

# Anglican Board of Mission – Australia

## Policy A1010

### Complaints Handling Policy

Approved by the ABM Board 7 December, 2019

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#### **Introduction**

ABM welcomes Feedback, and is committed to handling complaints promptly and appropriately according to their content and severity.

ABM will enable transparent, fair, confidential, accessible and documented Feedback and complaints handling procedures that prioritise the needs, expectations and rights of complainants.

#### **Scope**

This Policy applies broadly to anyone outside or inside the ABM organisation who wishes to make a complaint regarding ABM. Within the broader concept of Complaint covered under this policy, there are more specific kinds of complaint dealt with in ABM's related policies or procedures:

- Those making complaints from inside ABM should follow ABM's Grievance Procedure, where a workplace Grievance is involved.
- See also ABM's Whistleblower Policy which sets out ABM's commitments, and obligations upon ABM Personnel, where a serious wrongdoing by ABM has occurred or is suspected or alleged to have occurred.

*Complaints* may be made about anything for which ABM is responsible and may include, but are not limited to:

- Dissatisfaction by a Partner or community with any aspect of ABM's programs;

- Concern by a member of the public or ABM supporter about a fundraising approach;
- Concern about fraud, corruption or misuse of funds by ABM or partners funded by ABM;
- Concern about the behaviour of any ABM Personnel, including illegal or unethical behaviour;
- Breaches of ABM's Child Protection or Prevention of Sexual Exploitation, Abuse and Harassment policies;
- Concerns about breaches by ABM Personnel of any of ABM's policies or Code of Conduct.

## **Definitions**

### *ABM Personnel*

Refers to ABM employees, volunteers, members of the ABM Board or other governing bodies of ABM, and contractors to ABM.

### *Complainant*

The person, organisation, or its representative, making a Complaint. This may be anyone, and includes, but is not limited to:

- Staff or volunteers from ABM's Partner organisations
- Communities or individuals involved in any projects funded by ABM
- Other stakeholders affected by ABM-funded projects
- Donors or other stakeholders in the Australian community
- The Anglican Church and Church community
- ABM Personnel (but see also ABM's Whistleblower Policy and Grievance Procedure)

### *Complaint*

An expression of dissatisfaction made to or about ABM, about its activities, programs, or Personnel.

### *Complaints Officer*

A person designated to receive Complaints, but not normally including Complaints regarding breaches of ABM's Child Protection and Prevention of Sexual Exploitation, Abuse and Harassment policies.

### *Feedback*

Opinions, comments or suggestions about ABM, its work, or its Complaints-handling process.

### *Grievance*

A clear, formal, written statement by an ABM staff member about another staff member or a work-related problem.

### *Incident*

An event which may have serious consequences. It includes any alleged, suspected or actual breach of ABM's Code of Conduct, the law, or anything which has harmed or could harm a person, or which may have significant legal, insurance or risk consequences for ABM.

### *Investigator*

A person or organisation appointed by ABM to investigate a Complaint.

### *Partner*

An organisation with whom ABM has a formal funding agreement.

### *Safeguarding Focal Point*

A person designated to receive Complaints in cases of breaches of ABM's Child Protection and Prevention of Sexual Exploitation, Abuse and Harassment policies.

### *Subject of a Complaint*

The person against whom a Complaint has been made.

### *Whistleblowing*

Complaints made by ABM Personnel, Partners, or associates, about alleged, suspected or actual wrongdoing by ABM or any of its Personnel, for example, acts that are unlawful, unethical or which breach ABM's Code of Conduct.

### *Witness*

A person who provides testimony or evidence during an investigation of a Complaint, including, but not limited to, a Victim/Survivor of an incident, the Complainant, and the Subject of a Complaint.

### *Victim/Survivor*

A person who has been harmed by an Incident.

## **Policy**

### **A ABM will have an Accessible Incident Reporting Process**

1. Anyone may make a Complaint to ABM, by any means, including verbally, in writing, by telephone, in person, via a third party, or via social media. ABM's contact details are:
  - a. Email to [complaintsofficer@abmission.org.au](mailto:complaintsofficer@abmission.org.au)
  - b. Mail to:  
ABM Complaints Officer (or Safeguarding Focal Point)  
Anglican Board of Mission, Australia  
Locked Bag Q4005,  
Queen Victoria Building, NSW Australia 1230
  - c. Telephone +612 9264 1021 and ask for the Complaints Officer (or Safeguarding Focal Point)
  - d. Fax: +61 2 9261 3560
2. ABM will make information available to all persons about its Complaints policy and related procedures. This will normally be via its website, but will also be included in formal annual Partner agreements, and made available to communities with which ABM works, through Partners, on projects. ABM will assist those who require assistance to make a Complaint, to do so.

3. For activities conducted with Partners ABM will use its best endeavours to ensure that Partners introduce and maintain Feedback and Complaints handling policies and processes which, to the extent permitted by law, mirror those of ABM and provide for Partners to inform ABM when *Complaints* are made and keep ABM informed of progress in handling them. Such Feedback and Complaints handling policies and processes must enable communities with which ABM works, and particularly people most vulnerable and marginalised within those communities, to make complaints to ABM's Partners, or directly to ABM, safely and confidentially.

ABM will identify and train a *Safeguarding Focal Point* in each partner organisation to be a point of contact and to support *Complainants* as required.

4. ABM will ensure that requirements for filing a Complaint take into consideration the needs of the most vulnerable and considers minority and disadvantaged stakeholders.
5. ABM will provide an accessible, safe and discreet point of contact for any person to raise concerns or complaints about the organisation. For most kinds of Complaints this is the ABM Complaints Officer, but for Complaints about breaches of ABM's Child Protection and/or Preventions of Sexual Exploitation, Abuse and Harassment policies, this point of contact is ABM's Safeguarding Focal Point.
6. If a person wishes another person or organisation to assist or represent them in making a Complaint ABM will communicate with such Complainants through their representatives. Anyone may represent a person wishing to make a complaint or report an incident, providing they have the Complainant's consent. This could be an advocate, family member, legal or community representative, Member of Parliament or other organisation.
7. ABM will accept anonymous Complaints and incident reports if there is a compelling reason to do so (such as safety of the Complainant), and will carry out a confidential investigation of the Complaint providing sufficient information is given.
8. Incident reporting forms will include the following information:
  - Name of person providing the report (unless they have asked for anonymity) and how they may be contacted;
  - A description of what has happened, when and where;
  - Names of the parties involved (unless anonymity has been requested);
  - Names of witnesses and other involved parties, and how they may be contacted.<sup>1</sup>
9. Complainants will be provided with information about ABM's Complaints-handling processes, will be listened to and treated respectfully by the person receiving the Complaint, and will be provided with reasons for ABM's decision/s and any option for redress or review.

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<sup>1</sup> An Incident Reporting Form is attached to this Policy as Attachment 1.  
Anglican Board of Mission A1010 Complaints Policy

10. ABM will take all reasonable steps to ensure that people are not adversely affected because a Complaint has been made by them or on their behalf.
11. All Incidents will be reported immediately to ABM's Executive Director and Complaints Officer.

## **B ABM will Respond Appropriately to Feedback, Complaints and Incidents**

12. Where a complaint makes an allegation of serious misconduct against a member of ABM's staff, a volunteer or member of a governance body, ABM will decide whether the subject of the complaint is to be assigned to other duties, stood down, or if the matter is to be referred to the police.
13. ABM will equip its Personnel with an understanding of ABM's approach to Complaints response and assist them to implement the policies and procedures effectively. This will include specific guidance for responding appropriately to concerns or allegations from children. Staff will receive regular training on all of ABM's Complaints mechanisms.
14. ABM will acknowledge the receipt of Complaints within two days.
15. ABM will assess and prioritise a Complaint according to the urgency and seriousness of the Complaint. Where the Complaint relates to an immediate risk to safety or security, ABM will respond immediately and will appropriately escalate the Complaint.
16. All Complaints will be reviewed, but ABM may not further investigate Complaints which have been found to be vexatious, or have been made in bad faith, or without serious intent, or are already the subject of legal proceedings. In such cases ABM will respond to the Complainant with reasons why the Complaint is not being further investigated. At the review stage, a Complaint may be resolved to the satisfaction of the Complainant, without the Complaint needing to be taken further.
17. Personal information that identifies individuals will only be disclosed or used by ABM under relevant privacy laws. All information about an Incident will be filed with access restricted to authorised staff.
18. Where an Incident involves multiple organisations, ABM will work with those organisations to ensure, where possible, a clear and coordinated communication with the Complainant or their representative.
19. Where ABM is notified of a Complaint that falls outside of the scope of this policy (such as a complaint against an employee of another organisation, or a government department) ABM will advise that organisation or department, and advise the Complainant accordingly.

## **C ABM will Investigate Incidents Appropriately**

20. ABM will enable a clear mechanism for quickly determining if the complaint is about serious misconduct (Incident), and, if so, will ensure that the Incident is acted upon urgently and that ABM's Executive Director is informed immediately. A decision may need to be made as to whether such a complaint may need to be referred to external investigation, including to the police.
21. Incidents involving breaches of ABM's Fraud and Anti-Corruption Policy will be reported both to the Executive Director and to the Chair of the ABM Finance Committee, and the Chair will be kept informed of the progress of the investigation.
22. All Incidents (except those referred to the police) will be investigated by a nominee of ABM's Executive Director. The Investigator may be internal to ABM or external, and will be someone with no involvement in the Incident. The Investigator will report directly to ABM's Executive Director unless there is a conflict of interest in which case the Investigator will report to the Chair of the ABM Board.
23. Incident investigations will be transparent, fair and confidential, involving only relevant parties.
24. Incidents involving the Executive Director will be investigated by a nominee of the Chair of the ABM Board.
25. Investigations will comprise the following process which will include the production of a written report of the Incident and recommendations to ABM Board and Management:
  - a. Information gathering, including from all parties involved, timelines and evidence.
  - b. Analysis of the factors that contributed to the Incident.
  - c. Recommendations (including any disciplinary procedures, any actions to address any harm done, or the impact of the Incident, taking into account fairness, reports to relevant authorities, and potential legal action if crimes are alleged; and any further investigation required if systemic problems are revealed).
  - d. Risk management (including steps to be taken to mitigate the risk of similar Incidents happening again – this may include change in policy or procedures and staff training).The Investigation may find that the Complaint was vexatious or false and recommend no further action.
26. Progress reports relating to an Investigation will be communicated to the Complainant in a timely manner. The outcome of an Investigation will be communicated to all relevant parties by ABM's Executive Director in writing.
27. Where an Incident Report indicates an immediate safety concern for anyone involved, interim safety measures will be taken pending the completion of the investigation.

28. ABM will triage allegations of criminal offenses appropriately in order not to jeopardise criminal investigations, using guidance based on the Core Humanitarian Standard for Investigations (2015)<sup>2</sup>

#### **D ABM's Incident Responses will be Centred on the Survivor/Victim**

29. For all complaints involving the safety of persons, whether child or adult, ABM will take a victim/survivor-centred approach, which prioritises the needs of the Victim/Survivor, whilst taking into account notions of fairness and due process. This means that Survivors' wishes, safety, rights, dignity and well-being are prioritised throughout ABM's whole response to the Incident.
30. Subject to the provisions of 29 above, ABM will be responsive and fair to all persons who are parties to a Complaint, without discrimination and without recrimination against Complainants.
31. When an Incident involves a breach of ABM's Child Protection, Prevention of Sexual Exploitation, Abuse and Harassment, or Fraud and Anti-Corruption policies in relation to a project funded by the Department of Foreign Affairs and Trade (DFAT), or where there is a potential reputation risk to DFAT, DFAT will be informed of the Incident.
32. Where an Incident investigation shows that any ABM Personnel have committed acts of Serious Misconduct, ABM will institute appropriate disciplinary action, which may include dismissal.

#### **E ABM will Support Survivors**

33. ABM is committed to supporting people who have been subjected to any form of harm or mistreatment by any ABM Personnel. Such support includes, but is not limited to, referral to safe medical services, psychosocial counselling, specialised children's or women's services, and legal redress where appropriate. There is no time limit on such support.

#### **F ABM will be Accountable and Learn from Complaints and Incidents**

34. Complainants who are not satisfied with the outcome of the investigation of a Complaint have a right to appeal to ABM for a review of the response.
35. ABM will make public, including on its website, the external bodies and networks to which ABM is accountable. These include the Australian Council for International Development (ACFID) Code Secretariat, the Department of Foreign Affairs and Trade (DFAT), the Australian Charities and Not-for-Profits Commission (ACNC), Action by Churches Together (ACT) Alliance, and the Australian Church Agencies Network Disaster Organisations (CAN DO).

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<sup>2</sup> CHS Alliance, 2015, *Guidelines for Investigations*. Found at <https://www.chsalliance.org/get-support/resource/guidelines-for-investigations/>. Accessed 12/10/19.

36. The Executive Director will report a summary of all Incidents and their outcomes quarterly to the ABM Board as part of a standing agenda item for this purpose.
37. Following an investigation, ABM's Complaints Officer or Safeguarding Focal Point, and relevant ABM Managers will continue to monitor the environment under which the complaint occurred until any recommendations have been implemented and evaluated. Feedback on the process will be sought, where possible, from the parties to the Complaint to identify where any improvements can be made.
38. ABM will maintain a process for reviewing and analysing information available from concerns and complaints raised with it with a view to improving delivery of its services and performance of its obligations. Likewise, it will continue to review the effectiveness of its Complaints Handling processes, with a view to improvement.

### **Compliance with ACFID Code of Conduct**

ABM is a signatory to the ACFID Code of Conduct and will advise a complainant of the ability to make a complaint regarding an alleged breach by ABM of the Code to the ACFID Code of Conduct Committee, at [www.acfid.asn.au/code-of-conduct/complaints-and-compliance-monitoring](http://www.acfid.asn.au/code-of-conduct/complaints-and-compliance-monitoring). This information is posted on ABM's website.

### **Review**

This Policy will be reviewed by 2022.

### **Relevant ACFID Code of Conduct Indicators**

This policy complies with the following ACFID Code of Conduct Compliance Indicators:

- 1.4.3, 'Members have a documented child safeguarding incident reporting procedure and complaints handling procedure that aligns with principles of privacy and promotes safety and dignity'.
- 1.5.1, 'Members demonstrate their organisational commitment to the prevention of sexual exploitation and abuse'.
- 7.3.3, 'Members enable stakeholders to make complaints to the organisation in a safe and confidential manner'.
- 9.2.2, 'Members enable staff and volunteers to make complaints and report wrongdoing through fair, transparent and accessible procedures'.

### **Related ABM Policies and Procedures**

A1011 Child Protection Policy and B2013 Child Protection Procedures

A1021 Prevention of Sexual Exploitation, Abuse and Harassment Policy

A2002 Whistleblower Policy

Anglican Board of Mission A1010 Complaints Policy

B2003 Grievance Procedure

A1008 ABM Code of Conduct

A1001 Fraud and Anti-Corruption Policy

| <b>Policy History</b>          |                     |
|--------------------------------|---------------------|
| <b>Name of Policy</b>          | <b>Date Adopted</b> |
| External Complaints Procedure  | April, 2012         |
| Feedback and Complaints Policy | December, 2015      |
| Complaints Policy              | December, 2019      |

## APPENDIX 1: COMPLAINTS RECORD FORM

All complaints should be recorded on a separate form. Forms should then be saved in one central, safe and secure location in the office of the Executive Assistant.

People may submit a complaint on another piece of paper, or electronically, or they may give a verbal complaint to a staff member. The staff member should then write that complaint on this 'Complaints Record Form' and submit it to the appropriate person.

|  |  |
|--|--|
| <b>Date:</b><br>Date complaint is received   |  |
| <b>Staff member/volunteer who received the complaint:</b><br>Which staff member or volunteer first heard or collected this complaint?  |  |
| <b>Personal details of complainant (person making the complaint):</b><br>Name, contact details, if appropriate. If the complainant wishes to remain anonymous, no detail is to be recorded here. |  |
| <b>Nature of complaint:</b><br>What issue is this complaint related to?  |  |
| <b>Details of complaint:</b><br>A detailed description of the complaint the person has made  |  |
| <b>Who dealt with it:</b><br>Name of person who is or has responded to the complaint   |  |
| <b>How it was dealt with:</b><br>Action taken to handle the complaint  |  |
| <b>Outcome:</b><br>Outline of what has happened as a result of the complaint   |  |
| <b>Follow-up required:</b><br>Any action required as a result of the complaint. This may include a change to your organisation's procedures and policies   |  |

**Form Completed by (Name):**

**(Signature):**

**Viewed by (Executive Director): (Name):**

**(Signature):**