

D. Complaints Handling System

D.1 Introduction

Since the DFGG project aims to assist the RGC reform process by encouraging and enabling demand-side citizen involvement in governance and social accountability processes, as well as building the capacity of participating SIs to better respond to demand-side concerns, it is especially important that the design of all project components incorporate mechanisms and processes to address complaints that may arise in the course of project implementation, as a result of their activities or omissions therein.

The DFGG Project, although time-bound, will therefore establish a Complaints Handling System (CHS) that will receive and act upon complaints from citizens or organizations in relation to any occurrences for which the DFGG Project is directly responsible (or believed to be responsible), and which are perceived by the aggrieved party to have involved corrupt, illegal, unjust, or unfair activities, omissions, or behavior.

The CHS will consist of mechanisms and procedures at *two levels*: (i) the various IAs; and (ii) a Complaints Handling Mechanism (CHM) which will involve the PMT and, as need, the PCG, and will be supported through the MOI's PCO. These are briefly described below.

What constitutes a 'complaint'?

For the purposes of the DFGG Project, a complaint is a notification (in written, verbal or electronic form) regarding project activities and/or conduct of staff, consultants, partners and/or sub-contractors of the six IAs, directly or indirectly supporting the project or associated with its implementation, which the complainant believes is wrong, either under the law or on the grounds of unacceptable behavior.

The complainant(s) need not be personally aggrieved or impacted, and may be acting merely in accordance with a sense of civic duty in bringing an occurrence to the attention of project authorities.

All complaints, whether notified by persons who feel personally aggrieved or acting out of a sense of civic duty, will be acknowledged and acted upon by project authorities.

D.2 CHS at the IA level

As such, most of the IAs already have some form of complaints handling already existent – e.g. the AC already has standard procedures and guidelines to handle complaints and related questions with regards to labor disputes that are registered with it. Similarly, MONASRI has a complaints handling department, and the NCDSD shall be using the office of the District

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Ombudsman as a means to receive citizen grievances at the local level. The CHS for the DFGG project will aim to build on and strengthen these existing mechanisms.

At the level of an individual IA, it is envisaged that complaints may fall under one of three situations:

- (i) the complaint refers to outputs, activities and processes that fall under the IA's mandate – at first instance, these should be handled by the relevant IA, where it is assumed that an understanding of the concerns raised and options for addressing them will be greatest;
- (ii) the complaint refers to an issue outside the mandate and scope of work of the IA – these should be channeled to the appropriate agency; and
- (iii) the submission is not a complaint but, in effect, a request for information or clarification – the required information or clarification, if within the scope of the IA, will be provided directly or will be channeled to the appropriate agency, if needed.

In support of this approach, each IA should have a clearly **designated focal point**, who will receive, screen, and route the submission as appropriate – whether to be handled within the IA, through its internal mechanism, or forwarded elsewhere. If resolution of the complaint through the IA's internal mechanism is not achieved, the complaint will be referred to the MOI.

D.3 The Complaints Handling Mechanism (CHM) at the MOI

Apart from the individual IA complaints mechanisms, a stand alone Complaints Handling Mechanism (CHM) will be established at the MOI. The MOI's CHM may receive submissions directly from stakeholders, through the DFGG website, and in written or verbal form (if a phone hotline is established); it may also receive complaints forwarded by the IAs, as noted above. As in the case of the IAs, the CHM will require the screening of submissions for appropriate handling.

The CHM will directly focus on and seek to resolve those complaints (and requests for information or clarification) that pertain to outputs, activities and processes undertaken by the DFGG Project, i.e., those which (i) are described in this PIM; (ii) are funded through the DFGG Project (including counterpart funds); and (iii) are carried out by staff or consultants of the six IAs, or by their partners and sub-contractors, directly or indirectly supporting the project.

It is envisaged that such cases would fall under (but are not limited to) the following categories:

- (i) request for information, comment or suggestion, e.g., request for clarification as to the delay in reimbursing expenses of participants in a given training event;
- (ii) violation of rights or non-performance of obligations, e.g., complaint by consultant or firm whose contract is suspended as a result of presumed poor performance or non-delivery of agreed-upon outputs;
- (iii) grievances or offenses involving a violation of law, e.g., allegations of corruption; and

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- (iv) complaints against project staff, members of project committees, consultants, and sub-contractors involved in project implementation, e.g., allegation of bias in the awards of the GMC for Component 2.

Examples of activities or events which the CHM at the MOI will not address would be:

- opinions given by callers to the RNK talk-back program;
- awards regarding labor disputes issued by the Arbitration Council;
- application of laws which are under the purview of MONASRI;
- the types and extent of services provided by the One Window Service Office;
- the results of social accountability audits carried out by an NSA grant recipient; and
- opinions about government programs outside the mandate of the DFGG Project, voiced by participants in learning and communication activities conducted under Component 3B.

In the event that complaints are received concerning such activities, these will be acknowledged and then passed on to the relevant agency for appropriate handling.

Institutional Arrangements for the CHM at the MOI

The CHM at the MOI will not require an additional institutional structure but will draw on existing resources through the following:

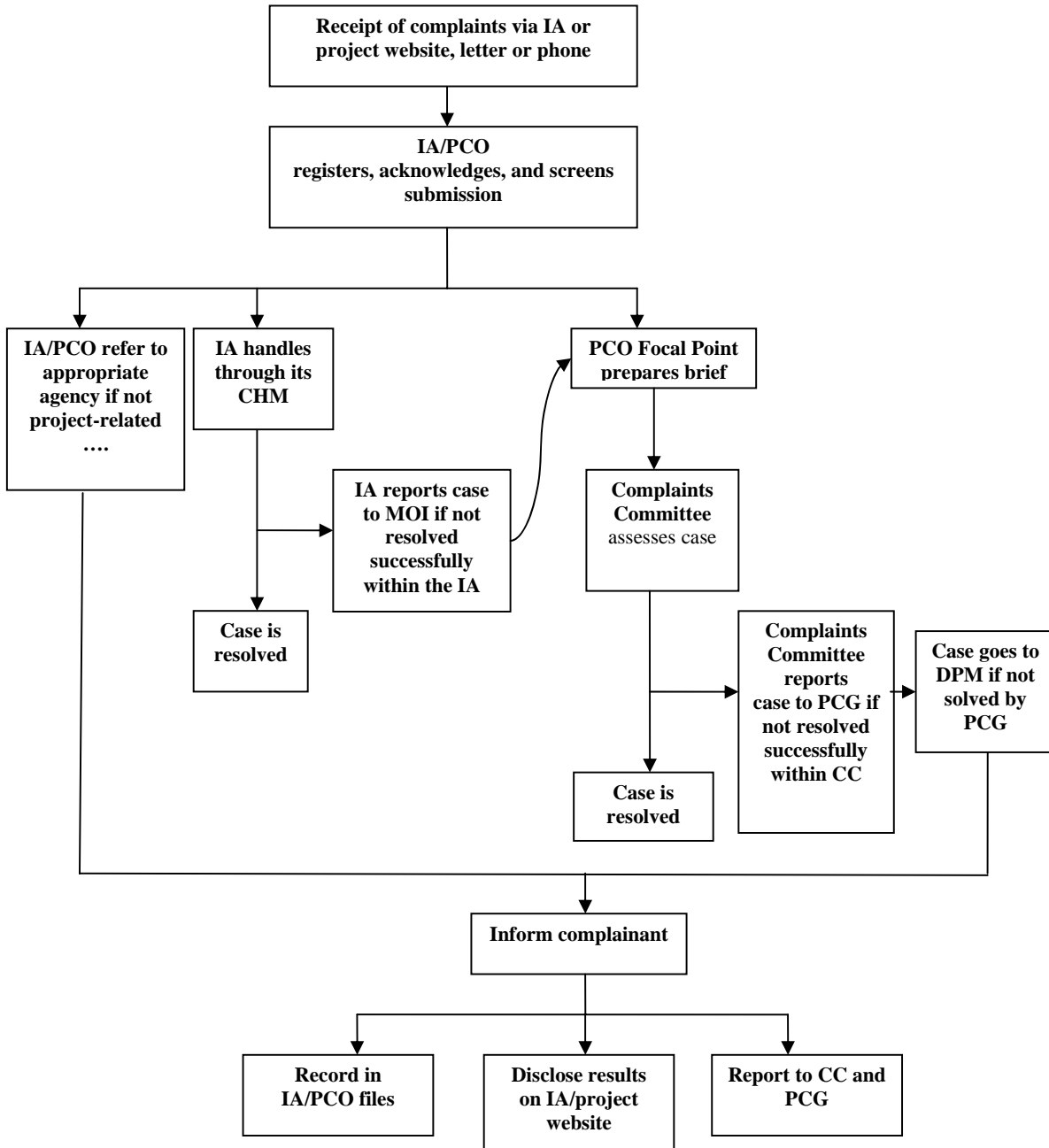
- (i) ***Complaints Committee***: To ensure fairness, oversee due diligence, and coordinate as needed across IAs in the handling of complaints, a Complaints Committee (CC) will be constituted. The CC will have a maximum of six members, the core of which will be drawn from the PMT (the DFGG Project Director and two other Project Directors from the IAs¹). The CC will also include the PCO Internal Auditor. In addition, to ensure neutrality, the committee will include, one or two respected representatives of the non-state sector, to be nominated by the GMC of Component 2 or from within the Advisory Committees of the various components and subcomponents. A representative from the RTO (to be engaged to facilitate implementation of Component 3B) will also be invited to participate as an observer. The Project Director will chair the Committee meetings.
- (ii) ***PCO support***: Overall responsibility for managing the CHM at the MOI will be held by the Project Director. A staff of the MOI's PCO will be appointed as the focal point for undertaking the day-to-day tasks associated with the various steps of the process described below. It is anticipated that staff from the MOI Inspection Unit may join the PCO to undertake these support tasks.

¹ These may be selected to serve on the Committee for a given period of time (e.g., one year) or on an ad-hoc basis, depending on the nature of the case brought before the Committee.

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Figure 1 below summarizes the key features of the CHS of the DFGG Project, differentiating between the mechanisms that are foreseen within each IA and that which would become available at the MOI through its PCO.

Figure 5: Key Features of the DFGG Project Complaints Handling System



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D.3 Key Principles of the CHS

The principles upon which the DFGG CHS will be founded are:

- *Accessibility:* There will be alternative entry points to access the CHS. Complaints may be submitted through any of the IAs or to the MOI PCO. Complaints may be submitted in writing, by phone, or through the DFGG Project website. Complaints may be made by or on behalf of an individual, a community, or an organization. Individual communities and citizens may submit complaints either directly, or through a proxy organization, such as a NGO or trade union. The CHS, its structure and processes will be kept simple so as to be easily understood by all citizens and stakeholders.
- *Outreach:* Information about the CHS, and the alternative ways to access it, will be posted on the DFGG Project website, and will be presented and explained during DFGG Project orientation activities. Project publications, especially those targeting citizens, communities, and NSAs, will contain key information detailing the alternative channels for submitting complaints and explaining the process involved.
- *Neutrality:* To ensure fairness in the handling of complaints, a *Complaints Committee* (CC) will be established. The core of the CC will be drawn from the PMT, but will also include a respected and neutral representative of the non-state sector and a representative from the Research and Training Organization engaged to facilitate implementation of Subcomponent 3B (see Institutional Arrangements below). Committee members will absent themselves from committee business in the event that they or their agency are the subject of a complaint.
- *Responsiveness:* Receipt of all submissions will be acknowledged by the IA and by the PCO (as appropriate) within five working days. Consideration of valid complaints by the Complaints Committee will occur within 30 working days, giving time for collection and examination of evidence if required. Additional time may be required for negotiation with aggrieved parties, but resolution should not exceed 45 working days.
- *Openness and transparency:* The project will keep a record of all complaints submitted, including their outcomes, and details of time taken to consider and resolve the complaints. A regularly up-dated summary of this record will be posted on the DFGG Project website, and will be available to stakeholders and the media.
- *Anonymity and confidentiality:* Citizens submitting complaints may request anonymity, in which case their names will not be made public through the website or released to the media. Confidentiality will also be observed during the period in which the Complaints Committee is considering a case (e.g., the source and any person, company or entity accused of wrongdoing should be protected).
- *Flexibility:* The overall DFGG Project CHS and the CHM at the MOI more specifically, will remain flexible in order to ensure alignment with the evolving mechanisms and processes within the other participating IAs, and to be able to incorporate the lessons and experience that will be made available in the course of project implementation. To this end, the overall CHS and the CHM at the MOI will be subject to stakeholder review at least annually.

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D.4 Key Steps and Processes for Handling Complaints in the CHM

The following is a summary of the key steps and processes for handling complaints at the CHM that will be established at the MOI:

- 1) *Receipt, registration, and acknowledgement of submissions:* In all cases, acknowledgement should be provided to the complainant within five working days.
- 2) *Screening of submissions:* Complaints which are not related to an area of DFGG Project responsibility will be forwarded to the relevant authority. All other submissions will be sent to the CC for consideration.
- 3) *Preparation of the case brief:* For all cases which are to be sent to the CC, the PCO focal point will prepare a brief report summarizing the origin and nature of the complaint, the proposed action to be taken, and the scope of the response to be provided. This report will be presented to the CC, along with the original complaint.
- 4) *Informing the World Bank:* In cases where a complaint might, if substantiated, involve a breach of the IDA legal agreements, the Bank's Task Team Leader must be notified immediately and be kept informed of the investigation process and its outcome.
- 5) *Assessment:* Reports on complaints will be reviewed by the CC, observing the principles of neutrality and responsiveness indicated above.
 - Initially, the Committee should consider all complaints **within 10 working days of receipt** of the brief. The Committee will preferably consider cases when it comes together for the monthly PMT meetings. However special meetings should be convened to consider cases where the nature of the complaint requires urgent action.
 - Where appropriate, the Committee may order further investigations and will designate one Committee member to oversee them. The PCO focal point may be called upon to obtain additional information on the case. The CC may also request that the RTO assist in further investigation and analysis of the case.
 - Persons, companies or entities accused of wrongdoing must be given a fair opportunity to present their side of the case.
 - The aim should be to have sufficient facts for **adjudication within 15 working days** after the case is presented to the Committee.
 - In cases where investigations are complex and unavoidably take longer, the complainant should be notified of progress at two-week intervals.
 - Deliberations of the CC will be by consensus.
- 6) *Response:* A formal response to the complainant will be issued in all cases, informing (i) whether the case was brought before the CC or was forwarded to another agency (and explaining why); (ii) what the outcome of the CC's deliberations were; and (iii) what follow-up actions are to be carried out.
- 7) *Disclosure:* Public disclosure (e.g. on the DFGG Project website) of the complaint, results of the assessment, and follow-up actions recommended by the Committee should be made once the Committee decision is reached, observing, however, the principle of anonymity and confidentiality as may be requested or required under certain cases.

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8) *Record-keeping*: The PCO focal point will keep records of the cases received, where and when they were routed, and the outcomes of the resolution process. For each case, all notes, memos and letters relating to a complaint and its investigation, must be maintained for review for a minimum of two years after the completion of the project. A summary report of the activities of the DFGG Complaints Committee, listing all complaints, responses, and processing times, will be submitted to each meeting of the Project Coordination Group. In addition, the PCO should maintain a **Complaints Book** (or computer file) which should include for all complaints the following:

- reference number,
- date and time of receipt,
- mode of receipt,
- person receiving;
- complainant’s name and contact details (these should be recorded and cross-referenced in separate book/file, to protect source);
- details of complaint;
- date first considered and further investigations ordered;
- summary of investigation findings;
- date of final consideration, decision reached, agreed action;
- date of notifying complainant and other concerned parties of decision and remedial action;
- date of follow-up to check that remedial action has been taken; and
- date of case closure

The Table below summarizes the roles and responsibilities of the MOI and the Complaints Committee in the DFGG CHM.

DFGG CHM: Roles and Responsibilities of the MOI and the Complaints Committee

<p>MOI PCO Project Coordinator</p> <ul style="list-style-type: none"> • provides oversight of day-to-day processes <p>MOI PCO Focal Point</p> <ul style="list-style-type: none"> • receives • registers • screens • prepares brief • records discussion • informs of results • provides reports for PMT and PCG <p>MOI Inspection Unit</p> <ul style="list-style-type: none"> • provides support to Focal Point 	<p>DFGG Complaints Committee composed of:</p> <ul style="list-style-type: none"> • DFGG Project Director • 2 IA Project Directors • MOI Internal Auditor • 1 or 2 representatives of civil society <p>Roles</p> <ul style="list-style-type: none"> • assesses/resolves cases • refers cases, if not successfully resolved to PCG 	<p>PCG/DPM</p> <ul style="list-style-type: none"> • consider/resolve appeals
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D.5 Right of Appeal and Alternative Mechanisms

In the event that a positive resolution of a complaint cannot be reached within 45 working days and no explanation is provided by the PCO as to why further time is needed to adequately consider the case, or if the aggrieved party is unsatisfied with a decision of the Complaints Committee, the matter may be referred to the next meeting of the PCG for consideration. If the PCG cannot resolve the issue, the PCG will refer the matter to the Minister of Interior for resolution.

In addition, incidents of corruption in relation to the use of DFGG Project funds, including unsound procurement activities, or improper use of equipment procured or purchased with DFGG funds, by staff appointed to the DFGG Project, by official partners of the participating IAs, by sub-contractors, or by NSA grant recipients, can also be channeled to the Government's Anti-Corruption Working Group established in MONASRI. At any time, a complainant retains the right to utilize the Cambodian court system.

The complainant may also utilize the complaints and remedies mechanism of the World Bank. Cases of fraud and corruption should be directed to the Office of Integrity (INT) of the WB.