



DCA POLICY:
**COMPLAINTS
SYSTEM**

October 2024

0. Policy Title DanChurchAid (DCA) Complaints System Policy

1. Definitions

Complaint: The ACT Alliance defines a complaint as a specific grievance of anyone who has been negatively affected by an organisation's action or who believes that an organisation has failed to meet a stated commitment.

Complainant: the person making the complaint, including the alleged survivor of the misconduct or another person who becomes aware of possible misconduct.

Corruption: The misuse of entrusted power for private (or organisational) gain.

DCA guidelines: Any official policies or guidelines, manuals or other directive documents containing information about guidelines or conduct in DCA.

Employee: An individual who has a formal employment contract with DanChurchAid. This contract outlines the terms and conditions of their employment, including job responsibilities, salary, benefits, and duration of employment. Employees may be stationed in DCA's headquarters in Copenhagen, Denmark, or in one of its many field offices located in regions where DCA operates.

Exploitation: Use of one's position of authority, influence or control over resources, to pressure, force or manipulate someone by threatening or coercing them with negative repercussions such as withholding project assistance, not giving due consideration to a staff member's work support requests, threatening to make false claims about a staff member in public, etc.

Investigation: a systematic process through which information is gathered that either sustains or refutes an allegation.

Misconduct: Any breach by staff of applicable national or international law as well as contraventions of DCA's internal rules or policies, including this policy, regulations or other instructions issued by the relevant manager or authority that include contextualised security provisions and sexual harassment policies.

Non-sensitive or operational complaint: any complaint about shortcomings in the performance of activities and processes of DCA, for example if partners, rights-holders or donors consider that DCA has not lived up to its operational standards (and the issue addressed is not classified as a sensitive complaint). They are also referred to as operational complaints.

Reprisals: Any direct or indirect act or omission that takes place in a work-related context, that causes or may cause unjustified harm to the complainant, that is a consequence of using DCA Complaints System.

Sensitive complaint: any complaint about serious or repeated breaches of important internal guidelines and policies in DCA, including DCA Staff Code of Conduct and the policies it refers to: DCA's Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy, DCA Anti-Corruption Policy, and DCA Child Safeguarding Policy.

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions (United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including but not limited to profiting monetarily, sexually or politically from the sexual exploitation of another. This includes any exchange of money, goods or services against sexual activities and favours (United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

Sexual harassment: Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.

Stakeholder: Individuals, groups, or entities that have an interest in or are affected by DCA's activities. They can be both internal and external to DCA. This includes persons supported by DCA, DCA employees, volunteers, donors and funders, board members, partner organisations, local communities, government agencies, advocacy groups, etc.

Subject of Concern: the person alleged to have perpetrated the misconduct in the complaint.

Witness: a person who gives testimony or evidence in the investigation, including the survivor, the complainant, the subject of concern, the staff member of a partner organisation, or another staff member.

2. Introduction

DCA has an organisational commitment to respect human rights. DCA aims to work in an open, transparent, fair, and learning manner and to be accountable for its actions. An effective and human rights compatible complaints system can help DCA respect the rights and dignity of those who raise a complaint with DCA, and improve its accountability to partners, rights holders and other stakeholders.

A complaints system can alert DCA to issues of abuse of power, misuse of funds, human rights abuses and possible adverse impacts on human rights in its work and partnerships. Moreover, it can assist DCA to rectify and remedy mistakes, manage risks, improve security and generally improve the quality of DCA's work.

Having a system in place to receive and respond to complaints is central to accountability, impact and learning. It is a formal way of recognising and addressing the power imbalance between DCA and the communities DCA works with and for addressing human rights abuse as well as any actual or potential adverse human rights impacts.

DCA Complaints System is aligned to the 5th Commitment in the Core Humanitarian Standard: "People and communities can safely report concerns and complaints and get them addressed". This means, that complaints should always be welcomed and addressed.

Lastly, this policy contains references to DCA Whistleblower Scheme, which is established pursuant to The Danish Whistleblower Act 2021, "Lov om beskyttelse af whistleblowere". Information on DCA's Whistleblower Scheme can be found in DCA Whistleblower Scheme Policy.

3. Policy Purpose

The main purpose of this policy is to promote greater accountability to DCA's stakeholders by transparently addressing and resolving issues. The aim is that the human rights of all employees as well as every stakeholder, partner, and community member whom DCA seeks to assist, or support should be respected and protected.

The objective of this policy is to increase awareness about the availability of DCA Complaints System by providing clear guidance about its scope, functioning and intended users.

DCA has established the Complaints System and subsequent policy to:

- Recognise, promote and protect DCA's stakeholder rights, including the right to raise a concern and/or complain in good faith about breaches to DCA Code of Conduct.
- Provide a confidential, safe, accessible and transparent mechanism for stakeholders to raise a concern or complaint about the work of DCA, the work of a DCA employee, or the work of a DCA implementing partner or partner employee, if the DCA partner does not have a complaints system in place or if the complainant wishes to raise the concern to DCA.
- Ensure that DCA learns from all situations in order to strive for high quality and continuous improvement in DCA's humanitarian, development and advocacy work.
- Increase the level of stakeholder satisfaction with the work of DCA.
- Promote confidence that all cases reported through DCA Complaints System will be thoroughly and impartially investigated.
- Detect illegal or unethical incidents within DCA, which will be addressed in a prudent and proportionate manner.
- Ensure DCA is complying with international and internal DCA guidelines.

4. Scope of DCA Complaints System

4.1 Who Can Use the System?

DCA Complaints System covers:

- Individuals who perform work on behalf of DCA through partners, suppliers, or service contractors (including consultants)
- Persons affected by DCA's projects or persons supported by DCA
- Any community member
- DCA's donors
- DCA's volunteers
- DCA employees

DCA current or former employees who wish to report anonymously or who have information about serious violations, including reasonable grounds to believe they have information, should use DCA Whistleblower Scheme to report, as the latter is more suited to deal with those kinds of reports.

4.2 What Can be Reported?

A complaint is a specific grievance of anyone who has been negatively affected by an organisation's action or who believes that an organisation has failed to meet a stated commitment.

DCA Complaints System is for reporting non-sensitive or operational complaints for current and former DCA employees. A non-sensitive or operational complaint is typically a complaint about the quality of DCA's work.

The listed categories of persons under section 4.1 can also submit sensitive complaints, apart from DCA employees. All external parties including persons supported by DCA, community members, partners, suppliers, service contractors (including consultants), DCA's volunteers, and DCA's donors can use DCA Complaints System to report complaints regarding DCA's work in Denmark or projects and programmes globally, both those implemented directly by DCA and through DCA partners (non-sensitive or operational complaints) and complaints about the behaviour of DCA employees or staff in partner organisations supported by DCA funding (sensitive complaints).

Examples of issues classified as non-sensitive or operational complaints:

- Any positive or negative feedback related to the implementation of programme activities
- Complaints about fundraising activities, advocacy or policy statements
- DCA staff behaviour not classified as a sensitive complaint
- Insufficient quality and quantity in the implementation of programme activities
- Partner dissatisfaction with contracts and general cooperation

A sensitive complaint should concern serious breaches of DCA's code of conduct and related policies (including but not limited to DCA's Anti-Corruption Policy, DCA's Child Safeguarding Policy, DCA's Prevention of Sexual Exploitation, Abuse and Harassment Policy).

Examples of issues classified as sensitive complaints:

- Acts committed by the management and/or (local) boards that cannot be reported via the local management channels
- Behaviour that compromises security or poses other risks to the programme activities or staff
- Breaches of environmental regulations and laws on the prevention of the environmental pollution
- Breaches of privacy and personal data protection laws
- Bribery, corruption and facilitation payments
- Conflict of interest or nepotism in recruitment or procurement processes
- Discrimination, physical violence and threats
- Fraud or Embezzlement
- Gross misconduct by DCA and partners' staff
- Misuse of position or funding
- Money laundering and terrorism financing
- Sexual exploitation, abuse or harassment

- Sponsorships, gifts or donations
- Theft
- Violation of human rights
- Workplace harassment

Not all reports can be dealt with by DCA Complaints System; those that cannot, will be referred to the relevant channel with the complainant's permission.

DCA Complaints System is only one of DCA's reporting mechanisms. If the report is submitted by a DCA current or former employee and concerns incidents that threaten public interest or a sensitive complaint that is considered a serious violation as defined in DCA's Whistleblower Scheme, the complaint will be referred to DCA's Whistleblower Scheme with the complainant's permission.

If you are uncertain whether something is within the scope of this policy, you should seek advice from the Head of Strategy and Quality Management (SQM) Unit or the Accountability and Complaints Advisor.

4.3 What Shouldn't be Reported?

Issues not covered via DCA Complaints System include all internal employment conditions or incidents that pertain to breaches of DCA Internal Policies. The following is not an extensive list but rather examples:

- Sick Leave
- Maternity Leave
- Dress Code
- Smoking
- Dissatisfaction with Management
- Minor Staff Conflicts
- Employment & Salary Grievances
- Performance evaluations
- Working conditions or areas

These issues are outside the scope of DCA Complaints System. These will not be handled within DCA Complaints System but should be addressed in a dialogue between employees and their line manager or the Human Resources (HR) department.

5. Procedures and Requirements

5.1 How to Report to the System?

Any reports to DCA Complaints System must be submitted via the following portal: <https://whistleblowersoftware.com/secure/FKN-complaints>

This link will take you to DCA Complaints System portal where you will find additional information and a reporting form that must be completed. It is important to include as much information as possible on identities of the subject of concern(s), the organisation and potential witnesses.

DCA Complaints System portal is the global channel for DCA Complaints Systems available at DCA Head Office, Copenhagen. DCA encourages complainants to use the portal as it is the most confidential reporting channel. However, complainants in the countries in which DCA operates can still use the other reporting channels available as part of DCA local complaints system in the relevant country (including the DCA local hotline number, the DCA local complaints or suggestion boxes, the DCA local complaints email address, direct communication with the DCA complaints focal point in country, etc.). All sensitive complaints reported locally, will need to be referred to DCA Complaints Systems for handling, either by the DCA Country Director or the Complaints Focal Point in the relevant country. This must be done by filling the Complaint form on DCA Complaints System Portal on behalf of the complainant.

5.2 When to Report?

A complaint should ideally be filed as soon as the complainant becomes aware of the issue to maximize the effectiveness of any potential investigation. However, considering the barriers and difficulties in reporting, DCA is willing to accept complaints at any time.

5.3 Protection and Support for Complainants

DCA does not tolerate harassment, acts of retaliation or any other type of penalty against complainants who submit a report in good faith about a matter within the scope of DCA Complaints System.

Reports must be submitted in good faith on the correctness of the report. Complainants who make a report in good faith will not be subject to reprisals or negative consequences even if the reported concern or suspicion proves to be unfounded.

Examples of reprisals include suspension, dismissal, demotion or non-promotion, transfer of duties, reassignment to a different position, reduction in pay, changes to working hours, refusal of access to training activities, and negative assessment of the person's performance.

If a complainant experiences any reprisals because of their report, they must submit another complaint using DCA Complaints System or contact the Accountability and Complaints Advisor at DCA Head Office, Copenhagen. Information related to DCA Complaints System, including the reporting process can be found on DCA's public websites.

However, it is prohibited to deliberately submit false or misleading information via DCA Complaints System and to make deliberate misuse of the system. A malicious complaint is a complaint or accusation deliberately made on false grounds with the aim to cause harm to another individual or organisation, or in any other way motivated by wanting to promote personal gains. Disciplinary action will be taken against any employee of DCA and DCA's partners if they are found to have used DCA Complaints System to submit a malicious complaint.

5.4 Confidentiality and Anonymity

DCA does not encourage complainants to raise complaints anonymously, as DCA Complaints System is safe and trustworthy and can ensure confidentiality. The complainant's identity will not be disclosed without explicit consent. Moreover, it is difficult to investigate complaints if they are raised anonymously. If the complaint is raised by an anonymous complainant, DCA must be able to reach the complainant to ask for further details and documentation if needed.

If the complainant sees no other option than to maintain anonymity, he/she can raise a case through a DCA employee who files the case in DCA Complaints System without revealing the name of the complainant.

5.5 DCA Complaints System

DCA Complaints System is administratively managed by DCA's Strategy and Quality Management (SQM) Unit in the International Department, within which the Accountability and Complaints Advisor is the authorised person to receive and investigate all sensitive complaints submitted through DCA Complaints System. The Accountability and Complaints Advisor directly reports to the Head of the SQM Unit at DCA Head Office, Copenhagen.

The Accountability and Complaints Advisor must remain objective and professional in the investigation of all cases and remain impartial throughout the process.

5.6 DCA Complaints System Organisational Structure

DCA Complaints System is managed by the SQM Unit and is supervised by the International Director at DCA Head Office, Copenhagen.

The Accountability and Complaints Advisor will remain impartial throughout the process, by submitting the results of the investigation to the DCA Headquarters Complaints Committee who will decide on the outcome of the case.

The DCA Headquarters Complaints Committee (consisting of the International Director, the Head of Strategy and Quality Management Unit, and the Accountability and Complaints Advisor) is responsible for the handling of DCA Complaints System,

as described in the Terms of Reference for DCA's Complaints Committee. Depending on the nature of the complaint, additional resource persons might be invited into the committee (e.g., Head of Group Finance Unit, Head of Human Resource Unit, Country Director, Head of Safety and Security Unit).

5.7 Accountability and Complaints Advisor Tasks

The Accountability and Complaints Advisor will be the first point of contact for submitted complaints through DCA Complaints System; it is the advisor's responsibility to make the initial assessment of the case. The advisor will assess the case against preset conditions to determine if the case falls within the remit of the DCA Complaints System or if it needs to be redirected to a more appropriate channel.

If a case is determined to fall within the scope of DCA Complaints System, the Accountability and Complaints Advisor will then produce and present an investigative strategy to the DCA Headquarters Complaints Committee and oversee investigating the sensitive complaint impartially.

Non-sensitive or operational complaints are handled by the country office complaints system as close in time and geography to the place where the incidence or issue of the complaint took/takes place – unless the complainant wishes to use DCA Complaints System. When received through DCA Complaints System, the Accountability and Complaints Advisor refers the operational complaint to the relevant country office, with the consent of the complainant.

The Accountability and Complaints Advisor will ensure the case is processed in accordance with the General Data Protection Regulation (GDPR) legislation. Also considered is DCA Complaints System Standard Operation Procedures and any other applicable policies and procedures.

The Accountability and Complaints Advisor will be responsible for the ongoing communication with the complainant, from receipt of the initial report to ongoing developments when applicable. In case the investigation was referred to the relevant Country Office, the appointed investigator will be responsible for communicating with the complainant, under the guidance of the Accountability and Complaints Advisor at Head Office, Copenhagen.

In addition, the Accountability and Complaints Advisor must prepare the annual complaints report for review and approval by the DCA Board. The report contains information on the number of reports received, the status of the reports and general outcomes in an anonymised way. DCA commits itself to writing the annual complaints report as it considers the report an important initiative to continue a high degree of transparency and learning as learning is one of several important ways to fight misconduct and corruption. An annual publication on the DCA's website regarding this

information must also be supplemented by the Accountability and Complaints Advisor.

Finally, the Accountability and Complaints Advisor will ensure that they foster trust and clarity around DCA Complaints System. Functionally, this includes ensuring there is clear, adequate information easily accessible to all regarding the reporting process both internally and externally. Furthermore, raising awareness and improving knowledge of DCA Complaints System within DCA and DCA partners.

5.8 Handling and Processing of Complaints

The complaints received through DCA Complaints System will all be processed and stored to maximize the confidentiality of the complainant, and it will be ensured by all measures possible that the case is not accessed by any unauthorized persons.

Once a complaint is received, the Accountability and Complaints Advisor will confirm receipt of the complaint within 7 working days to the complainant. Upon the completion of the initial assessment, the complainant will be informed if the complaint falls within the scope of DCA Complaints System.

If it is determined the case is within the scope of DCA Complaints System, an investigative strategy will be created and presented to the DCA Headquarters Complaints Committee by the Accountability and Complaints Advisor for approval. Depending on the nature of the complaint, the Accountability and Complaints Advisor will then conduct the investigation or outsource it to the appropriate agent, which can consist of internal or external parties. The Accountability and Complaints Advisor will remain in charge of the investigation, overseeing and advising throughout.

All persons involved in a complaint investigation will be required to agree to special duty of confidentiality, by signing the DCA Declaration of Confidentiality and Integrity Template. At the same time, all DCA employees are encouraged to speak-up for themselves and on behalf of colleagues and are obliged to collaborate loyally during investigations of complaints.

Once the investigation has been concluded, the investigation's conclusions will be presented to the DCA Headquarters Complaints Committee to assess the recommendations e.g. potential disciplinary action. The Accountability and Complaints Advisor does not have any authority to dictate the decisions taken because of a complaint case.

The complainant will receive feedback from the Accountability and Complaints Advisor (or the internal investigator if the complaint was referred to the relevant Country Office) which will stipulate the overall outcome of the case and if appropriate the actions taken to resolve the matter.

5.9 Professional Secrecy and Confidentiality

All information related to the complaints cases is administered to ensure the confidentiality of the complainant, affected persons (if different from the complainant, such as victims or survivors of sexual exploitation, abuse or harassment) and third parties (including witnesses) mentioned in the complaint.

Any person who handles a complaint case has a duty of confidentiality regarding all information contained within the complaint, including information that may be attributable to revealing the complainant's identity. Divulging confidential information to persons who are not authorized to receive it, or being in a conflict of interest, may amount to misconduct, and may lead to disciplinary actions.

5.10 Rights of the Subject of Complaint or Concern

The person or persons who are named as a Subject of Complaint/Concern will be notified by the Accountability and Complaints Advisor that there is an investigation ongoing and will be given the opportunity to provide their account. There may be extenuating circumstances where this is not appropriate to do immediately, but it will be done at the most appropriate opportunity. The complainant's identity will not be disclosed to the subject of concern due to a special duty of confidentiality.

The subject or subjects of complaint or concern will be informed once the case is closed.

5.11 Complaints System Reporting Portal

Complaint reports are submitted and handled through a web-based portal; the portal's technology is managed by an external vendor. The portal can be accessed via the following link: <https://whistleblowersoftware.com/secure/FKN-complaints>

The portal can only be read by authorized persons – this list of persons being very selective and only those that have a distinct need will be able to read reports on the portal. Management of the portal will be controlled by a personal login and passcode which must not be shared with any other person.

5.12 Information about DCA Complaints System

Information related to DCA Complaints System, including the reporting process can be found on DCA's public websites and on the intranet.

5.13 Processing of Personal Data

Personal data is processed in accordance with the relevant DCA data privacy policies, and GDPR.

The personal data procured as a result of an investigation under DCA Complaints System will only be stored for as long as necessary and will be securely stored in a proportionate format in pursuant of the GDPR.

There may be circumstances whereby there is a legitimate reason for continued storage of personal data, e.g. if required for criminal proceedings, if required under another law or if it is necessary to fulfil a donor requirement. If this is the case the personal data will only be kept for the minimum required time.

Data subject rights according to GDPR might be limited by the purposes mentioned in the Danish Data Protection Act Section 22 if necessary, including the right of access to own personal data (art. 15) and the right to receive information about data collection from the data subject (art. 13) or obtained from other sources (art. 14).

5.14 Appeal

In order to ensure due process and accountability, DCA Complaints System offers the subject of concern to appeal. When a sensitive complaint has been investigated by the DCA Headquarters Complaints Committee and the conclusion has been communicated to the subject of concern, it is possible for the subject of concern to make an appeal to the Investigations Advisor, handling DCA Whistleblower Scheme managed by DCA's Risk and Compliance Control Unit. The procedure of the investigation of the case can be appealed. Neither the conclusion nor the outcome of the case can be appealed.

6. References, Related Resources, or Appendices

- DCA Whistleblower Scheme Policy
- DCA Code of Conduct
- DCA's Complaints Handling Guideline
- DCA's Anti-Corruption Policy
- DCA's Child Safeguarding Policy
- DCA's Prevention of Sexual Exploitation, Abuse and Harassment Policy

7. Policy information

First approved: Approved by the DanChurchAid (DCA) Board, June 2022

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Policy Manager: Accountability and Complaints Advisor

Unit: Strategy and Quality Management Unit