

Complaints and Incident Handling Policy

Functional Area: Support

Date approved: 1 December 2022

Board Resolution: UWB20221201-04

1 Context

UnitingWorld operates in an international and domestic context which prioritises transparency and accountability. This is particularly the case for not-for-profit organisations and is demonstrated by our commitment to maintain standards established by the Australian Charities and Not-for-Profit Commission (ACNC), Australian Council for International Development (ACFID) and Department of Foreign Affairs and Trade (DFAT). This policy documents UnitingWorld's commitments and our actions to respond to incidents; to meet our obligations to, and scrutiny by, the public, our donors, the ACNC, the DFAT, ACFID and other interested parties.

This policy is consistent with UnitingWorld's values. "We are sensitive to context, mindful of power imbalance...We are ethical, accountable and open in our relationships and work practices. We keep promises, own up to mistakes and challenge behaviour that does not align with our organisational values."¹

This policy is part of a suite of policies that set out how UnitingWorld cares for the safety and wellbeing of all people, with special concern for those most vulnerable. The policies, included in Related Resources below, form an interlocking web of support to drive professional and compassionate behaviour. They are available on UnitingWorld's website². UnitingWorld's Protection and Safeguarding Policy is particularly relevant, in the context of continuing international concern for the safety and wellbeing of the most vulnerable in local communities we aim to serve. This policy and the Protection and Safeguarding Policy combine to codify behaviours to protect the most vulnerable and determine how UnitingWorld will respond reports and allegations of breaches.

A Complaint is an expression of dissatisfaction about the standards of service, action or lack of action by UnitingWorld, our Representatives or anyone involved in the delivery of our work. It is a criticism that expects a reply and would like things to be changed³.

Complaints could include, but are not limited to, the following:

- Concern from someone we work with about the quality of program delivery
- Concern from a member of the public or supporter about a fundraising approach or campaign
- Concern about fraud, corruption or misuse of funds
- Concern about the behaviour of staff, volunteers or contractors.

1 UnitingWorld Strategic Plan

2 <https://unitingworld.org.au/policies>

3 Core Humanitarian Standards (CHS) Guidelines for Investigations (2015) and in line with AS/NZ 10002:2014: an expression of dissatisfaction made to or about UnitingWorld, our programs, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint is different from feedback and enquiries and is usually more formal and a response or resolution is expected by the complainant. As a result, complaints are dealt with differently to feedback and enquiries. As well as complaints being made directly to UnitingWorld, some complaints (or at least negative comments) may be made on social media.

A complaint must be about an action which UnitingWorld is responsible for or is within our sphere of influence.

All complaints need to be reviewed and addressed, but not all will require a formal investigation process.

Any stakeholder has the right to raise a complaint or report an incident, have that report addressed, and receive a response for mistakes, wrongful actions or breaches of the codes to which UnitingWorld subscribes, including the Australian Council for International Development Code of Conduct (ACFID Code) and the ACT Alliance Complaints Policy.

An Incident is

- A breach of the Professional Conduct Policy, Protection and Safeguarding Policy, Code of Conduct
- An event that results in harm or threat to a UnitingWorld Representative. This can include medical issues, accidents, crime or death
- An event that has significant legal, insurance or risk implications for UnitingWorld
- A Complaint (as defined above)

For the purposes of this policy, complaints will be deemed to be included anywhere the term 'incident' is used.

2 Scope

This policy applies to all UnitingWorld representatives, defined as any personnel funded by or undertaking tasks on behalf of UnitingWorld, as per the Governance Framework.

Complaints covered by this policy are those raised by anyone who is NOT UnitingWorld staff. Issues raised by staff are considered grievances and are addressed through Uniting Church in Australia's Employment and Human Resources policies and procedures. UnitingWorld's Whistleblower Policy may also apply.

Internal issues and grievances raised by partner staff concerning a partner organisation will be dealt with according to the Human Resource policies and procedures of the partner organisation. UnitingWorld will offer full support and, if requested or necessary, the partner organisation is supported to address the matter appropriately.

While we are committed to enabling beneficiary communities to be able to complain directly to UnitingWorld, we do not have a direct relationship with our partners' local communities, who work with and recognise our partners as the active deliverers of activities. In this hybrid world, UnitingWorld strives to ensure that there are avenues for local issues to be escalated where necessary. This policy operates alongside the complaints procedures put in place by our autonomous local partners.

UnitingWorld's incident reporting and incident-handling processes are guided by the principles below.⁴

3 Policy Commitments

Principle 1: We will ensure our Representatives understand their obligations in implementing this policy.

Principle 2: We will make the incident reporting process accessible.

We will be transparent in our Incident handling, make the policy available on our website and provide clear information on how complaints and reports may be made.

Principle 3: We will respond appropriately.

We will handle incidents promptly and appropriately according to their content and severity.

Principle 4: We will investigate incidents appropriately.

We will handle incidents in a way that is fair, efficient and effective for all concerned.

Principle 5: Our Incident responses will be survivor/child-centred.

Principle 6: We will support survivors.

Principle 7: We will be accountable and learn from complaints and incidents.

We will handle incidents in way that improves our accountability to stakeholders and learning as an organisation.

4 Policy implementation

4.1 Understanding/Training in policy obligations and implementation

We will address policy obligations and procedures for implementation in our staff/in-Office Volunteers/Interns and Board inductions and during annual training. We will include obligations in contractor agreements, Partner Memoranda of Understanding and Partner Letters of Agreement.

4.2 Accessible reporting processes

4.2.1 We will accept an incident report from any supporter, partner organisation, community or individual with whom we work or any member of the public whether an individual or organisational entity.

4.2.2 We will accept an incident report made verbally, in writing⁵, by phone (including SMS), social media or in person or via a third party, or in any other manner.

4.2.3 We will publicise information about how and where incident reports may be lodged to or about us, including through our website. We will ensure our incident handling systems are easily understood and accessible to everyone, particularly people who may require assistance.

4.2.4 UnitingWorld will work with overseas partners to develop and publicise child- and vulnerable adult- friendly local avenues for providing feedback, lodging complaints or reporting incidents, including providing information for stakeholders in the local language. UnitingWorld will identify and train a focal point in each partner organisation to be a point of contact and to

⁴ Consistent with the ACFID Code of Conduct and the ACT Alliance Complaints Policy.

⁵ Including via email, a complaints box, or a letter addressed to the office

support complainants as required. See Protection and Safeguarding Policy Principle 4 for further guidance.

- 4.2.5 If a person prefers or needs another person or organisation to assist or represent them in making and/or resolving the incident, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to complain or report an incident with their consent (eg advocate, family member, legal or community representative, Member of Parliament, another organisation).
- 4.2.6 We will accept anonymous incident reports if there is a compelling reason to do so and will carry out a confidential investigation of the issues raised where there is enough information provided.
- 4.2.7 We will design the reporting process to collect the following information: Who is the reporter (unless they wish to be anonymous), a description of what has happened, who was involved, the relevant time(s) and place(s), the names of witnesses or other involved parties, and how the reporter can be contacted again.
- 4.2.8 The person making the reports will be provided with information about our incident handling process; be listened to and treated with respect by the person receiving the report and provided with reasons for our decision/s and any option for redress or review.
- 4.2.9 We will take all reasonable steps to ensure that people are not adversely affected because an incident report has been made by them or on their behalf.
- 4.2.10 We will take all reasonable steps to treat a Representative who is the subject of an incident report fairly and balance concerns for the safety of complainants and the integrity of the investigation. A Representative who is the subject of a complaint may be moved to other duties or suspended until the outcome of the investigations.
- 4.2.11 We will encourage bystander reporting, particularly for matters such as sexual exploitation and abuse. People will be encouraged to report their concerns to partner program staff or UnitingWorld staff, who will document the concerns in the form of an incident. If an investigation is conducted, the person who raised the concern will be considered the reporter, even if they are not the alleged victim in the case.

4.3 Appropriate Responses

- 4.3.1 UnitingWorld staff, volunteers, Board and partners will receive training about this policy. They will be trained how to receive reports based on our Protection and Safeguarding Policy, Professional Conduct Policy or Code of Conduct and/or a risk of harm to children or vulnerable adults. We aim to ensure our Representatives respond sensitively, respectfully and seriously to anyone who brings concerns or allegations to UnitingWorld's notice. This includes specific guidance for responding appropriately to concerns or allegations from children.
- 4.3.2 We will acknowledge receipt of incident reports within two days.
- 4.3.3 We will assess and prioritise incidents according to the urgency and/or seriousness of the issues raised. If a report concerns an immediate safety or security risk, we will respond immediately and escalate the incident appropriately.
- 4.3.4 We will address each incident report with integrity and in an equitable, objective and unbiased manner.
- 4.3.5 UnitingWorld will review all incidents but may not formally investigate incidents that can be established as vexatious, in bad faith or without serious intent or that are already the subject of legal proceedings. We will respond explaining why we are not investigating further.

- 4.3.6 Personal information that identifies individuals will only be disclosed or used by us as permitted under relevant privacy laws and secrecy provisions. Incident information will be stored separately, and access will be restricted to authorised staff. Reporters or survivor/victims can request their details to be de-identified.
- 4.3.7 Where an incident involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making the report and/or their representatives is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information-sharing between the parties will also be organised to facilitate a timely response to the matter.
- 4.3.8 If we are notified of an incident that falls outside the scope of this policy, such as complaints against the employee of another organisation, or a government department, we will advise the organisation or department or approach an appropriate ombudsman or authority.

4.4 Appropriate Investigation

- 4.4.1 We will aim to finalise investigations and report within 30 days, noting this may not always be possible.
- 4.4.2 The Investigator will be chosen to ensure transparent and independent handling of the incident. The Investigator will not be any person involved in the incident. Conflicts of interest, whether actual or perceived, will be managed responsibly. The investigator will report to Head of Operations or the National Director (unless there is a conflict of interest). They will maintain appropriate confidentiality and ensure only relevant parties are involved.
- 4.4.3 We will refer Incident reports relating to the National Director or any member of the Board to the General Secretary of the National Assembly of the Uniting Church in Australia, who will oversee investigations.
- 4.4.4 Different roles within UnitingWorld will have distinct responsibilities in incident handling.
- 4.4.5 The Board is responsible for ensuring incidents are managed in line with this Policy.
- 4.4.6 The Finance Audit and Risk (FAR) Committee of the UnitingWorld Board has a role in reviewing data on incidents received by UnitingWorld. The National Director will provide the FAR Committee with quarterly reports and analysis of incidents. FAR will ensure incidents have been handled satisfactorily, appropriate corrective action has been implemented and any trends are identified and addressed.
- 4.4.7 The Head of Operations is responsible for managing and maintaining the incident handling system, so that incident reports and subsequent investigation, determination and actions are handled in line with this policy.
- 4.4.8 The Head of Operations, as UnitingWorld's Organisation Safeguarding Focal Point, is responsible for monitoring and reporting to senior management on safeguarding practice.

4.5 Survivor/Child-centred Incident responses

We will manage all SEAH/Child Protection incident responses in a manner that balances respect for due process with a survivor-centred approach where the survivors' wishes, safety, and well-being remain a priority. All our actions will be guided by respect for the safety, choices, wishes, rights and dignity of the survivor. Confidentiality is paramount and information relating to safeguarding concerns or allegations will only be shared on a need-to-know basis.

Where DFAT or another donor funds activities, we will notify the donor of safeguarding and child protection breaches, as required.

UnitingWorld is committed to holding perpetrators to account. Sexual exploitation and abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures for staff, including dismissal.

4.6 Survivor Support

We will make support available to survivors where concerns or allegations are made about some form of harm or maltreatment by a UnitingWorld Representative. This may include referral to safe health/medical services, psychosocial and legal/justice responses where appropriate, and where required, referral to specialised children's or women's services.

4.7 Accountability and Learning from Complaints and Incidents

- 4.7.1 Reporters who are unsatisfied with UnitingWorld's response to an incident report have the right to appeal to the UnitingWorld Board or ultimately to the Uniting Church in Australia Assembly Steering Committee.
- 4.7.2 We will make public the external bodies we are accountable to and who may receive reports against us. This includes the ACFID Code of Conduct Secretariat, DFAT; the ACNC, and the ACT Alliance.
- 4.7.3 We will log and monitor all incidents including the outcomes and this information will be brought reported quarterly to senior management and the Board.
- 4.7.4 We will continue to review and improve the effectiveness of our incident handling system. We will review lessons learned to support the making and appropriate resolution of incidents; and implement best practices in incident handling.

4.8 Making a Complaint

UnitingWorld welcomes all feedback, complaints and incident reports.

UnitingWorld encourages complaint/incident reports to be lodged as soon as possible after the complainant becomes aware of the concern. However, all complaints/incidents will be considered. Complaints/incident reports may be addressed to UnitingWorld by any means.

UnitingWorld's contact details are:

Phone: 1800 998 122 or +61 (0)2 8267 9735

Email: complaints@unitingworld.org.au

Physical address: Level 3, 262 Pitt Street, Sydney, NSW Australia 2000

Postal address: PO Box A2266, Sydney South, NSW Australia 1235

In person: to the Head of Operations/UnitingWorld Organisation Safeguarding Focal Point

UnitingWorld values feedback and complaints from donors and supporters.

Individuals can also contact the ACFID Code of Conduct Team to make a complaint or report a safeguarding concern: code@acfid.asn.au or <https://acfid.asn.au/content/complaints>.

Guidance for implementing this policy is contained in the Complaints and Incidents Management Procedure.

5 Related Resources

In addressing a complaint/incident, UnitingWorld may take account of the following:

- The [Regulations of the Uniting Church in Australia](#);
- Uniting Church processes for handling complaints, including complaints relating to sexual misconduct;
- UnitingWorld Professional Conduct Policy and Code of Conduct
- UnitingWorld Protection and Safeguarding Policy
- UnitingWorld Communication and Transparency Policy
- UnitingWorld Whistleblower Policy
- UnitingWorld Financial Wrongdoing Policy
- Uniting Church in Australia National Assembly Fraud Policy
- The ACFID Code of Conduct. See ACFID website for the current version of the Code:
<https://acfid.asn.au/code-of-conduct>

UnitingWorld is guided by and works in the context of the following national and international codes and conventions:

- United Nations: *Interagency Standing Committee Minimum Operating Standards – Preventing Sexual Exploitation and Abuse (IASC MOS-PSEA)*
https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf
- Department of Foreign Affairs and Trade Australia DFAT *Preventing Sexual Exploitation Abuse and Harassment (PSEAH) Policy (2019)*
- Department of Foreign Affairs and Trade Australia DFAT *Child Protection Policy (2018)*
- Church Agencies' Network Disaster Operations *CAN DO Standard Operating Procedure (2019)*
- Joint Statement and 22 Commitments (UK-led International Summit to Tackle Sexual Exploitation, Abuse and Harassment in the Aid Sector (October 2018)
<https://www.dfat.gov.au/sites/default/files/uk-safeguarding-summit-donor-commitments.pdf>
- UK BOND the International Development Network, *Our Commitment to Change in Safeguarding* <https://www.bond.org.uk/resources/our-commitment-to-change-in-safeguarding>
- ACFID Code of Conduct (2019 update and successor documents)
- *Shaping the Path Report* (ACFID commissioned, VIFM, 2019) <https://www.vifm.org/wp-content/uploads/ACFID-Report-Final.pdf>

6 Glossary of Terms

Abuse: any action or inaction that causes harm to another person. It can include physical abuse, emotional abuse, sexual abuse and neglect. It also includes abuse online and/or through mobile technology.

Bystander: A Bystander is person who witnesses an incident firsthand, or who hears about it afterwards. (Definition based on Australian Human Rights Commission, Bystander Fact Sheet for Employees n.d;)

<https://www.humanrights.gov.au/our-work/sex-discrimination/projects/sexual-harassment-know-where-line>. Accessed 2 March, 2019)

Child: anyone under the age of 18. This is irrespective of local country definitions, including legal definitions, of when a child reaches adulthood, in line with the DFAT PSEAH Policy 2019.

Child protection, an activity or initiative designed to protect and respond to child abuse & risk of abuse (DFAT Child Protection Policy 2017; accessed August 2019)

Complaint: An expression of dissatisfaction. (International Standards Organisation standard on Complaints handling; used by ACFID); An expression of dissatisfaction made to or about UnitingWorld, our programs, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. (AS/NZ 10002:2014)

Complainant: a person, organisation or its representative, making a complaint

DFAT: Department of Foreign Affairs and Trade

Exploitation: any actual or attempted abuse of a position of vulnerability, differential power or trust to profit monetarily, socially or politically. It includes sexual exploitation.

Feedback: Feedback means opinions, comments, suggestions and expressions of interest in the products or the complaint handling process (ACFID)

Focal point: A person or group of persons designated to receive Complaints of cases of sexual exploitation and abuse. (IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013)

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

Harassment: Any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be **committed by** or **against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency (see **sexual harassment** below).

Incident: Any allegation, suspicion or instance of a breach **by or involving** UnitingWorld Representatives of UnitingWorld's Professional Conduct Policy and Code of Conduct, including illegal activity; also as well as personnel risks including medical incidents and minor accidents. Incidents may have significant legal, insurance or serious risk implications for UnitingWorld and include serious personnel and safeguarding events (such as death, assault of or accident involving our Representatives or project beneficiaries).

Incident handling/Incident handling system/s: All policies, procedures, practices, staff, hardware and software used by UnitingWorld in the management of complaints.

Misconduct: or improper behaviour. A breach of UnitingWorld's Code of Conduct. (see also Serious Misconduct)

Perpetrator: A person (or group of persons) who commits an act of SEAH or other type of crime or offence.

Policy: A statement of instruction that sets out how we should fulfil our vision, mission and goals.

Procedure: A statement or instruction that sets out how our policies will be implemented and by whom.

Protection: that individual basic human rights, welfare and physical security are recognised, safeguarded and protected in accordance with international standards.

PSEAH: Acronym for Preventing Sexual Abuse and Exploitation

Safeguarding: A broad obligation to ensure that an organisation's activities do not expose people (including children and vulnerable adults) to adverse impacts, including the risk of abuse and exploitation, and that any concerns about safety within the communities where the organisation works are appropriately reported. (based on DFAT's definition of Child Safeguarding in Child Protection Policy January, 2018 <https://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>. Accessed 3 April, 2019).

The international aid sector uses the term 'safeguarding' to mean 'protecting staff from harm and from harming others'. It is an umbrella term that covers preventing and addressing exploitative, harmful and abusive behaviours and practices, and the associated processes, initiatives, frameworks and policies. Safeguarding also involves organisations maintaining policies, procedures and trusted mechanisms through which those who observe or experience abuse can raise concerns – either directly or anonymously. (*Humanitarian Action Group, CAN DO Standard Operating Procedure, 2019*)

SEAH: Acronym for Sexual Exploitation, Abuse and Harassment

Serious Misconduct: Conduct that is wilful or deliberate and that is inconsistent with the continuation of a person's employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person or to the reputation, viability or profitability of the employer's business. (Fair Work Commission, <https://www.fwc.gov.au/unfair-dismissals-benchbook/what-makes-dismissal-unfair/valid-reason/conduct>. Accessed 3 April, 2019)

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013/DFAT PSEAH Policy 2019*).

Sexual harassment: A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. (*DFAT PSEAH Policy 2019*)

Subject of Complaint: the staff member/s against whom the complaint, allegation or concern has been raised – ie, the alleged perpetrator of sexual exploitation or abuse.

Survivor/victim: A person who is, or has been, sexually exploited harassed or abused (DFAT PSEAH Policy, 2019). Survivor implies strength, resilience and the capacity to survive. (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013*)

Volunteer: Volunteer refers to unpaid community members who participate in UnitingWorld activities for an extended or repeated period.

Vulnerable adult: an individual aged 18 years or over who is at greater risk of significant harm due to factors such as gender, age, mental or physical health, or as a result of poverty, inequality or experience of displacement or crisis. In an international development context, an example might be a person with reliance on humanitarian aid with another intersecting vulnerability such as a disability or their ethnicity.

Whistleblowing: A disclosure by a person about serious malpractice carried out by UnitingWorld or our Representatives, for example concerns or complaints about criminal acts, abuse or exploitation.

Witness: A person who gives testimony or evidence in the investigation, including the person who has experienced sexual exploitation and/or abuse, the complainant, a person of concern, a staff member

of a Partner agency, the subject of the Complaint or another staff member, etc. (IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013).

7 Review Schedule

Date of next review: November 2025