

# Complaints Handling and Whistleblower Policy

Policy no: 042

Version 2

Approved on: 27 April 2023

Approved by: AFAO Board

## 1. Purpose

AFAO is committed to being accountable to the communities it is part of, works with, represents and serves, in line with its values. It recognises the value of listening to, and responding to feedback and complaints, as a key way of ensuring that its programs and all areas of operation, accomplish minimum quality standards and are accountability to the people it works with and for.

This Policy aims to:

- recognise, promote and protect an individual or external organisation's right to raise their concerns about their dealings with AFAO;
- provide an efficient, fair and accessible avenue for raising complaints about any aspect of AFAO's work, including any form of misconduct by:
  - AFAO Personnel, including Board and Committees members, staff employed in Australia and by the AFAO Foundation, volunteers, contractors and consultants; and
  - AFAO Partners, including implementing partner organisations contracted by AFAO domestically or internationally in the delivery of an AFAO program or project, including their Board members, staff, volunteers, contractors, consultants and partners, while working on an AFAO program.
- encourage and require AFAO Personnel and AFAO Partners to report actions by AFAO Personnel or AFAO Partners that they reasonably believe violates a law or regulation, or constitutes any form of misconduct;
- communicate AFAO's complaints handling process to all external stakeholders; and
- support the monitoring of complaints to enable AFAO to improve the quality of its work.

## 2. Scope

The scope of this policy covers any complaints:

- raised by external individuals or organisations related to AFAO's Australian and international activities; and
- raised by internal whistleblowers from AFAO Personnel, about the misconduct of any member(s) of AFAO Personnel and AFAO Partners.

Internal complaints are outside the scope of this Policy and are managed in accordance with the **Grievance Policy**.

Complaints regarding child abuse and exploitation or sexual exploitation, abuse or harassment of an adult can be reported under this Policy and will be escalated immediately to the AFAO CEO. These matters will follow the Response and Reporting Guidelines described in the **Safeguarding Policy**.

### 3. Definitions

Term	Definition
<b>Complaint</b>	An expression of dissatisfaction or concern regarding any aspects of AFAO’s work, including the behaviour of any AFAO Personnel and AFAO Partners, or anyone else acting on AFAO’s behalf, where a response or resolution may be explicitly or implicitly expected.
<b>Complainant</b>	An AFAO stakeholder making a complaint about AFAO, or any AFAO Personnel or AFAO Partner.
<b>Whistleblower</b>	A staff member, volunteer, contractor, or partner who reports suspected wrongdoing, including suspicions of fraud, misuse of resources, neglect of duties, or a risk to health and safety. The wrongdoing disclosed must be in the public interest, which is determined by the number of people affected, the nature and impact of the wrongdoing, and who the wrongdoer is. Whistleblowers are protected by law and should not be treated unfairly or lose their job because they ‘blow the whistle’.
<b>Misconduct</b>	Behaviour that: <ul style="list-style-type: none"> <li>• is fraudulent or corrupt;</li> <li>• is illegal;</li> <li>• breaches the AFAO Code of Conduct, and/or ACFID Code of Conduct;</li> <li>• involves maladministration;</li> <li>• endangers the health or safety of staff, volunteers, or the public;</li> <li>• involves child abuse and exploitation or sexual exploitation abuse and harassment of an adult, or unlawful discrimination;</li> <li>• may cause serious financial or non-financial loss to AFAO and its reputation;</li> <li>• endangers the environment; and</li> <li>• involves retaliatory action against a whistleblower for disclosing wrongdoing.</li> </ul>

### 4. Policy Statement

AFAO is committed to ensuring that complaints and reports of misconduct are handled promptly, discretely, fairly, effectively and respectfully, and that:

- the rights of complainants are protected;
- a complainant’s name or personal details will not be shared to anyone in or outside AFAO, other than staff involved in handling the complaint, without obtaining the complainant’s permission, to the extent permitted by law;
- complainants and whistleblowers are protected from reprisal, harassment or victimisation for making a complaint or report;
- requirements for making a complaint take into consideration the needs of different stakeholders; and
- any retaliation against complainants and whistleblowers is treated as serious wrongdoing under this Policy.

### 5. Guiding Principles

**Accountability:** AFAO recognises and promotes the rights of its stakeholders and its own personnel, to comment and raise concerns about its work and have those effectively addressed.

<b>Accessibility:</b>	This Policy is available on AFAO’s website, and promoted to AFAO Partners, and external stakeholders, in the most appropriate and accessible ways.
<b>Confidentiality:</b>	Complaints are handled discretely and confidentially, and associated documents held in a safe and secure place.
<b>Procedural Fairness:</b>	Complaints are handled impartially, in an evidence-based way that is free of bias, irrespective of who is making the complaint or the subject or nature of the complaint.
<b>Responsiveness:</b>	Complaints are acknowledged and managed as promptly as possible, and complainants kept informed of expected timeframes.
<b>Person-centred</b>	Complaints handling processes consider the needs and preferences of the complainant, and any support needs.
<b>Equality</b>	Complaints are managed in a consistent and non-discriminatory manner, without regard to a complaint’s age, gender, sexuality, ethnicity, or cultural background.
<b>Respect</b>	Complainants are treated with dignity and respect and their concerns taken seriously.

## 6. Communication and Awareness-Raising

AFAO ensures that stakeholders are aware of their right to complain by promoting this Policy on its website, in its annual report, and in partnership agreements. AFAO works with AFAO Partners to ensure local feedback and complaints processes are promoted with local communities participating in and benefiting from AFAO-supported programs.

AFAO provides induction briefings to all AFAO Personnel to ensure they know about and understand this Policy, and to AFAO Partners at the commencement of engagement and in partnership agreement discussions. All AFAO Personnel and AFAO Partners are required to read and adhere to this policy.

## 7. AFAO’s Complaints Handling Procedures

The following procedures apply to people wishing to lodge a complaint or internal AFAO Personnel or AFAO Partner members wishing to ‘blow the whistle’.

AFAO’s Complaints and Whistleblower Protection Officer assumes responsibility for managing all complaints through to completion.

### 7.1 Making a complaint

To make a complaint, people can contact:

AFAO’s Complaints and Whistleblower Protection Officer

E-mail: [complaints@afao.org.au](mailto:complaints@afao.org.au);

Phone: +61 2 9557 9399

Address: Level 3, 414 Elizabeth Street, Surry Hills NSW 2010, Australia

Alternatively, complaints can be made to any AFAO staff or Board members, and any complainant should explain that they wish the matter to be treated as a complaint and investigated.

If people are providing complaints in writing, please include as much as information as possible, including:

- name and contact details;
- details of the concerns , including the location of any incident and the people involved;
- the facts leading to the complainant’s belief that a breach has occurred; and
- how the complainant would like AFAO to resolve these concerns.

Anonymous complaints can be made but AFAO's ability to investigate them may be limited due to an inability to seek critical information beyond that initially provided. In the event wrongdoing is confirmed, anonymous reporting can limit AFAO's ability to provide a remedy to an individual.

AFAO Personnel and AFAO Partners who hold a concern about misconduct by an AFAO Personnel or AFAO Partner member, but lack evidence, are encouraged and required to report their concerns.

In addition, AFAO is a member of the Australian Council for International Development (ACFID) and a signatory to its Code of Conduct. Complaints regarding an alleged breach by AFAO of the [ACFID Code of Conduct](#) can be made directly to the ACFID Code of Conduct Committee as follows:

Complaints to ACFID should be marked 'confidential' and sent to:

Chair, ACFID Code of Conduct Committee

Email: [code@acfid.asn.au](mailto:code@acfid.asn.au)

Address: Private Bag 3, Deakin ACT 2600, Australia

Information about ACFID's handling of complaints is available at: <https://acfid.asn.au/content/complaints>

## 7.2 Acknowledging and Triaging Complaints

All complaints will be acknowledged in writing **within three working days**, an expected timeframe provided on the complaints handling process, and a copy of this Policy provided.

If the complaint relates to AFAO's Complaints and Whistleblower Protection Officer, a position held by AFAO's Deputy CEO, AFAO's CEO will nominate an alternative person to handle the complaint.

Complaints of a more straightforward nature can be resolved quickly and will not need to proceed through the procedural steps outlined in this Policy. For example, a telephone complaint that can be responded to in an initial call, or a written complaint that arises from a misconception that can readily be corrected. These matters will be recorded and included in related reporting to the Board.

Where a serious allegation is identified, AFAO will:

- immediately advise the CEO of the complaint (including all safeguarding complaints) for guidance in its appropriate handling. AFAO's CEO will advise AFAO's President and agree with the President on the appropriate reporting of the matter to the AFAO Board;
- consider referral of serious allegations to the police, and any other appropriate authorities;
- consider the support needs of the complainant/whistleblower and any referrals to support services;
- consider notifications to donors and regulators, in line with AFAO's reporting obligations; and
- conduct its own investigation of the allegations.

Serious allegations include any matter relating to, but not limited to:

- safeguarding (i.e. child abuse and exploitation, or sexual exploitation, abuse and harassment of adults);
- fraud or money laundering;
- serious misconduct by AFAO Personnel or AFAO Partner; and
- matters that may involve criminality.

## 7.3 Conducting an Initial Review of Complaints

AFAO's Complaints and Whistleblower Protection Officer will undertake an initial review of the complaint as soon as possible, and **within ten working days** from receipt of the complaint. Whistleblowing reports will be fast tracked, and initially reviewed **within five working days** from receipt of the report.

The review will assess relevant issues and determine how the matter will be handled, including:

- determining whether the matter will be treated as a complaint;
- assessing the nature of the matter against the following criteria:
  - severity;

- health (including mental health) and safety implications;
  - financial implications for the complainant or others;
  - complexity;
  - impact on the individual, public and AFAO;
  - potential to escalate;
  - systemic implications;
  - the need for, and possibility of, immediate action.
- considering options for investigation of the matter;
  - updating the complainant at the end of this initial review to advise of the outcome and seek their views, including if the matter will not be treated as a complaint, and instead handled in another way.

At this point in the process, some complaints will be resolved, and others may be rejected where deemed to be frivolous, capricious or vexatious.

Where a complaint is deemed to be outside AFAO's jurisdiction, AFAO will advise the complainant and provide assistance in identifying a more appropriate organisation or authority to handle the matter.

#### 7.4 Investigation and Determination

AFAO's Complaints and Whistleblower Protection Officer will aim to finalise all complaints as promptly as possible and **within 30 days** from the initial review of the complaint. This may take longer for more complex matters

AFAO will approach the investigation based on the approach determined in the initial review and with regard to the preferences of the complainant or whistleblower about how the matter is to be handled. This will include any person who is the subject of a complaint having an opportunity to respond to the issues raised.

Once the issues related to the matter are identified and all relevant information gathered and steps taken to resolve the matter, AFAO will make a determination on the outcome of the complaint.

The AFAO Complaints and Whistleblower Protection Officer will communicate the determination verbally and in writing to the complainant or whistleblower, with reasons for their determination. In the case of whistleblowers, the communication will also include recommendations to address any wrongdoing identified, and any other matters arising during the investigation. They will also advise the complainant or whistleblower of the option to appeal the determination.

#### 7.5 Appeals

Any complainant or whistleblower who wishes to appeal the determination should do so ASAP and within 14 days of the determination being made and communicated.

**AFAO will handle any appeal of a matter under this policy within 30 working days of the appeal being made.**

A complainant can advise the Complaints and Whistleblower Protection Officer of their wish to appeal a determination, and they will refer all such requests to the CEO for consideration.

Alternatively, the complainant may directly contact the CEO as follows:

Email: [ceo@afao.org.au](mailto:ceo@afao.org.au)

Phone: +61 (2) 9557 9399

Address: Level 3, 414 Elizabeth Street, Surry Hills NSW 2010, Australia

The CEO will discuss appeals with the Board Chair, and include in reporting to the Finance and Audit Committee and Board.

## 8. Confidential Document Management and Quality Improvement

AFAO's Complaints and Whistleblower Protection Officer maintains AFAO's complaints documentation, and monitors complaints and any trends, to identify potential organisational improvements. Proposed changes aimed at strengthening AFAO systems and practices are discussed and approved by the Management Team, and then actioned.

All records of complaints are securely stored online in restricted access areas of AFAO’s network.

A Complaints Register is maintained which includes de-identified information of all complaints raised, and which can be drawn on for internal reporting purposes.

The relevant Board Committees and Board are updated on the overall number and trends of complaints on a regular basis, and on specific high-risk matters escalated to them for input and oversight, as required.

## 9. Whistleblower Protections

The procedures for handling whistleblowing matters raised by AFAO Personnel follow the same procedure as that for external complaints. Some additional assurances and protections are provided to whistleblowers, in line with the requirements of the Corporations Act 2001, and related ASIC guidance. AFAO also recognises its duty of care to personnel that it requires to report concerns of misconduct by ensuring they are protected from retaliation.

Whistleblowers can report their concerns to AFAO’s Complaints and Whistleblower Protection Officer or to the following:

- the CEO;
- the Australian Charities and Not-for-profits Commission (ACNC); or
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

AFAO ensures that any whistleblower who has acted in good faith on reasonable grounds and complied with this Policy in making a report:

- does not suffer from any employment-related disadvantage or other form of retaliatory action;
- will have their wish for confidentiality honoured, except where AFAO is prevented by law from doing so;
- is provided with any support required; and
- is not necessarily absolved from the consequences of any personal involvement in the matter reported.

A whistleblower who believes that they are the subject of retaliation for making a report, should immediately report the perceived breach of this Policy.

Any member of AFAO Personnel who retaliates against a whistleblower who has made a report in good faith or cooperated in the investigation of this matter, may be subject to discipline, including termination of employment, volunteer or contractor status.

## 10. Roles and Responsibilities

Who	Responsibility
Board	Cultivate and maintain a culture that is open and responsive to feedback and complaints Oversee and assure the robustness of AFAO’s complaints handling and whistleblowing protection processes Approve this policy and any updates
Finance and Audit Committee	Review all serious allegations and whistleblowing matters and assure the robustness and integrity of the complaints handling and whistleblowing system
CEO	Report serious allegations and all whistleblowing matters to the Board
Complaints and Whistleblower Protection Officer (Deputy CEO)	Provide a safe and discreet point of contact for all complainants and whistleblowers Report complaints involving serious allegations and all whistleblowing matters to the CEO

	Assume responsibility for all stages of the complaints handling process and whistleblower protections
	Finalise all investigations and reporting via the CEO to the Board
	Monitor patterns in complaints and consider way to improve organisational systems
	Ensure policy is regularly reviewed every three years
Managers	Educate and train AFAO Personnel and AFAO Partners regarding the application of this policy across all AFAO programs and projects
	Ensure AFAO Partners are aware of this policy and have appropriate complaints mechanisms in place
AFAO Personnel	Raise any issues about perceived misconduct of any member of AFAO Personnel or AFAO Partners to the Complaints and Whistleblower Protection Officer.
	Ensure any complaints they receive from AFAO stakeholders are forwarded to the Complaints and Whistleblower Protection Officer for timely management.

## 11. Related Policies and Documents

Policy	Title and hyperlink
006	<a href="#">AFAO Code of Conduct</a>
011	<a href="#">Anti-Fraud and Financial Wrongdoing Policy</a>
040	<a href="#">Counter-Terrorism and Anti-Money Laundering Policy</a>
012	<a href="#">Privacy Policy</a>
041	<a href="#">Safeguarding Policy and Code of Conduct</a>
<b>Templates/Tools</b>	
	Complaints Register
	Incidents Register

## 12. Policy History

Date of update	Version	Key changes	Endorsed by	Approved by	Next review
April 2023	2	Consolidate and update two formerly separate policies:	Finance and Audit Committee	AFAO Board	April 2026
January 2021	1	Establishment of inaugural policies: Feedback and Complaints Policy; and Whistleblower Policy.	Management Team	Board	January 2023