

## **HANDLING OF COMPLAINTS AGAINST ERRING SOCIAL WELFARE AND DEVELOPMENT AGENCIES (SWDAS)<sup>i</sup>**

**Schedule of availability of service:** Monday to Friday, 8:00 AM to 5:00 PM (no noon break)

**Who may file a complaint / avail of the service:**

- The offended party;
- The parent or legal guardian of the client;
- An ascendant or collateral relative of the client within the third degree of affinity or consanguinity (e.g., sibling, aunt/uncle);
- An employee of the DSWD or other government agency;
- An employee of a registered, licensed, or accredited SWDA;
- The Barangay Chairperson; or
- Any person who has personal knowledge of the act or omission being complained of.

**What are the requirements:** For a complaint to be valid, it must meet the following requirements:

1. In writing and subscribed by the complainant and shall contain the following:
  - a. Full name, and contact details of the complainant.
  - b. Full name of the SWDA, and where applicable, the full name and position of any personnel of such SWDA.
  - c. A narration of the relevant and material facts that shows the act or omission allegedly committed by the respondent.
  - d. Copies of documentary evidence and affidavits of witnesses, if any.
2. Anonymous complaints shall be considered only if it is of public knowledge, is supported by clear evidence, or is readily verifiable or contains sufficient leads or particulars to enable the taking of further action.
3. Verbal complaint is considered provided it is readily verifiable and with adequate information that leads to take for further action.

## HOW TO AVAIL THE SERVICE:

STEP	COMPLAINANT / CLIENT	SERVICE PROVIDER	DURATION OF ACTIVITY (under normal circumstances)	PERSON IN-CHARGE	FEEs	FORMS
<b>A. Commencement of Action at Field Office</b>						
1.	Filing of complaint					
1.a	In writing (subscribed and sworn to by the complainant)	Receives, records and forwards complaint to the Field Office Director	1 working day	Technical Staff (Standards Section)	None	
1.b	Anonymous Complaint/ Verbal Complaint					
1.c	Official Complaints (as a result of assessment and/or monitoring of SWDA)					
2		Receives and forwards complaint to the Field Office Review Committee (FORC) for appropriate action	1 working day	Field Office (FO) Director		
3		<p>Convene the FORC to evaluate and submit recommendation/s to the Field Office Director.</p> <p><i>The FORC shall recommend any of the following:</i></p>	5 working days	FORC Secretariat; Field Office Review Committee (FORC)		

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		<p>a. Proceed with a fact-finding investigation (Proceed to Step B).</p> <p>b. Proceed with a formal hearing ([if the complaint is meritorious] Proceed to Step C).</p>				
	Receives the Decision Order	<p>c. Dismiss the complaint due to lack of merit</p> <p>c.1 Prepares a comprehensive report and submits the same to the Field Office Director.</p> <p>c.2. Approval and signing of Decision Order</p> <p>c.3. Notify and Release of Decision Order to concerned parties (SWDA being complained and the complainant)</p>	<p>3 working days</p> <p>1 working day (depending on the location of the concerned parties)</p>	<p>Field Office Director</p> <p>Support staff</p>		



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		<p><i>d. Treat the complaint as a request for technical assistance, which may then be referred to the concerned office in accordance with existing DSWD guidelines.</i></p> <p>d.1. Prepares Decision Order and submits the same to the Field Office Director.</p> <p>d.2. Approval and signing of the Decision Order</p> <p>d.3. Notify and Release of the Decision Order</p> <ul style="list-style-type: none"> <li>the concerned parties (SWDA being complained and the complainant)</li> </ul>	<p>Within 3 working days from receipt of the Report from the FORC</p> <p>1 working day (depending on the location of the concerned parties)</p>	<p>Field Office Director</p> <p>Support staff</p>		

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		<ul style="list-style-type: none"> <li>the Standards Section and/or concerned offices</li> </ul>				
		<p><i>e. Refer the complaint to concerned government agency/ offices for appropriate action.</i></p> <p>e.1. Prepares report and referral letter for approval of Field Office Director</p> <p>e.2. Approval of report and signing of referral letter</p> <p>e.3. Notify and Release of report and referral letter to appropriate government office/ agency copy furnish the concerned parties (SWDA being complained and the complainant)</p>	<p>3 working days</p> <p>1 working day (depending on the location of the concerned parties)</p>	<p>Field Office Director</p> <p>Support staff</p>		

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<b>B. Fact-Finding Investigation</b>						
1		Issues a Regional Special Order constituting a Fact-Finding Team (FFT)	3 working days	FO Director		Regional Special Order
2		Conducts fact-finding investigation	10 working days from the issuance of Regional Special Order	FFT		
3		Prepare and Submit to the Field Director a Fact-Finding Report together with relevant supporting documents.	5 working days	FFT		Annex I Template for Fact-Finding Report
4		<p>Forward the Fact-Finding Report to the FORC for further evaluation.</p> <ul style="list-style-type: none"> <li>• If the FORC agrees with the recommendation of the FFT, <ul style="list-style-type: none"> <li>○ the FORC shall draft a Decision pursuant to the recommendation of the FFT</li> </ul> </li> </ul>	3 working days from receipt of the FFT Report	FO Director		





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		Field Office Director		Field Office Director		
<b>C. Formal Hearing</b>						
1		Notice to SWDA to submit response on the complaint <ul style="list-style-type: none"> <li>• Preparation</li> <li>• Approval</li> <li>• Issuance to the concerned SWDA</li> </ul>	3 working days	Secretariat FO Director Secretariat		
2	SWDA files/submits its Response on the Complaint, together with all pertinent evidence.		10 working days upon receipt of Notice to Respond	Concerned SWDA		
2.a		Receives the Response to the Complaint of the SWDA	30 minutes	Support staff		
2.b		Forwards the Response to the FORC for evaluation	1 working day	FO Director		
2.c		Review and evaluation of SWDA response	10 working days	FORC		
2.d		If the FORC finds no sufficient cause to warrant further proceedings, <ul style="list-style-type: none"> <li>• the FORC shall draft the recommendation</li> </ul>	10 working days	FORC		



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		for the dismissal of the complaint <ul style="list-style-type: none"> <li>• forward the same to the Field Office Director for approval</li> </ul>				
2.e		If with sufficient cause, issue a Notice of Hearing <ul style="list-style-type: none"> <li>• Preparation</li> <li>• Approval</li> <li>• Issuance to the concerned parties (complainant; SWDA being complained; FORC and FFT)</li> </ul>	3 working days  (if applicable, at least 10 working days prior to the scheduled hearing)	Secretariat FO Director Secretariat		A copy of the complaint, if any, and its supporting documents, shall be attached to the Notice of Hearing.
2.f		Conduct formal hearings and review all evidences submitted by the complainant and gathered by the FFT	Number of days and the frequency of the hearing depend on the nature of complaint being heard	FORC/ Complainant/ SWDA being Complained/FFT/ Witnesses		
3		Prepares a comprehensive report with attached draft decision and submits to the Field Office Director for review and approval.	3 working days	FORC		FORC Comprehensive Report
4		Review and Approval of Decision	7 working days	FO Director		

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5		Issues a Decision to the concerned parties	3 working days	FO Director		
<b>D. Motion for Reconsideration</b>						
1	If the complainant is not satisfied with the Decision Order, he/she shall file a Motion for Reconsideration of the Decision of the Field Office Director		10 working days from receipt of the Decision			
1.a		If no Motion for Reconsideration is filed, the Decision of the Field Office Director is final and executory.				
2		Receives and records the Motion for Reconsideration	30 Minutes	Office of the FO Director Staff		
3		Forwards the Motion for Reconsideration to the FORC for evaluation.	1 working day	FO Director		
		Submits to the Field Office Director its recommendation and draft Decision Order on the Motion for Reconsideration	5 working days	FORC		



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4		Approves and issues a Decision Order on the Motion for Reconsideration	10 working days	FO Director		Decision Order
	Receives the Decision Order on the Motion for Reconsideration	Notify and release the Decision Order on the Motion for Reconsideration	1 working day (depending on the location of the concerned parties)	Support Staff		
<b>E. Appeal</b>						
1	Files appeal to the Office of the Secretary on the Decision of the Field Office Director		Within 10 working days from receipt of the Final Decision of the Field Office Director			
2		Receives and forwards the Appeal to the Secretary	1 working day	Support Staff		
		Receives and forwards the Appeal to the CORC	3 working days	Secretary		
		Receives the Appeal, coordinates with all CORC members and preparation of all logistics needs	5 working days	Standards Bureau		
		Convenes to deliberate on merits of the Appeal	5 working days	CORC		



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		If the documents are sufficient, CORC may proceed with the drafting of the Decision.	10 working days	CORC		
		Submits report and draft Decision to the Secretary.	6 working days			CORC Report  Attach to its Report a draft Decision for approval by the Secretary.
		If the documents or evidences are insufficient, CORC may conduct re-investigation and/or request additional documents or materials from the concerned FO.	Will depend on the nature of the case being deliberated.			
		Submits report and draft Decision to the Secretary.	6 working days	CORC		CORC Report
		Review and approve Decision	5 working days	DSWD Secretary		
		Issues a Decision Order	5 working days from	CORC Secretariat		
		Notify and release of Decision Order	1 working day (depending on the location of the SWDA)	Standards Bureau		

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		The Decision of the Secretary is final and executory.				
END OF TRANSACTION						

#### SUMMARY OF PROCESSING TIME:

Duration	A. Commencement of Action	19 days
	B. Fact-finding Investigation	24 days
	C. Formal Hearing	50 days
	D. Motion for Reconsideration	27*** days
	E. Appeal	57**** days
		177 days

\*FORC – Field Office Review Committee

\*\*CORC – Central Office Review Committee

\*\*\*If no Motion for Reconsideration filed, decision of the case will be issued in 4-5 months.

\*\*\*\*If no appeal will be filed, decision of the case will be issued in 6-7months.

<sup>1</sup> Reference: MC 16, Series of 2018 entitled Guidelines on Handling of Complaints Against SWDAs published on November 25, 2018