaints mandate.
    - 23.3.2. SCC disagreement: If the SCC is not satisfied with the agency 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 reconsiders its decision. If after a reasonable time-frame, the agency refuses to reconsider its decision, the matter shall be referred back to the HAP International Board for final resolution. (Please refer to paragraph 27 below)
24. Agency Final report: Following Steps 23.1. and 23.2., 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.

25. SCC review: The SCC will review the final report submitted by the agency.
  - 25.1. If the SCC is satisfied with the final report, the Secretariat will communicate both to the agency and the complainant 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. Within a time-frame agreed to, the agency shall report back to the SCC on the steps taken, including by providing necessary or requested documentation.
  - 25.2. Within 30 days of receiving the SCC decision, the complainant has a right to appeal to the Board of HAP International, which will review the case and make a final decision.
26. If the SCC is not satisfied that the appropriate investigation has been conducted and/or appropriate steps taken, the SCC will seek additional clarification and information from the agency. If still not satisfied, the SCC may recommend steps for the agency to take within a reasonable time-frame.
27. Referral back to the board: If after a reasonable time-frame after the exhaustion of par. 26. the SCC is not satisfied that the agency is handling the claim appropriately, the SCC will refer the matter to the Board. The SCC may recommend that the agency membership be suspended or terminated. The Board will review the agency and the SCC opinions and may decide on appropriate actions, including suspension or termination of the agency membership.
28. During the process, the Secretariat will see to it that the complainant is adequately informed of the status of the complaints review. The Secretariat will inform the complainant about the outcome of the complaint review.

## **CONFIDENTIALITY**

29. HAP International will keep in complete confidence all information provided to it in the course of the complaints review, including, but not limited to: documents, reports, or other detailed information, unless both the agency concerned and the complainant agree to their release.
30. HAP International will request that the entire complaints process be held in complete confidentiality by the complainant and the agency concerned.
31. At the conclusion of the review, or should the matter become public at anytime, HAP International 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 any details about the case unless both the agency concerned and the complainant agree to it.