

COMPLAINTS HANDLING POLICY

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PURPOSE AND SCOPE OF THE POLICY

The purpose of this policy is to provide guidance to the Code of Conduct Committee (CCC) and the Code Secretariat on how to address complaints and inquiries about Code signatory organisations that come to the attention of the Council for International Development (CID).

DEFINITIONS

Complaint: a complaint is an expression of dissatisfaction about a signatory organisation that includes an explicit or implicit expectation of a response or resolution.

Complainant: is the person or organisation making the complaint.

Signatory Organisation: is the organisation against which the complaint is being made.

Chair: is the current Chair of the CCC

Investigating Officer: is a member of the CCC appointed to conduct an investigation into a complaint.

Appeals Officer: is an independent decision-maker appointed by the CID Board to consider appeals by either party against determinations of the CCC.

SCOPE OF THE COMPLAINTS PROCESS

The CCC will only consider complaints related to breaches of the CID Code of Conduct and only where the Code complaints process is the most appropriate way to handle the matter.

- Anonymous complaints will not be accepted by the CCC.
- In general, the CCC will only accept complaints where the complainant is willing to have their identity shared with the signatory organisation.
- The CCC will require some evidence that the complainant has raised the issue with the signatory organisations and has not received a satisfactory outcome.
- Where there are more appropriate avenues for dealing with the complaint (e.g. complaints relating to alleged breaches in New Zealand law such as employment of staff, third party providers, tax, charities legislation) the complaint will not be investigated by the CCC.
 - When the CCC chooses not to investigate the matter, the complainant will be promptly notified and, where appropriate, provided with some advice as to what alternative avenues for dealing with the complaint may be open to the complainant.
- In the event that a signatory organisation has already been found to be in breach of NZ law (e.g. through the Employment Relations Authority, IRD, etc.), this may constitute a breach of the CID Code of Conduct, and a complainant may lodge a complaint with the CCC.
 - If the CCC chooses to investigate such a complaint, it would not be with the purpose of re-visiting any legal proceedings, but to look at whether the breach has been remedied in a legal way, and whether steps have been taken to reduce the likelihood of it happening again (e.g. changes to procedures). This could involve seeking written assurance from a third party that the breach has been remedied (e.g. from the ERA, IRD etc.), and/or seeking assurance from the signatory organisation that the risk of a recurrence of the breach is being appropriately managed.
- The CCC may initiate its own inquiry into an issue which may have sector wide significance, which may lead to a complaint against a signatory organisation or when a complainant has genuine cause to believe they may be at risk from raising a complaint through the signatory organisation's own complaints handling process.
- The CCC may continue to investigate a complaint against a signatory organisation that resigns as a signatory organisation during the complaints handling process.

GUIDING PRINCIPLES

The principles set out below provide guidance as to how the CCC will approach different aspect of the complaints process.

AWARENESS AND ACCESSIBILITY FOR STAKEHOLDERS

CID will:

- make points of access to the complaints process prominent on the CID website and publicise it in material for public information (e.g. the Annual report, brochures)
- make every reasonable effort to ensure that translation services are available for those of non-English speaking backgrounds who wish to lodge a complaint
- ensure that the complaints process is conducted with a minimum of formality and technicality.

INDEPENDENCE OF THE COMPLAINTS PROCESS

- The complaints process will be conducted independently of the CID Board and signatory organisations.
- The CCC members will advise the CCC Chair at the earliest practical opportunity of any conflict of interest arising in the course of their consideration of any complaint. If the potential conflict involves the Chair, she or he will advise the members of the CCC and, if necessary, the Deputy Chair will oversee the handling of the particular complaint.

FAIRNESS

- The complaints process will be fair and have regard to the principles of natural justice.
- At any time during the complaints process, the Chair may consult people with particular skill or expertise to provide advice.
- The CID Board will appoint an Appeals Officer (nominated by the CCC) for a terms of 3 years, who will be responsible for hearing appeals made against the outcome of a complaint.

TRANSPARENCY

- The CID Code of Conduct complaints process will be published on the CID website.
- Once the complaints process is completed, complainants and signatory organisations will be entitled to an explanation of the reasons for the decision.

CONFIDENTIALITY

- The CCC and CID will respect the privacy and confidentiality of all parties in line with the 12 principles of the Privacy Act 1993.
- At all stages of the complaints process, the complaint will be treated as strictly confidential unless and until the complaint has been determined to be a notifiable breach¹ of the Code of Conduct.

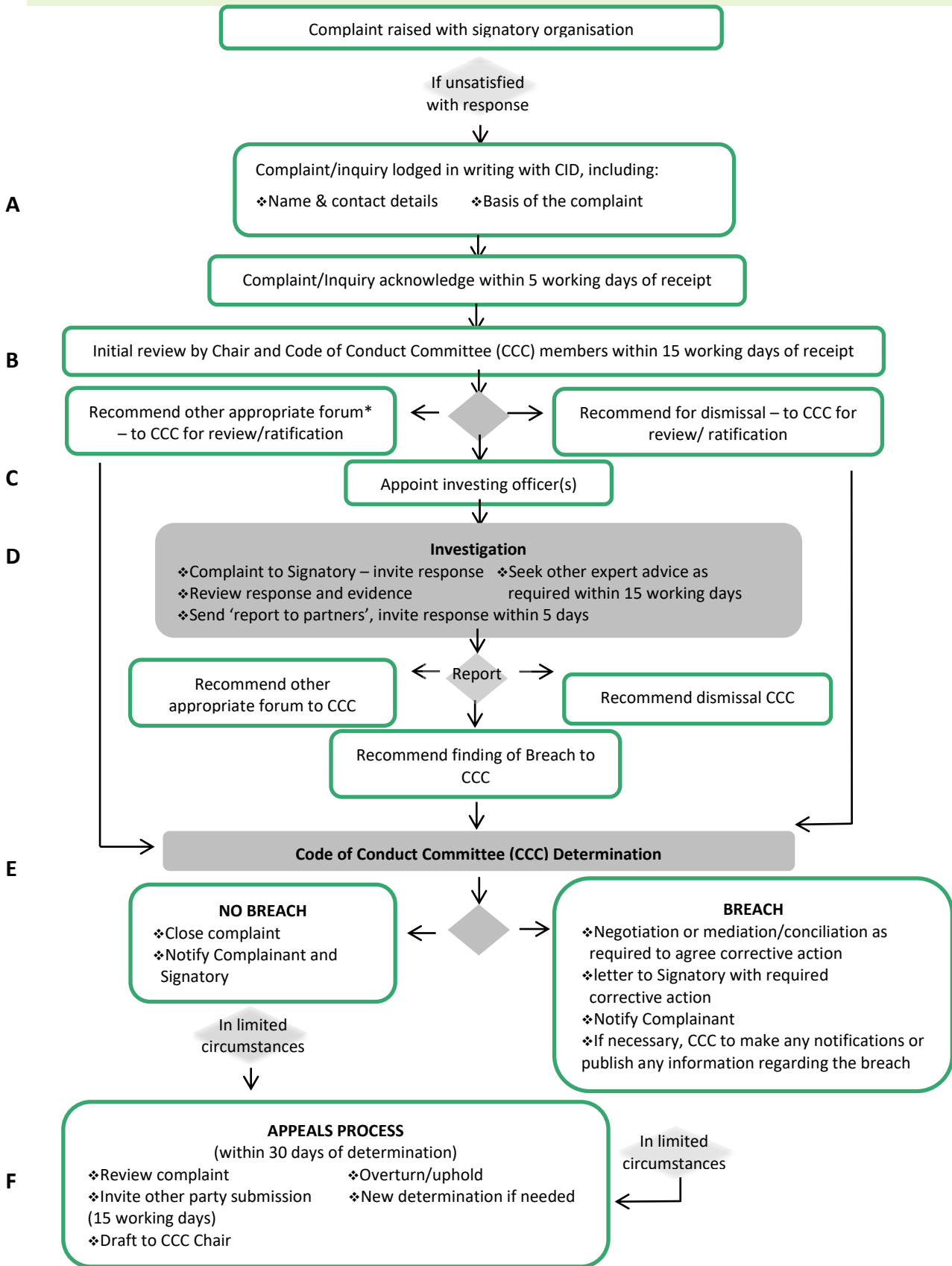
EFFICIENCY

- The Code of Conduct complaints process will be conducted as efficiently as practicable.
- The Code of Conduct complaints process will provide the parties with reasonable expectation of milestones for completion of each stage of the process.

¹ Notifiable breach: if a signatory organisation has their Code Signatory Status suspended or revoked this will be published on the CID website.

CODE OF CONDUCT COMPLAINTS HANDLING PROCESS

COMPLAINTS PROCESS FLOWCHART



*Appropriate forums may (but are not limited to) include Charities Services New Zealand, the Employment Relations Authority, Human Rights Commission, Inland revenue, the Privacy Commissioner.

COMPLAINTS HANDLING PROCESS

A: MAKING A COMPLAINT

Complaints should first be raised with the relevant signatory organisation. If the complainant is not satisfied with the response they can lodge a complaint through the CID complaints process.

Complaints against a signatory organisation under the CID Code of Conduct must

- Be in writing (on the required Complaints form available on the CID website)
- Include the name and contact details of the complainant
- Set out the basis of the complaint
- Include all available supporting evidence.

Complainants may be contacted and asked to provide further information. Any complaints received that do not meet the above criteria may be dismissed.

Where a complainant has genuine cause to believe that they may be at risk from having their identity revealed to the signatory organisation, they may request that the CCC maintain confidentiality of their identity and relevant details of the complaint information. In such cases, the CCC may take on the complaint of behalf of the complainant (i.e. as their own injury).

B: INITIAL REVIEW

A written acknowledgement will be sent to the complainant within five working days of receipt of the complaint.

C: CHAIR REVIEW OF COMPLAINT

The chair (in consultation with at least one member of the CCC) conducts an initial review of the complaint within 15 working days of the receipt. The Chair may:

- Where appropriate, refer the complainant to the signatory organisation's internal complaint handling process
- Where necessary, request additional information from the complainant or signatory organisation
- Where appropriate, take steps to conciliate or mediate the matter
- Dismiss the complaint – and send the decision to the CCC for ratification
- Refer the complainant to a more appropriate forum² - and send the decision to the CCC for ratification.
- Appoint an investigating officer to review the complaint³.

D: INVESTIGATING OFFICER REVIEW OF COMPLAINT

The Chair will appoint a member of the CCC as an investigating officer. If necessary, an investigation team may be appointed. The investigating officer/team will normally have expertise related to the nature of the complaint. The Chair is responsible for ensuring that no material conflict of interest exists among any of the investigating team.

The signatory organisation will be informed of the complaint, provided a copy of the complaint material and invited to respond in writing (normally within 15 working days). The complainant will be informed in writing of the decision to investigate the complaint further and the expected timeframes. The Complainant will be notified in writing of any changes to the expected timeframes.

² Appropriate forums may (but are not limited to) include Charities Services New Zealand, the Employment Relations Authority, Human Rights Commission, Inland revenue, the Privacy Commissioner.

³ An investigating officer is a member of the CCC appointed to conduct an investigation into a complaint.

The investigating officer/team will review the complaint and any response submitted by the signatory organisation (if provided). The investigating officer/team may, at their discretion, seek additional information as required from the signatory organisation, the complainant or external experts (as considered necessary). The investigating officer/team may, at their discretion, attempt to conciliate between the parties or suggest independent conciliation or mediation.

In conducting the review, the investigating officer will seek to:

- Ascertain the facts of the complaint
- Identify the key issues raised
- Clarify the principles and obligations in dispute
- Determine whether there has been a breach of the Principles or Obligations
- Determine whether the signatory organisation has investigated the complaint internally and if so, what the determination was
- Determine whether the signatory organisation has rectified the breach or is still in breach of the Obligation or Principle.

The investigating officer is not limited in their investigation to those issues raised by the complainant and may form their own views on breaches that may have arisen from the circumstances of the complaint.

These are not court processes and the parties are not entitled to a hearing, to make oral submissions or to be legally represented.

E: REPORT

The investigating officer/team will prepare a draft report of the facts and issues of the complaint. Prior to finalisation of the report, a copy of the draft report (without recommendations) will be provided to the signatory organisation and the complainant. They will normally have five working days to contest the contents and provide factual corrections.

The investigating officer/team will consider any response from the signatory organisation or complainant finalise the report and make a recommendation to do one of the following:

- Dismiss the complaint
- Refer the complainant to a more appropriate forum
- Find the signatory organisation in breach of the Code

The final report of the investigating officer/team will be submitted to the CCC for final determination.

F: DETERMINATION BY THE CCC

In determination of a complaint, the CCC will consider:

- The complaint
- The report by the investigating officer/team
- Any response from the signatory organisation
- Any other relevant information.

The CCC will discuss the merits of the complaint. CCC members who have a material relationship with either the complainant or the signatory organisation will be excluded from the discussion and determination process. The investigating officer/team will also be excluded from the determination process.

A determination will be made by majority vote on whether there has been a breach of the Code.

No Breach found

The complaint will be closed and the complainant and signatory organisation will be notified of the final determination in writing.

Breach confirmed

The CCC will consider the appropriate corrective and remedial action that will be taken. The CCC will make all responsible efforts to work with the signatory organisation (including mediation or conciliation if required) to agree on the appropriate remedial or corrective action.

Subject to the circumstances and seriousness of the complaint, action required by the signatory organisation may include (but is not limited to):

- redress to the complainant
- action to ensure no repeat of the breach and/or implementation monitoring
- provision of information to some or all donors or stakeholders via the signatory organisation's website or annual report.

Subject to the circumstances and seriousness of the complaint, action required by the CCC may include:

- publication of the breach via media release, the CID website or annual report
- suspension of Code signatory status
- recommendation to the CID board to revoke Code Signatory Status and CID membership.

Once determination has been made, the signatory organisation will be informed in writing of the CCC's decision and any required action by the signatory organisation.

G: APPEALS PROCESS

Appeals may only be submitted in cases where:

- CID itself was the complainant in the first instance
- The CCC had initiated its own inquiry.

The CCC may initiate its own inquiry:

- In response to an issue of sector-wide significance
- When a complainant has a genuine cause to believe they may be at risk from raising a complaint themselves through a signatory organisation's own complaints handling process.

Appeals may be submitted by complainants or signatory organisations on the form provided by the CCC. Appeals may be made on any grounds and may relate to the whole or part of a determination, which must be specified.

Appeals against a determination of the CCC must be:

- in writing
- sent to the Code of Conduct Coordinator
- received within 30 days of the notification of the determination of the CCC
- include the grounds on which the appeals is made

The appeal will be dealt with by the CCC Appeals Officer (who will not have been involved in the matter previously).

On acceptance of the appeal, the Appeals Officer will advise the other party of the lodgement of an appeal and provide copies of the material submitted in support of the appeal. The other party will be offered an opportunity to make a submission on the appeal (normally within 15 working days).

The Appeals Officer will examine the complaint documentation along with any material submitted with the appeal or in response. The Appeals Officer will consider the appeal, prepare a draft report and within 15 working days of receipt of the submission from the other party, provide a copy of the draft report to the Chair for the opportunity to correct any matters of fact. Once this comment has been considered, the Appeals Officer may:

- uphold the determination of the CCC in whole or part
- overturn the determination of the CCC in whole or part
- make a new determination in relation to the complaint
- where there has been a breach, exercise the powers of the CCC

The signatory organisation, complainant and the CCC will be informed of the determination of the Appeals Officer in writing. The determination by the Appeals Officer is final.

First adopted September 2015.

Amended December 2017 and July 2019.