

# COMPLAINTS POLICY

## 1. RATIONALE

We are committed to providing high-quality humanitarian, development and advocacy programs and to working in an open and accountable way. In an effort to achieve high quality, we strive to meet the expectations of our own organisation (Board, staff and volunteers), partners, local communities, donors, supporters and the wider public. We acknowledge that there may be situations when we do not meet our own standards and policies, which has an impact on these groups. In these circumstances they have a right to complain and have those complaints taken seriously, and addressed in a professional and timely manner.

We also recognise that we have a responsibility to work with our partners to ensure they also develop safe and effective complaints mechanisms that are accessible to all women, men, boys and girls, as well as vulnerable groups, with whom we work. Communities should be informed of their rights and entitlements and about how to make a complaint.

In this regard, our two primary partners, ACT Alliance and LWF/World Service have established Complaints Policies, and these are found at Appendices 1 & 2.

## 2. GOAL

To provide a safe, fair, responsive, accessible and transparent environment in which complaints can be made, addressed in a professional and effective process, and resolved appropriately.

## 3. SCOPE OF POLICY

This policy covers complaints in relation to the following:

- Actions or behaviour of ALWS as an organisation;
- Actions or behaviour of an ALWS partner
- Behaviour or unacceptable conduct of an ALWS Board member, employee or volunteer.

If a person submits a complaint – hereinafter referred to as “the complainant” – that is not within the scope of this policy, s/he will be informed accordingly.

## 4. CREATING A SAFE ENVIRONMENT

ALWS seeks to provide a safe environment through which to voice a concern, without fear of reprisal or unfair treatment. We are committed to ensuring that all Board members, staff and volunteers, as well as external stakeholders should be able to raise reasonable concerns:

- Without any risk of losing their employment or entitlements or suffering any form of retribution in the workplace or outside;
- Understanding that no action will be taken if the complaint was made in good faith, even if the complaint is not upheld following an investigation
- Knowing that harassment or victimisation will not arise from raising a genuine concern or cooperating with an investigation - and if it does, to know that ALWS will deal with it as a disciplinary action under the appropriate procedure; and
- Knowing that sensitive complaints will be addressed in a confidential manner.

ALWS aims to ensure that complaints are addressed fairly, appropriately, and in a timely manner. Complaints classified as sensitive complaints, such as allegations of sexual exploitation and abuse, are handled confidentiality and only on a “need-to-know” basis.

## 5. DEFINITION

ALWS defines a **complaint** as a formal expression of dissatisfaction or discontent, and/or misconduct, about someone or something. We distinguish the term 'complaint' from 'feedback'. Feedback is any positive or negative informal statement of opinion about someone or something – an opinion shared for information but not with the intention of lodging a formal complaint. A complaint requires a response whereas feedback, generally speaking, does not.

It is often helpful to ask the complainant if he/she wishes to lodge an official complaint from the beginning. If they do not wish to lodge an official complaint, the communication is regarded as 'feedback'. It is mandatory to report any communication regarding sexual assault or criminal activity as a complaint.

For example, if a supporter calls with a concern about the volume of fundraising requests he/she receives in the mail, it would normally be regarded as 'feedback'. If, however, the supporter wishes to lodge it as an official complaint, it must be referred to the Complaints Manager, no matter how trivial the matter may seem.

## 6. COMPLAINTS NOT ADDRESSED BY THIS POLICY

ALWS is concerned whenever a serious complaint is brought to its attention, either by someone from within the organisation, or from outside. However, it is not able to address complaints where ALWS has no association with or authority to act in relation to the subject of the complaint. For example:

- Complaints received by ALWS from a third party against an employee of a partner organisation or the organisation itself. If a complaint comes to its attention, ALWS will refer the complainant to the point of contact within the partner organisation about whom the complaint has been raised.
- A complaint received by ALWS from a third party about an employee of an organisation, or against the entity itself, but which is not an ALWS partner organisation. If the complaint is about an organisation which is a signatory to the ACFID Code of Conduct, ALWS will refer the complainant to the Code of Conduct Committee.
- A complaint by an ALWS staff or Board member or volunteer against an employee of or the organisation itself, where it is not an ALWS partner organisation. In this situation the matter should be raised with ALWS management and the complainant supported through the process of raising and addressing the complaint through the appropriate process.

We will not respond to the following complaints:

- Where they are deemed by the Complaints Manager (ALWS Executive Director, or ALWS Chairperson in the case of a complaint against the Executive Director) to be offensive or abusive. However, the Manager has the discretion to contact the complainant and advise that no action will be taken unless the complaint is re-submitted in a more civil tone and speaks solely to the issues.
- When a complaint has been sent as part of a bulk mail or email to multiple organisations.

## 7. TYPES OF COMPLAINTS

### 7.1 Operational and sensitive complaints

Operational complaints may include ALWS Board members, staff, volunteers or external stakeholders questioning or objecting to issues such as geographic and sectoral priorities, strategic approaches, focus groups, choice of partners and adherence to programmatic policies and procedures.

Sensitive complaints may include, but are not limited to, allegations of harassment or bullying, sexual exploitation and abuse, fraud and corruption or other forms of gross misconduct.

### 7.2 Anonymous complaints

We recognise that, at times, people who have genuine concerns can't speak out because of special circumstances and may wish to lodge a complaint to a specific person without revealing their identity in the normal manner. In such circumstances, the ALWS Complaints Manager can initiate an investigation if it is evident that there are grounds for further action and in an effort to ensure a safe and abuse-free environment.

### **7.3 Vexatious complaints**

It is expected that all complaints are made in good faith and are not motivated by intent for personal gain, personal interest or a grudge. However, should a subsequent investigation reveal a complaint to be vexatious – an accusation that the complainant knows to be false – any investigation underway must be stopped immediately and the subject of the complaint cleared.

Complaints lodged for genuine reasons that are subsequently considered to be unfounded shall not be treated as vexatious. If a vexatious complaint is made by an ALWS Board member, employee or volunteer, disciplinary measures must be taken.

## **8. DETERMINING THE NEED FOR AN INVESTIGATION**

Not every operational complaint needs a formal investigation. Some operational complaints can be resolved to the complainant's satisfaction through two-way communication between the complainant and the person who received the complaint. The Complaints Manager must decide if the allegation needs to be investigated.

This can be decided by asking the following questions:

- Does the complaint constitute a 'complaint' as defined by ALWS Complaints Management Policy?
- Does it relate to a breach of ALWS policies and procedures?
- Is there enough information to investigate?
- Will an investigation put the lives of the complainant or subject of complaint or their families at risk, and if so, can all reasonable steps be taken to ensure those risks are minimised?

The Complaints Manager must make the best judgement giving due consideration to the welfare of those involved, as well as ALWS' commitment to its guiding principles, accountability and transparency. If a formal investigation is required, it will follow the key steps and processes as outlined below in the section "Complaints Handling and Investigations."

## **9. COMPLAINTS HANDLING AND INVESTIGATIONS**

### **9.1 Operational complaints**

- a) The complainant shall, where appropriate, first attempt to resolve the issue by discussing it with the Complaints Manager or directly with the person responsible for the area that is relevant to the complaint being made.
- b) If the issue is not resolved then a formal complaint in writing may be made to the Complaints Manager for resolution.
- c) If the issue is still not resolved to the reasonable satisfaction of the complainant, or if the complaint involves the Executive Director, then the complaint may be formally referred to the Chairperson of the Board in writing.
- d) The Chairperson will determine either to present the complaint to the Administrative Committee for their consideration, or include the matter as an agenda item at a scheduled Board meeting. The Chairperson also has the discretion to establish a Complaints Committee to address the issue..

The Complaints Committee will consist of three members of the Board including the Chairperson. Gender balance will be applied to the selection of the committee.

The decision of the Admin Committee, Board or Complaints Committee will be final and binding.

- e) The complaint process shall be confidential.

Note: A resolution to a complaint can take on a number of forms, but in all cases means bringing an issue to a close.

For example, in the case of a supporter calling to make a complaint about the volume of communications but later withdrawing the complaint after learning the process involved in dealing with a formal complaint, this withdrawal serves as a resolution. An email to the most appropriate person (in this case the Community Action Manager) would be a reasonable final step.

In contrast, a resolution to a formal complaint against a staff member for sexual abuse would only be finalised once authorities and stakeholders are satisfied with the final outcome.

## 9.2 Sensitive complaints – except children-related

- a) If suspected wrongdoing (sexual abuse, fraud, bribery, harassment) is identified by or brought to the attention of an employee, volunteer or Board member the person will immediately report it to the Complaints Manager or, if the allegation is against the Executive Director, it will be formally referred to the ALWS Chairperson in writing.
- b) This policy does allow that a person who may have a grievance against another (eg because of inappropriate, but not illegal, behaviour) can first try to resolve the issue directly with that other person. ALWS encourages this approach to resolving issues among staff and colleagues, as long as it done in a fair and appropriate manner.
- c) If the allegation is brought to the Complaints Manager, he or she will inform the ALWS Chairperson in writing (unless the complaint is against the Chairperson, in which case the Vice-Chairperson will be contacted).
- d) If the wrongdoing involves criminal activity, the Complaints Manager and/or ALWS Chairperson will contact the appropriate authorities to investigate the complaint.
- e) If it can be established beyond reasonable doubt no criminal activity has occurred, but the allegation potentially involves a serious breach of policy or standards of conduct, the ALWS Chairperson will establish a confidential Complaints Committee consisting of three persons: including at least two members of the Board. An independent nominee may be appointed on the basis of appropriate skills and experience to the matter under consideration. Gender balance considerations will be applied to the selection of the committee.

The recommendation of the Complaints Committee will be submitted to the ALWS Board for decision (and the decision advised to the GCC or DCC – refer (e) below), which will be final and binding unless the complainant or the subject of complaint wishes to take action under appropriate Federal or State legislation, or invoke the Appeals Process.

- f) If the complaint is against the Chairperson or a Board member, the Executive Director and either the Chairperson or Vice-Chairperson (depending on who is the subject of complaint) will inform the Chair of the General Church Council and/or relevant District Church Council about the complaint and agree whether or not a nominee of the GCC (if the complaint is against the Chairperson) or DCC (if against a District Director) should be included on the Complaints Committee.
- g) The complaint process shall be confidential.
- h) If the complaint is not considered a vexatious complaint, the person making a sensitive complaint will be supported by ALWS management and Board.

- i) It is mandatory that all sensitive complaints be reported as outlined above. Failure to report suspected wrongdoing of this nature may be grounds for disciplinary measures.

### **9.3 Sensitive complaints – children related**

If an allegation concerning abuse or exploitation against a child is identified by or brought to the attention of a volunteer, employee or Board member, the complaints mechanism outlined in the Child Protection Policy is to be followed. Failure to report suspected wrongdoing of this nature may be grounds for disciplinary measures.

### **9.4 Privacy complaints**

Any person who believes their personal information has been inappropriately handled by ALWS may lodge a complaint with the Privacy Officer.

The ALWS Privacy Officer is the ALWS Executive Director. This person is the first point of contact when privacy issues arise. The Privacy Officer is responsible for ensuring ALWS' privacy policy and procedures are fully implemented and working effectively.

The duties of the Privacy Officer, or his/her delegated authority, are to:

- Promote the privacy policy to all relevant parties within ALWS;
- Co-ordinate and implement the privacy policy;

#### **Update of Personal Information**

ALWS endeavours to maintain personal information so that it is kept up-to-date, complete and accurate. A person may update personal information by contacting ALWS which holds the information, during office hours.

#### **Complaints Process**

The Privacy Officer will endeavour to:

- Identify (and address) any systemic or ongoing compliance problems;
- Increase donor confidence in the ALWS' privacy procedures;
- Build a good reputation of ALWS; and
- Address complaints quickly and effectively.

Any person who believes their personal information has been inappropriately handled by ALWS may lodge a complaint with the Privacy Officer. This complaint must be in writing and clearly identify the circumstances surrounding the alleged inappropriate handling and any remedy sought. There is no prescribed form for this purpose.

If that person is dissatisfied with the handling of the complaint by the Privacy Officer or if, due to the sensitive nature of the complaint, it is inappropriate to submit the complaint to the Privacy Officer in the first instance, the matter may be referred directly to the Information Commissioner. The Information Commissioner may then investigate the complaint.

The Information Commissioner has discretion to instigate an investigation into any interference with privacy even if no complaint has been lodged by any party involved.

The Information Commissioner is empowered to order that ALWS redress any loss or damages to the aggrieved member. As a legal process, failure to comply with these directions may result in the matter being referred to the Federal Courts.

Although court action may be an end result, the complaints process emphasises a preference to resolution through mediation and conciliation.

#### **Accessing personal information**

Persons are entitled to access and examine personal information relating to them that is held by ALWS, subject to the provisions of the Privacy Act. Requests to access personal information must be addressed to the ALWS Privacy Officer.

If, upon examination of the personal information, any person identifies information that is inaccurate, incomplete or out-of-date, that person should request that the information be corrected by contacting:

- ALWS if the inaccuracy pertains to name and contact detail changes; or
- The Privacy Officer if the inaccuracy pertains to the representation of an individual's character.

If the inaccuracy is established, ALWS must take reasonable steps to correct and/or update that information.

If the person or ALWS disagrees as to the accuracy of the personal information, the person can request that a statement outlining the perceived discrepancies be associated and kept with the relevant information. ALWS must take reasonable steps to comply with any such request.

#### **Security of Personal Information**

ALWS has put in place measures to protect personal information held by ALWS from modification, loss, unauthorised access and misuse or disclosure to unauthorised persons.

#### **Training**

Staff are trained in the correct methods of dealing with personal information to ensure privacy and confidentiality. Knowledge of this policy is a critical element of that training.

#### **Further Information**

If any person requires further information about the way ALWS manages personal information, the Privacy Officer can be contacted.

### **9.5 Making a formal complaint**

Formal, written complaints should:

- Include the name and contact details of the complainant;
- Set out the basis of the complaint;
- Include all available supporting evidence;

Complainants will be contacted by the Complaints Manager and asked to provide information not submitted. Any complaints received that cannot meet the above criteria may be dismissed.

### **10. TIMEFRAME FOR RESPONSE**

When a formal complaint is received an initial letter of acknowledgement will be sent to the complainant within seven days. Similarly, the Subject of the Complaint (if an individual) will also be advised that a complaint has been lodged against them.

In normal circumstances, the complaints process should have commenced and been completed within 30 days after receipt of the complaint, including a formal written response to the complainant, as well as the Subject of the Complaint. The broad categories of response will be:

- Dismissal of the complaint
- Referral of the Complainant to a more appropriate body, such the federal police
- Uphold the complaint and outline steps that will be taken to rectify the situation.

Depending on the nature of the complaint and against whom it was made, the correspondence will be either signed by the Executive Director or ALWS Chairperson.

### **11. APPEAL PROCESS**

If the complainant(s) or Subject of the Complaint does not accept the outcome of the Complaint Committee's decision, he/she/they can appeal the decision. The ALWS Board Chair will establish an Appeals Committee, consisting of no more than two Board members (but different to the members of the Complaints Committee), and at least one independent member appointed on the basis of the skills and experience required to adjudicate the matter under review.

If the subject of complaint is a Board member, the provisions of Section 9.2 will be followed when appointing the Appeals Committee.

The Appeals Committee should convene the meeting within 14 days of the request for appeal and, where possible, complete the review within 30 days of the request for an appeal.

The Committee will submit its report and recommendation to the ALWS Board within the 30 day period. The Board will then make a decision regarding appropriate action within 14 days of receiving the report.

The decision taken by the ALWS Board will be communicated to the complainant and Subject of the Complaint in writing within 10 days. If the complaint has been against a Board member, the Chairperson of the GCC or the relevant DCC will be informed.

## **12. COMPLAINTS PROCEDURES – PARTNER ORGANISATIONS**

Complaints by ALWS staff, Board members or volunteers against an employee of an ALWS Partner Organisation, or against the organisation itself, will be referred to the Complaints Manager within that organisation. Wherever possible, the complaint will be forwarded to the partner through the ALWS Complaints Manager. However, the complainant has the right to make a complaint directly.

Complaints by an employee of an ALWS partner organisation, or the partner itself, against an ALWS employee, Board member or volunteer, or ALWS as an entity, will be received and addressed using the processes outlined above.

ALWS will include in its Partnership Agreements a mutual recognition of each Partner's complaints policy and handling procedures and the articulation of any specific protocols, if any that have been agreed in relation to how complaints will be managed. The Agreement will also outline how each Partner will inform staff, Board, volunteers, community members and other stakeholders about the other's Complaints Policy and Procedures.

## **13. FOLLOW UP AND LEARNING**

ALWS will keep a confidential record of all complaints received. The Complaints Manager will develop a synthesis report of the types of complaints received and the status of their resolution annually. This report should be presented to the ALWS Board and findings and recommendations will inform policy decisions and management processes.

In the case of sensitive complaints, names of complainants, witnesses, and subjects of complaints will not be revealed in such reports.

## **14. COMPLAINTS HANDLING ASSISTANCE**

When requested, ALWS will provide advice to partners on complaints handling and/or refer queries beyond its scope to a technical expert within or outside ALWS networks.

## **15. COMMUNICATING THE POLICY**

The availability of the Complaints Policy and Procedures (including contact points) will be communicated to ALWS staff, partners, supporters and funding partners through appropriate media, including the ALWS web-site and ALWS Annual Report.

ALWS will work with partners and local communities (where possible) to establish the most cost-effective and efficient means for them to lodge complaints against ALWS and/or its staff. This will endeavour to take account of factors such as language and literacy constraints, means of communication available, age, gender and other vulnerabilities such as disability.

## **16. REVIEW**

This policy will be reviewed at least every three years.