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Bhutan Trust Fund
for Environmental Conservation

Complaint and Grievance Redress Mechanism

2019

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CHAPTER 1

GENERAL PROVISIONS

1.1. Objective

- 1.1.1 The Royal Charter of the Trust Fund for Environmental Conservation 1996 (The Charter) mandates the Bhutan Trust Fund for Environmental Conservation (BT FEC) to efficiently use and manage the Fund for the promotion of social welfare through environmental conservation of forests, flora, fauna, wildlife, diverse ecosystems and biodiversity.
- 1.1.2 In fulfilling the mandates bestowed by the Charter, the BT FEC's Board (Board) formulates a complaint and grievance redress mechanism based on the principles that is Legitimate, Accessible, Predictable, Equitable, Transparent, Rights compatible, Enabling continuous learning, and based on Engagement and dialogue, for effective resolution of the grievances of stakeholders.

1.2 Scope

- 1.2.1 This Complaint and Grievance Redress Mechanism (CGRM) intends to provide a platform through which local communities (inclusive of vulnerable groups and gender impartiality) and other stakeholders may exercise their voice concerning about the impact of BT FEC's policies, programs and operations on them.
- 1.2.1 This CGRM intends to complement, not replace, formal legal channels for managing complaints or grievances. It, therefore, does not substitute for or obstruct judicial and administrative remedies, such as mediation or arbitration, which are necessary for disputes beyond the scope of any CGRMs.
- 1.2.2 This CGRM is beyond the scope for criminal or corruption complaint or grievance. At the same time, any existing rights under any other compliant mechanisms that an individual or group of individuals may otherwise have access to under national or

international law or the rules and regulations of other institutions, agencies or commissions shall not be entertained under this CGRM.

1.3 Commencement

1.3.1 The Board has during its **53rd Management Board Meeting** approved this CGRM and brings it into force with effect from **07th December 2019**.

1.3.2 The Board may amend or cancel any provisions of this CGRM, and its interpretation shall be final and binding in case of disagreement on any provision of this CGRM.

1.3.3 Unless the context indicates otherwise, the singular shall include plural and masculine shall include feminine gender as well as neuter.

1.4 Mandate

1.4.1 The mandates of this CGRM are:

- 1.4.1.1** to receive and address any concerns, complaints, notices of emerging conflicts, or grievances alleging actual or potential harm to affected person arising from the project and programs;
- 1.4.1.2** to assist in resolution of complaint or grievance between or among stakeholders; as well as the various agencies in the context of the projects and programs;
- 1.4.1.3** to conduct itself at all times in a flexible, collaborative, and transparent ways aimed at problem solving and consensus building.

1.5 Function

1.5.1 The functions of this CGRM are:

- 1.5.1.1** to receive, log and track all complaints and grievances received;
- 1.5.1.2** to provide regular status updates on complaints or grievances to claimants and other relevant stakeholders, as applicable;
- 1.5.1.3** to engage the claimants and other relevant stakeholders in the complaint or grievance resolution;

- 1.5.1.4 to process and propose solutions and ways forward related to specific complaints or grievances within a period not to exceed sixty (60) days from the receipt of the complaint or grievance;
- 1.5.1.5 to identify growing trends in complaints or grievances and recommend possible measures to avoid the same;
- 1.5.1.6 to receive and serve requests for, and suggest the use of mediation or facilitation;
- 1.5.1.7 to make reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings and outcomes). This report shall be published in the BTFEC's Annual Report and also make available on the website.
- 1.5.1.8 to ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the CGRM process;
- 1.5.1.9 to collaborate with partner institutions and other entity to conduct outreach initiative to increase awareness among stakeholders as to the existence of CGRM and its services can be accessed; and
- 1.5.1.10 to ensure continuing education of project officials and respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions of Complaints and Grievances likely to come before the CGRM.

CHAPTER 2

COMPLAINT AND GRIEVANCE

2.1 Communicating a complaint or grievance

- 2.1.1 A complaint or grievance may be made by any individual or group of individuals that believes it has been or will be harmed by the project or program of the BTFEC Secretariat (the Management).
- 2.1.2 A complaint or grievance if lodged by a different individual or organization on behalf of those said to be affected, the claimant must identify the individual and/or people on behalf of who the complaint or grievance is submitted and provide written confirmation

by the individual and/or people represented that they are giving the Claimant the authority to present the complaint or grievance on their behalf. The Management shall take reasonable steps to verify this authority.

- 2.1.3 The Management shall maintain a flexible approach with respect to receiving complaints or grievances in light of known local constraints with respect to communications and access to resources for some Stakeholders. A Grievance can be transmitted to the CGRM by any means available (i.e. by email, letter, phone call, meeting, SMS, etc.).

2.2. Complaint or grievance information

- 2.2.1 The complaint or grievance may include the following information:

2.2.1.1 The name of the individuals making the complaint or grievance (the complainant);

2.2.1.2 A means for contacting the Claimant (email, phone, address, other);

2.2.2.3 If the submission is on behalf of those alleging a potential or actual harm, the Identity of those on whose behalf the Grievance is made, and written confirmation by those represented of the Claimant's authority to lodge the Grievance on their behalf;

2.2.2.4 The description of the actual harm;

2.2.2.5 The Claimant's statement of the risk of harm or actual harm (description of the risk/harm and those affected, names of the individual(s) or institutions responsible for the risk/harm, the location(s) and date(s) of harmful activity);

2.2.2.6 What has been done by the Claimant thus far to resolve the matter;

2.2.2.7 Whether the Claimant wishes that their identity is kept confidential; and

2.2.2.8 The specific help requested from the Management.

- 2.2.2 The complainant is not required to provide all of the information listed above. Initially, the complainant need only provide enough information to determine eligibility of the complaint or grievance for CGRM. If insufficient information is provided, the Management has an obligation to make a substantial, good faith effort to contact the complainant to request whatever additional information is needed to determine eligibility, and if eligible, to develop a proposed response.

2.3 Criteria for classification

2.3.1 Complaints and grievances are categorized into five broad suggestive criteria, listed below, under which the complaints and grievances may be categorized to facilitate action appropriate to the type of complaint and grievance:

2.3.1.1 Charter related,

2.3.1.2 Policy related,

2.3.1.3 Personnel related,

2.3.1.4 Schemes/projects/Programs related, and

2.3.1.5 Vigilance related.

2.3.2 According to above five criteria, classification of the complaints and grievances is given at **Appendix-II** with Time Norms for Redress.

CHAPTER 3 RESOLUTION PROCEDURES

3. The CGRM shall cover the three processes of Receipt, Redress, and Prevention as shown in a flow chart given at **Appendix-I**.

3.1 Receipt of complaint or grievance

3.1.1 The Management shall receive the complaints and grievances from the citizens of the country in general and in particular from the stakeholders.

3.1.2 The Management shall maintain all the complaints, grievances, and reports of conflicts received in the format given below in Figure-I. In case of online system the acknowledgement shall be sent automatically.

Figure-I

Date of receipt	Particular of citizen/client				Particular of the complaint/grievance			
	Name	Address	Landline /mobile/email	Whether acknowledgment given at the time of receipt	Subject of the grievance	Office	Brief description	Date of acknowledgment
1	2	3	4	5(Yes/No)	6	7	8	9

3.1.3 At the time of acknowledgement, the complainant shall be provided with the following information:

3.1.3.1 Complaint or grievance number to facilitate monitoring and reminders by complainants;

3.1.3.2 Expected time of redress [prescribe maximum time limit for completion of redress is sixty (60) days; and

3.1.3.3 If not addressed within expected time, action to be taken by complaint.

3.1.4 If the complaint or grievance is not addressed within the expected time, the Management shall provide the complainant with the following information:

3.1.4.1 Information on reasons for delay;

3.1.4.2 Updated expected time of redress; and

3.1.4.3 If not addressed within expected time, action to be taken by the complainant.

3.1.5 At the time of final redress, the Management shall provide the complaint with the following information:

3.1.5.1 Action taken for redress; and

3.1.5.2 If not satisfied with the redress action, avenues for pursuing the matter further.

3.1.6 Each complaint or grievance file shall contain, at the minimum:

3.1.6.1 the date of the request as received;

3.1.6.2 the date the written acknowledgement was sent;

- 3.1.6.3 the dates and nature of all other communications or meetings with the claimant and other relevant stakeholders;
 - 3.1.6.4 any requests, offers of, or engagement of a mediator or facilitator;
 - 3.1.6.5 the date and records related to the proposed solution/way forward;
 - 3.1.6.6 the acceptance or objection of the claimant or stakeholders;
 - 3.1.6.7 the proposed next steps if objection arose;
 - 3.1.6.8 the alternative solution if renewed dialogues were pursued;
 - 3.1.6.9 notes regarding implementation; and
 - 3.1.6.10 any conclusion and recommendations arising from monitoring and follow up.
- 3.1.7 Files for each complaint or grievance shall be available for review by the claimant and other stakeholders involved in the complaint or grievance, or their authorized representative.
- 3.1.8 The Management shall take appropriate steps to maintain the confidentiality of the aggrieved party if sought.

3.2 Redress of complaint or grievance

- 3.2.1 The Management shall communicate to the claimant one or more proposed actions or resolutions and clearly articulate the reasons and basis for proposed way forward.
- 3.2.2 If the claimant does not accept the resolutions, the Management may engage with the claimant to provide alternative options.
- 3.2.3 If the claimant accepts the proposed solution and way forward, the Management shall continue to monitor the implementation directly and through the receipt of communications from the claimant and other relevant parties.
- 3.2.4 In the entire process while dealing with the claimant and other stakeholders, the Management will be guided by its problem-solving role, non-coercive principles and process, and the voluntary, good faith nature of the interaction.

3.2.5 Both the Management and stakeholders may in their approach towards resolving the problems adopt Avoiding, Accommodating, Compromise, Competition, and Collaboration (AACCC) as may be necessary.

3.2.6 The Management shall seek the Board's advice, approval, or decision on the complaint or grievance for resolution whenever it thinks necessary and appropriate.

3.3 Prevention

3.3 The Management may view complaints and grievances as free inputs to understand the expectations of Service-recipients better and initiate systemic reforms to meet those expectations.

3.3.1 The Management shall analyze why they are receiving particular types of complaints or grievances more frequently than others.

3.3.2 The Management may hold meetings with stakeholders or do activities for prevention of complaints or grievances related to their plans and programs, and projects.

3.3.3 The CGRM focal person shall submit an annual Report in this regard with suggestions for modification in policy initiatives, delivery system, organizational structure, etc for the consideration/directions of the Management.

CHAPTER 4 RESOLUTION CLOSURE

4.1 Successful resolution

4.1.1 In case of successful response/resolution, the Management shall document the resolution as satisfactory in consultation with the complainant.

4.1.2 In cases where there have been major risks, impacts and/or negative publicity, the Management shall obtain written documentation from the complainant stating satisfaction with the response.

- 4.1.3 In others, the Management shall note the action taken, confirm that the response was satisfactory to the complainant and the Management, and document those facts.
- 4.1.4 The resolution may be documented in the format of Facts, Issues, Rules/laws, Analysis, and Conclusion (FIRAC).
- 4.1.5 The successful resolution is usually closed, depending upon the need, with the execution of an agreement and signed by the Management and the stakeholders.

4.2 Alternative procedures

- 4.2.1 When the CGRM is unable to resolve a complaint or grievance, the Management shall document the steps taken, and the decision made by the Management and the complainant about referral or recourse to other alternatives, including legal alternatives.

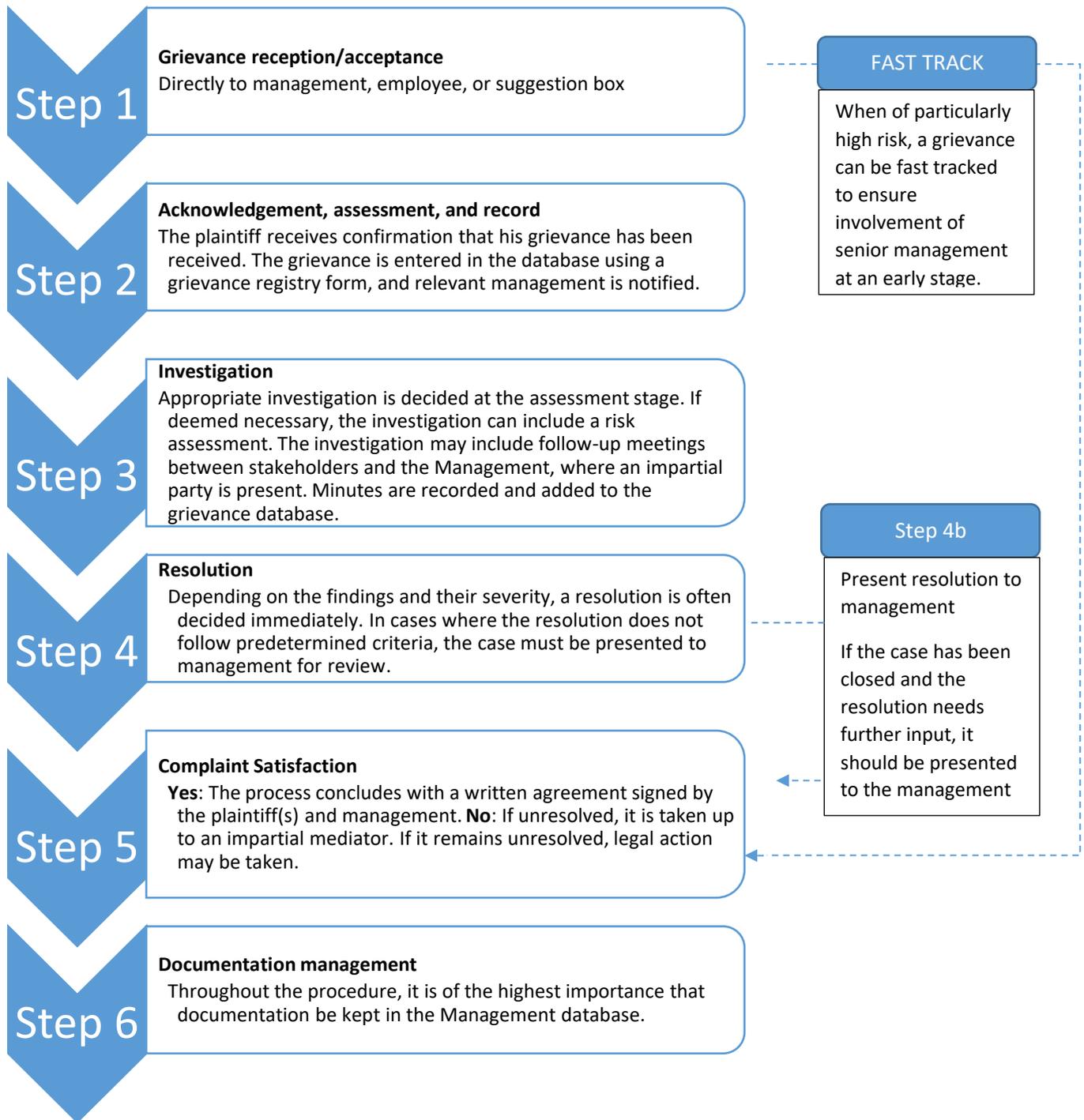
CHAPTER 5 MISCELLANY

- 5.1 The “Management” means the Secretariat of BTFEC to which the Board of BTFEC has Delegated its power/authority of functions.
- 5.2 A “Complaint” means anonymous reporting, and “grievance” means a reporting by an identified person.
- 5.3 For the option of independent mediation, mediators on the list of Bhutan Alternative Dispute Resolution Centre who have at least the following qualifications may be involved in the mediation:
- 5.3.1 professional experience and expertise in impartial mediation;
 - 5.3.2 knowledge of [project type and activities] including an understanding of indigenous culture and practices;
 - 5.3.3 proficiency in that locality;
 - 5.3.4 availability in principle for assignment of upto 20 days; and

5.3.5 willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

5.4 The Management may appoint a focal person for CGRM who may possess the Standard (knowledge on laws), Experience, Attitude, and Knowledge (SEAK) for the job.

Appendix-I



Appendix-II

Sl.No.	Complaint/grievance Category	Time line for redress at Divisional Level/Secretariat	Time line for redress at appeal level (Board/External)
1	Charter related	Three weeks	One week
2	Policy related	Initial response within three working days. Substantive response within six weeks in case the issue is being addressed at present	Two weeks
3	Personnel related	Three weeks	One week
4	Schemes/programs related	One week	One week
5	Vigilance related	Initial response within three working days	Final reply within three months