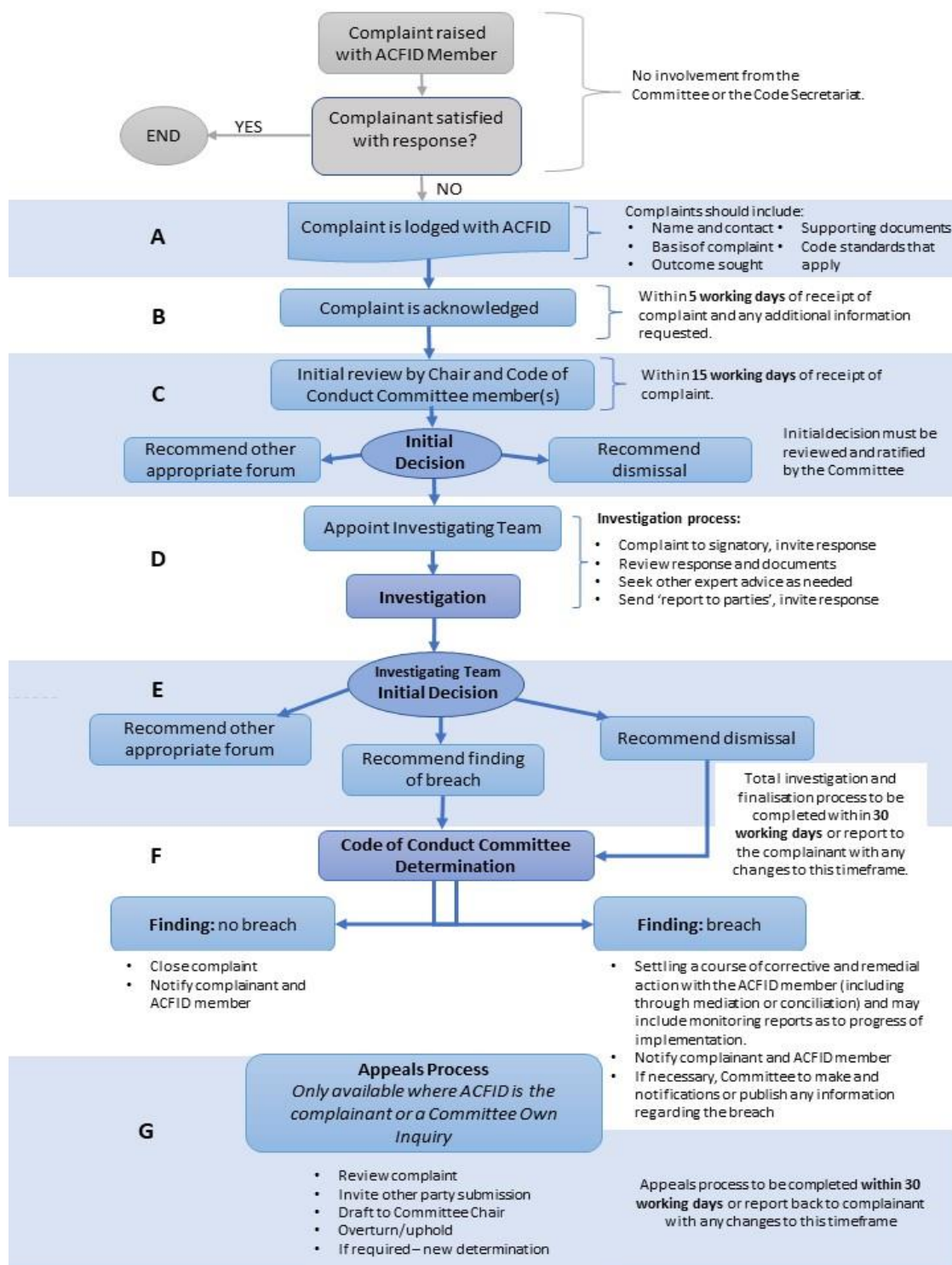




ACFID's Complaints Handling Procedure

The flow chart of the Code of Conduct Committee's complaints-handling procedure is set out below:



Reflecting the process in the flowchart, the steps are detailed below:

A. MAKING A COMPLAINT

Complaints must first be raised with the ACFID member. A complainant who raises a complaint first with ACFID will be referred to the relevant ACFID member. If the complainant is not satisfied with the response by the ACFID member, then they can lodge a complaint with the Code of Conduct Committee as outlined on the [ACFID website](#).

Complaints against an ACFID member must:

- include the name and contact details of the complainant
- set out the complaint, where a breach of the Code may have occurred, and the outcome sought by the complainant
- include all available supporting information.

If necessary, a complainant will be asked to provide any information that appears to exist but has not been submitted or to clarify the complaint and the outcome sought.

Anonymous complaints will be accepted, but the Committee's actions might be limited.

If a complainant believes that they may be at risk from having their identity revealed to the ACFID member, they may request that the Committee maintain confidentiality of their identity and relevant details of the complaint information. If the Committee agrees that there is such a risk, it may take on the complaint as an 'Own Motion Inquiry'.

B. INITIAL RESPONSE

The ACFID Complaint Manager will acknowledge receipt of the complaint within 5 working days, via email. This communication will:

- include a link to the relevant section of the complaints handling process
- summarise the process and timetable for the initial review of the complaint
- note the privacy and confidentiality to which the parties are entitled under the Privacy Act.

The ACFID Complaint Manager will forward the complaint and supporting documentation provided by the complainant to the Chair and to any other member of the Committee nominated by the Chair.

C. CHAIR REVIEW OF THE COMPLAINT

The Chair (in consultation with at least one member of the Committee), will conduct an initial review within 15 working days of acknowledgement receipt of the complaint and decide to:

- where appropriate or necessary, request further information; or
- take steps to conciliate or mediate the matter where appropriate; or
- dismiss the complaint, and send the decision to the Committee for ratification; or
- refer the complainant/complaint to a more appropriate body, and send the decision to the Committee for ratification; or

- appoint a Committee Investigating Team to investigate the complaint.

Unless otherwise agreed by the Chair, all communication between the Committee and the parties to the complaint during this and subsequent stages of the complaints handling process is conducted through the Complaint Manager, and all substantive communication is under the signature of the Chair.

D. INVESTIGATION

If the complaint is not dismissed, mediated or referred to another body, the Chair will appoint members of the Committee as an Investigating Team. The Chair will ensure that that no conflict of interest exists and provide advice and support to the Investigating Team if required.

The Investigating Team will review the complaint and seek to:

- ascertain the facts and key issues raised by the complaint
- confirm the outcome sought by the complainant
- identify the Code Commitments which apply
- determine whether the complaint constituted a breach of these commitments when it occurred
- review how the ACFID member responded to the complaint and whether this was done in a manner consistent with its complaints handling policy and procedures
- determine whether the ACFID member has since rectified any breach that may have occurred prior to the complaint being lodged
- determine whether the ACFID member is still in breach.

E. INVESTIGATION CONCLUSION

Prior to the finalization of the investigation, the Investigating Team will prepare a 'report to the parties', sharing a draft of this report with the parties to the complaint, and reviewing their responses.

The report to the parties will include a summary of the complaint, the Code standards that apply, key steps, dates and focus of the investigation, and a request for acknowledgement by the parties. It will NOT include the Investigating Team's analysis of the facts, key findings or recommendations.

The Investigating Team will subsequently come to a conclusion to recommend dismissing the complaint, upholding the complaint, or referring the complaint to a more appropriate forum. The Investigating Team will then make a recommendation to the Committee.

F. COMMITTEE DECISION

The Committee will be provided with key facts, analysis and findings, as well as the Report to Parties. In the Committee deliberations, the Chair will ensure that that no conflict of interest exists.

- Where no breach is determined, the complaint will be closed and the complainant and the ACFID member will be informed of the final determination via email.
- Where a breach is determined, the Committee will decide on a course of corrective and remedial action, which may include mediation, conciliation, and monitoring reports as to the progress of implementation of any agreed action.

An email will be sent to the ACFID member and the complainant advising of the Committee's decision. There is no appeal of a Committee decision in these circumstances (see section G below). The

ACFID member will be advised of any proposed remedial action to be taken by them.

Total investigation and finalisation process to be completed within 30 working days of the Chair's initiation of an investigation, or report to the complainant with any changes to this timeframe.

Corrective action if a breach is determined:

Subject to the circumstances and seriousness of the complaint, action required of the ACFID member may include:

- Redress for the complainant;
- Action to ensure no recurrence of the breach;
- Implementation monitoring;
- Provision of information via their website and/or Annual Report.
- a recommendation for redress for the complainant

Subject to the circumstances and seriousness of the complaint, action by the Committee may include:

- Notification of the breach (as appropriate to the ACFID Board and DFAT);
- Publication of the breach (via the ACFID website and/or Annual Report);
- Suspension or revocation of the status of the ACFID member as a signatory to the Code of Conduct.

G. APPEALS PROCESS

There is no mechanism for appealing a Committee decision in the above-mentioned process.

However, an appeal by an ACFID member may be submitted if:

- ACFID itself was the complainant in the first instance, or
- the Committee had initiated its own inquiry (see section F)

Appeals may be made on any grounds and may relate to the whole or part of a determination (which must be specified). Appeals must be received within 30 working days of the notification of the decision by the Committee to the ACFID member.

The appeal will be dealt with by an ACFID- appointed Appeals Officer/s, who will not have been involved in the matter previously and will have no conflicts of interest. The ACFID member will be provided copies of material submitted for the appeal and also given the opportunity to make a submission on the appeal, usually within 15 working days from being notified of the appeal.

The Appeals Officer/s will examine the complaint documentation along with any material submitted with the appeal or in response. The Appeals Officer/s will consider the appeal, prepare a draft report and provide a copy of the draft report to the Chair for the opportunity to correct any matters of fact. Once this comment has been considered, the Appeals Officer/s may:

- uphold the determination of the Committee in whole or part;
- overturn the determination of the Committee in whole or in part;
- make a new determination in relation to the complaint; and
- where there has been a breach, exercise the powers of the Committee.

The ACFID member and the Committee will be informed of the determination of the Appeals Officer/s in writing. The determination by the Appeals Officer/s is final. A determination of the outcome of the appeal will usually be within 30 working days.

H. OWN MOTION INQUIRY

The Committee may initiate:

- an own motion inquiry into an issue which may have sector-wide significance which falls outside the scope of the Code;
- inquiries into potential breaches of the Code in the absence of a formal external complaint. This includes situations when a complainant has a genuine cause to believe that they may be at risk from raising a complaint themselves through an ACFID member's own complaints handling process.

Own motion inquiries into issues of sector-wide significance which fall outside the scope of the Code can only be raised by the Committee, the ACFID Board, or a CEO of an ACFID member.

Own motion inquiries which lead to complaints are recorded and managed in the same manner as other complaints except in these cases the Committee is identified as the complainant.

I. HIGH RISK ENQUIRIES OR COMPLAINTS

Where an incident, allegation, enquiry or complaint is made that is considered to be 'high-risk' in nature, additional precautions will be taken beyond the protocols in this policy.

Areas considered 'high-risk' that warrant the following additional protocols include;

- child safeguarding
- financial wrongdoing, specifically concerning significant fraud, terrorism financing, money laundering and violation of government sanctions
- protection from sexual exploitation and abuse.

These protocols not only apply when an allegation is made against an ACFID member, but also when an allegation is made about partners of ACFID members. These protocols include:

- Informing the ACFID CEO and Committee Chair of the enquiry/incident/allegation
- Responding to the complainant within 5 working days of receiving the enquiry with advice on how to access the relevant ACFID member's complaints process, how to access the Code Complaints mechanism and advice to contact a third party if relevant
- Contact with the relevant ACFID member to determine whether they have received the complaint. If that ACFID member is a direct recipient of an allegation, the member is expected to acknowledge receipt and advise the complainant that action is being undertaken, and to keep the complainant updated (as relevant), about any further actions or outcomes.
- Follow up with the ACFID member to ensure the member provides formal notification to ACFID of actions they have taken in relation to the allegations.
- Provide updates to the ACFID CEO and Committee Chair as necessary.

Correct as of February 2021. It is derived from the Committee's detailed policy on Complaints handling (C4).

If you have any queries, please contact ACFID's Code Secretariat via code@acfid.asn.au

