



Fenix Humanitarian Legal Aid

Complaints Process

Fenix strives to ensure the highest ethical standards of conduct to those we serve and in our daily work.

If you are a partner, client, employee, intern, consultant, vendor, community member, or board member and are aware of a Code of Conduct or any other ethical violation you may file a complaint or enquiry to our Safeguarding Committee or Management Team. Complaints are reported according to the Complaint Process below.

I. Definitions

- **Code of Conduct:** Code of Conduct of Fenix Humanitarian Legal Aid, reviewed internally every six months. The Code of Conduct also includes all internal and external policies of the organization: Safeguarding, Sexual Harrassment, Anti-Racism & Discrimination, Personal Health, Safety & Security, Press & Social Media policies.
- **Board of Directors or “Board”:** Members of the Board of Directors of Fenix Ltd (USA registered organization). Fenix Ltd. oversees the general management of Fenix Humanitarian Legal Aid AMKE (Greek registered organization).
- **Staff Member:** Paid or unpaid member of the Fenix remote or field team, including coordinators, supervisors and directors.
- **Safeguarding Committee or “Committee”:** Committee consisting of Safeguarding Officers who also act as members of the Board of Directors. The Safeguarding Officers are selected annually by a majority vote by the Board of Directors. **In 2021, the Safeguarding Committee consists of Andrew Tipp [andrew@fenixaid.org] and Mazelle Etessami [mazelle@fenixaid.org].**
- **Management Team:** Refers to the Managing Directors of the organization, namely the Executive Director and Deputy Director. **In 2021, the Directors are Ana Liz Chiban [ani@fenixaid.org] and Amanda Munoz de Toro [amanda@fenixaid.org], who act as Safeguarding Officers in Lesbos.**
- **Coordinating Team:** Refers to staff members of Fenix who hold a coordinating or supervising role in the organization, including the Management Team, and the Field, Operations, Interview, MHPSS, Protection, Translation and Case Management Coordinators.
- **Investigatory Body:** Refers to the personnel of the organization carrying out the investigation of a complaint. According to this procedure it can be the Safeguarding Committee or Management Team.
- **Complainant:** the person making the complaint. This includes people directly involved with the organization as well as any outsiders - the organization’s employees, short-term employees, board

members, management, volunteers, project participants as well as suppliers and partners or anyone else in contact with, or influenced by, the organization and anyone who has observed wrongdoing by an organization.

- **Victim**: the person who is directly affected by the incident reported in the Complaint. The victim and the complainant may be different persons.
- **Complaint**: an expression of dissatisfaction about a staff member that includes an implicit or explicit expectation of a response and resolution.
- **Feedback or Enquiries**: an expression of dissatisfaction that does not include the expectation of a response and resolution. Feedback or enquiries about our services and staff should not be submitted through this Complaint Process. They can be emailed to our Field Coordinator. **In 2021, our Field Coordinator is Mauro Valente [mauro@fenixaid.org].**
- **Operational Complaint**: complaint mostly related to projects and programs, e.g., the project management, the quality of work or donor registration.
- **Serious Complaint**: Complaints related to Protection from Sexual Exploitation and Abuse, Sexual Harassment, Child Safeguarding, Racism and Discrimination or Financial Wrongdoing, specifically concerning fraud or money laundering or when there is a high risk of damage to the physical, emotional or psychological wellbeing of clients, staff members or partners.
- **Malicious Complaints**: Complaints in which there is a potential misuse of a complaints process motivated by personal or political agendas. Malicious complaints generally contain unspecific phrasing of the act, and use of personal, angered and less factual expressions. The organization has a zero tolerance policy towards malicious complaints.
- **Own Motion Inquiry**: an investigation undertaken by the Safeguarding Committee or the Directors in response to other information obtained by the Committee (for example an issue in social media).

II. Guiding Principles

- **Awareness and Accessibility**: The Code of Conduct's credibility requires that stakeholders in Lesvos and internationally are aware of and able to readily access the complaints process. Fenix will widely share the points of access to the complaints process.
 - All staff members are provided the Code of Conduct before joining the team and starting their work with the organization. For those working in Lesvos, there is a mandatory training on the Code of Conduct and the Complaints Process during their first week. The workshop includes case studies to ensure the team understands the standards guiding their work. If people join the team outside of the established mission periods, a one on one session is organized with the Operations Coordinator.
 - The Code of Conduct and the Complaints Process is easily accessible through the Fenix Website.
 - The Code of Conduct and the Complaints Process is introduced in all of the organization's capacity building and information sessions.
 - There are flyers in the reception area of the Fenix office explaining the basic principles of the Code of Conduct and the Complaints Process for clients to be informed of its existence. Clients are also informed of the Code and the procedure during their first session with a Fenix Staff member.
- **Independence and Impartiality**: Directors or Members of the Committee will avoid any conflict of interest arising in the course of their consideration of any complaint. If there is a conflict of interest that affects their ability to be independent or impartial, the Committee will flag this and decide if it is necessary to give intervention to an external auditor to conduct the investigation.

- **Fairness and Responsiveness:** The complaints process will be managed in an efficient way and have regard to the principles of fairness and natural justice. The complaints process will permit all parties reasonable opportunity to provide any information they believe will assist the investigation, and parties will be given an opportunity to respond to information provided by the other party. Parties to the complaint will be advised of the expected timing of each stage of the investigation– noting that the nature and scope of the complaint will determine timing for each individual investigation.
- **Confidentiality for the parties:** The complaints process will respect the privacy and confidentiality of the parties involved. At all stages of the complaints process, the complaint will be strictly confidential unless and until the complaint has been determined to be a notifiable breach by the Board of Directors. If the Board believes issues arising from a complaint may have sector-wide significance, it may advise the Executive Director. In some of these cases the Committee might determine that the Staff member should be named. If so, the member will be advised in advance that they will be identified and the basis upon which the decision to disclose their identity has been made.
- **Swift Procedure:** The complaints process should be swift and efficient in order to reduce any further damage. The Committee or the Directors will strive to complete the total investigation within 30 days from the initiation of an investigation, or inform the complainant of any changes to this timeframe.
- **Corrective Action:** Where a Staff member has breached the Code of Conduct, the primary focus will be to improve standards and reduce the risk of recurrence. This will include setting a course of corrective and remedial action with the Staff member and may include monitoring reports as to progress of implementation. Where a breach is more serious, or the Staff member has not responded appropriately, disciplinary action will be considered, which may extend to suspending or terminating the Staff member’s mission. Where there is the potential for reputational risk to other Staff members or serious integrity issues, or for other necessary reasons, the Committee may consider notifying others about the facts of a breach, such as the rest of the organization, clients, donors or partners.

III. Submitting a Complaint

Complaints by clients

Clients can submit complaints through any of the different mechanisms:

- a) Submitting an email to the official emails of the Safeguarding Committee or Management Team.
- b) Submitting a written complaint in the Complaints Box in the reception of the Fenix office.
- c) Requesting the receptionist in the Fenix office to speak to the Management Team to submit a verbal complaint.
- d) Presenting a verbal complaint to any of the Staff members involved in the client’s case.

Anonymous complaints will always be accepted, but the Committee’s or Management Team’s actions to investigate might be limited.

Complaints by a partner, employee, intern, consultant, vendor, board member or other

The Complaint must be presented in writing to the official emails of the Safeguarding Committee or Management Team. Complaints must include: name and contact details of the complainant, the details of the complaint and the outcome sought by the complainant. It must include any available supporting information such as witnesses’ names, emails or other evidence [See Annex 3 for an optional template of a Complaint].

If a complainant believes that they may be at risk from having their identity revealed, they can request that the Committee maintain confidentiality of their identity and relevant details of the complaint information. If the Committee agrees that there is such a risk, it may take on the complaint as an ‘Own Motion Inquiry’.

In exceptional circumstances, anonymous complaints will be accepted, but the Committee’s actions might be limited.

Deadline to report

There is no deadline to submit a complaint. However, the Committee’s or Management Team’s actions to investigate might be limited in cases in which a lot of time has passed between the date of the incident and the complaint or when one or more of the parties involved are no longer Fenix staff members.

Duty to Report

The Coordinating Team has the obligation to report any complaints or violations of the Code of Conduct that come to their attention; be that informally, formally or to which they are witness. The Coordination Team must report to the Committee or the Management Team within 3 days. If the violation related to incidents of Protection from Sexual Exploitation and Abuse, Sexual Harassment, Child Safeguarding, Racism and Discrimination or Financial Wrongdoing or the delay in reporting could cause damage to a client, staff member, partner, donor or the organization as a whole the report should be presented within 24 hours.

Staff members have the duty to report when a client has submitted a verbal complaint to them. In this case they will have 3 days to inform the Committee or the Management Team in writing to the official emails.

Staff members will have the duty to report when they have been made aware, informally or formally of an incident relating to Protection from Sexual Exploitation and Abuse, Sexual Harassment, Child Safeguarding, Racism and Discrimination, or Financial Wrongdoing. In this case they must inform the Committee or the Management Team in writing to their official emails within 24 hours of taking knowledge of the incident.

Own Motion Inquiry

The Management Team or the Committee can initiate an own motion enquiry when an issue may have sector wide significance or there is a potential breach of the Code in absence of a formal external complaint. Own motion inquiries which lead to complaints are recorded and managed in the same manner as other complaints.

IV. Acknowledgement

Within 2 days, the Committee or the Management Team to whom the complaint was lodged, will send an email to the complainant acknowledging the complaint and including a summary of the next steps of the process and timeline for the review of the complaint.

V. Investigatory Body

Investigation by Safeguarding Committee

The Committee is the competent authority to investigate cases concerning Protection from Sexual Exploitation and Abuse, Sexual Harassment, Child Safeguarding, Racism and Discrimination or Financial Wrongdoing,

specifically concerning fraud or money laundering. In addition, the Committee will be responsible for the investigation of other matters when they consider that the Management Team might not be able to impartially and adequately address a complaint due to conflict of interest.

In all cases, the Committee can decide to refer the investigation to the Management Team. To do so it must first consult with the complainant and establish that there is no conflict of interest in referring the investigation. If the complainant does not answer in 2 days, the Committee will proceed with the referral. The referral must be completed within 2 days and include the reasons for such referral.

Investigation by the Management Team

The Management Team will be responsible for investigating operational complaints or minor violations where the Management Team considers that there is no high risk of damage to the physical or emotional safety of clients, staff members, partners, or the reputation of the organization.

When a complaint is raised to the Management Team and the violation falls under its purview, it will proceed with the investigation, unless it considers there is a conflict of interest in which case it will be referred to the Committee. If the Management Team received a complaint of competence of the Committee, it will notify the Committee within 2 days.

Investigation by an External Audit

If the Committee believes that there is a conflict of interest for both the Committee and the Management Team, the Committee will raise the issue to the Board of Directors. If the Board of Director believes that there is no internal way of conducting an independent and impartial investigation, it will request the involvement of an external investigation team to act as the Investigatory Body in the case. The Committee will have 7 days to establish the composition of an external investigation team.

Additional Information

In all cases, the Committee or the Management team might request additional information from the complainant to assign the Investigatory Body. In such cases, deadlines will run from the reception of the answer from the complainant. If no answer is provided in 2 days, if available, the complainant may be contacted by telephone. If after 2 more days, there is no answer, a decision must be taken without further information.

Urgent Support

In cases of serious violations of the Code of Conduct, in which there is a physical, psychological or emotional risk to the wellbeing of the victim, the Committee, with the support of the Management Team when necessary, will take every measure to try to contact the victim within 24 hours of receiving the complaint to offer guidance on legal options, medical care or psychological support services.

In these cases, the Committee, with the support of the Management Team when necessary, will have authority to take immediate interim action until a final decision is made. Interim measures might include but are not limited to: total suspension of a staff member from the office, suspension from contact with clients, among others.

VI. Investigation

Preliminary Assessment of the Complaint

Within 2 days of receiving the complaint or the referral of the complaint, the Investigatory Body will make a decision on the following:

- To request additional information from the complainant, when appropriate or necessary.
- To dismiss the complaint. In this case, the procedure will follow that of the final decision.

Request for Additional Information

If the complaint is not dismissed, or referred to an external audit, the Investigatory Body can ask for further information by email or by interviewing the complainant. If an interview is conducted, the date, time and content of the interview will be included in the dossier of the investigation. An interview is mandatory in cases of Protection from Sexual Exploitation and Abuse, Sexual Harassment, Racism and Discrimination, Child Safeguarding, or Financial Wrongdoing, specifically concerning fraud or money laundering.

The Investigatory Body can also interview other parties that can add additional evidence to the investigation. If the complainant is not the victim, the victim should be informed of the existence of the complaint and asked if he/she wishes to submit a formal complaint. The victim will also be given the opportunity to provide further information via email or in an interview with the Investigatory Body. Measures will be taken so the victim feels safe and heard during the investigation.

The gathering of evidence through written and oral communications with the victim, complainant and others will seek to:

- Ascertain the key facts and issues raised by the complainant.
- Identify the violations of the Code of Conduct and policies
- Determine whether the complaint constituted a breach of these.

Preliminary Report

Within 5 days of the Preliminary Assessment, the Investigatory Body will issue a preliminary report and establish if further action is required. The report should be in writing and notified to the Board of Directors. At this stage, the Investigatory Body can keep names of the parties interviewed confidential.

If the investigation requires more days, the Investigatory Body may request extensions of 5 days, which must be informed to the complainant and the victim.

Notification and Interview of the Respondent

Within 1 day of the Preliminary Report, the Investigatory Body will inform the Respondent of the complaint and give him/her the opportunity to respond to the allegations. The report to the respondent will include a summary of the complaint, the Code standards that apply and next steps and deadlines in the procedure. The Respondent will have 5 days to submit information and evidence by email or request an interview.

VII. Final decision

Within 4 days of the Respondent Response, the Investigatory Body will draft a final decision.

The decision will include the following information:

- Summary of the complaint.
- The Code Standards that apply and whether a breach has occurred.
- Analysis of the facts and evidence presented.
- Review on how the Respondent responded to the complaint; whether he/she has rectified any breach or if the member is still in breach.

If a breach of the Code of Conduct is confirmed, the final decision can include corrective and remedial action, suspension or termination. Corrective or remedial action may include, but is not limited to: redress for the complainant, action to ensure no recurrence of the breach, implementation monitoring, or mandatory capacity building and training.

The final decision will be communicated in writing to the Board of Directors, before notifying the parties involved. The Board has 3 days to file objections to the decision and the decision can be overruled by a majority vote.

If the decision is confirmed by the Board, the decision must be notified to the complainant and respondent within 2 days. Both parties will be informed that the decision is final and there is no instance of appeal. If the decision includes corrective or remedial action, the Management Team will be responsible for monitoring its compliance.

If the Board of Director presents objections to the Final Decision, the Board will have 7 days to request additional information to the parties involved and issue a new decision agreed by a majority vote of the Board members. The decision must be notified to the complainant and respondent within 2 days. Both parties will be informed that the decision is final and there is no instance of appeal. If the decision includes corrective or remedial action, the Management Team will be responsible for monitoring its compliance.

VIII. Other Considerations

The Complaints Process and results will be evaluated every year to identify shortcomings and challenges.

The organization will produce annual complaints reports containing information on all cases received and dealt with. By openly communicating results, the organization seeks to show a strong stance towards fighting misconduct.

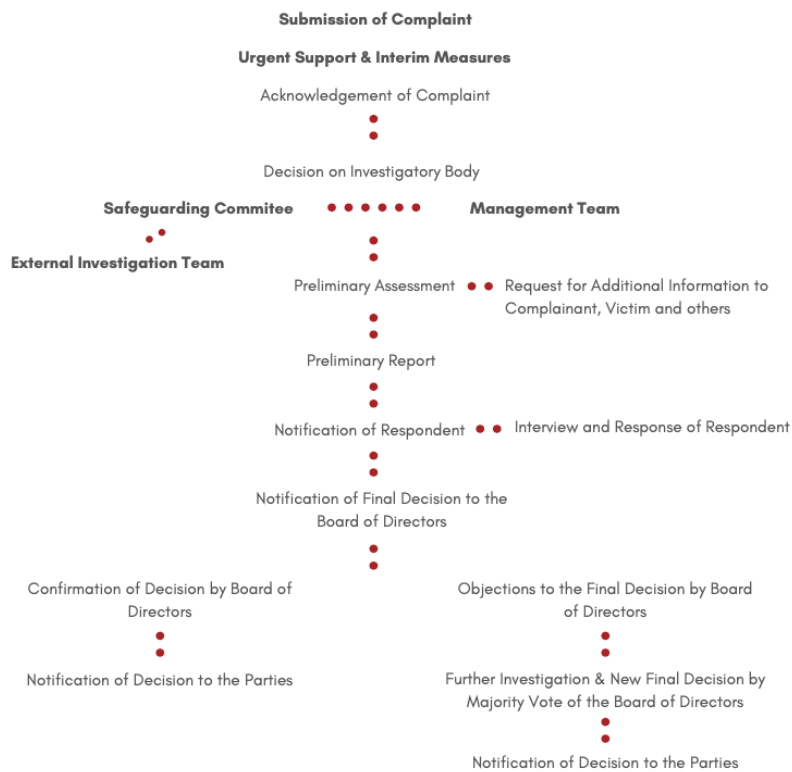
IX. Annexes

Annex 1: Timeline

Action	Timeline
Violation of Code of Conduct	There is no deadline to report. The Coordinating Team has the duty to report in 1 or 3 days, depending on the severity of the breach.
Acknowledgement of Complaint	2 days from submission of complaint
Consultation to Complainant for Referral	2 days from submission of complaint
Additional Information for Referral	2 days from submission of complaint
Decision on Referral	2 days from consultation or additional information
Preliminary Report	2 days from reception of referral
Notification of Respondent	1 day from Preliminary Report
Response from Respondent	5 days from notification
Final Decision	4 days from response from respondent
Confirmation/Objections from Board of Directors	3 days from notification of final decision by Investigatory Body
Further Investigation by the Board of Directors	7 days from their objection to the Final Decision
Notification of Final Decision to Parties	2 days from Final Decision confirmed by the Board of Directors
Total Investigation	Might not exceed 30 days

Annex 2: Graphic

COMPLAINTS PROCESS



FENIX HUMANITARIAN LEGAL AID

Annex 3: Optional Complaint Template

Complainant Information

Name:

Email:

Phone Number:

Type (please select as appropriate): Staff member, employee, consultant, volunteer or intern of Fenix/staff member, employee, consultant, volunteer or intern of partner/ client/ donor / other

If anonymous:

Please explain the reasons for not submitting your contact information.

If possible, submit an email or phone number where you can be contacted for further information that might be needed for the investigation.

Incident Information

Date of Incident:

Details of Incident:

Name of person who violated the Code of Conduct:

Name of other people who were involved in the incident:

If possible, the policy or clause of the Code of Conduct that was violated.

Additional information

Please attach a copy of any document that might support the complaint. E.g. photos, screenshot of messages or social media, names and contact information of witnesses.