



AIRA Complaint Response Mechanism (CRM) POLICY

APRIL 2025

INTRODUCTION

AIRA is committed to transparency of its motives, aims as well as its financial transactions. To ensure that this commitment is a life, AIRA has a Complaint Response Mechanism (CRM) policy where its work, activities and actions of its employees are properly addressed.

AIRA'S POLICY STATEMENT

AIRA is committed to working in an open and responsible way that builds the trust and respect of all stakeholders and/or beneficiaries.

To ensure that AIRA programs are continuously improved, we want to hear what our stakeholders, beneficiaries, partners and employees have to say whether in the form of a comment, a compliment or a complaint. Responding to complaints from stakeholders is a fundamental responsibility to AIRA's values on accountability and transparency.

AIRA has established CRM to encourage feedback about its work, conduct and action of staff from all stakeholders. Where a complaint is about AIRA conduct, AIRA shall respond in a timely and appropriate manner through established mechanisms. This policy will be actively disseminated to all stakeholders, beneficiaries and AIRA's Field Offices/Sub Offices.

GUIDING PRINCIPLES

- AIRA is guided by the values of commitment, equity, inclusiveness, integrity, human dignity and accountability and transparency.
- AIRA is committed to have an effective procedure for handling and responding to complaints. Procedures shall be simple, easily understood and widely publicized.
- AIRA has zero tolerance to any form of abuse of power, sexual exploitation, fraud and corruption, physical and psychological abuse and criminal offences.
- AIRA takes complaints seriously and positively. It shall address all issues of sexual exploitation, abuse of power, corruption and breach of the AIRA policies and standards.
- The AIRA Code of Conduct serves to guide all AIRA staff's attitudes, behaviors and ethical decisions in their professional as well as private lives.
- Appropriate cultural and local practices should be respected in the development of complaints mechanisms. Cultural practices violating human rights and against AIRA's values are exceptions.
- No staff shall retaliate against the complainant in whole or in part because he or she has disclosed alleged wrongful conduct. Any staff that is found to have violated this principle shall be subject to disciplinary action.

- Both complainants and accused have a right to challenge decisions and to be properly informed about the basis on which decisions have been made. At any point the confidentiality aspect shall be maintained.
- When necessary, it is particularly important to ensure that support is available to complainants in ways deemed appropriate.
- The procedure for complaints will be reviewed regularly to ensure and incorporate learning and improvement towards AIRA' accountability.

Definition of Key Terms

- **A complaint** is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by AIRA. This could be in relation to program activities or conduct of its personnel, how AIRA works with the communities or affected population and partners, or when AIRA policies and guidelines are not respected.
- **Complainant** is the woman, man, girl, boy or team of people who lodge(s) a complaint.
- **Corruption** is the "offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person"
- **Fraud** is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization's financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit.
- **Sexual exploitation** means 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 (UN SG Bulletin, 2003).
- **Sexual abuse** means the actual of threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions (UN SG Bulletin, 2003)
- **Psychological abuse or/emotional abuse** is a form of abuse characterized by a person subjecting or exposing another to behavior that is psychologically harmful. It involves the willful infliction of mental or emotional anguish by threat, humiliation, or other verbal and nonverbal conduct. It is often associated with situations of power imbalance, such as abusive relationships and child abuse.
- **Criminal Offence** is understood as deliberated acts which put in danger the life and physical integrity of any person. It is a breach of one or more State rules or laws that may ultimately prescribe a punishment.
- **Physical abuse** is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or harm.
- **Subject of Complaint** is the individual or team who are alleged to have been involved in minor or serious misconduct or malpractice.
- **Witness** is someone who has firsthand knowledge about a crime or dramatic event

through seeing, hearing, smelling, or touching and can help certify important considerations to the crime or event. It is important to remember that a Subject of Complaint is treated as a witness until proven to have committed a breach of conduct or a crime.

1. COMPLAINT

1.1. What is a complaint?

A complaint is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by AIRA. This could be in relation to program activities or conduct of its personnel, how AIRA works with the communities or affected population and partners, or when AIRA policies and guidelines are not respected. It might express concern about:

1. How a service has been managed, which has a direct impact on the communities and affected population;
2. A concern about the behavior of staff
 - a) The quality of program delivery;
 - b) Abuse of power manifested against those with less social power and how they are treated physically and or psychologically;
 - c) Staff members involved in corruption or abuse of one's position for private gain, such as misusing the financial and other resources of the organization;
3. Sexual coercion and manipulation (including all types of sexual acts) by a person in a position of power providing any type of assistance in exchange for sexual acts;
4. Sexual harassment or unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work.

A complaint is NOT:

- a) A general inquiry about AIRA work
- b) A request for information
- c) A contractual dispute

Complaints relating to internal staff employment conditions, guidelines and benefits are not dealt by this complaint mechanism but through the relevant Personnel regulations.

1.2. Types of Complaints

1. Operational Complaints

Operational complaints refer to complaints on program activities. It can be any of the following and if it may involve the following:

- a) Entitlements and commitments not met,
- b) How a service has been managed, which directly affects the communities AIRA works serves.

There may be instances of possible operational complaints or allegations against the AIRA implementing partner or on the community itself as a result of AIRA program activities. Where such action is required AIRA shall bring it to the attention and resolution of the concerned parties.

2. Serious Complaints

A serious complaint is related to breach of the Codes of Conduct (AIRA Code of Conduct, PSEA Policy and Anti-corruption and Anti-bribery policy and Child Safeguarding Policy) and if a complaint is an allegation or suspicion of any of these:

- a) Child abuse/exploitation
- b) Fraud and corruption
- c) Physical and psychological abuse
- d) A concern about the behavior of staff
- e) Sexual exploitation and abuse (including gender-based violence-GBV)
- f) Criminal offence

Serious complaints shall be investigated as a formal complaint. Whenever a person reports such allegations, it must be reported immediately through established mechanism even if the person does not want to make a complaint. All serious complaints must be reported to Executive Director or Head of Programs

A serious complaint may warrant further investigation. Any disciplinary investigation arising from a complaint will be subject to a separate process of investigation in line with the AIRA Investigation Guidelines, **Appendix 3**.

3. Anonymous Complaints

These are complaints that are lodged without revealing the identity of the complainant. AIRA strongly encourages individuals making complaints to disclose their identity so that a proper and thorough investigation can proceed immediately.

Anonymous complaints are difficult to deal with because their investigation is always dependent upon limited and questionable/unreliable information. However, AIRA shall consider receiving anonymous complaints. Without this option, it is possible that some serious problems may not come to light.

4. Malicious Complaints

AIRA acts under the assumption that all complaints are made in good faith and are not motivated with the intent for personal gain, personal interest or a grudge. If a malicious complaint is disclosed, any investigation shall be stopped immediately. If a malicious complaint

was made by AIRA employee, appropriate disciplinary measures will apply according to the personnel guidelines.

1.3 . Complaints that cannot be dealt with by this policy

These are complaints that are subject to current investigation by any regulatory body or legal or official authorities in places where AIRA operates.

These complaints include the following:

1. Events requiring investigation by a professional and/or a disciplinary body.
2. Events requiring an independent inquiry into a serious incident involving national governmental authorities.
3. Events requiring investigation of a potential criminal offence.
4. Legal action – The complaints procedure will cease immediately if the complainant explicitly takes legal action in respect of the complaint.

If a complaint is received which is not within the responsibility and domain of AIRA, referral shall be made to the relevant body appropriate to deal with the complaint. However, AIRA may take disciplinary or preventive measure on the case, as well as to conduct administrative investigation when deemed necessary

2. RESPONSIBILITIES IN HANDLING COMPLAINTS

ALL Staff have a Responsibility to respond positively to any complaints made to them and feel confident to do so.

Senior management should ensure an atmosphere of trust, confidence and value orientation for this purpose. Guidance and procedures are provided for staff and for the communities and affected population in order to avoid ad hoc, defensive, negative responses and uncertainty about what is expected of staff in responding to complaints.

Staff needs to know steps regarding dealing with complaints, who the specific focal point person is and the corresponding timelines to deal with complaints.

2.1 General responsibilities

The AIRA Complaints Response Mechanism Policy shall be posted and disseminated to all staff and communities and Field Offices.

The following are the key responsibilities:

1. AIRA Executive Director is responsible for ensuring that the Complaints Mechanism is relevant and functional. He/she acknowledges the complaint and makes the final decision on the appropriate action, based on the provisions of the Complaints Mechanism Policy
2. A Focal Point Person is assigned to receive complaints and ensure that the policy is followed according to the established procedures. The focal point person ensures the complaint and the procedures are documented and files are complete and secure.
3. A Complaints Handling Committee shall be constituted and could be composed of Senior

management. The focal point person should be a member of the Complaints Handling Committee. The Committee recommends to the AIRA Executive Director the steps to be taken with regards to the Complaint.

4. Complaints against senior management staff may be directed to the Executive Director. If the complaint is about the Executive Director, complaints must be directed to the Chairperson of the AIRA Board of Directors.
5. If the complaint warrants further investigation, the complaint is forwarded to an Investigation Team. The investigation then follows the AIRA Investigation Guidelines in **Appendix 3**. The recommendation of the Investigation Team is submitted to the Complaints Handling Committee and the Executive Director takes the final action on the complaint.
6. All serious complaints shall be communicated to the AIRA Executive Director and must be informed of the process in responding to serious complaints.

2.2 Devising and disseminating the procedures to handle complaints

- It is the responsibility of AIRA Senior Management Team to devise and publicize the Complaints Response Mechanism Policy and procedure for handling complaints from all sources and to respond to the complaints in an appropriate manner. This system should be effective, accessible and safe.
- It is also a delegated responsibility to the Executive Director to adapt the AIRA Complaints Mechanism Response Policy. The Executive Director shall also ensure that all staff and the communities AIRA work with are aware of the Complaints Response Mechanism Policy.
- The possible misuse of a complaints mechanism must also be considered. Measures to protect people and the organization against misuse of the complaint mechanism are necessary due to the risks such policy can favor.
- A record of complaints, along with responses shall be maintained by the Complaints Response Mechanism Officer

2.3 Complaints involving partners AIRA works with

- In working with partners who implement on behalf of AIRA, the partnership agreement shall outline the partner's adherence to the Codes of Conduct. Partners shall be requested to set up their own complaints handling mechanisms.
- If operational complaints are raised regarding the project AIRA is working on with the partner, this shall be dealt with in the usual partnership meetings and monitoring visits. Serious complaints about the partner must be referred to the respective organization

3. HOW TO COMPLAIN

3.1 A complaint can be raised by:

- an individual or community with whom AIRA works

- a partner organization, UN, government
- a member of the public
- a staff of AIRA

3.2 Complaints may be made through any of the following mechanisms:

- In person (all levels)
- Through a trusted intermediary
- A complaints box (in the AIRA'S Head office and Field Offices etc,)
- e-mail message to an assigned confidential e-mail (e.g. complaints@turkanapeople.org)
- hotline (to be established and maintain at AIRA HQs CRM Officer)

A complaint may be brought directly to the attention of a staff person. Appendix 4 is a sample Complaints Form. In cases where the person receiving the complaint is not the designated Focal Point, the staff shall forward the complaint to the Focal Point in charge of receiving complaints.

A written complaint may be dropped in a “complaint box”, where the Focal Point person opens the box and retrieves the complaints on a periodic schedule. The location of such a public complaint box is important – preserving the principles of safety, confidentiality, transparency and accessibility (Appendix 3). Where appropriate, a “helpline” should also be installed.

A confidential e-mail connection or a telephone hotline may also be established, as means to preserve confidentiality in the communications.

A complaint may also be channeled initially and verbally within the affected population or community, which shall have their own procedures in place. For example, a refugee or community focal person or committee may be established to receive and handle a complaint.

3.3 Time limit for making a Complaint

Any complaint should be made as soon as possible, but no later than six months from the date when the incident happened.

4. STEPS IN PROCESSING COMPLAINTS

All complaints should be dealt with in a fair and professional manner. The following are the steps in processing complaints:

4.1 Providing written acknowledgement to the Complainant

When a complaint is received, the focal point person studies the complaint and convenes the Complaints Handling Committee.

A written acknowledgement that a complaint has been received is drafted by the Focal Point Person, as recommended by the Complaints Handling Committee, and signed by the Executive Director.

This written acknowledgement is important for reasons of accountability and transparency. It shows the complainant that the allegation is taken seriously and it gives her/him the

information they need to ensure that AIRA is responding properly. If an investigation follows, this provides a record that AIRA has received the complaint and has given initial indications on how it has handled the situation in the initial stage.

The letter of acknowledgement is generally a letter to the complainant telling her/him that AIRA has received the complaint and summarizing the actions it will take.

The acknowledgement letter should be in writing, concise and clear. If the complainant does not want a letter, or the AIRA believes that such may put the complainant or others at risk, it is possible to confirm receipt orally.

Acknowledgement Letter states the following

1. When and how the AIRA received the complaint
2. Who in AIRA IS Responsible for acting on the complaint
3. Who the complainant should contact regarding questions or feedback

4.2 Adhering to Confidentiality

Confidentiality shall be maintained so that only the staffs who are handling the complaint are aware of the complaint and the information surrounding the complaint. Any breach of confidentiality shall lead to disciplinary action according to AIRA Human Resource Manual.

4.3 Identifying Risks and Providing Protection

AIRA focal point person should find out whether the complainant or anyone else is immediately or potentially at risk. Risks should be addressed, and any security concerns should be referred to the Human Resource Officer. Adequate and rapid protection and security measures must be provided to the person initiating the complaint, to ensure that he/she is protected from any possible reprisals.

4.4 Taking Action

The Complaints Handling Committee shall meet and deliberate on the Complaint received and the form of action to take. This shall be communicated to the Executive Director

4.5 Questions on deciding whether to investigate and or channeling as appropriate

The Complaints Handling Committee will recommend to AIRA Executive Director whether to investigate the allegation which will be asking the following questions:

1. Is there a complaint? The complaint must be a genuine concern of the complainant, and is raised in good faith, and is not motivated with the intent for personal gain, personal interest of a grudge. If it is determined that the complaint was not made in good faith, disciplinary measures should be taken.
2. Does the complaint relate to a breach of Code of Conduct on Sexual Exploitation and Abuse of Power, or violation of any of AIRA policies and guidelines?
3. Is there sufficient information and evidence or is there a need to further investigate?
4. Is the allegation conclusive enough to take management action?

Answers to above questions will determine whether an investigation is justified. If so, then investigation procedures should be put in place.

Some complaints may not be straightforward. The Complaints Handling Committee may refer to any of the following:

1. AIRA Code of Conduct on Sexual Exploitation and Abuse of Power
2. AIRA Finance Manual
3. AIRA Child Protection Safeguarding Policy
4. AIRA Procurement Manual
5. AIRA HR Manual
6. AIRA Investigation Guidelines

4.6 Informing the Complainant about the Investigation Outcome

The outcome of the investigation will be communicated to the Complainant, where possible within 30 days after the acknowledgement of the complaint. In case for justifying reasons this timeline is not feasible, the complainant shall be immediately informed.

The CRM Focal Person shall communicate in writing the outcome of the investigation to the complainant.

4.7 Appeal Process

Whenever the Complainant is not satisfied with the resolution of the complaint, he/she may lodge an appeal within 30 days upon receipt of the decision. AIRA's Executive Director and the Complaints Handling Committee shall analyze the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation.

The appeal shall be considered only once.

4.8 Time Allocation on Respective Actions

AIRA will aim to resolve complaints within 30 working days of receipt. In the event that a complaint cannot be resolved within 30 days, the complainant will be informed in writing when to expect a full response. The following is the time allocation for specific actions.

Table: 1

Action	Time Allotment
Complaint Received	Incident should be reported soonest but can be brought up within 6 months of incident
Acknowledgement of the Complaint Received	Within 2 days
Resolution on Operational Complaints	Decision within 7 days

Complaints needing further investigation	Actual investigation in 7 days though may vary depending on the nature and complexity of complaint Maximum 21 days
Inform AIRA Board on serious complaints	As soon as the information is known and reflected in CRM monthly report
Resolution of a complaint undergoing investigation	Maximum 30 days of receipt of complaint
Appeal process	Within 30 days of decision

5. INVESTIGATING A COMPLAINT

If the complaint is to be further investigated, the investigation guidelines in **Appendix 3** must be followed.

Operational complaints not needing a formal investigation will go through the normal process of action and decision making by Executive Director.

6. CONFIDENTIALITY

AIRA recognizes importance of confidentiality to a satisfactory outcome because it protects the privacy and safety of the concerned individuals. The facts and nature of the complaint, the identity of the key participants and the investigation records are confidential.

1. Information should not be disclosed unless the person who has provided the information has given written and explicit consent to disclose the information.
2. Appropriate care must be taken where the information of the complaint recorded is provided in confidence by, or about, a third party who is not AIRA's employee.
3. Disclosure of information provided by a third party outside the AIRA also requires the expressed consent of the third party. If the third party objects, then the information can only be disclosed where there is an overriding public interest in doing so. It is not appropriate for someone to make this decision on his/her own. Legal or other advice must be sought

AIRA shall only allow disclosure when:

- It is required or permitted by law
- It is required by management in the best interest of the organization and parties involved

7. MONITORING AND EVALUATING THE COMPLAINTS RESPONSE MECHANISM

1. The use and relevance of the complaints mechanism shall be monitored. AIRA M&E Officer will be responsible for monitoring Complaints Response Mechanism in coordination with Head of Programs. This will be done in liaison with staff at all levels and AIRA offices.
2. Complaints Handling Committee, CRM Officer and Human Resource Officer will explore in detail how resolved complaints were handled to identify any possible lessons,

improvements to complaints handling or suggestions for changes in practice, as well as good practice examples.

3. AIRA Complaints Mechanism Policy will be formally reviewed every three years. Critical lessons learnt and suggestions for improvement should be considered as appropriate and relevant when there is a need to upgrade the system.

Appendix 1: CONFIDENTIAL – AIRA Complaint Form

This form should be completed by the person wishing to lodge a complaint or documented by a third party. All information must be held securely and confidentiality must be maintained at all times

File Number: _____

A: General data

1. Name of the person lodging the complaint _____ Sex _____ Age _____
2. Address: _____
3. Tel: _____ email: _____
4. Name of the person you wish to lodge a complaint against (if known): _____
5. Date of incident _____ Time of incident _____
6. Place of incident _____
7. Date of reporting _____ Time of reporting _____

B: What is the complaint? (State the nature and key issue of the Complaint)

Guiding C: Brief description of the incident or concern (*State what exactly happened, trying to follow the sequence of events from start to finish; If the incident location is not well known, describe the location based on your memory of it; Give a description of the 'subject of complaint' if you do not know her/his name*)

D: Name of witnesses (*if any*) *Supply the names of witnesses and where they can be contacted, if known;*
E: State what kind of a response you expect from AIRA and how you wish to see the matter resolved

Name and Signature of Complainant: _____ Date: _____

Case referred to: _____ Date referred: _____

Name and signature of AIRA Staff responding to the Complaints:

Describe action taken: (*provide detailed information example, if medical assistance has been provided, what psychosocial care has been provided and whether a report has been made to the Police.*)

Appendix 2: WHERE TO SEND YOUR COMPLAINTS

Hotlines and e-mails

AIRA Executive Director

+254720557266 or amfry@turkanapeople.org

Communication to:

- Mr. Onesmus Amerikok Ekwakai – CRM Officer – FOCAL POINT (+254110073889) – Complaints@turkanapeople.org

Appendix 3: AIRA Investigation Guidelines

Introduction

The purpose of this document is to provide guidelines for planning, conducting and managing a formal investigation for complaints received by AIRA. It includes an overview of the key steps to be taken and the issues AIRA must consider when conducting an investigation.

While AIRA recognizes that many complaints can be dealt with and resolved informally, other complaints may require a formal investigation. All investigations should be conducted and addressed locally if possible. Complaints involving AIRA staff working in the most Senior Position (Executive Director and Head of Programs etc.) will be referred to and handled by AIRA Board of Directors as outlined in the AIRA's Complaint Mechanism.

1. Principles for Investigation

All investigations must be guided by the following principles:

1. *Accountability*: Those who conduct the investigation must adhere to these guidelines and must record accurately and comprehensively the steps which are employed in conducting an investigation. The methods and techniques employed in the investigation must be appropriate for the circumstances and proportional to the objectives of the investigation.
2. *Legality*: the investigation must be conducted in a legally enforcing way, demonstrating fairness and reason, and based on clear and convincing evidence
3. *Systematic*: investigations will be conducted in a methodological manner
4. *Transparency*: AIRA staff and persons of the affected community know that this procedure exists and how to access those involved in conducting the investigation procedure.
5. *Impartiality*: the investigation must be conducted in an unbiased and fair manner.
6. *Timeliness*: investigations must be conducted effectively within the set out time.

2. Planning to initiate an Investigation

Appointing an investigation team

The most senior AIRA manager and the Complaints Handling Committee must create a

team to conduct the investigation. The composition of this team may differ depending on situations and nature of the complaint. The team generally consists of a manager and investigators. The investigation team should be comprised of staff with some experience or qualifications dealing in investigation work, human resources, are professional and are responsible to handle the ToR set out by this guideline. Complaints Handling Committee member shall not be a part of the investigations team. Depending on the circumstances independent observers, interpreters and outside expertise may also comprise form part of the investigations team.

In cases of fraud, a specific methodology shall be followed which adheres to these general guidelines. Investigations of this nature will require an independent financial expert to be part of the investigation team.

Composition of the Investigation team

1. *Investigations Manager:* A manager will directly supervise the case. He or she will oversee the investigation and to coordinate the appropriate response. He or she is not to partake in the actual investigation; but rather to take on a supervisory role. He or she should ensure that the investigators are properly trained, supported and debriefed following difficult investigations, when necessary. This individual will report to other senior managers on a need to know basis.
2. *Investigators:* Investigators should be two who will work on every investigation. They must be a male and female. They are responsible for developing and executing the day to day conduct of the investigation plan. This includes gathering evidence, preparing and submitting an investigation report.
3. *Observer:* Whenever there is one investigator or if he or she cannot attend an interview, a third external and independent observer should sit in on the interviews so as to ensure accountability. An observer is important in extremely sensitive cases such as sexual exploitation; an external observer may be present.
4. Preferably, interviews should be conducted in local languages. But, when this is not possible, English, will be used. Interpreters who are neutral and have no relationship to the interview. they must be neutral and have no relationship to the interviewee but should be avoided when possible. They must interpret directly what the witnesses' say without comment or inference.
5. The investigation team should consult external expertise (legal expertise, experts on child interviewing, medical experts, financial consultants, member churches etc.) throughout the investigation where necessary and depending on the circumstances.

Designing an investigation plan

When a formal investigation has been authorized, the investigation team must devise an investigation plan and kept in an investigation file. This file is to be shared strictly with the investigation team and kept confidential.

The Content of an investigation plan

3. Who from AIRA will be contributing to the investigation and what their role will be
4. A statement which clarifies the main issue of the complaint, and which is clearly understood by all members of the investigation team, the key witnesses to be interviewed
5. What might be used as evidence and where to gather it
6. What the investigation will cost in terms of resources and money
7. Any security concerns that may be raised throughout the investigation and how they will be handled.
8. Time lines in which to complete the different phases of the investigation. Ideally, investigations should be completed within 21 working days of the complaint being received. However, nature and complexity of complaints is recognized and that investigations may require more time.

It is important to note that, initial investigation plan is based on current knowledge of the allegation at the start of the investigation. Consequently, this investigation plan is not static and should be reassessed and updated as necessary throughout the investigation procedure.

Confidentiality

Confidentiality is of high importance and thus attention and focus about it should be observed. The following must be kept confidential

- 1 The fact and nature of the complaint.
- 2 The identity of key participants.
- 3 The investigation file is strictly confidential.

Access to information about the complainant and the investigation is restricted and can only be disclosed to a limited number of specified people on a "need to know" basis. All AIRA staff members involved in the investigation must sign an oath of confidentiality (**Appendix 4**) which is kept in the investigation file. All participants are responsible for any willful or negligent disclosure of information regarding the investigation and for violating the oath of confidentiality. The identities of AIRA staff members that violate this oath will be disclosed to the appropriate director and subject to disciplinary measures according to AIRA Human Resource Policy.

Investigating Anonymous Complaints

It may be possible to investigate anonymous complaints if there is sufficient background information and/or if there are good leads to witnesses who can testify to the alleged incident. Also, investigators should gather evidence that would be relevant the anonymous, and if warranted, interview individuals with information about the alleged incident.

Legal Considerations

Before beginning the investigation, various legal constraints on the investigation should be taken into consideration. It must be emphasized administrative, investigative guidelines do not supersede legal or official authorities wherever AIRA is at work. National employment laws, national criminal law, organizational policies and the subject of complaint's (SoC's) contract may influence how the investigation proceeds.

If, pursuant to legal obligation to do so or on the basis of discretionary decision, either the complainant or AIRA informs the national authorities of the allegation, the administrative investigation may continue if it can do so, legally and practically, without interfering with any criminal or other official investigation. Information gathered during the administrative investigation may be transmitted to the relevant national authorities in response to an appropriate official request. Depending on the circumstances and the complexity of the complaint, AIRA will seek legal expertise when necessary.

9. Conducting an Investigation

9.1 Gathering Evidence

Before the start of the interview process, it is necessary to gather additional background information and evidence that is relevant in deciding whether an allegation is true or not. It is important to begin collecting evidence as soon as possible after the complaint is received. This is to help avoid evidence being destroyed, tampered with or lost. It will also give the investigation team ideas about whom to interview and what questions to ask. This information may be in the following forms:

- Physical evidence (found nearby or at the physical site of the allegation)
- Expert evidence (expert opinion may be sought to gain specialized knowledge in a particular subject that is beyond what would be known by an average person i.e. Medical expertise)
- Documentary evidence (which may be in hard copy or electronic form).
- Witness testimony (information about what a person experienced that is what someone saw, heard, smelt, etc.)

In most cases, relevant documentary evidence will be located within AIRA premises or in the possession of AIRA staff members. Other evidence may be found unexpectedly while performing the investigation procedure. AIRA bestows its investigation team with a mandate to initiate and conduct investigations on AIRA's behalf. In doing so, this empowers investigators to collect evidence and to be granted access to do so without hindrance or prior clearance. Examples of different forms of evidence that may be relevant to the investigation:

- Financial records, payment vouchers, order forms, ration books etc.
- Staff records, rosters, staff organizational diagrams, individual case files, contracts
- Photographs, telephone records, emails, computer files, surveillance video-tapes

AIRA staff have a duty to cooperate, tell the truth and disclose all information relevant to the case. Any AIRA staff who deliberately interferes with the investigation or willingly lie to

obstruct justice will be disciplined according to AIRA Human Resource Policy so that timely, a fair and just investigation process may proceed without delay.

9.2 Rights and Obligations of the interviewees

During investigation process all the concerned (complainant(s), the SoC (subject of complaint) and all key witnesses) should be interviewed. All interviewees are to be treated professionally and courteously throughout all stages of the investigation process. The SoC is to be treated in the same manner as all the other witnesses. He or she will be presumed innocent until proven otherwise and is entitled to a fair and just due process of investigation.

Before beginning the interview, all participants should sign the oath of confidentiality (**Appendix 4**). All interviewees should be made to know that what they reveal will be treated and held confidential and that there will be no reprisal for making a complaint or for providing testimony that supports or negates the proposed allegation as long as it is made in good faith. In certain circumstances and depending on the nature of complaint, the SoC may be placed on administrative leave or suspended from work during the duration of the investigation.

9.3 Interviews procedure

1. The complainant should be interviewed first. He or she should provide a comprehensive account of the proposed allegation including all important details and any leads to pursue. This will help to identify other potential witnesses who may need to be interviewed who were not previously considered.
2. Secondly, witnesses who have knowledge about the alleged incident but who are not believed to be involved in any wrong doing should be interviewed. Individuals with direct knowledge about the alleged incident who may have been involved or implicated in some way with the wrong doing should be interviewed afterwards.
3. The SoC is to be the last person to be interviewed. This is to give investigators maximum opportunity to compare the SoCs testimony against the other accounts. There are special considerations to take into account when interviewing the SoC:

Considerations to take into account when interviewing the Subject of Complaint

- The SoC is entitled to a fair and impartial process. This means that the SoC may respond to the allegation by hearing the evidence brought against him/her and by having the opportunity to respond to that evidence. The SoC is able to bring up new evidence and indicate new witnesses that he/she feels are useful in disproving the allegation against him/her.
- The SoC is not entitled to know the name of the complainant or any other witnesses, or the source of evidence brought against him or her.
- The SoC should not be presumed to be guilty of the alleged offence. The focus of the investigation is to obtain information that either proves or disproves the allegation. All information that does either of these will be considered and there are to be no preconceived biases regarding the SoC.

Interviewees may be interviewed for a second time in order to clarify information, conflicting testimonies or if new evidence is brought forth to which they need to be questioned. Re-interviewing a subject is not advisable and careful planning should be done prior to conducting the interview in order to ensure proper preparation for the interview and to avoid having to a re-interview a subject.

If re-interviewing does not resolve the conflicting testimonies, it may be necessary for the SoC and the complainant to meet face to face to discuss and clarify the discrepancies. If this step is to be taken, it must be done so in consultation with the most senior AIRA staff in charge. This is only to be done as a last resort and only if the complainant accepts the disclosure of his/her identity to the SoC.

3.4 How to conduct an Interview?

There is no one typical way to conduct an interview but there are some general guidelines one should adhere to:

- Interviews should always be conducted face to face if possible. If circumstances do not allow this, investigators may arrange an interview by telephone or a video conference instead.
- There should always be two investigators present at all times during the interview, respecting the criteria for composition of the investigation team.
- If the interview is to be tape recorded, the interviewee must be informed and needs to agree with this procedure before the interview begins.

3.4.1 Steps to be followed during interview session

1. Establishing Rapport

It is important to Build a rapport with the interviewee at the beginning of the interview so as to gain the witnesses' trust and set the tone throughout the interview process. So, the investigator should take time to introduce him/her and to tell the witness why he/she is being interviewed. To create that rapport, investigators should be polite, informative and respectful.

2. Free Narrative

Investigators should allow witnesses latitude to provide a 'free narrative' of what happened during the alleged incident so that the witness can give an uninterrupted account of the events. This is done by prompting the witness with very general, open ended questions.

- For example, 'Can you tell me about your general duties? Or "Can you explain the sequence of events that happened on"' etc.
- The witness can be probed further by using neutral prompts such as, "and then what happened?" Any specific questions or clarification that is needed should be asked after the witness is finished giving their testimony.

3. Specific Questions

At this stage it is now appropriate for the interviewer to ask very specific questions. For

example:

- Open ended questions i.e. Tell me more about your relationship with the SoC
- Specific questions i.e. What happened after you picked up the supplies?
- Closed ended questions i.e. What was the amount of the transaction?

Leading questions and suggestive language which can distort the witness's memory should be avoided. For example, rather than asking "Was he wearing a red shirt?" which is a leading question, rephrase it as "What color was his shirt?"

4. Closure

To end the interview, the interviewer should summarize what the witness has said, and provide an opportunity to ask if they have anything to add and answer any questions. Also he or she should provide the witness with their contact information for further communication and thank them for their time

Investigators must maintain a neutral tone throughout the interview. One must remember that the investigation process is a fact finding mission. All information is to be taken at face value and recorded as such. It will be assessed for credibility after the interview and without the witness present.

3.5 Recording and Documentation of information given in an interview

It is best practice for one investigator to focus on asking the questions and the second investigator to be responsible for note taking. The notes should be very detailed and almost verbatim and not investigators' own opinions, conclusions or analyses. These notes form the record of interview.

The record of interview should include;

- The details of the interview; the who, what, where, when and how
- The information asked for and provided during the interview
- Include facts obtained from the interviewee as well as their relevant opinions and impressions. (Note; the investigators own opinions, conclusions and analyses should NOT be included).
- It should be presented in a question-and-answer format

The interviewee is to review it and sign it if they agree with what has been recorded. If they do not agree with the record of interview any changes or comments that are made must be documented and an explanation given for the changes. Once agreed upon and signed, the record of interview is then to be put in the investigation file.

3.6 Validating the Evidence

Once all the evidence has been gathered and all of the interviews conducted, the accuracy and authenticity of the information must be established. When validating evidence, the investigation team should take into consideration:

1. If witnesses have certain biases or prejudices that may have influenced their testimony
2. The credibility/reputation of the source
3. Whether what was reported was based on hearsay (from a secondary source rather than based on personal knowledge)
4. If testimony was based on opinion rather than fact
5. If information/documentary evidence gathered is outdated, or taken out of context

Once the investigation team has evaluated the credibility of witnesses' testimonies and other evidence, they must establish the existence or non-existence of proof of the allegation. In adherence with the criteria set out in these guidelines, an outcome is to be decided which accurately reflects the conclusion of the information gathered and which ensures the fair delivery of justice to those involved. Ideally, the outcome of the investigation should be reached by consensus of those involved in the investigation team. If consensus between the investigation team cannot be reached, the AIRA representative in the most senior position should be consulted for further guidance.

4. Conclusions

4.1 Follow up and Recommendations

Once the evidence has been reviewed and validated, the investigators must write an investigation report which is to be prepared locally and presented to the AIRA investigation manager for consideration before being signed by him/her.

The investigation report is a summary which must address all aspects of the investigation including how the alleged misconduct was discovered, the steps taken to gather the evidence, the investigators' conclusions and the evidence supporting those conclusions.

The conclusion of the investigation must be clearly stated in the investigation report and will result in one of the following:

1. "found by reasonable inference"
2. "not found due to insufficient or unclear evidence"
3. "not found based on evidence to clear the SoC or to establish a malicious complaint"

The investigation team will submit the investigation report to the Complaints Handling Committee and the Executive Director for consideration. Upon approval, the Executive Director takes the final action and signs the investigation report and recommendation. This is to demonstrate and document that appropriate action has been taken.

Where the investigation involves a serious complaint as indicated in AIRA Complaints Mechanism Policy, a copy of the report must be sent to the AIRA Board of Directors

4.2 Report Structure

The report should be structured in the following way and should not be more than ten pages in length:

1. Title page which clearly indicates the confidential nature of the material
2. Table of contents
3. Introduction and preliminary remarks: how the alleged misconduct was discovered, who received the complaint and the completed Complaint Form (Appendix 1)
4. Methodology: steps were taken during the investigation, how the evidence was gathered, and details regarding the interviews
5. Findings
6. Conclusions and recommendations
7. Annexes

The investigation report should be filed within 21 working days after the complaint was received, unless otherwise delayed by unavoidable circumstances. If it is not available within 21 days, the investigation team must notify the Executive Director of the delay and the reasons thereby. The final resolution of the investigation will be communicated back to the complainant within 30 days.

4.3 Informing participants of the outcome of the complaint

a) Complainant

The Executive Director shall communicate the outcome of the investigation to the complainant. However, he or she does not have the right to be informed of the identities or the evidence provided by the other witnesses.

b) SoC

The Executive Director shall inform the SoC of the outcome of the investigation. The SoC must also be informed if the allegation has been referred to AIRA board Chairperson and if further action will be taken. If the complaint is not substantiated, the SoC must not be informed of the identities of any informants or the complainant.

c) Other Witnesses

Do not need to be notified of the outcome of the investigation.

4.4 Discipline

If the complaint has been substantiated the Executive Director (in cases of sexual exploitation) will decide on the appropriate disciplinary measure to be taken according to AIRA Human Resource Policy. Disciplinary decisions should never be taken by anyone involved in the investigation.

If the SoC is a national employee, the Executive Director must follow national employment laws when considering disciplinary measures. If they are not followed and the SoC was dismissed, s/he could be reinstated or awarded damages. If the employee is an expatriate, it is important to check if the employment laws of their sending country apply.

If the complaint was found to be a false allegation made out of malice and deceit the

complainant will be subject to disciplinary measures to be decided by the Executive Director

4.5 **Appeals Procedure**

The complainant or the SoC may lodge an appeal within 30 days of the receipt of the outcome of the investigation.

The circumstances which may lead an appeal include the following:

- If one of the parties feels that important parts of the complaint were not investigated
- More evidence was available but not gathered or certain witnesses that were important to investigate were not interviewed
- The evidence gathered does not support the investigation conclusions
- The appeal will be heard by the board of AIRA and if necessary a second and last investigation will be launched. The decision of the investigation may only be appealed once.

4.6 **Follow Up**

If investigators provide recommendations to management for follow up, especially if the allegation was a result of inadequate or unsatisfactory organizational practices, senior management must develop an action plan to address and prevent similar situations from occurring in the future. AIRA management should monitor regularly to ensure that all possible measures have been implemented and are functioning properly.

Appendix 4 Example Oath of Confidentiality

I, the undersigned, shall exercise the utmost discretion with regard to my involvement in the investigation being conducted by The Lutheran World Federation. I shall hold secret all information known to me by reason of my participation in the investigation procedures. I shall not use such information for private gain, or to favour or prejudice any third party.

I understand that this declaration will remain in force after the completion of the investigation. I also understand that divulging confidential information to persons who are not authorized to receive it may amount to misconduct, and that the signed original of this declaration will be held in the relevant investigation file.

Name: _____

Title: _____

Role: _____

Signature: _____

Date and Place: _____

To be filled out by an Investigator before whom the Oath is taken:

Case number: _____ Title: _____

Name: _____

Signature: _____

Date and Place: _____