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# Complaints Response Mechanism: Policy and Guidelines

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# COMPLAINTS RESPONSE MECHANISM - POLICY

## COMPLAINTS RESPONSE MECHANISM

### 1. Objective

This policy statement is designed to enable MERCY Malaysia to have a formalised Complaints Response Mechanism (CRM) to provide a safe, accessible and effective channel for individuals, especially beneficiaries, to exercise their right to raise complaints and for a response or redress to be given. The CRM will serve to enable MERCY Malaysia to improve the quality of its services and its accountability to stakeholders. In setting up a complaints mechanism, MERCY Malaysia is demonstrating its openness to learning. MERCY Malaysia welcomes and encourages complaints as helpful information rather than avoiding them and seeing them as failure. The policy is global in intent and coverage and is a public document.

The policy details the steps and processes MERCY Malaysia would have to adopt from the time a complaint is made, up to the time a resolution report is finalised. An effective CRM will promote accountability in all of MERCY Malaysia's projects, allowing beneficiaries, staff on mission and other stakeholders to report minor or major concerns about MERCY Malaysia's work. MERCY Malaysia's CRM will also enable beneficiaries to complain without fear of retaliation and concern for their safety.

### 2. Definition of Complaint

A complaint is an expression of dissatisfaction conveyed to Mercy Malaysia about the standard of services, actions, advice or products provided. A remedy to the problem is usually requested.

There is an important difference between complaints and feedback. Feedback can be both positive and negative and is generally to do with minor issues; it can be given informally or formally. Complaints are often to do with more serious issues, when things have gone wrong and when whoever makes the complaint wants a definite change to occur.

Complaints regarding breaches in the commitment to our beneficiaries are considered as valid complaints and should be acted upon immediately.

**A complaint has to be about some action which MERCY Malaysia is responsible for, or is within MERCY Malaysia's sphere of influence.**

Beneficiaries complaining about receiving sanitation kits instead of instant noodles (which was not included in MERCY Malaysia's commitment to them) is a complaint that MERCY Malaysia is not responsible for and as such, can be considered an invalid complaint.

Beneficiaries complaining about the rudeness of the staff of other non-profit organizations are complaints that are NOT within MERCY Malaysia's sphere of influence.

For complaints of this nature, MERCY Malaysia should direct or refer the complaint to an individual (not within MERCY Malaysia) or another agency who will be able to deal with such complaints, whenever possible.

Complaints may be divided into sensitive and non-sensitive complaints. Non sensitive complaints would generally be concerns from stakeholders about the quality of program delivery such as

- Situations where the complainant received bad quality products or services which may have caused various problems
- Situations where the complainant did not receive the services or products as promised and not given a proper reason why
- when there is concern from a member of the public or supporter about a particular fundraising approach
- issues related to the amenities at the project site
- concern about behaviour of MERCY Malaysia's staff and volunteers while executing a project or undertaking any other work in the name of MERCY Malaysia.

Sensitive complaints may include, but is not limited, to the following:

- issues relating to financial abuse
- issues related to physical misconduct by staff or volunteers of MERCY Malaysia which include sexual harassment or abuse
- issues relating to other types of abuses of power by MERCY Malaysia's staff or volunteers
- issues relating to major negligence by MERCY Malaysia's staff or volunteers in providing services which causes situations to deteriorate.

Sensitive complaints are to be treated with utmost confidentiality and will often involve more detailed investigation. It is possible that with sensitive complaints the local laws of the country may come into play.

### **3. Who can make a complaint?**

This CRM policy is global in application. A complaint can be made by:

- a) Community or individual with whom we work (this includes staff and volunteers)
- b) Any member of the public whether an individual, company or other entity in Malaysia or around the world.
- c) Partner organisation.

When carrying out the policy in different countries, the Program Officer will take into account local conditions, but with the intention that members of the public in those countries as well as the individuals and communities with whom MERCY Malaysia works will be able to make a complaint in line with this policy.

### **4. Policy coverage**

The conditions and obligations stated within the CRM will be applicable to staff members, volunteers, non-staff personnel, consultants, interns of MERCY Malaysia as well as of partner

agencies or organizations which may be executing a project or undertaking any other work in the name of MERCY Malaysia.

Complaints by staff not related to project/mission issues and more inclined towards internal office issues will come under the MERCY Malaysia's Staff Grievance Policy (Eg Complaints by staff about medical leave procedures)

## 5. How to make a complaint?

All formal complaints should be made in writing. As much as possible, a Complaints Form (translated to local language where needed) should be used. A sample of a Complaints Form can be found in Appendix II. (which will be modified to suit the nature of the project or event).

In the case of partner organizations making complaints, emails can be considered as formal documentation of the complaints.

**For those who are unable to write or preferring to make a verbal complaint (as may be the case of certain beneficiaries who live in areas the literacy rate is low),** the person responsible for receiving the complaint will translate the verbal complaint into writing. The complaint can be either directly from the individual or organization making the complaint or via someone acting on their behalf such as a beneficiaries committee or a beneficiary representative.

## 6. To whom should a complaint be addressed? Who is responsible for responding to complaints?

In the case of complaints specifically about MERCY Malaysia projects on the field, ideally the Program Officer/Mission Leader shall be the responsible party in executing the CRM. MERCY Malaysia's mobile clinics, school preparedness programs, ad-hoc, one off and annual events are including in this context.

When there is a Contract Staff in charge of a field project in the absence of the Program Officer, then the Contract Staff is the responsible party.

Sensitive complaints received by Contract Staff/Program Officer/Mission Leader **MUST** be referred to the relevant Head of Department and/or the General Manager. For example, a sensitive complaint received by the Program Officer in Charge of a School Preparedness Program should be referred to the Head of Department for Disaster Risk Reduction.

A sensitive complaint received by a Program Officer in charge of MERCY Malaysia's project in Myammar should be referred to the Head of Department for Relief Operations.

If the complaints are against the Contract Staff/Program Officer/Mission Leader, then the relevant Head of Department will be the responsible party in executing the CRM.

For all complaints via the website, the Accountability Officer will be in charge of the initial response of acknowledging the complaint and redirecting it to the relevant Heads of Department and/or General Manager.

Complaints specifically from MERCY Malaysia partners, (who generally communicate through email or verbally), the responsible party will be the relevant Heads of Department and/or General Manager.

All complaints should be made known to the Senior Officer – Accountability, preferably upon receipt. This is to ensure that the CRM will be adhered to.

If the complaint cannot be resolved by the Heads of Department or General Manager, it shall be escalated to the Executive Committee immediately. This may involve complaints of a sensitive nature that may require intensive investigation.

Complaints which cannot be resolved by MERCY Malaysia's Executive Committee shall be referred to the Humanitarian Accountability Partnership-International's Standing Complaints Committee for more independent investigations.

All relevant staff involved in the execution of the CRM for a complaint should be informed if the complaint is escalated to a higher level.

Complaints can be addressed to the relevant parties as per contact details listed in Appendix 1 of this policy.

The Senior Accountability Officer will be in charge of monitoring the Complaints Response Mechanism to ensure that it is carried out according to policy.

## **7. Time Limit for making a complaint**

Any complaint should be made as soon as possible, when events are fresh in the mind. They must be made no later than three months from the date the complainant became aware of the incident that is the source of the complaint.

This gives adequate time for the complainant to have considered their arguments, and for all relevant facts to remain fresh. Any departure from this time limit will be allowed only in exceptional circumstances, by the recipient of the complaint in conjunction with the Honorary Secretary.

This time limit does not apply if other, relevant organizational or legal procedures lay down a different time limit.

## **8. What happens after a complaint is made?**

- MERCY Malaysia will aim to take action on complaints within ten (10) working days of receipt. In the event that a complaint cannot be resolved within this timeframe the complainant will be informed, in writing where possible, about when they can expect a full response. However, complaints shall be dealt with in the shortest time possible.
- Complaints received shall be acknowledged verbally or in writing within three (3) working days.
- It is hoped that most complaints and concerns about MERCY Malaysia can and will be dealt with informally by staff at a local level. However, it is recognised that not all issues can be resolved in this way. As such, a formal complaints mechanism is required for

those occasions when an individual or an organisation wishes to make their complaint a matter of record and to receive a formal response.

#### **9. What happens if complainant is unhappy with MERCY Malaysia's response to their complaint?**

Complainants are entitled to challenge any response received from MERCY Malaysia save where these challenges amount to persistent, habitual or vexatious complaints. In the event that a complainant is dissatisfied with the response from MERCY Malaysia with regards to their complaint, they have a right to appeal once. In this case, the appeal will go to and becomes the responsibility of the next level of senior management. Should they be still dissatisfied with the results of the appeal, they may write to the President of MERCY Malaysia. The President will consider what further action should be taken and inform the complainant accordingly.

#### **10. Confidentiality, Safety and Non-retaliation**

MERCY Malaysia will ensure that the details of the complainants are kept confidential throughout the entire complaint process. In some cases, it may be necessary to disclose information to third parties. This will be decided on a case-by-case basis and only with the agreement of the complainant.

Complainants have the right to voice their concerns without fear of retaliation. It is the responsibility of all MERCY Malaysia's staff (especially those in country missions) to ensure that the non-retaliation policy is publicly known.

#### **11. When will MERCY Malaysia not respond to a complaint?**

MERCY Malaysia will treat everyone who makes a complaint with courtesy and respect. In return, MERCY Malaysia will expect people who make the complaints to make their concerns fairly and appropriately. Where complainants harass staff, behave abusively, or unreasonably pursue complaints, MERCY Malaysia reserves the right to withdraw or modify its complaint process.

A decision about what constitutes a persistent, habitual and vexatious complaint will be taken by the Honorary Secretary, except where the complaint is about the Honorary Secretary, in which case it will be decided by the President. The Honorary Secretary, or the President, will advise the complainant of the decision and the reasons for it. In such cases, the complainant will be advised that MERCY Malaysia does not propose to consider further, or correspond about, the complaint or any specific points raised in a complaint.

#### **12. Recording and Reporting Data of Complaints**

Complaints and resolutions for issues on field projects shall be collated and maintained at the Headquarters' Complaints File by the Senior Accountability Officer.

Complaints files from missions should be transferred to Relief Department periodically (preferable whenever staff returns to Kuala Lumpur on mission leave or for official purposes).

Other general complaints shall be collated and maintained by the Communication Department.

This process will be monitored by the Senior Accountability Officer. This process will be the basis for the monitoring and evaluation and the review of the CRM.

There will be limited viewing access to the complaints files, as befitting its confidentiality status – Senior Accountability Officer, Heads of Departments (depending on the type of complaints), General Manager and Exco (where applicable) are allowed to view the complaints files.

### **13. Monitoring, Evaluation and Reviews**

A key part of the complaint process is to identify any issues that need to be addressed in MERCY Malaysia's program delivery and/or ways of working so that similar complaints do not arise.

MERCY Malaysia's CRM policy shall be reviewed annually. This will be the responsibility of the Monitoring and Evaluation Department, with ultimately approval from MERCY Malaysia's Exco. The M & E Department will also assess or supervise the assessment of the CRM for the beneficiaries of the different country projects on a bi-annual basis.

Project staff and the M & E Department will monitor the CRM on a monthly basis. A year end evaluation will be also be carried out on all aspects of the CRM – feedback from the beneficiaries will be obtained to ascertain the effectiveness of the CRM. Complaints from the public and the different beneficiaries of each project will be evaluated and a report will be furnished to the management and executive committee.

Indicators for the CRM will include :

- Number of complaints received, processed, feedback given.
- The kind and numbers of complaints received : sensitive or non-sensitive
- Number of appeals
- Challenges/advantages/lessons learnt from the CRM

It is the responsibility of the Senior Accountability Officer, the Communications Department, the program officer and project heads (where relevant, for example one-off projects) and the Heads of Departments to devise, improve upon and publicize the procedures for handling complaints from all sources and for responding to complaints from whatever source.



# **COMPLAINTS RESPONSE MECHANISM GUIDELINES**

## Purpose

These guidelines outline how MERCY Malaysia's public complaints handling policy will be implemented in the field for our projects in the international arena as well as our mobile clinics, school preparedness programs and other events carried out within Malaysia.

Field officers will have to take into consideration language, literacy, numeracy and the needs, and be responsive to, women, children and people with disabilities. Community members need to be consulted and involved in the development of the CRM on the field.

The guidelines are aimed at encouraging feedback from stakeholders. Beneficiaries and other stakeholders have the right to complain and need to be aware of this right.

### **Literacy Rates**

Communities with higher literacy rates would be able to handle a system that allows for documentation ie written complaints. Communities with lower literacy rates for example would not be able to use documentation (unless they seek a trusted representative who is able to write their complaints for them). As such the beneficiaries will lodge complaints verbally.

### **Marginalized communities**

MERCY Malaysia does not reach marginalized sections of certain communities in certain projects simply because it does not have the resources to do. HOWEVER, for projects where MERCY Malaysia is capable of reaching the marginalized communities, project officers must work with the beneficiaries to ensure that such communities have access to the Complaints Response Mechanism.

Beneficiaries need to understand the rationale behind the complaints mechanism. They should be told that the mechanism is to help MERCY Malaysia improve its accountability to beneficiaries and improve on its current services.

**IT SHOULD BE STRESSED TO BENEFICIARIES THAT NEITHER THEY NOR THE PROJECT WILL SUFFER REPERCUSSIONS WHEN THEY CHOOSE TO COMPLAIN.**

## Implementing the Complaints Mechanism

MERCY Malaysia's Complaints Response Mechanism should be implemented, based on the following principles. Implementation involves proactive steps to ensure that the stakeholders are aware and able to access MERCY Malaysia's CRM. Stakeholders, especially beneficiaries, need to understand whom and how complaints can be made. MERCY Malaysia staff need to

understand who is responsible for complaints and who they can refer to if they cannot resolve complaints.

MERCY Malaysia's Complaints Response Mechanism (CRM) is based on the following principles:

### **Publicising the CRM and ensuring its accessibility.**

The CRM shall be publicised and made accessible at all MERCY Malaysia's project sites, head office in Kuala Lumpur and on the corporate website. It shall be publicised and made accessible at all one-off and ad-hoc programs. The aim is to ensure that the RIGHT TO COMPLAIN is well-known and the CRM is clear.

For project sites, one-off and ad-hoc programs, communication about the CRM can be done in a number of ways, such as in meetings with communities and partners, posters around project sites and in local government offices or on the back of flyers printed specifically for the events.

Staff should make sure that stakeholders understand the CRM as clearly possible. MERCY Malaysia will endeavour to make the mechanism easy to understand, using simple language. The CRM provided by MERCY Malaysia will be translated to the local language of the project area if there is a need.

Beneficiaries must be made aware that they are able to complain against project staff and the complaints will reach the staff's superior. They should be made aware of who is responsible for their complaints.

Staff should make partners aware of the CRM as part of any discussion around continuing or setting up a new partnership.

### **Beneficiary participation to decide on appropriate means of lodging complaints**

For beneficiaries on field projects, where issues of culture, language and literacy levels will come into play, receiving complaints can be done in any number of ways. As stated earlier, MERCY Malaysia mission staff should ask the intended beneficiaries and the host communities about the appropriate way to receive complaints. Some methods include using feedback/complaints boxes or having a designated staff member who is always accessible.

It is important that the marginalised communities such as women, physically disabled and the elderly be given a say as to how they are able to make complaints. Examples of ways to do this include having focus groups and discussions with representatives from marginalised communities.

### **Fairplay and courtesy**

MERCY Malaysia is committed to deal with all complaints received on a fair and equitable basis. Staff must recognise the need to be fair to the individual or organization that the

complaint is lodged against. Staff should also make sure that complainants will be treated courteously and with respect.

Those receiving the complaints must listen and if the complaint is valid, be committed to solving the complaint.

Mercy Malaysia shall only entertain complaints that are valid and supported, if necessary, with the relevant documentation and facts.

## Resolving complaints

Staff should be encouraged and supported to resolve complaints locally and informally.

All formal complaints should be documented (along with the action taken to deal with the complaint) in a MERCY Malaysia complaints form.

Staff receiving sensitive complaints and complaints which cannot be resolved easily should refer to the Heads of Departments.

Sensitive complaints such involving sexual abuse will be investigated based on ICVA's International Building Safer Organization Handbook and Guidelines<sup>1</sup>. These Guidelines are designed for NGOs to conduct and manage investigations into sexual exploitation and abuse beneficiaries by humanitarian staff. A hardcopy of the Handbook and Guidelines are available in MERCY Malaysia head office. Project sites will also have a copy of the Guidelines for referral purposes.

Once a decision has been made on how to resolve a complaint this should be acted upon **as soon as possible**. The complainant should be informed that their complaint has or hasn't been upheld. *If complaint is upheld*, advise the complainant that action has been taken as appropriate.

In addition it is important to inform staff that a complaint has been received, investigated and action taken. This step can be vital in maintaining/restoring staff moral and upholding the aim to be an organization that is accountable to its stakeholders, especially the beneficiaries. Again it is important that the principle of confidentiality is upheld: sometimes it will not be possible to tell staff precisely who is involved and what action has been taken.

The complaint registration form should be updated with the actions taken and filed at the Relief Operations Department.

*If a complaint is not upheld*, the complainant must be informed of this and of their right to formal appeal, taking the complaint to the next level of senior management.

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<sup>1</sup> Building Safer Organisations HANDBOOK – Training materials on receiving and investigating allegations of abuse and exploitation by humanitarian workers. Building Safer Organisations GUIDELINES – Receiving and investigating allegations of abuse and exploitation by humanitarian workers.



Staff should contact the complainant within 10 working days of receiving the complaint to advise the complainant of the decision; if a decision has not been reached, the complainant should be provided with a progress report with an indication of a likely date of conclusion.

### **Implementing Partners and the CRM**

Implementing partners carrying out projects for MERCY Malaysia should be encouraged to have their own CRM within the project.

However concern regarding the quality of project (how it is being run, the quality of materials used) should be directed towards the relevant Head of Department in MERCY Malaysia. For example, complaints about the quality of a DRR project carried out by an implementing partner can be directed to the Head of Department for DRR.

However complaints about the implementing partner's staff behavior will be handled by the management of the implementing partner.

The M & E Department will also assess or supervise the assessment of the partner's CRM on a quarterly basis.

A year end evaluation will be also be carried out identify any issues that need to be addressed.

### **Monitoring, review and evaluation: Learning and improving/changing practice**

A key part of the complaint process is to identify any issues that need to be addressed in MERCY Malaysia's program delivery and/or ways of working so that similar complaints do not arise. Hence a year end evaluation will be carried out and a progress report written on this. The year-end evaluation will include feedback from beneficiaries.

This will be the responsibility of staff receiving the complaint, especially if the issue is at a local level, with overall responsibility resting with the Head of Relief Operations and Senior Accountability Officer for organizational-level learning to ultimately, improve the quality of services and level of accountability provided by MERCY Malaysia.

## APPENDIX 1

**Please address complaints to the relevant party listed below:**

Mohd Shaharuddin Asmani  
Acting General Manager  
Mobile: +6019-280 5707  
Email: [Shaharuddin@mercy.org.my](mailto:Shaharuddin@mercy.org.my)

Dr Paul Mettler  
Head of Department  
Relief Operations  
Mobile: +6019 268 2787  
Email: [paulmettler@mercy.org.my](mailto:paulmettler@mercy.org.my)

Takako Izumi  
Head of Department  
Disaster Risk Reduction  
Mobile: +6019 314 0062  
Email: [Takako@mercy.org.my](mailto:Takako@mercy.org.my)

Wan Farhana Kamaruddin  
Senior Publication and Public Relations Officer  
Corporate Communications and Fundraising Department  
Mobile : 019 314 0420  
Email: [farhana@mercy.org.my](mailto:farhana@mercy.org.my)

Nisha Sabanayagam  
Senior Accountability Officer  
Monitoring and Evaluation Department  
Mobile: 019-314-2470  
Email: [nisha@mercy.org.my](mailto:nisha@mercy.org.my)

Written complaints can be addressed to the relevant parties at

MERCY Malaysia  
Level 2, Podium Block  
City Point, Kompleks Dayabumi  
Jalan Sultan Hishamuddin,  
50050 Kuala Lumpur  
Office Telephone: +603 2273 3999  
Fax: +603-2272 3812

## Appendix 11

The staff receiving complaints shall record all complaints received (either verbally or in writing) on a complaint form. All complaint forms shall be in sequential number and are filed accordingly.

The staff receiving a verbal complaint shall follow these procedures:

- Identify yourself (name of the person receiving the complaint)
- Listen, record details and determine what the complainant wants
- Confirm details
- Empathise with the complainant in a courteous manner
- Explain the courses of action available
- Resolve the complaint if possible or commit to doing something immediately or as soon as possible
- Ensure the complainant is informed that the complaint is receiving attention without creating false expectations
- The person receiving the complaint shall file a complaint form upon completion of the conversation

The necessary details on a complaint form is as follows:

- Case number (in sequential order)
- Date
- Time
- Name (optional)\*
- Contact number/address (if any)
- Details of the complaint
- Acknowledgement date
- Resolution
- Response date

**It is the complainant's right not to have his/her name on the form or sign on it. Pls indicate on form if complaint is done anonymously.**





**Complaints Action Form (to be filled out by Program Officer, Contract Staff, HOD)**

\*\*If complaint is not within the jurisdiction of the Program Officer, please refer complaint to HQ..

Pls state below on actions taken on complaint Reference No:

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Name:

Designation:

Date: