**Clarifying UN-REDD Programme Procedures for Addressing Complaints**

Draft Concept Note

(22 April 2013)

**Rationale**

The UN-REDD Programme has begun receiving complaints regarding the design and implementation of its National Programmes (NP). Initial experience, while ad hoc in nature, has already produced valuable information on gaps and strengths in the Programme’s response to complaints.

For example, in response to a complaint made against the Panama NP, the UN-REDD Programme prepared:

* A plan for setting up a mediation process (Annex 1);
* [Terms of Reference](http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=10109&Itemid=53) for an evaluation of the NP and an investigation into the complaints made; and
* A draft plan for communicating the status of how the Programme is addressing the complaint.

The experience in responding to the complaint made against the Panama NP provided insight into these issues, among others:

* The impacts of a complaint on the Programme as a whole (reputational risks and loss of trust with key stakeholders, financial implications, demand on human resources, stalled NP activities);
* Circumstances that require different responses to a complaint, e.g. when a mediation process, complaint investigation and/or NP evaluation may be required;
* Coordination strengths and gaps between the agencies and also at different levels (country, regional, HQ and Secretariat); and the need to clarify roles/responsibilities and associated accountabilities;
* The importance of communicating with different stakeholders about how the Programme is addressing a complaint, e.g. donors, Policy Board, IP/CSO partners, media, etc.; and
* The need for and challenges of responding in a timely fashion.

Lessons learned and challenges/gaps identified from the Programme’s response to the Panama complaint can provide a basis for strengthening the Programme’s procedures to address grievances in the future.

Recognizing that the Programme is likely to continue receiving complaints, there could be significant benefits from clarifying and systematizing procedures for addressing complaints. Benefits could include:

* More timely, efficient and effective interaction with complainants to address and resolve complaints;
* More effective coordination among country, regional, HQ and Secretariat levels in internal discussion and decision making about complaint response; and
* More coherent and effective communications with national and international stakeholders with an interest in UN-REDD and/or in particular complaints.

Clarifying the UN-REDD Programme’s procedures to address complaints should be seen as a complement to, not a substitute for, the agencies’ use of proactive stakeholder engagement, risk assessment and participatory design and implementation processes to minimize the likelihood of complaints and grievances.

**A Clarified Procedure for Addressing Complaints**

**Purpose**

As mentioned above, agreed inter-agency procedures for responding to complaints will ensure clarity of procedures, roles and responsibilities for responding to specific complaints; increase the likelihood of effective, efficient and timely complaint response and resolution; and ensure coherent UN-REDD communication with external stakeholders.

**Core Elements**

1. Agencies have a jointly agreed approach to inform stakeholders how to file a complaint about UN-REDD activities.
2. Agencies’ have harmonized procedures for screening, assessment and response;
3. Complaints received by any of the three agencies about NP activities are immediately shared with the other two;
4. There are clearly designated focal points for sharing, discussing and responding to complaints in each agency, at national, regional and HQ levels;
5. There is an agreed time frame for agencies’ focal points to screen and assess the complaint and decide on the best response;
6. There are agreed procedures for deploying resources, staff and external expertise in response to complaints received;
7. There is an agreed inter-agency procedure for external communications about complaints.

**Steps for Addressing a Complaint**

Agencies would follow the set of steps diagrammed below in response to any complaint received. The diagram represents widely accepted good practice in grievance/complaint response. Without being prescriptive with regard to the response in any particular case, it offers a relatively straightforward approach that can be the basis for harmonized protocols among the three UN-REDD Programme agencies.

**Draft Procedures, Roles and Responsibilities** (numbers in a row indicate sequence of actions)**:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Steps in complaint response** | **NP level** | **Regional/HQ Level** | **External Communications** |
| **Establishment of coordination structures** | 2. Focal points designated, have agreed protocol for coordinated response | 1. Agencies agree on coordination protocol, designate focal points, provide protocols/guidance to them | 3. Global announcement of coordination mechanism  |
| **Outreach on how to file a complaint** | 1. Focal points define key stakeholders, conduct outreach  | 2. Produce “how to” materials (how to file a complaint, how the Programme will respond etc.) | 3. Information on UN-REDD Global and NP websites, press releases, etc.  |
| **Receipt of complaint, acknowledgement, logging and notification**  | 1. If complaint received by one agency, immediate acknowledgement of receipt, logging and notification of others at national and regional/HQ levels  | 2. Regional/global focal points notified (unless complaint has come to regional/global level, in which case initial recipient acknowledges, logs and notifies other agencies) | 3. Information that a complaint has been received posted on UN-REDD Global and NP website unless complainant has requested anonymity |
| **Eligibility screening** (completed within 5 business days after receipt) | 1. UN-REDD national lead agency focal point conducts eligibility screening, proposes decision on eligibility; review and comment by other two agencies’ focal points | 2. Regional/global focal points review proposed decision on eligibility | 3. Result of eligibility screening posted on NP website |
| **Assessment of eligible complaint and development of response options** (completed within 15 business days after eligibility determination; option for longer time frame (e.g. 30 days) for complex complaints requiring regional/HQ involvement, and /or assistance from external, impartial assessors | * If complaint pertains primarily to one agency, that agency’s focal point leads on assessment of complaint and development of response options.
* If complaint addresses activities/actions of two or three agencies, joint assessment and development of response options.
* Focal point(s) of agency(ies) not directly involved, review and comment.
 | * Agency regional/HQ focal points review and comment on assessment and response options within agreed time frame.
* If complaint raises serious concerns about conduct/ impartiality of agency at country level, then regional/HQ focal points lead in assessment, in consultation with national focal points.
 | * Results of complaint assessment and proposed response options communicated directly to complainant.
* Decisions about external communications to be made in consultation with the complainant.
* Normally, NP website posting that assessment is completed and response is being undertaken, without detail. Option for Global UN-REDD website posting when complaint has generated high international interest/visibility.
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| **Discussion of proposed response with complainant** (immediately after agencies complete assessment and development of response options, or as soon as convenient for the complainant) | * Lead agency(ies) for response takes lead in engaging with complainant, unless agency at national level does not have effective channel of communication to complainant
* Where communication between lead agency for response and complainant is problematic, option to engage RC on behalf of UN, or other intermediary credible to the complainant and to the Management Group
 | * Focal points monitor country level engagement with complainant when country level has effective channel of communication
* Where no effective channel of communication with complainant exists, one or more focal points may lead in communication, or identify other UN-REDD regional/global managers to lead
 | * Communication directly with complainant; minimal public communication at this stage beyond acknowledgement that discussion of possible responses is ongoing
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| **Response actions** (begun within 10 days of agreement on response options with complainant; time frame for response may vary widely thereafter depending on nature of response) | * Direct actions undertaken by agency(ies) at country level
* More complex stakeholder engagement, dispute resolution processes and/or evaluation/investigation may require external support, with regional/HQ oversight
 | * Focal points monitor direct actions taken at country level
* For more complex situations where agencies at country level are not appropriately positioned to lead on response, focal points may be directly involved in managing stakeholder engagement, dispute resolution and/or evaluation/investigation
 | * Direct communication to complainant and other stakeholders by agencies at country level to inform about agency action; posting of response on NP website in general terms
* For more complex situations, single focal point for communication established at regional/HQ levels, coordinates communications to all stakeholders
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| **Monitoring of response** | * Country focal points jointly monitor implementation of response, make adjustments as necessary until complainant and lead agency(ies) agree complaint is resolved
 | * Regional/HQ focal points informed regularly by country focal points on status of response and resolution
* Active monitoring by regional/HQ level focal points in situations where regional/HQ level has taken the lead in response
 | * Regular communication with interested stakeholders on status of response
* Periodic updates of NP and/or global UN-REDD website (global level when complaint has generated high international interest/visibility)
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| **Closing of complaint** | * Country focal points jointly agree on closing of complaint after consultation with complainant and any other relevant stakeholders
 | * Regional/HQ focal points document closing of complaint and generate key lessons note in consultation with national focal points
* In situations where Regional/HQ level has taken the lead, Regional/HQ focal points agree on closing of complaint after consultation with agencies at country level, complainant and any other relevant stakeholders
 | * Communication with all relevant stakeholders indicating closing of complaint and final status (resolved or referred out)
* Global and NP website posting
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**Next Steps**

If the Management Group is interested in clarifying UN-REDD procedures for addressing complaints:

* A revision of this document could be made based on comments from the Agencies;
* An outline for the elaboration of this work could be developed and agreed upon, based on interviews and existing agency practice in receiving grievances (including the UN-REDD Programme response to the Panama complaint).
* Consider piloting proposed focal points and procedures in one or more NP and/or regional contexts before rolling out globally.

The Management Group may wish to consider to what extent the Programme could consider using/applying [UNDP’s procedures for addressing grievances](http://tinyurl.com/732pscd), e.g. in the UN-REDD Programme response to the Panama complaint, UNDP’s grievance and compliance experts provided guidance on the proposed mediation process and the ToR for the investigation into the specific claims of the complainant. UNDP’s Social and Environmental Review Unit managed the selection process for the evaluation team.

**Annex 1: Steps to Set Up Mediation Process**

1. Agreement between complainant and the UN-REDD Programme to proceed with a mediation process.
2. Selection of the mediator.
	1. UN-REDD shares CVs of possible mediators
	2. Complainant is invited to share CVs of possible mediators
	3. Agreement between UN-REDD and complainant on process of selecting mediator

Recommendation:

* Joint interview of mediators: 2 UN-REDD & 2 representatives of complainant
* Candidate evaluated and selected based on agreed criteria, for example:
	+ Trained and experienced mediator;
	+ Knowledge of the substantive issues;
	+ Credible and impartial in the eyes of all stakeholders;
	+ Must disclose all past relationships with any of the stakeholders;
	+ Other…
	1. Agreement on selected candidate(s)
1. Mediator meets individually with stakeholders to learn about key issues, interests and concerns, and to discuss options for structuring next steps/process.
2. Mediator reports back to all parties with recommendations for moving forward (could be through a written document, orally, confidentially if necessary).
3. Parties decide whether they want to proceed or not.
4. If there is agreement to proceed, mediator continues to meet with parties (individually and jointly, as appropriate) to support a process to find options and solutions to address the disputed issues.
5. Parties seek agreement on resolution of the outstanding issues, and on the way forward, with assistance from the mediator; and ultimately determine whether to proceed with proposed solutions or end mediation process.