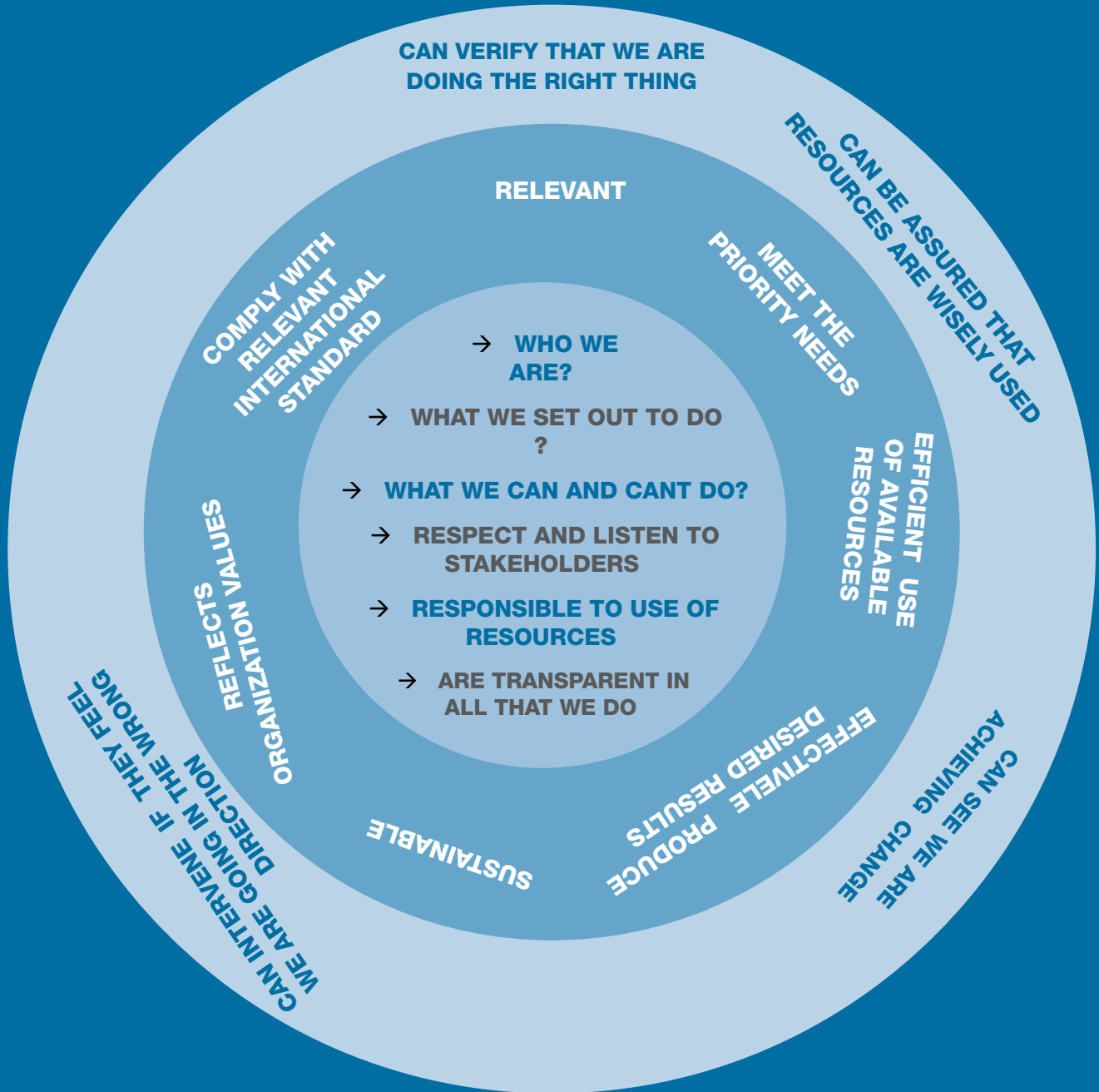


LWF Nepal Accountability Framework



QUALITY FRAMEWORK

LWF Nepal Accountability Framework

Garaph and texts : Lutheran World Federation Nepal Production

Cordination : Nisha Kharel, Title : Human Resourse

Development, Gender and Accountability Coordinator

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I. Accountability in LWF Nepal - Scope and Definition

I.1. Accountability as a Core Value:

International NGOs are often regarded as suffering from an accountability deficit. As a minimum requirement, NGOs should work within the national regulatory framework and laws of the country in which they operate and be accountable to the state. NGOs are already accountable to their donors for financing provided. There is a third, key stakeholder in the equation which is often overlooked - that of the focus group - and the need for I/NGOs to be accountable to the communities and individuals with whom we work and whom our interventions are intended to benefit.

Recognising this issue, LWF Nepal has adopted accountability (along with transparency) as one of the four core values – basic convictions and attitudes that mark what we are and what we seek to realize through our actions as outlined in both the DWS Global Strategy 2007-2012 and LWF Nepal Country Strategy 2008 – 2013

LWF Nepal Core Value:
Accountability and Transparency

LWF Nepal is committed to transparency of its motives and aims, as well as its financial transactions.

One of the Strategic Approaches of LWF Nepal is the Empowerment Approach, according to which people must be actively involved in all aspects of their development, from assessment to planning to implementation, monitoring and evaluation.

Among the strategies to accomplish this objective is development of approaches that are

LWF Nepal Organizational Objective I

Ensure LWF Nepal programming is carried out by LWF-Nepal staff and partners effectively and in an accountable and transparent manner

participatory, people-centered and rights-based, and that promote community empowerment, advocacy and integrated development.

I.2. Definition of Accountability and LWF Nepal Stakeholders:

LWF Nepal interacts with a range of stakeholders of different types and at different levels. These include: a) LWF global governance and the wide constituency of member churches, b) funding partners, c) The Government of Nepal and local government where we operate; and most importantly, our primary focus group of affected populations, their organisations and representatives.

Accountability is a fundamental aspect of the LWF Nepal's governance, strategy and operational implementation in relating to these stakeholders. Accountability is taking responsibility towards affected populations and primary focus groups, LWF staff, LWF governance and external stakeholders, for actions undertaken, decisions made, and policies complied with.

I.3 LWF Nepal Staff Code of Conduct regarding Abuse of Power and Sexual Exploitation

Basic ethical commitments are to be lived out in the work of LWF Nepal. These include

- Respect for the dignity and integrity of all human beings
- Fair and just treatment of all, without discrimination, exploitation or harassment

- Responsible stewardship in the exercise of power and use of financial and other resources.

All employed by the organization are expected to comply with these commitments.

The Code of Conduct is intended to serve as a guide for LWF Nepal staff to make ethical

decisions in their professional lives and at times in their private lives. It is designed to assist staff to better understand the obligations placed upon their conduct. It refers to any kind of misuse of power and exploitation in the working relationships among LWF Nepal employees and with those they serve. The LWF Nepal Code of Conduct is found as Annex I.

2. LWF Nepal Mechanisms and Commitments to Support Implementation of Accountability

This chapter elaborates the mechanisms and commitments, which LWF Nepal will be held accountable for. It includes elements, dimensions and levels of accountability, and a listing of mechanisms and commitments to achieve external and internal accountability.

2.1 Elements of Accountability

2.1.1 Participation

The core approach of LWF Nepal reflects the respect for all peoples' gifts for the sake of the fuller participation and inclusion of all people in the society. LWF Nepal listens to the affected populations and right holders that it assists, incorporating their views in actions and decisions which impact on them.

Standards of Engagement

LWF Nepal programs and projects are grounded in Standards of Engagement. Any project should:

- seek to address poverty and marginalization
- be based on a coherent analysis and understanding of the situation and its context
- be designed so that it focuses on people
- be clear on how it integrates gender and environment
- be oriented towards achieving results and demonstrating them
- be able to clearly indicate the relationship between an activity, a result and its cost
- be clearly transparent and accountable at all levels – to the poor and oppressed we work with and to our supporters
- be based on genuine participation of all actors
- be a vehicle of learning for all those involved

Participatory Approach

It is a process through which stakeholders influence and share control over development and emergency initiatives and the decisions and

resources which affect them. Unless the focus groups/right holders and affected populations are given an opportunity to participate in the development of interventions designed to improve their lives, they will continue to miss the benefits of any intervention.

The need for stakeholder's ownership is important and is part of accountability. Ownership of a project by stakeholders involves ensuring the widest possible participation. Participatory approaches means that the community and stakeholders are collaborators in a project at every stage of project development. Thus, participative methods are meant to generate a sense of ownership of decisions and actions. Participatory approaches can also challenge perceptions, leading to a change in attitude and agendas.

2.1.2 Transparency and Information Sharing

LWF Nepal is committed to transparency of its motives and aims, as well as its financial transactions. In this connection, LWF Nepal is committed to making, in a responsible manner, information available to affected population and primary focus groups, rights holders, and other stakeholders, including organizational background, accountability framework, plans, progress reports, and complaints and response mechanism. LWF Nepal ensures that all stakeholders have access to this information in timely and clear ways and through appropriate languages, format and media. Refer to LWF Nepal Communication Policy for details.

2.1.3 Monitoring and Evaluation

LWF Nepal monitors and evaluates its programs and projects to learn from experience in order to improve the effectiveness of the work it does.

This is also a way to document the use of the resources according to the results planned as well as the use of financial resources. This ultimately means that monitoring and evaluation are amongst many tools to provide its stakeholders with accountability. The monitoring and evaluation process, procedures and mechanism are explained in Annex 5

2.1.4 Complaints and Response Mechanism Policy and Procedure

Complaints: The purpose of the mechanism is to have a transparent process in place on how to concretely respond to and address any issues or dissatisfaction, including allegations of sexual exploitation, fraud, corruption, mismanagement or abuse of power. Managerial and individual staff accountability to ensure compliance is a critical component of the success of the Code of Conduct. The complaint mechanism is applicable to both emergency and development operations, and enables stakeholders (rights holders or communities with whom LWF Nepal works), partner organizations, members of the public and staff to raise complaints and to receive a response. Please refer to Annex 2 for LWF Nepal's Complaint and Response Mechanism Policy and Procedure.

Investigation: If a complaint warrants further action, then a proper investigation is conducted according to LWF/DWS guidelines for investigation, found as Annex 2 of the LWF Nepal Complaints and Response Mechanism Policy and Procedure.

2.1.5 Staff Competence, Behavior and Attitude

Competent LWF Nepal staff is a key element of accountability. Staff must recognize the importance of accountability, and apply all aspects of accountability in the performance of their duties and responsibilities. LWF Nepal ensures that staff have the necessary competencies to enable them to meet organizational commitments and operational requirements.

2.1.6 Continuous Learning

It is the aim of LWF Nepal to be a learning organization and thereby to improve the quality, the efficiency and the coherence of its work constantly. It believes in demonstrating centres of excellence in its works and strives for innovation and creation. LWF Nepal has adopted different mechanisms like the National Program Learning Forum, Country Management Team, and National Management Team among others for continuous learning from both the successes and failures of the organization.

LWF Nepal also wants to develop and improve mechanisms through which right holders, partners and other stakeholders can also hold LWF Nepal accountable as duty-bearers towards them. LWF Nepal will continue to develop and share standards of best practices across programs and with partners.

2.2 Dimensions of Accountability

LWF Nepal has adopted different dimensions of accountability as guided by LWF/DWS.

- **Management dimension:** Internal rules and regulations are mechanisms to hold managers (Representative, Co-ordinators, and other heads of unit or supervisors) within the administration of the organization accountable. LWF Nepal has independent 'control' mechanisms to scrutinize and hold people and programs accountable. Apart from internal checks, these 'control' mechanisms accept complaints from any stakeholder to hold LWF Nepal staff accountable to the affected people, right holders and not merely to LWF Nepal related agencies and back-donors.
- LWF Nepal follows a participatory management system and promotes collective decision and ownership. LWF Nepal has set up various organizational mechanisms at Country and Regional Offices level. Regional

Management Team (RMT) at regional level similarly National Management Team (NMT) and Country Management Team (CMT) at country office level which are responsible collectively for reviewing and decision making relating to all aspects of policy, program and organizational matters.

- Professional/capacity dimension: LWF Nepal's staff are also bound by professional codes, norms and standards which it has accepted or established itself (see Annex 1) and also different wider codes of conduct and guidelines to which LWF Nepal is a signatory (Sphere, Code of Conduct, Code of Ethics, Child Protection Policy, AIN Basic Operation Guideline etc.). Professionals are obliged to meet professional standards (efficiency and efficacy) and have the adequate qualifications to carry out their activities.
- Program dimension: LWF Nepal should aim to provide appropriate and sustainable services for affected population and right holders. With this perspective, there are comparisons and competition between different actors to service delivery, which ideally improves quality of service. The standard of assessment for accountability is therefore the responsiveness of humanitarian and development organizations to the affected population- the right holders.
- Stakeholder dimension: Within this perspective, LWF Nepal will be accountable if voices from all stakeholders are heard. Moreover, LWF Nepal is obliged to empower members of staff, affected population right-holders on the real meaning of accountability. LWF Nepal is ready and prepared to give an explanation or justification to relevant stakeholders for its judgments, intentions, acts and omissions when appropriately called upon to do so.
- Partnership dimension: LWF Nepal partners

are also among the key stakeholders. LWF Nepal concludes formal arrangements for working jointly with partners to achieve specific operational goals, where each agency's roles and responsibilities are set out in a written agreement. LWF Nepal is committed to working in partnerships based on mutual accountability, trust, respect, and continual improvement.

- Ethical dimension: For LWF Nepal, accountability is tied up with Organizational values, common morality, professional ethics and law. LWF Nepal accepts responsibility for errors, misjudgments and negligence and recognition for competence, conscientiousness, excellence and wisdom. LWF Nepal is prepared to change in the light of improved understanding gained from its own actions and from others'.
- Good governance dimension: Good governance is a key requirement for accountability. Although, as an INGO, the formal 'legal' governance of the LWF Nepal programme is vested with LWF and its structures, nevertheless LWF Nepal seeks to build de-facto governance and accountability in-country though full compliance with Government of Nepal policies and procedures, the extensive use of advisory steering committees at National, District and Project level, involving a range of government, local government and focus group stakeholders and, in internal management (for example, involving staff through a National Staff Council for example).

Overall, LWF Nepal is accountable to the affected population, rights holders and to its institutional stakeholders and its donors. LWF Nepal is accountable to those, who will be affected by its decisions or actions. LWF Nepal's strategic plan emphasizes the main dimensions of good governance: participatory, consensus-

oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of poor, oppressed, and minorities are taken into account and that the voices of most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

2.3 Levels of Accountability

LWF Nepal's accountability framework is both horizontal and vertical. It includes accountability to affected population, right holders, internal accountability within LWF Nepal, and accountability to national stakeholders, related agencies, funding agencies, and LWF/DWS. LWF Nepal's effective participation with all these persons and organizations is the basis for effective accountability. These three levels of accountability through operational implementation are the foundation and essence of the work of LWF Nepal.

2.3.1 LWF Nepal External Accountability to Affected Populations, Rights-holders and Primary Focus Groups

First and foremost, accountability of DWS and its Country Programs is to affected populations and primary focus groups (marginalized and vulnerable poor people whose livelihoods are threatened by the effects of natural and human-made disasters, with special regard to internally displaced persons and refugees, women and those affected by HIV and AIDS).

The LWF Nepal Planning, Monitoring and Evaluation (PM&E) System fully integrates primary focus groups into operational activities in the field, and is especially in evidence in project and community activities. For example,

- Project planning is a participatory process owned by primary focus groups, as well as being facilitated by field project staff and involving other local or national stakeholders.

LWF Nepal LEVELS OF ACCOUNTABILITY

LWF External Accountability - to Affected Population, Right Holders and Primary Focus Groups

Government of Nepal, Implementing Partners, Related Agencies, Funding Agencies, and Other Partners

LWF Nepal Internal Accountability – LWF Nepal, LWF/DWS

- Project monitoring and assessment necessarily involve primary focus groups, to see whether desired changes are taking place.
- Project evaluation and end-of-year assessments include participation of primary focus groups, to ensure that the funds and resources were used responsibly.

Annex 5, LWF Nepal's Example of PM&E Documents Emphasize Accountability and Participation of right holders, depicts in chart form the various aspects of the project cycle and the respective involvement of rights-holders. Accountability is achieved through their participation, and through the transparency of various processes, from planning to evaluation. Similarly, this Annex shows importance of community's involvement in Community Institutions Plans.

2.3.2 DWS Internal Accountability - components and tools

Accountability to primary focus groups and affected populations, as the cornerstone of LWF Nepal's work, is also an essential part of internal accountability. LWF Nepal operates multi-

layered systems, controls and procedures which facilitate accountability both within LWF Nepal (and to the DWS Secretariat) and Governance), and externally to primary focus groups and to donors and other interlocutors. The main LWF Nepal tools used to ensure accountability are:

- **LWF Nepal’s Policies and Guidelines:** Accountability mechanisms are intrinsic to the various LWF Nepal policies and guidelines (e.g., the PM&E System, Finance Guidelines, Human Resource Manual, and the LWF DWS Operational Manual) Some are referred to below.
- **The PM&E System:** Some aspects of the PM&E system relating to projects have been described above. At a broader level, the development of the LWF Nepal Country Strategy and Country Operational Program Plan involve participation by and accountability to, national stakeholders (government and others working in the country). The LWF Nepal “Quality Framework” shows the correlation between LWF Nepal (the “We”), the LWF Nepal’s work (“Our Work is”), and the people to whom LWF Nepal is accountable (“Our Stakeholders”). This “Quality Framework for LWF Nepal” is presented in Annex 6.
- **Internal Control Systems:** These systems promote and facilitate accountability within LWF Nepal and its partner organization.
- **Whistle Blowing:** LWF Nepal has set up Whistle Blowing procedures to enable staff to voice concerns in a responsible and effective manner. Where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organization, there should be arrangements to enable this to be done independently with line management.
- **Complaints and Response Mechanism Policy and Procedure:** The complaint mechanism, and related investigation guidelines (see

above, 2.1.4.) are fundamental tools of internal accountability.

- **Risk Management Framework:** The Risk Management Matrix is another accountability tool which focuses on risks which affect (or potentially affect) Nepal, and on actions to deal with the risks.
- **Monitoring tools:** Another dimension of accountability is monitoring, which is integral to all of above LWF Nepal tools. This includes monitoring in the PM&E system and at a broader level, through the LWF Nepal staff Work Plan. Two types of accountability are used in monitoring:
- **Technical accountability:** demonstrating that activities are taking place, and that they and their costs are in line with plans and properly accounted for; and
- **Substance accountability:** demonstrating that results are being achieved through the activities and the costs incurred.

2.3.3 LWF Nepal’s External Accountability

- **National and Local Stakeholders and Partners:** LWF Nepal is accountable to national stakeholders and partners for effective implementation of operational activities specifically the Social Welfare Council and the Ministry of Women’s Children and Social Welfare as elaborated in Country Program and Project Agreements, and to relevant line ministries with responsibilities for sectors in which we work. Development and implementation of a Country Strategy and a Country Operational Program Plan (as well as in project activities) involves the participation of various stakeholders and interlocutors. LWF Nepal and its partners are accountable to local government in the Districts and VDCs in which our projects operate. This includes submission of reports and financial statements and other information. LWF Nepal actively

consults these stakeholders through National Steering, District and Project Advisory Committees. LWF Nepal is also subject to evaluations organized by SWC

- **Funding Agencies:** LWF Nepal is also accountable to donors (related agencies, Back Donors, others) for the wise and effective use of resources provided – financial, material, human, and other. Country cooperation agreements, Memoranda of Understanding with and project agreements are some of the official documents which stipulate responsibilities and accountabilities of LWF Nepal (and other signatories).
- **Related Agencies:** One specific aspect of related agency cooperation is activated through the Result Based Monitoring Framework. The objective is to systematize

a shared or monitoring process, thereby serving the monitoring needs of LWF Nepal and the related agencies. The 'Monitoring Report' is shared with all other agencies funding that project or program. The role of external Reviews and Evaluations serves a similar purpose. In addition to maintaining regular ongoing dialogue with core partners, the Round Table organised by LWF Nepal serves as a valuable instrument for informing and updating partners, and seeking guidance and advice on current and future courses of action.

- **Other International Partners, Development/Humanitarian Organizations and Alliances:** This involves sharing of information, analyses and reports.

3. Accountability Commitments Adopted by LWF Nepal

LWF Nepal is a signatory of the following principles and policies emphasizing accountability. It also adopts specific practical guidelines from its major partner organizations, such as:

- Principles of the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOS in Disaster Response Programs
- ACT Code of Conduct on Sexual Exploitation, Abuse of Power and Corruption for Staff Members
- ACT emergency policies and guidelines
- ACT Organizational Capacity Assessment Guide and Tool
- SPHERE Standards
- UNHCR Guidelines on Conducting Investigations and Preparing Investigation Reports
- HAP Standard
- Child Protection Policy
- Code of Ethics

4. Participation in External Networks Emphasizing Accountability

LWF/DWS globally, and LWF Nepal, nationally, is constantly involved in improving its Accountability Framework and accountability tools and procedures. Inter-agency cooperation and sharing of experience within the following networks are among the mechanisms used to facilitate such growth

Steering Committee for Humanitarian Response (SCHR): SCHR is an alliance for voluntary action, comprising eight major international humanitarian organizations, including LWF. The SCHR Peer Review Process is an example of collaboration on learning and accountability.

- **Inter-agency Standing Committee (IASC):**
- **International Council for Voluntary Agencies (ICVA):**

Humanitarian Accountability Partnership (HAP): HAP has developed the 2010 HAP *Standard in Accountability and Quality Management*. Organizations that meet the HAP Standard make a commitment to the HAP Standard Principles (humanity, impartiality, neutrality, independence, participation and informed consent, duty of care, witness, offer redress, transparency, and complementarily), and to the specific requirements of the six benchmarks. By comparing an organization's processes, policies and products to the benchmarks, it is possible to measure how well the organization assures quality and accountability in its work. The benchmarks are:

1. Establishing and delivering commitments
2. Staff competency
3. Sharing information
4. Participation

5. Handling complaints

6. Learning and continual improvement

LWF/DWS is a member of HAP and is participating in its certification process. The Lutheran World Federation Department for World Service (LWF/DWS) was audited against the 2010 HAP Standard in Accountability and Quality Management in Geneva (head office) in November 2011 and in LWF Nepal (programme site) in December 2011. HAP certification was awarded from HAP International on January 2012.

Transparency International: Transparency International (TI) is a global civil society organization focused on the fight against corruption. It brings people together in a worldwide coalition to end the impact of corruption on men, women and children around the world. TI's mission is to create change towards a world free of corruption. In 2006 DWS signed a Memorandum of Understanding with TI for a project entitled "Preventing Corruption in Humanitarian Assistance".

Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP): The work of ALNAP is aimed at improving humanitarian performance through learning and accountability. ALNAP belongs to a loose grouping of organizations focused on improving quality and accountability in the humanitarian sector; the grouping includes the HAP and the Sphere Project. LWF / DWS is seeking a formal association with ALNAP.

Sphere Project: LWF / DWS is a member of the Sphere Board, and has been involved in the development of the Humanitarian

Charter and Minimum Standards in Disaster Response. Among the minimum standards cited in the Charter is Common Standard I – Participation: “The disaster-affected populations actively participate in the assessment, design, implementation, monitoring and evaluation of the assistance program.” (Sphere Handbook) As noted above, participation of right holders and affected population is basic to LWF Nepal accountability to these groups.

Global Humanitarian Platform: The Global Humanitarian Platform (GHP) was created as an outcome of the July 2006 Dialogue between UN and Non-UN Humanitarian Organizations. A Steering Committee was appointed to oversee the work of the Platform, which is to be ‘flexible, ad-hoc, time-bound and action-oriented’. In order to help ensure that there is a common understanding of the concept of partnership, “Principles of Partnership” (PoP) were endorsed at the July 2007 GHP meeting.

LWF/DWS is a participant in the Global Humanitarian Platform. As such, DWS has endorsed, and agreed to base its partnership, on the Principles of Partnership, found as in Annex 4.

UN agency networks (UNHCR, WFP, OCHA, And UN Humanitarian Appeal):

DWS represents LWF in a number of United Nations networks, forums and meetings, which are also sometimes attended by ACT members. They include:

- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Office for Coordination of Humanitarian Affairs(OCHA)
- World Food Programme (WFP)
- United Nations Development Programme (UNDP)
- United Nations Children’s Fund (UNICEF)
- United Nations Cluster Working Groups

Association of International NGOs in Nepal:

The Association of International NGOs in Nepal (AIN), formed by INGOs working in Nepal in September 1996, is an important network in the development sector of Nepal, of which LWF Nepal is a member. Members agree to adhere to various guidelines which feature accountability and transparency prominently, including (see Annex 7)

- Unified Basic Operating Guidelines,
- Partnering Guidelines

Annex I

LWF Nepal Code of Conduct and Ethics for Staff and Partner Staff

A. Introduction

Background

Basic ethical commitments are to be lived out in the work of the Lutheran World Federation Nepal. These include

- Respect for the dignity and integrity of all human beings
- Fair and just treatment of all, without discrimination, exploitation or harassment
- Responsible stewardship in the exercise of power and use of financial and other resources.

All employed by the organization are expected to comply with these commitments. These commitments call for special attention in international and multicultural work contexts where differences based on race, ethnicity, religion, gender, age or disability can lead to attitudes or practices that violate individuals' personal integrity or sense of what is appropriate. The temptations to misuse power, harass and exploit others, especially in relation to sexuality are considerable, and therefore must be constrained, whether in offices or in the field.

In countries and regions where LWF is present with Field Offices of the Department for World Service (DWS), poverty, conflict and displacement inevitably erode and weaken many of the social and political structures that are designed to respect and protect members of the community where these conditions have occurred or exist. The resources available to affected populations, and to the humanitarian community that is there to assist them, are frequently insufficient to

meet basic needs. All too often, mechanisms for protection are not given sufficient priority. Against this background those affected find themselves in situations where they can be exploited or abused. In addition such an environment can provide opportunities for abuse of power and corruption by humanitarian workers.

Creating an overall atmosphere or organizational "culture" with ongoing awareness raising and educational efforts to prevent the abusive use of power and sexual exploitation, is crucial.

It is important that, among all associated with the organization, understandings and practices be engendered and promoted that model responsible exercise of power and respect for the dignity and justice of all persons. Also, it is important that adequate care, counseling and healing be provided for those who are violated. At the same time, there is a need to have clear policies to address violations of these basic commitments.

Code of Conduct

In order to combat such practices, LWF Nepal has compiled a "Code of Conduct" which is intended to serve as a guide for LWF Nepal staff to make ethical decisions in their professional lives and at times in their private lives. It is designed to assist staff to better understand the obligations placed upon their conduct. It is understood that this code of conduct refers to any kind of misuse of power and exploitation in the working relationships among LWF Nepal employees and with those they serve.

The spirit in which this code of conduct has been developed is intended to strengthen, complement and enhance already existing “Code of Conduct”, rather than to detract from them, including that of the ACT (Action by Churches Together) International Alliance on the same subject, it being understood that LWF is a founding member of ACT International.

Environment

Sexual exploitation can occur in many different environments: in a daily work context of an office, in travel and meetings away from the office, or in humanitarian crises where the dependency of affected populations on humanitarian agencies for their basic needs creates a particular ethical responsibility and duty of care on the part of LWF Nepal staff. Females are often particularly vulnerable. Managers have a responsibility to ensure that all staff are aware of this code of conduct and what it means in concrete behavioral terms and to ensure that there are proper mechanisms to prevent and respond to sexual exploitation. LWF Nepal must make every effort to create an environment where the dignity of all, particularly those most vulnerable, is safeguarded and to be clear that abuse of power and sexual exploitation will not be tolerated. Particular attention must be given to situations in the field, especially in the context of humanitarian crises:

- Lack of economic opportunities for displaced populations may result in commercial and exploitative sex being one of the few options for generating income to meet basic needs.
- In cases where beneficiary communities come from an environment of gender-based violence, proper safeguards need to be put in place, to guard against similar patterns re-occurring or being exacerbated in places such as a refugee camp.
- The usual social protections are not in place or are no longer functioning. Levels of

protection and security are generally poor; justice and policing frequently do not exist in the displaced environment.

LWF Nepal’s Employees in the Field

Among international and national employees, hundreds of staff are engaged by LWF Nepal in a variety of work ranging from volunteers, casual labourers, drivers and warehouse guards to decision makers at the country, regional and international levels. Many of these staff are drawn from beneficiary communities themselves. This can blur distinctions between what constitutes professional and private relationships with other members of the beneficiary community. However, by accepting work with humanitarian agencies, humanitarian workers also have to accept the special responsibility of humanitarian care that goes with the job.

Legal and Ethical Dimensions

LWF Nepal staff have a particular responsibility to uphold these standards expressed in the following Code of Conduct, to set a good example and to create a working environment that supports and empowers staff. LWF has set a higher ethical standard than Swiss law, because it is a Christian non-governmental organization. When signing the Code of Conduct, the LWF employee should be aware of these ethical values. of the LWF Nepal Human Resource Policies.

B. LWF Nepal Staff Code of Conduct Regarding Abuse of Power and Sexual Exploitation

LWF staff must:

- 1) Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of goods and services in the execution of their job.
- 2) Respect and promote fundamental human rights without discrimination of any kind and irrespective of social status, race, ethnicity,

color, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

- 3) Treat all work colleagues, program right-holders and other persons fairly and with respect, courtesy, dignity and according to the respective country law, international law and local customs.
- 4) Never commit any act or form of harassment that could result in physical, sexual or psychological harm or suffering to individuals, especially women and minors.
- 5) Never exploit the vulnerability of any colleague or beneficiary group, especially women and minors, or allow any person/s to be put into compromising situations.
- 6) Never engage in any sexual activity with minors (persons under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense.
- 7) Never engage in sexual exploitation nor abuse of any person, colleague or beneficiary group (men, women and minors). This constitutes acts of gross misconduct and is therefore grounds for termination of employment.
- 8) Never exchange money, employment, goods, or services for sex, including sexual favors. All forms of humiliating, degrading or exploitative behavior are prohibited.
- 9) Particularly in the humanitarian context, never abuse their position to withhold assistance, nor give preferential treatment in order to solicit sexual favors, gifts, payments or personal gains of any kind. The employee should be conscious of not taking advantage of his/her position and may not accept gifts (except for small tokens of appreciation) or bribes.
- 10) Not engage in sexual relationships with right-holders. Such relationships are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and

integrity of humanitarian aid work. (This rule applies to both during and after working hours.)

- 11) Not accept, solicit or engage in “buying” or profiting from sexual services. This is applicable both within and outside of working hours.
- 12) Create and maintain an environment that prevents abuse of power and sexual exploitation, and promotes the implementation of the code of conduct. Managers at all levels have a responsibility to support and develop procedures that maintain this environment, particularly related to gender inequities.

When this Code of Conduct is violated, LWF Nepal ensures that

- 13) Violations of these standards are immediately reported to senior management, any trusted colleague or a specially designated group, the local human resources manager or the LWF Director for Personnel who is expected to take prompt investigative action.
- 14) All confidential information, including reports of breaches of these standards by colleagues, obtained from right-holders or colleagues is channeled correctly and handled with utmost confidentiality.
- 15) Any violation of the Code of Conduct will result in disciplinary action in accordance with the respective LWF terms, conditions and regulations.
- 16) Any staff member purposely making false accusations on any action by another staff member, which is in breach of the code of conduct, will be subject to disciplinary action at the discretion of the employer.

The signatory below has read, understood and is in agreement with the content of this document and specifically articles 1 to 16 of section B, the Code of Conduct, which shall be subject to periodic revision and review. The signatory also

accepts the consequences of any violation of any of the above provisions under this Code of Conduct.

Name:

Position:.....

Place: Date:.....

Signature:.....

Key Terms and Definitions

For this Code of Conduct the following definitions are used:

LWF Employees

LWF Nepal employees include all staff with any contract established in LWF Nepal, to conduct activities outlined in their job descriptions or terms of reference. In addition any worker that is directly or indirectly involved with refugee or internally displaced communities is to be included under this definition.

Abuse of Power

Viewed positively, power is the ability to act, especially in ways that respect and empower rather than dominate and oppress others. Those in positions of authority or trust are expected to carry this out in responsible and just ways that do not take advantage of others, especially those who are more dependent or vulnerable. This includes other staff persons, right-holders, and others related to the organization. In most situations, because of unequal power related to gender and age, women and children are particularly vulnerable. Abuse of power is manifested in how those with less social power are treated physically, psychologically, emotionally, and/or sexually. Sexual activity, even when consensual, between those of unequal power in this sense is an abuse of power.

Corruption

As a particular form of the abuse of power, corruption is the abuse of one's position for private gain, such as misusing the financial and other resources of the organization.

Gender and Power

Gender is the English word being used to describe cultural/societal differences between males and females in terms of roles and responsibilities, expectations, power, privileges, rights, and opportunities. "Gender" refers to the differences between males and females that are rooted in culture, tradition, society, and religion. Gender is something that is learned from infancy. An individual or society's gender perspective can change.

Unequal power relationships provide the basis for sexual exploitation and abuse. Due to their unequal status, women and girls are particularly at risk of sexual exploitation and abuse. However, it is important to recognize that boys are also vulnerable to sexual exploitation and abuse.

Sexual Exploitation

Sexual coercion and manipulation (includes all types of sexual acts) by a person in a position of power providing any type of assistance in exchange for sexual acts. In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation.

Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc.

Sexual exploitation is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Harassment

Sexual harassment means any 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. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

Sexual Abuse

Sexual abuse is actual or threatened physical intrusion of a sexual nature, including in appropriate touching, by force or under unequal or coercive conditions.

Discrimination

Discrimination means exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, color, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

Harassment

Harassment means any unwelcome comment or behavior that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behavior that fails to respect the dignity of an individual. Harassment can be committed by or against any beneficiary, partners, employee or other individual visiting LWF.

Minor

A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

Protection

Ensuring that individual basic human rights, welfare and physical security are recognized, safeguarded and protected in accordance with international standards.

Responsibility and Accountability

Consideration must be given as to the adequacy of internal systems to maintain standards of behavior. A breach of the code of conduct calls for sanctions established with the administrative rules and procedures of LWF.

C. Child Protection Code of Conduct

Lutheran World Federation Nepal (LWF-Nepal) commits itself to creating and maintaining an environment which promotes its core values and prevents abuse and sexual exploitation. LWF-Nepal employees and volunteers are expected to contribute to building a harmonious workplace based on team spirit, mutual respect and understanding. All employees and volunteers are expected to uphold the dignity of those we serve by ensuring that their personal and professional conduct is of the highest standard at all times.

LWF-Nepal strongly condemns all kinds of abuse and sexual exploitation. Abuse occurs when adults or other children hurt children or young people under the age of 18, either physically or in some other way. Sexual abuse occurs if a child or young person is pressured or forced to take part in any kind of sexual activity, whether or not the child is aware of, or consents to, what is happening. Sexual abuse includes incest, rape and fondling. It may also include non-contact activities such as

- 1) Abuse and sexual exploitation constitute acts of gross misconduct and are therefore grounds for termination of employment. All relevant legal steps should be taken corresponding to the legal and social conditions of the local situation.
- 2) Exchange of money, employment, goods, assistance or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited.
- 3) Sexual activity with children (persons under the age of 18) is prohibited. Mistaken belief in the age of a child is not an excuse.
- 4) Where an LWF Nepal employee or volunteer develops concerns or witnesses an incident regarding abuse or sexual exploitation she/he must report such concerns to the appropriate senior manager within LWF Nepal concerned and local legal authorities where appropriate.
- 5) LWF-Nepal employees and volunteers are expected to behave in accordance with LWF Nepal values at all times.

showing pornography or internet-based activity. Sexual abuse may involve siblings or other family members, or persons outside the family.

I have carefully read the LWF Nepal Code of Conduct and discussed its contents with my colleagues in order to understand it clearly. I

must comply with the values of LWF Nepal and I am aware that LWF Nepal expects me to uphold at all times the standards of behavior described in the Code of Conduct above. I also understand that disciplinary measures and legal steps will be taken in case of non-compliance.

Employee

Name

Signature

Date/...../.....

Witness

Name

Signature

Date/...../.....

D. Code of Ethics for Staff of LWF Nepal

LWF Nepal is a well-established, highly respected, private humanitarian organisation committed to achieving empowerment of the disadvantaged, marginalized and oppressed people in rural areas, and to assist refugees and refugee-affected communities.

Every organisation is guided by its constitution, its philosophy and values and its policies and rules. For development organizations such as LWF Nepal, a Code of Ethics offers a set of basic guiding principles to ensure staff meet the necessary standards of behavior, in their professional, private and civic life, as expected of staff of a reputable organization dedicated to the betterment of the poor and disadvantaged.

LWF Nepal expects its entire staff to be fully committed to the constitution, aims, philosophy and policies of the organization and to have empathy with the poor, marginalized and oppressed. LWF Nepal staff should be motivated by more than mere salary, career or personal interest alone but also possess a desire to contribute to positive changes among the rural poor as a means to nation-building. LWF Nepal staff members must demonstrate the utmost professionalism, honesty and diligence in their day-to-day work.

LWF Nepal requires its staff to maintain high standards of ethical behavior and integrity in all spheres - at work, in public and in private. Acceptance of this Code of Ethics is a requirement for all staff members of LWF Nepal. This acceptance does not mean undue interference into the private affairs of staff but is intended to ensure all staff not only possess full knowledge of the ethical and behavioral standards expected of them but also strive to maintain those standards at all times.

Any breach of this Code of Ethics will be reviewed and may lead to disciplinary action including termination, being taken against offending staff. Each staff member, therefore, must sign the declaration to indicate that he/she has understood and accepted this Code and agree to abide by it at all times.

a. Civic: As a staff member of LWF Nepal and a citizen of Nepal

- I believe in Nepal as an independent and sovereign nation where, as a citizen I undertake to help protect our national interest and to contribute fully towards our national development.
- I believe democracy and development go hand-in-hand. As a member of a humanitarian and development organisation, I will strive to be democratic in all spheres of my life, to avoid autocratic and dictatorial behavior and to uphold human rights through my words and deeds.
- I will show and maintain utmost respect to all people irrespective of caste, creed, gender, economic standing, culture, ethnic affiliations or religion. I shall at all times promote the right to practice and observe one's own religion.

b. Lifestyle: As a staff member of LWF Nepal and in my private life

- I shall maintain a personal lifestyle consistent with LWF Nepal's aims, philosophy, values and activities. I will avoid hypocrisy and double standards and strive to lead my own life as an upstanding and progressive citizen and a positive example to other members of the community.
- In my private life, I will abstain from polygamy; polyandry, abuse of women, men, children and others through exploitation, violence or sexual harassment, dishonesty

and cheating; violence, assault and the use of force; communalism, fanaticism and persecution of minorities; addiction and persistent overindulgence (for example, alcohol or others); exploitative behavior such as child labor, bonded labor, money lending.

c. Professional Conduct: As a staff member of LWF Nepal

I will adhere to high standards of good personal and professional conduct and commit myself to the following:

- Maintaining the highest standard of honesty and integrity.
- Working hard, with diligence, discipline and dedication at all times.
- Showing initiative and responsibility in all aspects of my work.
- Maintaining respect for the poor, oppressed and disadvantaged.
- Maintaining loyalty and commitment to LWF Nepal at all times and to protect its interests; to promote a sense of responsibility and belonging to the organisation; and to keep myself informed about the organisation.
- Maintaining moral and non-exploitative behavior.
- Being fair, just and open-minded in my opinions and actions.
- Promoting friendship, understanding, tolerance, cooperation and mutual respect among all LWF Nepal staff, beneficiaries and partners irrespective of their position and responsibilities.
- Keeping in mind at all times my individual

accountability to the rural disadvantaged and refugees whom I serve, and to LWF Nepal and its donor partners.

I will abstain from bad behavior and misconduct, either personally or professionally. I commit myself to abstain from the following:

- Extracting any undue personal gain or allowing outsiders to do so.
- Embezzlement and fraud, including willful distortion of information.
- Giving or taking bribes/commission.
- Stealing and cheating in any form.
- Misuse of the organization’s resources and facilities (including working time).
- Assault, violent behavior or conspiring to assault others.
- Sexual harassment and illegitimate relationships.
- Behavior which encourages divisions among staff or is slanderous or libelous.
- Nepotism or favoritism towards relatives, friends.
- Active promotion of any partisan politics, or religious causes during work.
- Capitalizing on the weaknesses of others, including exploitative behavior towards beneficiaries or junior staff.
- Disrespect towards or disobeying reasonable instructions or requests from managers and supervisors; willful or ignoring of LWF Nepal rules, regulations and procedures.
- All other actions which are detrimental to the interest of the poor and disadvantaged/ refugees or which may harm the work or interests of LWF Nepal.

Signature of LWF Nepal Staff.....

Date: / /

Name

Designation.....

Project/Unit.....

Annex 2

LWF Nepal Complaints and Response Mechanism

(Revised October 2012)

Purpose:

The purpose of this procedure is to provide a fair and consistent means of addressing concerns about breaches of the LWF Nepal's Policies including Code of Conducts regarding sexual exploitation, sexual abuse, abuse of power, corruption, fraud and violation by the LWF Nepal staff, interns, refugee incentive workers and/or all other staff across the organization including full-time, part-time, short-term, temporary, trainees apprentices and volunteers both national and international associated with the LWF Nepal

The complaints and response mechanism is part of broader accountability which LWF Nepal staff and its partners must demonstrate to their colleagues, stakeholders, program participants, beneficiaries, partner organizations throughout the development and emergency program.

The Mechanism offers our right holders/stakeholders/communities a channel through which these individuals or organizations can raise complaints about their dealings with LWF Nepal as an important part of being accountable. It is a formalized system addressing grievances and provides a safe opportunity to raise valid concerns and to have concerns addressed objectively against a standard set of rules, code of conducts, resting in the values and commitment of the LWF Nepal

Complaints

Any program participant(s), refugee, right holders, partner organization or staff of LWF Nepal can lodge a complaint against any LWF Nepal employee or its partner organizations

with regard to cases of sexual exploitation, sexual abuse, child abuse, abuse of power, corruption, fraud, breach of the codes of conduct if they feel/believe any of the above mentioned individuals and organization have failed to apply, enforce or other implement agreed standards, plans and the accountability principles. They can complain about:

- Breaching of the LWF Nepal policies, guidelines and code of conducts
- Discrimination against a staff member or affected population
- Abuse of power manifested against those with less social or hierarchical power, and how they are treated physically and psychologically
- 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
- 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
- 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
- A concern about the behavior of staff or the quality of the program delivery
- How a service has been managed, which has a direct impact on the communities and affected population

A Complaint is Not

- A general inquiry about LWF Nepal work
- A request for information
- A contractual dispute

2.1 Types of Complaints

LWF Nepal categorizes complaints into two Categories:

a. Operational Complaints

Operational complaints refer to complaints on program activities. It can be any of the following:

- Issues of entitlements and commitments not met,
- The quality of the service or program delivery,
- How a service has been managed, which directly affects the communities LWF Nepal works with.

Specific program-related operational complaints and concerns can be dealt with at a regional level also but it has to be recorded and reported to country office level.

b. Serious Complaints

A serious complaint is related to breach of the Codes of Conducts, Fraud and Corruption Policy and if a complaint is an allegation or suspicion of any of these:

- A concern about the behavior of staff
- Physical and psychological abuse
- Sexual exploitation and abuse (including gender-based violence) Child abuse/exploitation
- Fraud and corruption
- Criminal Offence

These kind of serious complaints should be investigated as a formal complaint. In a situation where a person discloses such allegations, it must be reported immediately through country office level focal point even if the person does not want to make a complaint. All serious complaints must be reported by the Country Representative to the relevant Program Officer in Geneva.

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 LWF DWS Investigation Guidelines, Annex 2.6

Criminal offense understood as deliberate acts which put in danger the life and physical integrity of any person

2.2 Anonymous Complaints

An anonymous complaint refers to a complaint that is lodged without revealing the identity of the complainant. LWF Nepal strongly encourages individuals making complaints to disclose their identity so that a proper and thorough investigation can proceed. Anonymous complaints are difficult to deal with because their investigation is always dependent upon limited and questionable information. However, LWF Nepal shall consider receiving anonymous complaints. Without this option, it is possible that some serious problems may not come to light.

2.3 Malicious Complaints

LWF/ Nepal 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 an LWF Nepal employee, appropriate disciplinary measures will apply as a major misconduct which may include dismissal from employment in line with the LWF Nepal Human Resource Manual.

2.4 Complaints that Can not be Dealt with by this Policy

The complaints mechanism and procedures do not apply to complaints that are subject to current investigation by any regulatory body or legal or official authorities. These complaints include the following:

- Events requiring investigation by a professional and/or a disciplinary body.
- Events requiring an independent inquiry into a serious incident involving national governmental authorities.
- Events requiring investigation of a potential criminal offence.
- Legal action – The complaints procedure will cease immediately if the complainant explicitly takes legal action in respect of the complaint.
- Email message (complaints@lwf.org.np)
- In person (any staff of LWF Nepal)
- Designated Focal points at regional/camp/ project level
- Accountability Focal Point for LWF Nepal (Human Resource Development Gender and Accountability Coordinator) or any other member of the Complaints and Response Committee as defined below

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

3. How to make complaint(s)?

Step 1: Complainant(s) make a written statement of his/her complaint (in their own format). or Complainant(s) can make a verbal complaints to any of LWF Nepal staff who will write required information and fill up the Annex 2.4 (complaints form).

As much as possible, the complaint should contain the following basic information

- Full Name of Victim
- Village
- Contact number (if any)
- What happened
- When did it happen
- Where did it happen
- Who is involved – name and address of accused person(s)
- Other information/evidence.

Step 2: Complaints may be made through any of the following mechanisms:

- Complaint Box

A complaint may be brought directly to the attention of a staff person. Annex 2.4 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 (regional or country office level) 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 (Annex 2.3).

In case the complainant cannot write, s/he can ask one of the LWF Nepal staff or focal points or member of camp committee to write and document the complaint for him/her.

If the complaint is about the Country Representative, complaints should be directed to the relevant Geneva Program Officer (ros@lutheranworld.org) or complaints@lutheranworld.org.

If the complaints is about the any members of Complaints Handling Committee (Program Coordinator, Finance and Admin Coordinator and Human Resource Development Gender and Accountability Coordinator) it should be directed to the LWF Nepal Country, Representative (rep@lwf.org.np).

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.

Complaints Handling Committee

A Complaints Handling Committee (CHC) is established which would look at prevention, redress and advocacy. The committee will comprise of three people, namely, Admin and Finance Coordinator, Program Coordinator, Human Resource Development Gender and Accountability Coordinator. The Human Resource Development Gender and Accountability Coordinator will work as a LWF Nepal focal point who will be also responsible for monitoring LWF Nepal mechanism on complaints. This will be monitored through liaison with staff at all levels; in promoting the philosophy behind the procedure throughout the LWF Nepal by involvement in training programs.

Once the complaint is received, the Complaints Handling Committee will consider the appropriate steps to take, including the initiation of preliminary inquiry or an investigation. The Complaints Handling Committee will also form Investigation team as per the requirement.

The Complaints Handling Committee (CHC) will actively assist the Investigation Team and do all that is necessary to ensure the confidentiality and safety of a complainant and witnesses in the office premises or otherwise, in respect to any duties/activities performed in connection with her/his work which take place outside office premises. In the event the complaint concerns a member of the Complaints Handling Committee, that individual will not participate in considering that complaint.

Step 3: A clearly marked Complaint Box will be placed in every LWF Nepal project office, refugee camps and in the offices of partner organizations. The Box will be prominently displayed in the office near the public entrance, clearly marked and with a notice placed nearby explaining its purpose and also giving contact details of LWF for those who wish to express their complaint directly. The Box will be locked and the sole key is held by designated focal person. A two to three member team including the designated focal person of the project/camp will open the complaints box at least twice in a week to check whether there is a complaint. The Project Manager/Regional Program Coordinator in consultation with staff member will select the project level team.

Step 4: All complaints whether verbal or written should be filed, documented and maintained in complete confidence. The Focal Point (camp, project, regional level) receiving the initial complaint should interview complainant, completing the more detailed information and fill up the Annex 2.4 form. The completed form should then be forwarded to the focal point of Complaints Handling Committee within two working days. Breach of Confidentiality will lead to disciplinary action.

Specific program related operational complaints and concerns can be dealt by Regional Program Coordinator.

The person who receives a complaint (other than Complaints Handling Committee members) must report the information to the focal point or Complaints Handling Committee within 2 working days.

To ensure consistency of response and to manage complaints effectively LWF Nepal's CHC will be

responsible for responding to complainants who will also take appropriate measure and consult with others as appropriate. A written or verbal acknowledgement (as appropriate) from the member of CHC will be sent to the complainant verifying that a complaint was received.

If the acknowledgement is not received within (10) working days, the complainant will notify the LWF Nepal Country Representative (verbally or in writing) that a complaint was made and to whom it was made. The initial complaint and all subsequent information developed will be held in the strictest confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.

Adhering to Confidentiality

Confidentiality should be maintained, so that only the staff who are handling the complaints are aware of the complaint and the information surrounding the complaint. Any breach of confidentiality shall lead to major misconduct.

Identifying Risks and Providing Protection

At the initial contact with the complaint, the focal points (camp level, regional, field level, country office level) 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 country office management team and country office level focal person. Adequate and rapid protection and security measures should be provided to the person initiating the complaint, to ensure that s/he is protected from any possible reprisals.

Step 6: The CHC is required to meet to discuss the complaints and should act on the complaint within two working days after receipt.

Step 7: The next step is to decide whether to investigate this allegation. This means asking these questions:

- Is there a complaint? All complaints should be dealt with in a fair and professional manner.
- Does the complaint relate to a breach of Code of Conduct on Sexual Exploitation and Abuse of Power, violation, fraud, corruption/misappropriation or if any of the LWF Nepal codes and standards?
- Is there sufficient information and evidence or is there a need to further investigate?
- At this point, is the allegation conclusive enough to take management action.

Answer to this question by CHC will determine whether an investigation is justified. The possible misuse of complaints mechanisms should also be considered.

Step 8: After further investigation, the CHC will ensure concrete action on the complaint within a week. This whole process should not take more than one and half month.

Step 9: Informing the Complainant about the Investigation Outcome

The outcome of the investigation will be communicated to the Complainant, where possible within 45 days after the acknowledgement of the complaint. In case for justifying reasons this timeline is not feasible, the complainant shall be immediately informed. The Country Representative is responsible for communicating the outcome of the investigation to the complainant. This could be done in writing.

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. Staff Accountability

- a. Staff needs to know what the steps are regarding dealing with complaints, who the specific focal person is and the corresponding timelines to deal with complaints. A flow chart in Annex 2.2 gives a visual glimpse of the procedure and timelines. These should be made available to all parties to encourage a focus on problem solving.
- b. All staff should respond positively to any complaints made to them and feel confident to do so.
- c. All staff will be held individually accountable for their knowledge and adherence to LWF Nepal's code of conduct and accountability to program participant, communities/refugee.
- d. Similarly, managers and senior staff will be accountable to inform the partner NGO/CBO/program participants about the same.
- e. Managers are responsible to identify how staff and program participants/beneficiaries for both emergency and development program can access complaint mechanisms and to ensure that mechanisms are in place.
- f. All LWF Nepal staff or members associated with LWF Nepal have an obligation to report sexual exploitation, sexual abuse, and abuse of power, fraud, corruption or breaches of conducts if they believe that it has occurred. If they develop concern or suspicions regarding SEA, fraud, abuse of power, corruption, or any breaches of LWF Nepal Policies by a fellow worker or partner, s/he must report such concern via established reporting mechanisms.

5. Partnership Arrangements with non-LWF Entities or Individuals

- a. The Head of the partner organization shall appoint an official at a sufficiently high level, to serve as a focal point for receiving complaints from program participants. The

communities and program participants shall be properly informed of the existence and role of the focal point and how to contact her/him.

- b. When entering into partnership, arrangements with non LWF entities or individuals, relevant LWF Nepal officials shall inform those entities' or individuals, of the standards of conduct as described above, and shall receive a written undertaking from those entities or individuals that they accept these standards.
- c. If operational complaints are raised regarding the project LWF Nepal 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 LWF Nepal Country Office Management Team. The failure of those entities or individuals to take preventative measure against SEA, abuse of power, corruption, fraud to investigate allegations thereof, or to take corrective action when SEA, abuse of power, corruption has occurred, may constitute grounds for termination of any partnership arrangement with LWF Nepal.

6. Penalties for Sexual Exploitation and Abuse, Abuse of Power, Corruption and Breaches of Code of Conduct, LWF Nepal's policies

Any violation of the - "Code of Conduct and Accountability to program participant and communities will be considered an act of gross misconduct. Anyone subject to this policy who is found to have harassed, coerced, intimidated or retaliated against another in violation of this Code will be subject to prompt and appropriate disciplinary action, up to and including termination of employment and Partnership Agreement and Procedures.

7. Filing of Motion for Reconsideration

If the complainant and accused are not satisfied, s/he may appeal to the LWF Nepal Country Representative. The appeal should be made, in writing, within thirty days of the decision. The LWF Nepal Country Representative 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 one.

8. Specific Offences under the Nepali Penal Code

At any time from receiving the complaint to investigation, if the Complaints Handling Committee finds that there has been violation of national law, then the Complaints Handling Committee will recommend to the LWF-Nepal Country Representative to take legal advice. If the abuse is sufficiently serious or there is a risk of escalation, an immediate report should be made to the relevant authorities for enforcing law and order

9. Implementation of the Code of Conduct

- The Code of Conduct should be widely publicized within LWF Nepal and its Implementing Partner Organizations. LWF Nepal should make it part of all its contracts and Memorandum of Understanding with partner organizations and implementing agencies. Particularly with partner organizations, projects should include orientation sessions on the Code of Conduct and they should be consulted for ensuring that this issue is internalized by partner organizations. All communities should be made aware of their rights and entitlements from the concerned LWF Nepal program operation.
- Training should be provided to all staff,

project participants might require further training on coping with SEA informally, when the matter is still an issue of discomfort.

- All new employees of LWF Nepal and partners shall receive orientation to the policy during the orientation/induction program.
- All staff should as part of their routine field visits learn to ask sensitively about this issue and find out problems.
- To build the capacity of community, program participants, and refugees and make sure that the policy is understood and they are aware of their rights and entitlements in order to prevent any abuse of power by LWF or Partner staff.
- Establish additional reporting mechanisms that are safe and accessible to all participants/communities
- The Complaints and Response Mechanism will be reviewed every year and adjusted to ensure that it works effectively.

10. Confidentiality

LWF/ Nepal recognizes the confidentiality is critical to a satisfactory outcome as 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.

- Information should not be disclosed unless the person who has provided the information has given written, explicit consent to disclose the information.
- Particular care must be taken where the complainant's record contains information provided in confidence by, or about, a third party who is not an LWF Nepal employee.
- Disclosure of information provided by a third party outside the LWF Nepal 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

- LWF Nepal shall allow disclosure when: It is required or permitted by law. It is required by country office management in the best interest of the organization and parties involved

11. Monitoring and Evaluating the Complaints and Response Mechanism

11.1 The use and relevance of the complaints and response mechanism shall be monitored. The LWF Nepal complaints and response handling committee will be responsible for monitoring the LWF Nepal Complaints Mechanism in coordination with the staff and other stakeholders. This will be monitored: Through liaison with staff at all levels; in promoting the philosophy behind the procedure throughout the LWF Nepal; by involvement in orientation programs; and by contributing to various means of quality assurance and accountability.

11.2 The LWF Nepal Complaints and Response Mechanism Policy and Procedure 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

Investigation of Complaints: LWF Nepal follows the LWF/DWS Investigation Guidelines (Annex – 2.6)

Annex 2.1 Definitions of Key Terms

Complaint A complaint is an expression of concern or dissatisfaction by an individual or a group, related to possible misconduct by LWF/DWS. This could be in relation to program activities or conduct of its personnel, how

LWF works with the communities or affected population and partners, or when LWF/DWS 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”

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.

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.

Physical Abuse is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or harm.

Psychological Abuse, also referred to as 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.

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,

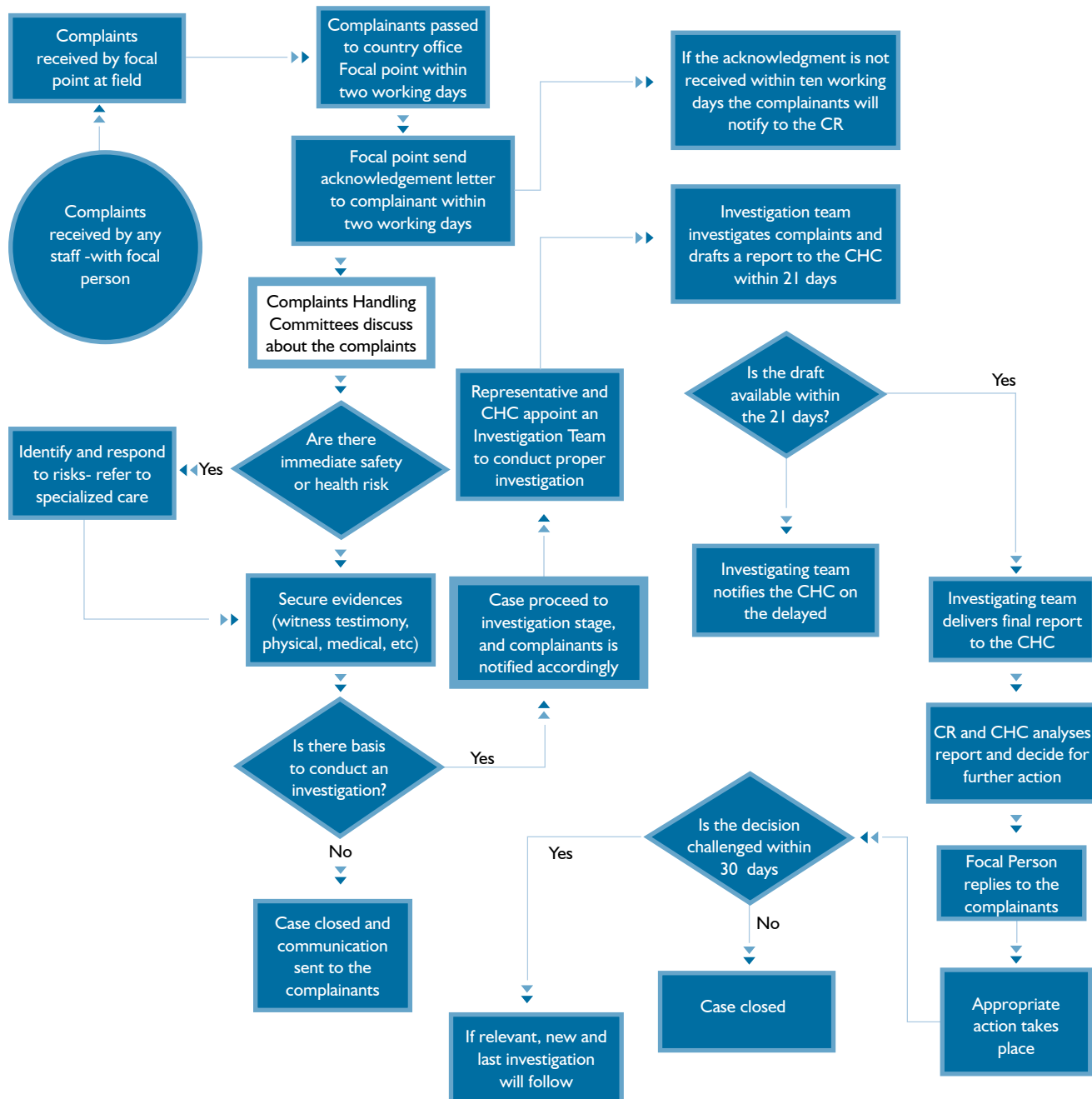
sexually or politically from the sexual exploitation of another (UN SG Bulletin, 2003).

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions (UN SG Bulletin, 2003)

Subject of the 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.

Annex 2.2: Flowchart for Handling Serious Complaints



Annex 2.3 What a Complaints Mechanism Entails

A Complaints Mechanism is supported by governing body and senior management and appropriate resources, including human resources devoted to this purpose affected population, right holders are consulted regarding appropriate ways to make complaints

- The organization finalizes its complaints handling policy and procedures based on local input
- Staff and affected population are trained in the processes and procedures
- Complaints are submitted to established entry points
- Complainant is acknowledged
- Complaints are reviewed
- Both complainant and accused may appeal the decision
- Information from complaints is continuously fed into project improvement

The Complaints Mechanism is evaluated and adjusted according to lessons learnt

Confidential Annex 2.4 Lutheran World Federation Complaints 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)

C: Brief description of the incident or concern (State what exactly happened, trying to follow the sequence of events from start to end; If the incident location is not well know, 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 LWF Nepal and how you wish to see the matter resolved

Name and Signature of Complainant:
Date:.....
Case referred to:Date referred:

Name and signature of LWF Nepal 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.)

Annex 2.5

Where To Send Your Complaints

LWF Nepal, Country Office, Kathmandu:

Phone and E-mail

00 977-1-4720152, 4721271 or
complaints@lwf.org.np

Communication to:

LWF Nepal Country Representative,
rep@lwf.org.np

Complaints Handling Committee:

- Program Coordinator, LWF Nepal
pc@lwf.org.np
- Finance and Admin Coordinator
fac@lwf.org.np
- Human Resource Development Gender and
Accountability Coordinator – Accountability
Focal Point (+ 977 9851102485)
complaints@lwf.org.np or hrdc@lwf.org.np

Regional Office

- Regional Program Coordinator, Center
Region
(+ 977-1-4720152), rpcc@lwf.org.np
- Regional Program Coordinator, East,
(+ 977 -23 584015/ 584016)
rpceast@lwf.org.np
- Regional Program Coordinator, West
(+ 977-91 525340/ 522518)
rpcwest@lwf.org.np

Annex 2.6 LWF/DWS Investigation Guidelines

I. Introduction

I.1. The purpose of this document is to provide guidelines for planning, conducting and managing a formal investigation for complaints received by LWF/DWS. It includes an overview of the key steps to be taken and the issues LWF/DWS must consider when conducting an investigation.

While LWF/DWS 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. For very serious complaints and/or if the program does not have the resources or the capacity to resolve the complaint locally, it should be referred to LWF/DWS Geneva to the relevant focal points (as indicated in Appendix 5 of the Complaints Mechanism Policy and Procedure). Complaints involving LWF/DWS staff working in the most Senior Position (LWF representative, Country Director etc.) will be referred to and handled by DWS/Geneva as outlined in the LWF/DWS's Complaint Mechanism.

I.2 Guiding Principles for Investigation

Those who conduct investigations must be professionally responsible, qualified, and objective. Their behavior and manner whilst conducting the investigation must be guided by the following principles:

- **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.
- **Impartiality:** the investigation must be conducted in an unbiased, fair and respectful manner.
- **Timeliness:** investigations must be conducted efficiently and comprehensively in a timely manner as set out in this document.
- **Systematic:** investigations will be conducted in a systematic, methodological way in order to ensure accountability and fairness.
- **Transparency:** LWF/DWS staff and persons of the affected community know that this

procedure exists and how to access those involved in conducting the investigation procedure.

- **Legality:** the investigation must be conducted in a legally enforcing way, demonstrating fairness and reason, and based on clear and convincing evidence

2. Initiating and Planning an Investigation

2.1 Appointing an Investigation Team

The most senior LWF/DWS representative and the Complaints Handling Committee must create a team to conduct the investigation. The composition of this team will vary in different situations and depending on the nature of the complaint. The team generally consists of a manager and investigators. The investigation team should be comprised of LWF/DWS staff who possess some experience or qualifications dealing in investigation work, human resources, are professional and are responsible to handle the ToR set out by this guideline.

Individuals comprising the Complaints Handling Committee must not be a part of the investigations team. Depending on the circumstances independent observers, interpreters and outside expertise may also comprise part of the investigations team.

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

2.1.1 Investigations Manager

Every investigation team needs one manager to directly supervise the case. The responsibility of the investigation manager is to 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/ DWS Geneva on a need to know basis.

2.1.2 Investigators

It is important that there are two investigators to work on every investigation. It must be a male and a female assigned to these roles. The investigators are responsible for developing and undertaking the day to day conduct of the investigation plan. This includes gathering evidence, preparing and submitting an investigation report.

2.1.3 Observer

If there are not two investigators assigned, or if one investigator cannot attend an interview, a third external, independent observer should sit in on the interviews. This is to provide the investigator with feedback and support as well as to ensure accountability. In extremely sensitive cases such as sexual exploitation, an external observer may be present.

2.1.4 Experts

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.

2.1.5 Language

Preferably, interviews should be conducted in local languages. However, when this is not possible, English, French, Spanish or Portuguese will be used. Interpreters should be avoided whenever possible.

When interpreters are necessary, they must be neutral and have no relationship to the interviewee. They must interpret directly what the witnesses' say without comment or inference.

2.1.6 Guidance

This document draws from the HAP/Building Safer Organizations Investigations Guidelines as well as the ACT Investigation Guidelines

2.2 Devising an Investigation Plan

Once the decision is made to undergo a formal investigation, the investigation team must devise an investigation plan which is to be kept in an investigation file. The investigation file is where all information regarding the investigation is to be kept. This file is to be shared strictly with the investigation team and the utmost care is to be made to ensure the confidentiality of this file.

The investigation plan is designed to provide a general outline of the issues to be addressed, the investigative steps to be taken and to identify the practical constraints of the investigation. It should include:

- Who from LWF/DWS will be contributing to the investigation and what their role will be
- 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
- What might be used as evidence and where to gather it
- What the investigation will cost in terms of resources and money
- Any security concerns that may be raised throughout the investigation and how they will be handled.
- Clear, published and understood 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, due to the varied nature and complexity of complaints LWF/DWS recognizes that the investigation may require more time.

This initial investigation plan is based on current knowledge of the allegation at the onset of the investigation. Consequently, this investigation plan is not static and should be reassessed and updated as necessary throughout the investigation procedure.

2.3 Confidentiality

The issue of confidentiality is of utmost importance and must be a primary focus for the investigation team. The fact and nature of the complaint, the identity of key participants and the investigation file are 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 LWF/DWS staff members involved in the investigation must sign an oath of confidentiality (Annex 2.7), which is to be 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 LWF/DWS staff members that violate this oath will be disclosed to the appropriate director and subject to disciplinary measures according to LWF personnel regulations.

2.4 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. To the best of their abilities and with whatever limited information is available, investigators should research the anonymous complaint by gathering evidence that may be relevant, and if warranted, interview individuals who may have information regarding the alleged incident.

2.5 Legal Considerations

Before beginning the investigation it is important to recognize and consider the various legal constraints on the investigation. It must be stressed that these are administrative, investigative guidelines which do not supersede legal or official authorities in the countries where LWF/DWS works. National employment laws, national criminal law, organizational policies and the subject of complaints (SoCs) 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 LWF/DWS 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 complexity of the complaint, LWF/DWS will seek legal expertise when necessary.

3. Conducting an Investigation

3.1 Gathering Evidence

Before investigators begin 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 come in a number of forms:

- Documentary evidence (which may be in

hard copy or electronic form). Physical evidence (found nearby or at the physical site of the allegation)

- Witness testimony (information about what a person experienced i.e. what someone saw, heard, smelt, etc)
- 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)

Most often, relevant documentary evidence will be located within LWF/DWS premises or in the possession of LWF/DWS staff members. Other evidence may be found unexpectedly while performing the investigation procedure. LWF/DWS bestows its investigation team with a mandate to initiate and conduct investigations on LWF/DWS'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:

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

LWF/DWS staff members are required to cooperate fully in this process and have a duty to tell the truth and to disclose all information relevant to the case. An LWF/DWS staff member who intentionally interferes in the investigation or willingly lie to obstruct justice will be disciplined according to LWF personnel regulations. This is to ensure that a timely investigation and a fair and just investigation process may proceed without delay.

3.2 Rights and Obligations of the Interviewees

The complainant(s), the SoC (subject of complaint) and all key witnesses should be interviewed during the investigation process. 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 other witnesses. S/he 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 are encouraged to sign the oath of confidentiality mentioned in (Annex 2.7). It is extremely important that those involved know that what they reveal will be held in confidence 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.

3.3 Sequence of Interviews

3.3.1 The complainant should be interviewed first. The complainant 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 and who were not previously considered.

3.3.2 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.

3.3.3 The SoC is to be the last person to be interviewed. This is to give investigators maximum opportunity to compare the SoC's testimony against other accounts. There are special considerations to take into account when interviewing the SoC:

- The SoC, like all other witnesses in the investigation, 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 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.
- 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.

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 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 LWF/DWS representative 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 prototypical way to conduct an interview but there are some general guidelines one should adhere to: There should always be two investigators present at all times during the interview, respecting the criteria for composition of the investigation team.

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.

- 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 Investigators should follow these four stages of Interviewing

i). Establishing Rapport

It is important to build rapport with the interviewee at the beginning of the interview. Thus, the investigator should take the time to introduce him/her and to tell the witness why he/she is being interviewed. The rapport building stage is intended to gain the witnesses trust and set the tone for the remainder of the interview so investigators should be polite, informative and respectful.

ii). Free Narrative

The investigator should allow the witness to provide a 'free narrative' of what happened during the alleged incident. This is to give the witness an opportunity to give an uninterrupted account of the events. The investigator should begin 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 investigator should continue to probe the witness 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.

iii). Specific Questions

After the free narrative stage it is now appropriate for the interviewee to ask more specific and focused questions. These questions may take the form of:

Open 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 questions i.e. What was the amount of the transaction?

It is important that the investigator adopts an active listener approach. Ask questions for clarification and probe for more information when necessary but avoid asking leading questions and using suggestive language which can distort the witness's memory.

For example rather than asking "Was he wearing a red shirt?" which is a leading question, rephrase it as "What color was his shirt?"

iv). Closure

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

General Do's and Don'ts of Good interviewing

Do:

- Be courteous, objective and professional
- Ask direct and simple open-ended questions
- Be sensitive to cultural and local practices
- Regularly confirm information provided by the witness
- Ask the witness to clarify ambiguous terms or information
- Conduct the interview at the pace of the witness
- Give the witness time to think and to answer questions without interruption

Don't:

- Use vague language, jargon, acronyms or euphemisms
- Threaten, intimidate or mislead
- Use long, leading or multiple questions
- Use judgmental language
- Give feedback on the witness' testimony, even unintentionally through face expressions and voice inflexions
- Make moral or legal judgments
- Make promises you cannot keep

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

During the interview it is best 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. They should not include the investigators own

opinions, conclusions or analyses. These notes formulate 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 an 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:

- If witnesses have certain biases or prejudices that may have influenced their testimony the credibility/reputation of the source
- Whether what was reported was based on hearsay (from a secondary source rather than based on personal knowledge)
- If testimony was based on opinion rather than fact
- 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 LWF/DWS 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 LWF/DWS investigation manager for consideration before being signed by him/her. The investigation report is a summary that 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:

“Found by reasonable inference”

“Not found due to insufficient or unclear evidence”

“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 relevant Director/Representative for consideration. Upon approval, the relevant Director/Representative takes the final action and signs the investigation report and recommendation. This should demonstrate and document that appropriate action has been

taken. In some instances, recommendations will be made in consultation with Geneva.

Where the investigation involves a serious complaint as indicated under item 1.2.b in LWF/DWS Complaints Mechanism Policy and Procedure, a copy of the report must be sent to the LWF/DWS Geneva Secretariat, to the attention of the relevant Program Officer.

4.2 Report Structure

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

- Title page which clearly indicates the confidential nature of the material
- Table of contents
- Introduction and preliminary remarks which must include how the alleged misconduct was discovered, who received the complaint and the completed Complaint Form (Annex 2.4)
- Methodology that clearly states what steps were taken during the investigation, how the evidence was gathered, and details regarding the interviews
- Investigative findings
- Conclusions and recommendations
- Annexes

The investigation report should be filed within 21 working days after the complaint was received, unless there are extenuating circumstances. If it is not available within 21 days the investigation team must notify the relevant Director of the delay and the reasons why. 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 Director/Representative is responsible for communicating to the complainant the outcome

of the investigation. The complainant should be notified of the outcome of the investigation either way. However, he or she does not have the right to be informed of the identities or the evidence provided by the other witnesses.

b) Subject of Complaints (SoC):

The Director/Representative is responsible for informing the SoC of the outcome of the investigation. The SoC must also be informed if the allegation has been referred to national authorities 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:

Other witnesses do not need to be notified of the outcome of the investigation.

4.4 Discipline

If the complaint has been substantiated the appropriate Director/Representative (in cases of sexual exploitation LWF/DWS Geneva) will decide on the appropriate disciplinary measure to be taken according to LWF personnel regulations. Disciplinary decisions should never be taken by anyone involved in the investigation.

If the SoC is a local employee, the appropriate Director/Representative 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 appropriate Director/Representative.

4.5 Appeal Process

The complainant or the SoC may lodge an appeal within 30 days of the receipt of the outcome of the investigation. The circumstances in which an appeal may be sought may be due to the following:

- 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 Appeals board of LWF/DWS 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.

LWF/DWS management should monitor regularly to ensure that all possible measures have been implemented and are functioning properly.

Annex 2.7

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 favor 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.....

Annex 3

Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief

Introduction

The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, was developed and agreed upon by eight of the world's largest disaster response agencies in the summer of 1994 and represents a huge leap forward in setting standards for disaster response. It is being used by the International Federation of Red Cross and Red Crescent Societies to monitor its own standards of relief delivery and to encourage other agencies to set similar standards.

Principles of Conduct:

1. The humanitarian imperative comes first.
2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.
3. Aid will not be used to further a particular political or religious standpoint.
4. We shall endeavor not to act as instruments of government foreign policy.
5. We shall respect culture and custom.
6. We shall attempt to build disaster response on local capacities.
7. Ways shall be found to involve programme beneficiaries in the management of relief aid.
8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.
9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.
10. In our information, publicity and advertising activities, we shall recognize disaster victims as dignified human beings, not hopeless objects.

Annex 4

Global Humanitarian Platform Principles of Partnership

- **Equality**

Equality requires mutual respect between members of the partnership irrespective of size and power. The participants must respect each other's mandates, obligations and independence and recognize each other's constraints and commitments. Mutual respect must not preclude organizations from engaging in constructive dissent.

- **Transparency**

Transparency is achieved through dialogue (on equal footing), with an emphasis on early consultations and early sharing of information. Communications and transparency, including financial transparency, increase the level of trust among organizations.

- **Result-oriented approach**

Effective humanitarian action must be reality-based and action-oriented. This requires result-oriented coordination based on effective capabilities and concrete operational capacities.

- **Responsibility**

Humanitarian organizations have an ethical obligation to each other to accomplish their tasks responsibly, with integrity and in a relevant and appropriate way. They must make sure they commit to activities only when they have the means, competencies, skills, and capacity to deliver on their commitments. Decisive and robust prevention of abuses committed by humanitarians must also be a constant effort.

- **Complementarity**

The diversity of the humanitarian community is an asset if we build on our comparative advantages and complement each other's contributions. Local capacity is one of the main assets to enhance and on which to build. Whenever possible, humanitarian organizations should strive to make it an integral part in emergency response. Language and cultural barriers must be overcome.

Annex 5

LWF Nepal’s Example of PM&E Documents Emphasizing Accountability and Participation of Primary Focus Groups/ Rights Holders

Project Document (PD)

	How is it used and by Who?
<p>Project Document (PD): 10-15 pages max. 0.5-3-year period Reviewed at end of each year and/or end of project. Evaluated ex-post.</p>	<p>The Primary Focus Group(s)/Right Holders, Local Partners and Project Management:</p> <ul style="list-style-type: none"> • to plan meaningful activities at suitable times and reasonable cost; • to assess whether desired changes are taking place; • to ensure funds and resources are used responsibly. <p>The LWF Nepal Country Programme & its national stakeholders:</p> <ul style="list-style-type: none"> • to ensure coherence with programme goals; • to check whether project-specific results and impact are achieved; • to monitor activities; • to ensure accountability (activities in relation to costs); • to foster in-programme learning; • to verify the achievement of country programme objectives; • for fundraising. <p>LWF Nepal as an organization:</p> <ul style="list-style-type: none"> • for monitoring activities and their impact (especially thematic and cross cutting); • to ensure financial accountability; • for fundraising; • to foster inter-organizational learning. <p>The Related Agencies, funding agencies and other international partners:</p> <ul style="list-style-type: none"> • for funding decisions; • to verify plans are followed; • to verify appropriate use of resources; • to assess results and impact.

Community Institution’s Plans

These are not dealt with in detail because of the great variety in “communities” and their contexts, and their ways and capacities of planning and monitoring.

Project Document (PD)

	How is it used and by Who?
<p>Community Plan: Length depends on type of community and “operation”. Period 1 year (+/-, depending on situation)</p>	<p>The community (the ultimate primary focus group/right holders):</p> <ul style="list-style-type: none"> • to decide together how they want to change their lives; • to agree who does what, when, how and hence to ensure that things get done; • to assess whether the desired changes are taking place. <p>LWF Nepal Staff/Implementing Partner’s Staff:</p> <ul style="list-style-type: none"> • to ensure project activities address community needs; • to ensure community plans are in line with project objectives; • to assess progress in achieving project objectives; • to assess positive change taking place.

Annex 6

Quality Framework for LWF Nepal

Focus: Quality and Accountability				
We therefore	→	Our Works is and	→	Our Stakeholders
<ul style="list-style-type: none"> ✓ Know what and who we are ✓ Know what we can and cannot do (in a given context) ✓ Have the capacity and resources to do what we set out to do ✓ Know our stakeholders, respect them and listen to them ✓ Are responsible in our use of the resources entrusted to us ✓ Are transparent in all that we do 		<ul style="list-style-type: none"> ✓ Relevant: meeting the priority needs of the focus group ✓ Efficient: uses the available resources in the optimal way ✓ Effective: produces verifiable desired results ✓ Sustainable: the positive effects continue and multiply ✓ Result Oriented: working with result in mind ✓ Reflecting the organization's values ✓ Complying with relevant international standards 		<ul style="list-style-type: none"> ✓ Can verify that we are doing the right thing ✓ Can be assured that the resources are widely used ✓ Can see we are achieving change ✓ Can intervene if they feel we are going in the wrong direction
(Organizational management & development)	&	(Field work)	&	(Relations and reporting)
Key issues: Identity & ownership; focusing & positioning; role and function of Country Office vs Regional Office; capacity & its development; organizational structure & management systems (admin, finance, personnel...); financial planning; democracy & transparency.		Key issues: Effective & consistently applied PM&E system; result orientated; impact assessment. Financial realism. Appropriate management structure and systems, also in relation with LWF DWS.		Key issues: Definition of relations; power-sharing; defining the "stake" of the stakeholders; transparency.

This can be achieved through an effective organizational management and development system throughout the organisation, including an appropriate PM&E system at all levels of the organization, and a quality assessment system that is being used consistently.

Therefore, the Result Based PM&E system is developed in the direction that focuses on

this “quality flow” and is integrated in all job descriptions. The system is decentralized, more focused, more process-oriented; more participatory; encourages review and reflection, and looks beyond activities to their results and predefined indicators.

Annex 7

Association of International NGOs (AIN) Basic Operating Guidelines and Partners Guidelines

AIN Basic Operating Guidelines agreed to by Undersigned Agencies in Nepal

1. We are in Nepal to contribute to improvement in the quality of life of the people of Nepal. Our assistance focuses on reducing poverty, meeting basic needs and enabling communities to become self-sufficient.
2. We work through the freely expressed wishes of local communities, and we respect the dignity of people, their culture, religion and customs.
3. We provide assistance to the poor and marginalized people of Nepal, regardless of where they live and who they are. Priorities for assistance are based on need alone, and not on any political, ethnic or religious agenda.
4. We ensure that our assistance is transparent and we involve poor people and their communities in the planning, management and implementation of programmes. We are accountable to those whom we seek to assist and to those providing the resources.
5. We seek to ensure that our assistance tackles discrimination and social exclusion, most notably based on gender, ethnicity, caste and religion.
6. We recruit staff on the basis of suitability and qualification for the job, and not on the basis of political or any other considerations.
7. We do not accept our staff and development partners being subjected to violence, abduction, harassment or intimidation, or being threatened in any manner.
8. We do not work where staff are forced to compromise core values or principles.
9. We do not accept our assistance being used for any military, political or sectarian purposes.
10. We do not make contributions to political parties and do not make any forced contributions in cash or kind.
11. Our equipment, supplies and facilities are not used for purposes other than those stated in our programme objectives. Our vehicles are not used to transport persons or goods that have no direct connection with the development programme. Our vehicles do not carry armed or uniformed personnel.
12. We do not tolerate the theft, diversion or misuse of development or humanitarian supplies. Unhindered access of such supplies is essential.
13. We urge all those concerned to allow full access by development and humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of such personnel.
14. We expect and encourage all actors concerned to comply strictly with international humanitarian principles and human rights law.

AIN Recommended INGO/NGO Partnership Guidelines for Working in Nepal

We, the INGO community, have a shared goal of Poverty Reduction and of Sustainable Development in Nepal. We believe that protection from human rights abuses, physical threats, violence and extreme economic, social

and environmental risks and territorial and sovereignty threats are a necessary precondition to achieve our goal and to make lasting, positive improvements in the lives of all Nepali people.

We believe that a real strength of the International Non-Governmental Organisation (INGO) sector in Nepal is our diversity.

We are encouraged that each agency has its own specific goals, objectives, values, policies and methods of working.

We believe in the purpose of the global NGO movement and its essential diversity.

In this document, AIN wishes to outline some guiding principles and basic partnering requirements recommended for INGOs working in partnership with Non-Governmental Organizations (NGOs) in Nepal.

Guiding Principles for INGO/NGO Partnership in Nepal:

Common purpose, of our organizations is working for poverty reduction, sustainable development, and protection and promotion of human rights. Commitment to equity and diversity of people both within our organizations and among those we work with, in terms of age, caste, class, ethnicity, gender and religion.

Grounded in civil society, we honestly represent and respect the interests of the members of civil society we work with and they actively participate in the development, implementation and evaluation of our programs

Accountability to stakeholders, including rights-holders, for the effectiveness and efficiency with which we use the resources we mobilize, and they are able to openly express their rights, choices and concerns.

Transparency to stakeholders about who we are, and how we raise and use our resources, maintain records and make decisions that affect all rights holders involved in our work.

Performance oriented to achieve the best results possible based on targets and achievements agreed with those we work for/with and those we mobilize resources from.

Mutual learning and sharing with implementing and funding partners to ensure benefits are maximized for the sustainability of communities and organizations.

Longer term partnerships, to assist communities and organizations develop their capabilities to improve the implementation and sustainability of their programs

Coordination between donors, projects and local implementers to ensure support provided to partners is well-coordinated and used efficiently so that resources are not duplicated, wasted or misdirected.

Basic Partnering Requirements

Legal registration of our organisations and our partner organizations with the government in order that administrative and financial transactions are in full compliance with all relevant legislation and regulations, including taxation and labor laws.

Selection of partners by our organisations is transparent and based on clear selection criteria

Written contractual agreement drawn up together by the partners in a language understood by all, which specifies the minimum standards agreed, including the program objectives of the partnership, the agreed indicators, timebound targets for performance, and the resources to be mobilized. Active board

(executive committee) which is independent of the management of our organizations, and exercises oversight according to the letter and spirit of each organization's constitution, including holding regular general assemblies and elections.

Vision, goal and objectives are publicly established by our organizations and we monitor our performance through clearly defined indicators, measurements and targets.

Representation of community diversity on the board (executive committee) and among the staff of our organizations.

Non-partisan, non-party political, non-religious, and non-violent.

Participation of community in planning, implementation, monitoring, and evaluation of the programs of our organizations

Stakeholder consultations and evaluations are conducted regularly

Accurate financial accounting of our complete financial transactions within the organization and with others

Transparent reporting and policies concerning the operations of our organizations and the progress of our programs are made available to stakeholders.

Human resource management best practices are applied to ensure personnel are clear on their responsibilities and their rights

Annex 8 : LWF Nepal Accountability Implementing Mechanism

I: On Implementing Accountability:		
Tasks	Practical Tools	Other References
<p>1. Ensure accountability commitments, as contained in LWF Nepal’s mandate, mission, vision and core values, are made to staff, partners, right holders</p>	<ul style="list-style-type: none"> • LWF/ DWS Accountability Guide 2: “How to introduce LWF/”, and “How accountable are you?” • LWF Nepal Country Strategy 2008 - 2013 	<ul style="list-style-type: none"> • LWF/DWS Accountability Framework
<p>2. Ensure that LWF Nepal Code of Conduct regarding Abuse of Power and Sexual Exploitation is understood and adhered to by staff (and signed by staff), incentive workers, and partners.</p>	<ul style="list-style-type: none"> • Applying the LWF Nepal Code of Conduct • LWF Nepal Code of Ethics, • LWF Nepal Child Protection Policy 	<ul style="list-style-type: none"> • LWF Nepal Code of Conduct
<p>3. Prioritize participation of populations and focus groups as integral to the LWF Nepal PM&E system (planning, implementation, monitoring and evaluation).</p>	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework 2: Participation “How to”. • Good Enough Guide, Tool 3 (How to involve people), Tool 4 (How to profile the community and assess needs), and Tool 5 (How to conduct an individual interview). 	<ul style="list-style-type: none"> • HAP benchmark 3
<p>4. Maintain a Quality Management System, applying the Elements, Dimensions, Levels and Commitments to Accountability as found in the LWF Nepal Accountability Framework.</p>	<ul style="list-style-type: none"> • HAP Standard: Emergency Check List 	<ul style="list-style-type: none"> • HAP benchmark 1 • LWF Nepal Accountability Framework

<p>5. Ensure adherence to LWF Nepal internal accountability commitments through policies, guidelines and systems.</p>	<ul style="list-style-type: none"> • LWF/DWS PM&E system • LWF Nepal Results Based PM&E System • LWF Nepal internal control systems • LWF Nepal risk management framework • LWF Nepal performance review system 	<ul style="list-style-type: none"> • LWF/DWS Operations Manual • LWF Nepal Accountability Framework • LWF Nepal Policies and Guidelines
<p>6. Ensure adherence to LWF Nepal’s external accountability commitments to national stakeholders and partners, donors, related agencies, governments, and other international partners and humanitarian and development organizations.</p>	<ul style="list-style-type: none"> • Principles of Partnership : LWF Nepal Partnership Policy 	<ul style="list-style-type: none"> • LWF/DWS Operations Manual • LWF Nepal Accountability Framework
<p>7. Ensure adherence to LWF Nepal adopted accountability commitments.</p>	<ul style="list-style-type: none"> • Codes of Conduct • Sphere Standards • HAP benchmarks 	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework • ACT policies and guidelines
<p>8. Put into place an effective human resources system in the country program, promoting accountability.</p>	<ul style="list-style-type: none"> • Clear job descriptions, staff induction program, annual performance review 	<ul style="list-style-type: none"> • HAP benchmark 4 • LWF Nepal Human Resource Manual
<p>9. Include Complaints mechanism (and investigation guidelines) as part of induction/orientation process for new staff, along with Codes of Conduct and other components of accountability.</p>	<ul style="list-style-type: none"> • LWF Nepal induction program 	<ul style="list-style-type: none"> • Applying the LWF Nepal Code of Conduct and Complaint and Response Mechanism

<p>10. Train staff in LWF Nepal Quality Management System, including LWF Nepal Code of Conduct, LWF Nepal Accountability Framework, LWF Nepal Complaints Mechanism and Investigation Guidelines, LWF Nepal Communication Policy</p>	<p>Basic curriculum for LWF Nepal Accountability advanced training course (to be developed)</p>	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework • HAP benchmarks 4 and 5
<p>11. Organize an accountability workshop for staff, partners and affected population and right holders to discuss all aspects of accountability (incl. LWF Nepal policies, Sphere, HAP, Codes of Conduct, internal control systems, PM&E).</p>	<p>Basic curriculum for LWF/ Nepal accountability workshop (to be developed)</p>	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework
<p>12. Put into place an effective and transparent information system in the country program.</p>	<ul style="list-style-type: none"> • LWF Nepal Communication Policy • Information made available to right holders/affected population includes: organizational background; organizational and staff contact details; accountability framework; project plans; progress reports; selection criteria for operational activities; information on rights; Codes of Conduct • Translation into local languages. • Information dissemination methods including bulletin boards, brochures, websites, information meetings. Decide with communities the best way to share information. 	<ul style="list-style-type: none"> • HAP benchmark 2 • LWF Nepal Accountability Framework
<p>13 Actively promote the LWF Nepal Accountability Framework.</p>	<ul style="list-style-type: none"> • LWF Nepal Communication Policy 	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework

<p>14 Develop and implement safe and effective sectoral activities</p>	<ul style="list-style-type: none"> • Sphere Handbook, Chapters 2 to 5 • ACT Code of Conduct for the Prevention of Sexual Exploitation and Abuse, ANNEX 3 	
<p>15 Conduct regular field monitoring visits and dialogue with right holders and affected populations. More resources for field monitoring provided. Staff easily identifiable as belonging to LWF Nepal and known to populations.</p>	<ul style="list-style-type: none"> • LWF/Nepal Results Based PM&E System • LWF Nepal Monitoring Report • HAP Standard, Tool 14 (How to involve people throughout the project) 	BSO Guidelines
<p>16 Establish selection criteria established for partners. Corruption risks included.</p>	<ul style="list-style-type: none"> • LWF Nepal partner selection criteria 	
<p>17 Develop standard clauses in partner agreements on accountability commitments, and on their setting up complaints mechanism which meets LWF Nepal policy parameters.</p>	<ul style="list-style-type: none"> • LWF Nepal MoU and partnership agreements 	<ul style="list-style-type: none"> • LWF Nepal Results Based PM&E System • LWF Nepal Complaint and Response Mechanisms
<p>18 Provide additional resources for training and staff development on quality and accountability.</p>	<ul style="list-style-type: none"> • LWF Nepal capacity building plan 	<ul style="list-style-type: none"> • LWF/DWS HAP Audit Report
<p>19 Participate in in-country coordination mechanisms, to coordinate SEA and complaints work (with AIN, UN, NGOs).</p>	<ul style="list-style-type: none"> • Principles of Partnership • HAP Standard, Tool 8 (Community engagement: Stakeholder Analysis) 	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework
<p>20 Implement a strong security strategy. Communities and security staff coordinate to improve safety and security related to SEA and other aspects.</p>	<ul style="list-style-type: none"> • LWF/DWS Security Policy and Guidelines • LWF/DWS Manual on Security • AIN Basic Operating Guidelines (BOG) 	<ul style="list-style-type: none"> • IASC Gender-based Violence Guidelines

<p>21 Emphasize continual improvement and learning through circulation of good practice examples, feedback of results of monitoring and evaluations to right holders. Leading to quality of management strengthened to ensure fair procedures and effective internal management and supervision.</p>	<ul style="list-style-type: none"> • LWF Nepal PM&E System • Good Enough Guide, Tool 11 (How to hold a Lessons Learned Meeting) and HAP Standard, Tool 29 • LWF Nepal Monitoring Report • LWF Nepal audits 	<ul style="list-style-type: none"> • HAP benchmark 6 • LWF/DWS HAP Audit Report • ACT Organizational Capacity Assessment Tool, Tables 3 and 4 • UNHCR Inspection Handbook
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II.A. Sequence of 10 Tasks

Tasks	Practical Tools	Other References
<p>1. Ensure management and staff support for a complaints and response mechanism (CRM). Obtain staff commitment and buy-in. Define overall purpose and benefits of CRM.</p>	<ul style="list-style-type: none"> • Good Enough Guide, Tool 12 (How to set up a complaints mechanism). • Guide to HAP Standard, Tool 27 (Step-by-step guide to setting up a complaints-handling mechanism), Tool 7 (SWOT Analysis) 	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework • LWF Nepal Complaints and Response Mechanism • LWF/DWS Complaints Mechanism
<p>2. Review existing accountability and complaints systems, and adapt as necessary.</p>	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework • LWF Nepal Complaints and Response Mechanism 	
<p>3. Define main components of a CRM – what is a complaint, what is relevant and within control of the organization, types of complaints, who will have access to the CRM, how the CRM will work. Carry out a risk assessment, related to real or potential complaints.</p>	<ul style="list-style-type: none"> • LWF Nepal Complaints and Response Mechanism 	<ul style="list-style-type: none"> • LWF DWS Complaints Mechanism
<p>4. Sensitize and engage communities through meetings with community leaders, discussions with communities – what is a complaint, right to complain, right to receive a response, sexual violence as one aspect, and availability of services. Respect local and cultural practices.</p>	<ul style="list-style-type: none"> • LWF Nepal Communication Policy • Good Enough Guide, Tool 4, Tool 19 (Participation Strategy Framework), Tool 18 (Making a consultation meeting effective) • LWF Nepal Accountability Framework 2: Participation “How to”. 	<ul style="list-style-type: none"> • HAP benchmark 5 • LWF/DWS HAP Audit • LWF/DWS Open Information and Dissemination Policy • IASC Gender-based Violence Guidelines • LWF Nepal Accountability Framework
<p>5. Find out how a community would like to complain. One mechanism is an assessment (focus groups, survey, analyze and consolidate data, apply results to development of a CRM).</p>	<ul style="list-style-type: none"> • Good Enough Guide, Tool 5, Tool 6 (How to Conduct a Focus Group) and Tool 7 (How to decide whether to do a Survey) 	<ul style="list-style-type: none"> • LWF Nepal Complaints and Response Mechanisms

<p>6. Set up a Complaints Mechanism (see pp. 7-8 for detailed aspects), including the following 7 conditions:</p> <ol style="list-style-type: none"> Right to make a complaint Purpose, parameters and limitations of the mechanism Procedure for submitting complaints (safe and easy access by users, logical/easily understood procedures) Steps to process complaints Confidentiality, transparency, impartiality and non-retaliation policy Referral mechanisms for investigations and appeals Right to receive a response 	<ul style="list-style-type: none"> HAP benchmark 5 HAP Standard, Tool 26 (Points to remember when implementing a complaints-handling mechanism) LWF Nepal Complaint and Response Mechanism 	<ul style="list-style-type: none"> BSO Guidelines HAP Standard
<p>7. Provide resources for CRM to function: training of staff, partners and right holders, affected population; materials; expert assistance as required.</p>	<ul style="list-style-type: none"> LWF Nepal Complaints and Response Mechanisms, LWF Nepal Code of Conducts 	
<p>8. Conduct information campaign on CM: internet, newsletters, posters, pamphlets, meetings, desks, focal points, notice boards, verbal information, meet with right holders, affected population</p>	<ul style="list-style-type: none"> LWF Nepal Complaints and Response Mechanism 	
<p>9. Implement the Complaints Mechanism: receive and respond to complaints.</p>	<ul style="list-style-type: none"> LWF/ Nepal Complaints and Response Mechanism 	<ul style="list-style-type: none"> LWF/DWS Complaint Mechanisms
<p>10. Learning: collate results, draw lessons, identify good practice, and incorporate learning into programming and into improving Complaints Mechanisms in future.</p>	<ul style="list-style-type: none"> Good Enough Guide, Tool 11 (and HAP Standard, Tool 29) 	

II.B. On setting up a Complaint Mechanism

Tasks	Practical Tools	Other References
<p>1. Assist Partners to establish complaints mechanisms</p>	<ul style="list-style-type: none"> • LWF Nepal Complaints and Response Mechanism • 2: How to set up a complaints and response mechanism. • <i>Guide to HAP Standard, Tools 24, 25, and 26</i> • Good Enough Guide, Tool 12 	<ul style="list-style-type: none"> • LWF Nepal Accountability Framework • HAP benchmark 5
<p>2. Establish a concrete sequence of actions to receive and handle a complaint, with clear timetable and deadlines for action:</p> <ul style="list-style-type: none"> • Receive the complaint • Pass complaint to focal point • Acknowledge to complainant • Discuss complaint in Complaints Handling Committee • Have clear system in place for registration and tracking of complaints • Secure evidence • Decide whether basis to conduct investigation, or close case • Inform the complainant on decision • Proceed with investigation, or refer, as applicable 	<ul style="list-style-type: none"> • Flowchart for Complaints Handling – Serious Complaints (Appendix 2 to LWF Nepal Complaints Policy) 	<ul style="list-style-type: none"> • LWF Nepal Complaints and Response Mechanisms • LWF/DWS Complaints Mechanisms
<p>3. Develop and implement a “complaint box” system, and other entry points for making complaints: e.g.,</p> <ul style="list-style-type: none"> • fixed days when office open to receive complaints, • Focal Persons • internet, • posted mail or phone (hotline), • direct access to complainant, • field visit meetings, • trusted intermediary, • community help desk 	<ul style="list-style-type: none"> • DRC Complaints Mechanism Handbook, Step 6 	<ul style="list-style-type: none"> • LWF Complaints Policy

<p>4. Put into use the established LWF Nepal complaints form.</p>	<p>LWS Nepal Complaint Form (Appendix 2.4)</p>	<p>LWF Nepal Complaints and Response Mechanism</p>
<p>5. Develop a roster of experts on sexual exploitation and abuse, child protection, investigation, and legal aspects of complaints, to be available when required to assist the country program. Organize training for the experts.</p>		<ul style="list-style-type: none"> • ACT Code of Conduct • LWF Nepal Complaints and Response Mechanisms
<p>6. Take steps to ensure confidentiality in complaints mechanisms. E.g.,</p> <ul style="list-style-type: none"> • Set up a confidential, protected email system or phone hotline, to preserve confidentiality in communications related to complaints. • Develop and maintain a system to record, keep confidential, and store complaints and investigation documents. 	<ul style="list-style-type: none"> • Guide to HAP Standard, Tool 22 (Tips on file storage and data management). • LWF Nepal Complaints and Response Mechanism Appendix 2.7, Example Oath of Confidentiality 	<ul style="list-style-type: none"> • LWF and ACT Complaints Policies • DRC Complaints Mechanism Handbook • UNHCR Inspection Handbook
<p>7. Name and train designated focal points (LWF, partners, and communities) to receive complaints, and agree on their specific roles and responsibilities. Ensure one man and one woman Focal Point.</p>	<ul style="list-style-type: none"> • LWF Nepal Complaints and Response Mechanism 	<ul style="list-style-type: none"> • BSO Guidelines • ACT Code of Conduct • ACT Complaints Policy • LWF/DWS Complaints Mechanisms
<p>8. Establish a Complaints Handling Committee in the office.</p>		
<p>9. Ensure a clear division of responsibility established between the complaint focal points, the Complaints Handling Committee, and the Representative, on complaints procedures.</p>		
<p>10. Have trained investigators</p>	<ul style="list-style-type: none"> • Investigation Guidelines – Appendix 2.6 	<ul style="list-style-type: none"> • ACT Code of Conduct • ACT and LWF Complaints Policies

LWF Nepal Accountability Start-up Kit – References

Policies and Guidelines:

- LWF Nepal Accountability Framework
- LWF Code of Conduct
- LWF Nepal Complaints and Response Mechanism Policy and Procedure
- LWF Nepal Communication Policy
- Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief
- Humanitarian Charter and Minimum Standards in Disaster Response (Sphere Standards)
- Principles of Partnership
- ACT Alliance Code of Conduct for the Prevention of Sexual Exploitation and Abuse
- ACT Organizational Capacity Assessment Guide and Tool
- ACT Alliance Complaints Policy and Procedure
- Humanitarian Accountability Partnership (HAP) Standard
- To Complain or Not to Complain: Still the Question (HAP)
- Building Safer Organizations Guidelines, ICVA
- Complaint Mechanism Handbook, Danish Refugee Council
- Good Enough Guide
- Complaint and Response Mechanisms, World Vision International
- UNHCR's Policy on Protection of Individuals against retaliation
- IASC Gender-based Violence Guidelines

Tools

- Applying the LWF Nepal Code of Conduct
- LWF/DWS Complaints Mechanism - Procedure
- LWF/DWS Accountability Checklist (and "How To" accountability guides)
- LWF Nepal Complaints and Response Mechanism
- ACT Alliance Complaints Procedure
- HAP Standard: Emergency Check List

Reports

- LWF/DWS Headquarters Baseline Report of HAP 2007 Standard
- LWF/DWS HAP Audit Report - 2012
- LWF Uganda Baseline Report of HAP 2007 Standard



The Lutheran World Federation Nepal

GPO Box 3330

House No 217, Chundevi Marg-4, Maharajgunj
Kathmandu, Nepal

Tel: +977-1-4720217, 4720152, 4721271

Fax: +977-1-4720225

E-mail: mail@lwf.org.np

Website: www.lwfnepal.org