



ANTI-CORRUPTION COMMISSION

Complaint Management

Policy and Procedures Manual

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This manual provides guidelines for management of the complaints within the Anti-Corruption Commission of Bhutan.

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COMPLAINT MANAGEMENT

1.1 Introduction

This Chapter provides guidelines for the management of complaints within the ACC. It sets out the policies and procedures to be followed regarding complaint management to ensure good practice and consistency in responding to complaints. The complaints management flow chart is given in Annex 1A.

1.2 Policy

- To establish an effective and efficient complaint management system based on the following principles;

Accessibility;

Individuals or groups wanting to make a complaint will have access to the staffs of Complaint & Follow-up Section (CFS) in the ACC. Complaints can be made by walk-in, phone, fax, post or ACC Web mail. If the complainant is not satisfied with the staffs of CFS, the complainant can even have the access to the Commission.

Transparency;

Information about complaint management system will be made available through appropriate medium so that people wishing to make a complaint are aware of the procedures, understand its purpose, and know who is responsible for handling complaints and communicating progress or outcomes within the ACC. They will also be made aware of how, where and what to report.

Responsiveness;

Complaints will be handled in an efficient and effective manner. Complainant will also be updated on the progress of the complaints as appropriate.

The staffs of Complaint & Follow-up Section (CFS), while dealing with complaints, shall be courteous, professional and respectful of the privacy of the person making the complaint.

Accountability;

Staffs of CFS shall be responsible and accountable for effective complaints handling as defined under roles and responsibilities of CFS.

Confidentiality; and

Complainants, witnesses and subjects of a complaint have a right to confidentiality. Information shall be shared on a 'need to know' basis for the purposes of addressing and resolving the complaint only. Complaint records

shall be stored securely to avoid accidental or unauthorized disclosure of information.

Fairness

Each complaint will be addressed in an equitable, objective and unbiased manner through the complaints management process.

- To gain and maintain the trust and confidence of the public in the ACC; and
- To reinforce the duty of all Bhutanese to uphold justice and act against corruption.

1.3 Roles & Responsibilities

1.3.1 Complaint & Follow-up Section (CFS)

- Receive and register complaints in accordance with chapter 5 of ACAB 2011 using Investigation Management System (IMS).
- Acknowledge complaints as necessary.
- Liaise with complainants as necessary to obtain further information and provide advice regarding the progress of complaints.
- Advise the complainant of the outcome of the complaint.
- Enrich complaint information by collecting relevant documents, and reviewing relevant laws, rules & regulations, policies and procedures as necessary.
- Prepare & coordinate for evaluation of complaints by the Complaint Evaluation Committee (CEC) and onward submission to the Commission.
- Follow up on the decisions of the Commission.
- Liaise with agencies for shared complaints, and follow up on the action taken reports as necessary.
- Submit report to the Commission on quarterly basis on the complaints and cases. The report should be both qualitative and quantitative.
- Maintain all records related to complaints (safekeeping)

1.3.2 Complaint Evaluation Committee (CEC)

The CEC shall be constituted through an office order and shall include the following:

- i. 1 Director (on rotation basis)
- ii. 2 Division Chiefs (on rotation basis)
- iii. 1 from Legal
- iv. 1 from Intelligence & Surveillance

- v. Head of CFS (Another member from CFS will also attend for support)

The Head of CFS shall be the member Secretary of the CEC, and shall be responsible for providing all information including the original complaint, evidences and any other related information. The CEC members shall be given the required accessibility to the IMS.

The roles and responsibilities of the CEC shall be as follows:

- Ensure that complaints are managed in accordance with the provisions of the ACAB 2011 and in line with this Manual.
- Evaluate complaints (including those against officials of the Commission) and recommend appropriate actions to the Commission for decision making.
- Classify complaints as per the guidelines of this Manual for the purpose of reporting, and to assist the Commission in their oversight functions.
- Review the complaint data and its analysis prepared and submitted by CFS.

1.3.3 The Commission

- Ensure that complaints are effectively and efficiently addressed in accordance with this Manual.
- Ensure that an effective complaint management system is developed and implemented.
- Ensure that appropriate resources are available and utilized for effective complaint management.
- Designate, direct, control and supervise the staffs for complaint management.
- Ensure that staff with roles in handling complaints are provided with appropriate information and training.
- Take appropriate decisions on the complaints based on the recommendations of the CEC.
- Ensure that the decisions taken are implemented.
- Ensure that the complaint management policies, procedures, and data are regularly evaluated, and information is used to strengthen the system.
- Ensure that complaint data and information are used to plan and resource the activities of the ACC.

1.4 Procedures

1.4.1 Receiving complaints

As specified under section 25 (f) of ACAB 2011, the Commission shall receive and consider any complaints of the commission of a corruption offence under Chapter 4 of ACAB 2011 lodged with it by a person or authority.

The complaints may be received through Post, Fax, Telephone, ACC Website and Walk-in. To capture the essential elements of corruption, complainants should be encouraged to use the Complaints Reporting Form no. ACC/CM01 wherever possible.

By Post

- Since post mails may contain complaints or other materials (letters and documents), sealed envelopes shall not be opened by the Receptionist; all sealed envelopes shall be opened by the Head of the CFS and the Receptionist or in their absence the official officiating the Head of the CFS shall do the same. This is to ensure that no complaints are lost, misplaced or destroyed on purpose or otherwise.
- After opening, the complaints shall be initialed with date of receipt by both and enter them into the designated register.
- The complaints shall then be entered into the IMS.
- The Head of the CFS or the official officiating the Head of CFS and the Receptionist shall maintain the confidentiality of the complainant and the contents of the complaints in accordance with Section 32 (1) of the ACAB 2011.

By Fax

- The complaints via fax should be encouraged to fax it to the dedicated fax number.
- The fax machine dedicated to receive complaints shall be secured in a convenient box under two locks and keys.
- The two officials of the CFS should jointly open the box containing the fax machine in the first hour of every working day, and record the complaints received through fax in the designated register.
- The complaints shall then be entered into the IMS.

By Phone

- The complainants wishing to lodge complaints through telephone should be encouraged to call the dedicated phone number.
- No staffs of ACC other than CFS shall receive the complaints.
- The staff of CFS receiving complaints through phone shall obtain information as per the specification of the form no. ACC/CM01.
- Complaints lodged via telephone shall be recorded on IMS CDR and the same shall be reduced to writing in the form no. ACC/CM01 by the staff of CFS.
- The complaints shall then be entered into the IMS.

By Walk-in

- Walk-in complaints must be encouraged.
- Any person walking into office of the Commission to lodge a complaint shall be directed to the CFS.
- No staffs of ACC other than CFS shall receive the complaints.
- The staff of CFS shall courteously receive the written complaints or transcribe the verbal statement of the complainant in the form no. ACC/CM01, complete all formalities such as getting the transcribed complaint signed, and enter in the register.
- After entering the complaint into the register, the complainant shall be provided with an acknowledgement receipt in accordance with form no. ACC/CM02 in accordance with Section 77 (4) of the ACAB 2011.
- The receipt shall be identified by the complaint registration number, and the complainant should be informed about referring this number while following up on the complaint.
- The complaints shall then be entered into the IMS

By Web mail

- All complaints lodged through the web site of the Commission (complaints@acc.org.bt) shall be accessed jointly by the two staffs of the CFS.
- After accessing the mail, before opening the in-box, the staffs shall print screen the mail inbox, and account the complaints lodged through web mails.
- The mails shall be checked every Monday.
- The staffs of CFS shall keep proper record of complaints received, including count of spam, blank and such other mails in the form no. ACC/CM03.
- The complaints shall then be entered into the IMS.
- The Commission shall have access to the alternative mail box for their oversight functions.

1.4.2 Complaints Registration

- In accordance with Section 78 (3) of the ACAB 2011, CFS shall register all complaints in the IMS.
- The CFS shall ensure that no information in the complaint is left out. The CFS may prepare a synopsis of the complaints and register the same.
- The complaint registration number auto-generated by the IMS shall be marked on the original complaint by the CFS.
- The CFS shall link the repetitive complaints.

- Complaints that warrants rapid response/hot pursuit may be registered after the launch of investigation without undergoing the other formalities, and the Commission shall be apprised of it accordingly.

1.4.3 Evaluation of Complaints

The CEC shall meet every Wednesday at 9.30 a.m. and if Wednesday is a non-working day, then on the subsequent working day to evaluate complaints as per the Pursuability Evaluation Form no. ACC/CM04. The CEC meetings shall not be convened unless a two-third quorum is met.

The CEC meeting shall be chaired by a Director. The CEC members shall compulsorily declare conflicts of interest.

The ratings of the complaints (P-Value scoring) as per the parameters defined in the Pursuability Evaluation shall be as follows:

Complaint detail

- Under “Mode of Complaint”, zero points shall be awarded for anonymous complaints; 2 points for identified complainants without address; 4 points for identified complaints with proper (reachable, traceable, identifiable) address.
- Under the “Identity of Accused”, zero points shall be awarded if the accused is not named; 2 points shall be awarded if the accused is named.
- Under “Location”, zero point shall be awarded if the place of occurrence is not mentioned; 2 points if the place of occurrence is identified; 4 points shall be awarded if the place of occurrence is identified with proper address (e.g. designation, section/division, agency of the accused).
- Under “Witness”, zero points shall be awarded if no witness is available; 2 points shall be awarded if a single witness is named in the complaint; 4 points shall be awarded if there are 2 or more witnesses named in the complaint.
- Under “Evidence”, zero points shall be awarded if no evidence to the allegation is provided in/with the complaint; 6 points shall be awarded for documentary evidence (as defined in the Act – tape, video recording, disc or any form of computer input or output and any other material, whether produced mechanically, electronically, manually or otherwise).

Financial Implication

- Lowest point of 3 shall be awarded for financial implication of less than Nu. 50,000.00; 7 points shall be awarded for financial implication of less than Nu. 100,000.00; 10 points shall be awarded for financial implication of less than Nu. 500,000.00; and 15 points for financial implication of more than Nu. 500,000.00.

- Amount reflected in the complaint should have bearing on the offences to be considered for awarding pts.
- The evaluation in terms of financial implication shall be based on the amount or sum of money as mentioned in the complaint and points awarded as mentioned above but the evaluation committee members must exercise proper judgment on such available information.
- If amount of money is not mentioned in the complaint, the complaint evaluation committee members shall base their calculation of the financial implication as follows:

Land:

- Compensation rates for land as issued by the government for rural or urban areas, PAVA rates. (Contemporary cost of land prevalent).
- If no acreage is mentioned in the complaint, then CFS shall follow up with the complainant to determine the acreage and award the point based on the acreage and the rate.

Procurement of Works (Construction):

- If the value of construction awarded unfairly is not mentioned, then the sum to be taken into account shall be based on the total contract value and the points shall be awarded accordingly.
- If the amount involved in bribery/collusion or unfair practices is not mentioned in the complaint, then the amount to be taken into account shall be considered as “less than Nu. 100,000.00” and the points shall be awarded accordingly (contract categories).
- If the amount involved in bribery/collusion or unfair practices is mentioned in the complaint, then the amount to be taken into account shall be based on the amount of bribe and the points shall be awarded accordingly.

Procurement of Goods and Services:

- If the value of procured goods/services is not mentioned, then the sum to be taken into account shall be “less than Nu. 500,000.00” and the points shall be awarded accordingly.
- If no amount of bribery/collusion or unfair practices is mentioned in the complaint, then the amount to be taken into account shall be “less than Nu. 100,000.00” and the points shall be awarded accordingly.

Personnel:

- If the complaints relates to unfair recruitment, promotion, training/scholarships and misuse of personnel, the basis for calculating the financial implication shall be as follows:

- *The amount to be taken into account shall be the minimum basic salary for 12 months at government pay scale for EX, P, S, and O levels in the government or their equivalent in other sectors.*
- If the complaints relates to unfair selection related to training/scholarships, the amount to be taken into account shall be the DSA/stipend and airfare. Where the location/number of days is not mentioned the financial implication to be taken into account shall be “less than Nu. 100,000.00”.
- If the complaints relates to unfair transfer, the financial implication to be taken into account shall be “less than Nu. 50,000.00”.

Political:

- If the complaint is against bribery or unfair practices during elections, then the amount of bribery or unfair practices mentioned in the complaint shall be taken as the basis for evaluating financial implication.
- If no amount is mentioned in the complaint, then the amount to be taken into account shall be “less than Nu. 50,000.00” and the points shall be awarded accordingly.

Policy:

- If the complaint is against policy related matters wherein policies have been framed to suit the interest of individuals/groups/parties, the financial implication to be taken into account shall be “more than Nu. 500,000.00”.

Natural Resources:

- Forest Produce:
 - *The points to be awarded shall be based on the rates/royalty as may be issued by the government or rates/royalty as charged by Natural Resources Development Corporation Limited (NRDCL) for sand, boulder and timber.*
 - *If no alternative is available, then the financial implication to be taken into account should be “less than Nu. 500,000.00”.*
- Mining Sector:
 - *The financial implication to be taken into account shall be “more than Nu. 500,000.00”.*
- Environmental Sector:
 - *If the complaint is against other environment related matters the financial implication to be taken into account shall be “more than Nu. 500,000.00”.*
- Other Resources:
 - *Misuse of property/facility - “less than Nu. 50,000.00”.*
 - *Embezzlement of property/facility - “less than Nu. 100,000.00”.*

- *Misuse and embezzlement of taxes/revenues/funds/securities – “more than Nu. 500,000.00”.*
- *Exemption/remission/reduction/abatement of taxes, fines, levies or charges - “more than Nu. 500,000.00”.*
- *Unexplained wealth – “more than Nu. 500,000.00”.*
- *Misuse and abuse of authority/position – “less than Nu. 100,000.00”.*
- *Abuse of privileged information – “less than Nu. 100,000.00”.*
- *Conflict of interest declaration related – “less than Nu. 100,000.00”.*
- *False claim – “less than Nu. 50,000.00”.*
- *Trading in influence – “less than Nu. 100,000.00”.*
- *Money laundering – “more than Nu. 500,000.00”.*
- *Where there appears two or more parameters that can be used to assess the financial implication in a complaint, the assessment should be based on whichever parameter is higher (for instance, if the complaint is related to conflict of interest declaration in recruitment of a CEO, obviously, the assessment shall be based on the salary of the CEO calculated at government pay scales as provided above.*

Social Implication

Individual – 3 points:

- If the implication is affecting an individual or a family
- If the complaint is on:
 - *Unfair promotion, transfer, etc.*

Local – 7 points:

- If the implication is affecting village, gewog up to a Dzongkhag
- If the alleged person is a repeat offender

Regional – 10 points:

- If the implication is affecting more than a Dzongkhag
- If the complaint is on:
 - *Central agency recruitment*

National – 15 points:

- If the implication is affecting more than two Dzongkhags
- If the complaint is on:
 - *Scholarships*
 - *Environment*
 - *Policy*

- *Mining*
- *Construction of roads/highways*
- *Centrally procured goods/services for distribution to the Dzongkhags*
- *Mega projects*

Each member of the CEC shall independently give ratings, and average shall be taken in the IMS. The CEC shall make decisions, as far as possible, by consensus. If a consensual decision is not reached at, the views of the simple majority shall be the decision of the Committee. In such a case, the members opposing the decision of the majority shall be required to sign the recommendations (as the IMS will not accept any entries without the signature of the required quorum) but may make their representations in the “remarks” column in the complaints evaluation module of the IMS. In the event of a deadlock, the Chairperson shall have the casting vote.

If the CEC’s recommendation for decision making is different from the IMS generated decision, then justifications must be provided.

1.4.4 The Commission Meetings on complaints

- The Commission meeting on the complaints shall be convened every Thursday. If Thursday is a non-working day, then the meeting shall be convened on the subsequent working day.
- The meeting shall be chaired by the Chairperson and in the absence of the Chairperson, the senior most Commissioner shall chair the meetings.
- The Commission meetings shall not be convened unless a two-third quorum is met.
- The Commission members shall compulsorily declare conflicts of interest if the decision is going to be influenced or appears to be influenced by private interest.
- If the complaint is against a Commission member or officials of the ACC, the members shall participate in the decision, and shall not be permitted to declare conflict of interest. The reason being, if all abstain then decisions cannot be taken or meetings cannot be held.
- Presentation of the complaints shall be done by the Head of CFS.
- The Commission shall make decisions, as far as possible, by consensus. If a consensual decision is not reached at, the views of the simple majority shall be the decision of the Commission. In such a case, the members opposing the decision of the majority shall be required to sign the recommendations (as the IMS will not accept any entries without the signature of the required quorum) but may make their representations in the “remarks” column in the complaints evaluation module of the IMS. In the event of a deadlock, the Chairperson shall have the casting vote.

- The Commission may choose to endorse or assign a different decision on a complaint that may be different from the one recommended by the CEC with adequate justifications.
- The Commission may ask for any additional documentation, etc. from the CFS.

1.5 Outcomes of Complaints

The P-Value scoring, as evaluated by CEC and decided by the Commission, shall generally determine the outcomes of the complaints. However, the Commission can also decide the outcomes of the complaints as deemed fit irrespective of the P-Value scoring. The outcomes shall be classified into 4 major categories, viz. (i) Investigate, (ii) Discreet Enquiry, (iii) Share with agencies, and (iv) Drop.

1.5.1 Investigate

The complaints with P-Value score of 30 and above (out of total score of 50) or as decided by the Commission shall be qualified for investigation.

The complaints qualified for investigation shall be automatically forwarded to the respective Directors by the IMS for assignment of cases to the Divisions.

The complaints that warrant rapid response or immediate action will also be qualified for investigation. In such cases, the complaints will not be subjected to normal evaluation process. The following circumstances will determine the need for rapid response:

- Preventing the destruction of evidence
 - Commission of a corruption offence in progress is reported to the Commission.
 - A person has reported to the Commission a demand for a bribe, and has been authorized to give or receive it as demanded.
 - Suspected corruption offence is reported to the Commission by the Royal Audit Authority during their auditing process.
- Preventing the escape of a suspect.
- Directives from Judiciary.
- His Majesty's Command.

1.5.2 Discreet Enquiry

Discreet enquiry on a complaint shall be undertaken either to enrich information or authenticate its reliability prior to making any decision on the complaint. It will determine whether there is sufficient ground to engender a suspected or alleged corruption offence.

The CFS shall be responsible for the Discreet Enquiry. , and its findings shall be routed through CEC. The Commission, while deciding Discreet Enquiry on complaints, must mention specific information for enrichment.

The complaints with P-Value score of 25 - 29 (out of total score of 50) or as decided by the Commission shall be qualified for Discreet enquiry.

1.5.3 Share with agencies

The Commission shall also share complaints with agencies either for sensitization or action when they are of administrative nature; in some cases agencies would be required to submit their enquiry reports to the Commission.

The complaints with P-Value score of 25 - 29 (out of total score of 50) or as decided by the Commission shall be qualified for 'Share with agencies'. Sharing of complaints with agencies should be mainly related to system improvement, streamlining policies and procedures, strict enforcement of rules and regulations, etc. Further, complaints that do not fall within the definition of corruption but relate to other crimes shall be sent to the concerned law enforcement agencies.

CFS shall be responsible for sharing the complaints with agencies and subsequent follow-up. The form no. ACC/CM05 should be used for sharing complaints. In cases where complaints have been shared for action, agencies will be given 30 days to submit the action taken reports to the Commission. The CFS will apprise the Commission on the action taken reports to decide further appropriate actions. The appraisal will be in the form no. ACC/CM06.

1.5.4 Drop

The complaints with P-Value score of 1 - 24 (out of total score of 50) or as decided by the Commission shall be dropped. This category of complaints either contain unsubstantiated general allegation of corruption or do not bear any element of corruption. However, the complaints shall remain in the IMS database.

Further, the matters under consideration by other agencies are also included in the drop category.

1.6 Access to Complaints

The CFS, CEC and the Commission shall have access to the complaints as required by their roles & responsibilities. Other staffs of the ACC shall not have access to the complaints without prior approval or authorization from the Commission. The Commission shall authorize the access to the complaints for specific purpose and duration [Refer form no. ACC/CM07].

1.7 Reporting on Cases and Complaints

The CFS shall submit to the Commission a statistical report on the cases and complaints on quarterly basis. The format of the report should be as follows:

1.7.1 Cases

No. of cases assigned

No. of cases under investigation

No. of cases investigated

No. of cases referred for prosecution

No. of cases under trial

No. of cases under appeal

No. of cases adjudicated

No. of cases closed

No. of cases returned by prosecution

Duration taken for investigation, prosecution, and adjudication.

1.7.2 Complaints

No. of complaints received

No. of complaints received against ACC members

No. of complaints evaluated and endorsed by the Commission

No. of complaints qualified for investigation

No. of complaints qualified for 'Discreet Enquiry'

No. of complaints qualified for 'Share with Agencies'

No. of complaints dropped

Classification of complaints:

Mode of complaints: Walk-in, Post, Fax, Telephone and ACC Website

Source type: Known and Anonymous

Source of complaints Members of public, Referrals from Royal Audit Authority, Parliament, Cabinet, and other Govt. agencies & Directives of Judiciary

Type of complaints (by offences): Abuse of functions, Embezzlement, Bribery, Trading in influence, Disproportionate Assets, False claims, Money Laundering, Conflict of Interest & Abuse of privileged information

Type of complaints (by Area): Public property, Public revenue, Natural resources (Land, Forests, Mining, etc.), Personnel, Contract (Works and Goods & Services), Policy, Politics, Sports, etc.

Type of complaints (by Institutions): Political parties, Judiciary, Parliament/Legislative, Media, Armed Forces, Business/Private Sector, Ministries, Dzongkhags, Local Government, Corporations, Constitutional Bodies, Autonomous Agencies & Religious Bodies, etc.

The classification of complaints shall be done by the CEC.

ANNEX 1A: Complaints Management flow chart

