

Australian Council for International Development

Guidance for the development of
a Complaints Handling Policy



AUSTRALIAN
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Introduction

All ACFID's members are committed to building and maintaining trust with stakeholders at every level, and through every interaction. Fostering public trust has never been more important to our organisations' work. A core part of holding ourselves to account for the work we undertake is developing and implementing comprehensive policies for the handling of complaints.

PURPOSE OF THESE GUIDELINES

Quality Principle 7 of the ACFID Code of Conduct sets out the importance of development and humanitarian organisations implementing governance practices in an accountable, transparent and responsible way. In line with our collective commitment to development and humanitarian work that meets the highest standards of both ethics and integrity, it is critical that ACFID's members effectively implement policies for the handling of any complaint received.

These guidelines have been produced for ACFID's members to guide them in the development, implementation and review of organisational complaints handling policies and procedures. The guidelines are based on AS ISO 10002-2006 Consumer/client satisfaction – Guidelines for complaint handling in organisations, which is essential for any organisation dealing with complaints. These guidelines are also informed by Commitment 5 of the Core Humanitarian Standard (CHS), and the IASC Task Force on Protection from Sexual Exploitation and Abuse (UNHCR).

By implementing good practice in the handling of complaints, our organisations build a culture of accountability, placing our stakeholders at the centre of the work that we undertake. Addressing and responding to the grievances and feedback of our stakeholders at every level is a practical demonstration of our commitment to the empowerment of the communities we work, keeping our staff safe, and operating transparently with our donors, be they individuals or organisations. And further, the learning we can derive from responding to and adapting to prevent future complaints drives the continuous improvement of our work.

These guidelines combine policies and procedures in one document, although how you structure your complaints handling framework need not be that way. A separate complaints handling procedures manual could be created to supplement your complaints policy, which would include specific guidelines on how the organisation will implement the different components of the policy, such as the steps that will be taken when responding to particular kinds of complaints.

Your organisation's complaints handling policy should be crafted to be suitable to:

- the size of your organisation;
- the nature of the work your organisation undertakes; and
- the specific contexts where the policy will be implemented.

The size of the policy may therefore vary between organisations, dependent on these factors and the level and type of risk factors faced by each organisation. Your complaints policy should refer to, and link with, other organisational charters, policies, codes and procedure manuals in order to ensure that the complaint policy is relevant and integrated across your organisation's systems and programs.



This guidance has been updated to incorporate new requirements under the ACFID Code of Conduct for ACFID's members in complaints handling to strengthen our sector's response to the safeguarding of persons vulnerable to sexual exploitation and abuse.

This guidance now includes three new aspects that ACFID's members must incorporate. ACFID's members should be aware that these new requirements mean your organisation's complaints handling policy must:

- Outline a triage system for escalating serious incidents;
- Outline a referral process for complaints that do not fall within the scope of the policy (e.g. complaints that do not fall within the scope of the policy would include, for example, complaints against an employee of another organisation or government department);
- Commit to providing appropriate assistance and referrals to survivors (e.g. providing assistance to complainants might include medical, social, legal and financial assistance, or referrals to such services).

THE IMPORTANCE OF COMPLAINTS HANDLING

Formal mechanisms for complaints and redress are an essential component of our organisational accountability and give communities the opportunity for input to and to provide feedback on work that impacts them, especially where this impact is negative. All people affected by international development interventions have the right to complain to an agency and to receive an appropriate and timely response.

A complaint can alert an organisation to serious misconduct or failures, which allows them to respond appropriately, and make timely improvements to their humanitarian and development activity. All organisations are susceptible to misconduct or abuse of power and a complaints system can help your organisation to recognise and respond to malpractice, manipulation and exploitation and abuse.

Complaints handling is a key mechanism in the prevention of sexual exploitation and abuse. Incidents of sexual exploitation and abuse are chronically under-reported. Where reports are received, it is critical for this to be managed effectively, both to encourage reporting and break the silence surrounding sexual exploitation and abuse. This extends to the importance of providing support to survivors of abuse, consistent with a survivor-centred approach.

Accessible and timely complaints mechanisms help establish and maintain critical trust and openness in the communities we seek to serve, and with all our stakeholders. This input gives our organisations the information we need to identify emerging issues, to continuously improve, and ultimately to be worthy of the trust placed in us. When working with vulnerable persons, the importance of effective and responsive complaints handling cannot be overstated.

THE ACFID CODE OF CONDUCT

The ACFID Code of Conduct sets out the requirement for members to have a complaints mechanism through the Commitment 7.3 “We are accountable to our stakeholders”.

Compliance Indicator 7.3.3 requires ACFID’s members to “enable stakeholders to make complaints to the organisation in a safe and confidential manner”.

Members must also extend this Compliance Indicator to partners through MoUs (or similar).

The evidence that members are required to have in place to demonstrate compliance with this indicator is set out in the verifiers below, taken directly from the ACFID Code of Conduct Quality Assurance Framework.

A documented complaints handling policy that:

- is readily accessible on the organisation's website;
- provides a safe and discrete point of contact for stakeholders in Australia and countries where work is conducted, to raise concerns or complaints about the organisation;
- is responsive and fair;
- provides information to all stakeholders, including to members of the communities where activities are implemented, about the reporting and complaints procedure;
- provides information in a clear and easily understandable manner in appropriate forms and through appropriate media;
- ensures that requirements for filing a complaint take into consideration the needs of the most vulnerable and considers minority and disadvantaged stakeholders;
- advises a complainant of the ability to make a complaint regarding an alleged breach of the Code to the ACFID Code of Conduct Committee;
- provides information on how staff and volunteers are equipped to understand and implement the policy;
- includes a process for reviewing and analysing complaint information within the organisation;
- **outlines a triage system for escalating serious incidents;**
- **outlines a referral process for complaints that do not fall within the scope of the policy (e.g. complaints that do not fall within the scope of the policy would include, for example, complaints against an employee of another organisation or government department);**
- **commits to providing appropriate assistance and referrals to survivors (e.g. providing assistance to complainants might include medical, social, legal and financial assistance, or referrals to such services).**

A documented investigation procedure, which stipulates that an organisational record must be kept of all misconduct complaints, noting the ability to deidentify complaints at the request of the complainant or survivor.

A SURVIVOR-CENTRED APPROACH TO COMPLAINTS HANDLING

The ACFID Code of Conduct sets out a requirement for members to commit to the prevention of sexual exploitation and abuse, through a survivor-centred approach. This is set out clearly in Compliance Indicator 1.5.1 and implemented through the approach set out in your organisation's complaints handling policy.

A survivor-centred approach prioritises the rights, needs, wishes and empowerment of survivors of SEAH in both the prevention of and response to SEAH. In practice, this means that ACFID's members need to ensure that:

- those who are affected by SEAH have accessible mechanisms to make a complaint that are designed with their needs and contexts in mind;
- SEAH complaints are investigated sensitively and confidentially with primary concern for the survivor; and
- any response is both robust and sensitive to the wishes and protection of survivors.

This requires consultation with partners and primary stakeholders to ensure that PSEAH mechanisms and processes are contextualised, culturally and gender appropriate and reflect an understanding of local legislative frameworks.

The **bold text** are additions to the Quality Assurance Framework that were made in response to the two reviews into the Prevention of Sexual Exploitation and Abuse (2018) in our sector.

WHAT DOES A SURVIVOR-CENTRED APPROACH LOOK LIKE IN PRACTICE?

It is particularly important that, where the complainant is a beneficiary, the person receiving the complaint considers whether the beneficiary has ongoing needs requiring protection or assistance. There may be immediate safety needs if the beneficiary is returning to an unsafe situation, or immediate health and psychological needs, particularly if there was a risk of transmission of disease. As your organisation is responsible for the action of your staff, volunteers and those who represent you, every effort must be made to ensure that any survivor of sexual exploitation or abuse is provided with the necessary means for protection and rehabilitation, even if the complaint is not covered by the scope of your policy or organisation. This will generally involve referral to other organisations able to address these needs. In contrast, an approach that does not centre the survivor at its core would only provide referrals and assistance where the complaint falls within the scope of the organisation's policy. The importance of a survivor-centred approach is also recognised in the OECD DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance adopted in July 2019.

For more information about implementing an organisational policy on the prevention of sexual exploitation and abuse (PSEA), refer to ACFID's Guidelines for the development of a PSEA policy.

COMPLAINTS HANDLING UNDER THE ACFID CODE

This policy guidance is intended to equip ACFID's members to develop and implement complaints handling policies that are compliant with the ACFID Code of Conduct. Nonetheless, members should note that a policy document alone does not guarantee compliance with the Code. Whilst this guidance will provide your organisation with steps to consider and a general guide as to how to draft and consult on your complaints-handling policy, it is in the roll-out of effective processes and systems to implement the policy that ACFID's members demonstrate a commitment to enabling stakeholders to make complaints in a safe and confidential manner.

This guidance is for ACFID's members' use in the development of their organisation's complaints handling policy only. This guidance does not cover the ACFID Code of Conduct Committee's handling of complaints received under the ACFID Code.

As ACFID's members, your organisation will be aware that the Code of Conduct offers an independent mechanism to address concerns relating to the conduct of ACFID's members. A complaint can be made against any member that is believed to have breached the Code. The Code of Conduct Committee (CCC) advises complainants that complaints should first be raised with the relevant ACFID member. All ACFID's members must have their own mechanisms to handle complaints and this information must be available on your organisation's website.

In order to be compliant with the ACFID Code of Conduct, your organisation's complaints handling policy must inform stakeholders that if they are unhappy with the outcome of a complaint made to your organisation, they are able to make a complaint to the CCC.

The CCC is an independent committee responsible for investigating complaints against ACFID's members. The process through which complaints are investigated and findings determined is outlined in on the ACFID website.



Fish market vendor at the temporary site of the Gizo markets. A new Gizo market is part of a larger Gizo Redevelopment project which is a partnership between the Western Provincial Government and the Australian Government. The market redevelopment is expected to be completed in early 2019.

Photo: DFAT/Linda Roche.

Actions to develop and implement a complaints handling policy

The following actions are provided as a guide only and should be tailored to suit your organisation. The actions and order in which they occur will differ depending on your organisation's size, activities, partners and risk level.



ACTION: CONSULTATION WITH INTERNAL AND EXTERNAL STAKEHOLDERS

The first step in the development of your organisation's complaints handling policy is to define the relevant stakeholders. Generally, your public-facing complaints handling policy will describe your organisation's approach to complaints received from stakeholders external to your organisation. How your organisation receives and responds to internal complaints would be covered in a separate grievance policy for personnel.

Your organisation's complaints handling policy can only be effective when it is visible, understood and utilised. Your organisation may have a perfect policy, but if none of your stakeholders know it exists and your staff don't know how to use it, it will be of little impact.

Identify key stakeholders for participation in the policy development process. Some groups you may wish to consider are:

- staff;
- partner organisations;
- governing body members;
- volunteers;
- communities where your organisation works;
- partner Governments; and
- donors.

Ideally, participation in consultations will incorporate stakeholders from a range of country/cultural settings where your organisation operates. Arranging consultation with key groups will help your organisation to ensure the views and wishes of communities your organisation serves including women, children and young people are respected. Consult as widely as necessary to inform your complaints policy development.

Within the consultation process, your organisation should also consider important factors that will help to inform the development of your policy and consult on these with stakeholders, such as:

- Does your organisation work with implementing partners? If so, they will also need to be compliant with the requirements of your complaints policy. How are you ensuring their views are incorporated?
- How will your organisation ensure your implementing partners understand and can implement their own policy effectively? What support do partners need from your organisation to do this?
- How do you envision your stakeholders will interact with your policy? How will you make it available to them?
- What other policies/requirements do your funding and implementing partners need you to be compliant with?
- What are the national bodies with complaints handling responsibilities or interests that are relevant to your organisation's operating context(s)?

The consultation process should be used to:

- clearly define and communicate the purpose of a complaints policy for your organisation, and the issues to be addressed within the policy document;
- ensure the views and wishes of internal and external stakeholder groups are heard and respected;
- raise awareness and visibility to your organisation's governing body that part of the drafting/ updating of your complaints handling policy is to incorporate a clear commitment to providing assistance to any survivors of abuse, and the various forms of assistance that this may take;
- improve the design and accessibility of the policy itself, and any resulting procedures and mechanisms that will be implemented as a result.

What could this look like in practice?

A stakeholder consultation process is a real opportunity to unlock information that can inform your policy, as well as an education opportunity for your organisation's staff to get to know the contexts in which your organisation works. This does not need to be an overly formal process and can be as simple as conversations with key individuals and groups. Consider the groups listed above and what you might need to know from them to have an effective policy in place. Create opportunities that allow your primary stakeholders to input into the design of both the policy itself and to generate ideas about practical mechanisms for its implementation. As appropriate to the context in which you are conducting consultation activities, you may like use the consultation process to:

- circulate a draft policy for feedback;
- gauge stakeholder awareness of any existing complaints mechanisms. Are there barriers to the use of these? And if so, what are these?
- pull out and communicate key points of your policy that you want stakeholder groups to be aware of;
- set expectations for the standard of conduct of staff and personnel representing your organisation. Use the conversation to establish a clear line of reporting where personnel do not meet these standards;
- invite suggestions and feedback to create ownership of the policy.

You may wish to use several different methods to reach and provide an accessible process for various stakeholder groups. This could include focus groups, meetings, community discussions, online or hardcopy surveys, pictorial-based communication and role play or simple one-to-one conversations.



SAFEGUARDING CHECK:

ACFID's members and local implementing partners should consult with affected and/or vulnerable communities and individuals to better understand the SEAH risks they face and inform the detailed design of complaints mechanisms to ensure these are community based, truly accessible and appropriate.

Ensuring these consultations inform the design of your policy and procedures will enhance the effectiveness and relevance of the policy and procedures for primary stakeholders. This step is ideal but may not be feasible for smaller ACFID's members. It can be a simple consultative approach, brought to the community for their viewpoints at a community meeting or similar forum. Feedback received would then be considered and would inform the design or review of the policy approach. Special effort should be made to receive meaningful feedback from girls, women and people with disabilities in this consultation process. It is important that community members have accessible and appropriate ways to complain if they think SEAH is taking place. It is also important that they are fully aware of the expected behaviour of your organisation's staff, volunteers and in-country partners. By including them in the design or review of your policy and implementation approach, you can ensure that the policy is applicable and implementable in the contexts and communities in which you work.



ACTION: DRAFT OR UPDATE YOUR COMPLAINTS HANDLING POLICY

Determine at the outset who is responsible for drafting the policy and its subsequent implementation and monitoring.

Ideally, your drafting process will include consideration of:

- your organisation's vision, values and commitment to effective complaints handling;
- issues with the current policy that can be addressed through a revision process;
- identification of a complaints handling focal point, which is made explicit in the policy document;
- how decisions are made and escalated with regards to complaints handling, and where accountability lies;
- terms used within the policy that should be defined;
- requirements within the complaints handling policy to ensure it covers essential aspects of safeguarding persons vulnerable to sexual exploitation, abuse and harassment.



SAFEGUARDING CHECK:

Your organisation's complaints handling policy is a key document within your organisation to drive safeguarding against SEAH. If you are drafting or updating your organisation's policy to take account of the new requirements under the ACFID Code of Conduct to advance PSEAH, your policy should be drafted in consultation with those in your organisation responsible for PSEAH, as well as with your organisation's governing body. This is an important step to ensure your policy incorporates an effective and practicable process for escalating serious incidents, referring on complainants/survivors whose complaints fall outside the scope of your policy, and outlining a commitment to providing appropriate assistance and referrals to victims/survivors.

As your organisation's complaints handling policy is a public facing document available on your website, it is important to discuss these changes in the policy drafting stage to avoid any surprises or unnecessary delays in the ratification, endorsement and communication stages.



ACTION: DEVELOP AND/ OR UPDATE SUPPORTING DOCUMENTS AND PROCEDURES

Review your existing policies and ensure your complaints handling policy harmonises with them. If you have made changes to an existing complaints handling policy, you should now cross-check these changes with the framework of organisational documents that are related to complaints handling. This may include policies and processes covering:

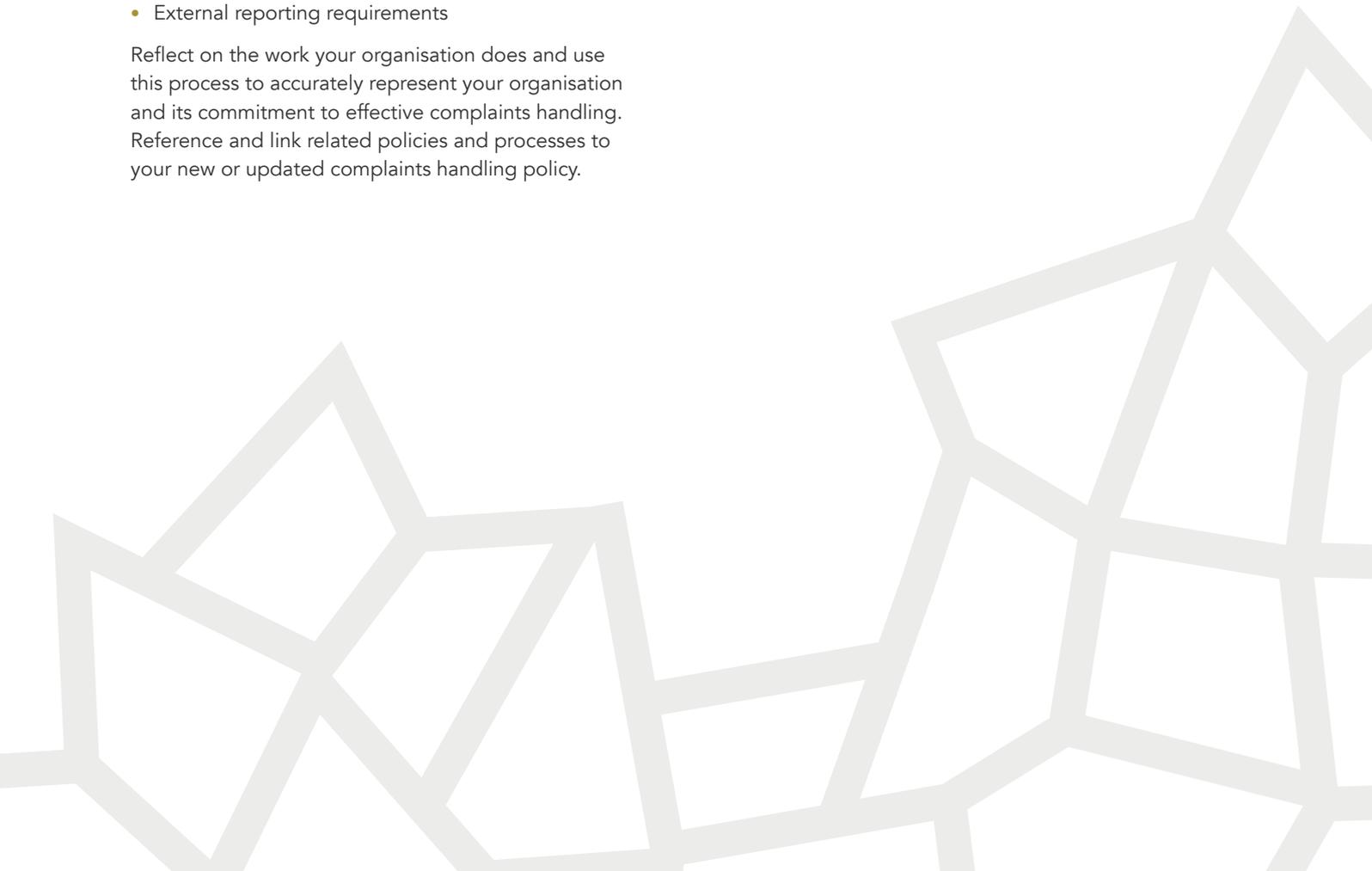
- PSEAH
- Recruitment
- Induction and ongoing training
- Investigating reports
- Disciplinary actions
- Partner due diligence and ongoing engagement
- Project risk assessment
- Governing body role and functions
- External reporting requirements

Reflect on the work your organisation does and use this process to accurately represent your organisation and its commitment to effective complaints handling. Reference and link related policies and processes to your new or updated complaints handling policy.



SAFEGUARDING CHECK:

Undertake a specific review of your policy to ensure it aligns with and supports the approach set out in your organisation's PSEAH policy. In order to take a holistic and effective approach to safeguarding, it is important that your complaints handling policy does not contradict or remain silent on requirements articulated in the PSEAH policy. A good governance approach is to have these documented procedures such as those related to complaints handling linked/ articulated/referenced in your PSEAH policy, to allow your organisation to easily see the linkages and be able to make changes accordingly.





ACTION: RATIFICATION AND ENDORSEMENT OF THE POLICY

When you have drafted a version of your complaints handling policy that you and your stakeholders are happy with, your policy should be reviewed and formally ratified or endorsed by your organisation's governing body.

Final accountability for your organisation's handling of complaints rests with the governing body and as such it is vital that they are aware of their responsibilities in this regard. Keep in mind that in order to be compliant with the ACFID Code of Conduct, your organisation's complaints handling policy must be published on your organisation's website.



ACTION: ENDORSEMENT BY USERS AND COMMUNICATION OF THE POLICY

Once you have finalised your policy, it will be important to consider how best to share it with your stakeholders, and how it can be adapted to suit specific country/program settings. Given this, a good organisational approach may differ depending on the context. Consider circling back to the key stakeholders identified in the consultation phase, utilising key points in the onboarding process for personnel, and using key communication mechanisms noting that your organisation must have the policy easily accessible on its website. Your organisation should use the word complaint prominently on the home page or 'contact us' page, with a link to the complaints policy and information on making complaints.

You may consider distribution mechanisms such as:

- **Organisation personnel and governing body members:** recruitment, induction, training packages on an ongoing basis;
- **Partners and suppliers:** through contracting or grant agreements (a requirement of the ACFID Code), including partners in training offerings as relevant and appropriate;
- **Donor/supporters:** refer to the complaints policy in sign-up mechanisms and terms and conditions etc;
- **External stakeholders:** your organisation's policy must be available on your website;
- **Primary stakeholders:** consider the most appropriate method of reaching communities and communicating requirements to in-country program personnel. Forms and formats will depend on who your organisation works with but should include consideration of the need for translation of materials, as well as effective methods for explaining the policy that go beyond documented words, such as role plays, group briefings, or picture-based descriptors. Consideration should be given to how more vulnerable people will be able to understand their right to complain and how they go about making a complaint, including those with a disability.



ACTION: IMPLEMENTATION AND MONITORING OF THE POLICY

Getting your complaints policy finalised and in place is an important step, but effective complaints handling doesn't stop there. Once you have finalised your organisation's policy, you will need to put in a place a process for its implementation, and ongoing monitoring and review.

Determine the steps by which your organisation will promote awareness and use of the policy, and how you plan to educate participants through this process. If you have updated your policy, revisit your previously identified linked/related policies and whether these will also require updates. Where changes have been made, ensure these are captured in induction training packages, introductory workshops for in-country programs, pre-departure training and so on.

All ACFID's members are required to extend the ACFID Code of Conduct requirements for complaints handling to partners through MoUs or similar. It is the responsibility of ACFID's members to ensure that partners implement a complaints handling policy that meets the Code's requirements and provides a primary point for stakeholders to raise concerns. You will need to monitor the progress of your organisation's implementing partners in this regard and provide appropriate support as identified. If primary stakeholders interacting with your organisation's partners in-country are unaware of their right to make a complaint or how to do so safely, then your complaints mechanism is not working – presenting a serious risk to your primary stakeholders, as well as your organisation.

Following implementation of the policy, your organisation should also monitor whether/how it is working periodically, and make changes or improvements as needed to address issues. When implementing a new policy, you should not expect to get all the details right the first time. It's a good idea to build a 12-month initial review into the policy review process when creating your policy implementation cycle, and then move to a 3-year review cycle thereafter. This will ensure personnel are not waiting for basic corrections to be made that could be creating barriers for effective implementation on the ground.

Identify the key points in your policy that have an implementation requirement, such as points where the processes for training, analysing information, systems for escalating serious incidents and referral processes are described. You could then use a simple checklist system to assess whether the system your organisation's policy describes is working in practice.

Monitoring implementation of your complaints policy through program/project monitoring and partner review cycles also provides important information on how systems are working in the countries where your organisation works. You can read further advice on implementing an effective monitoring cycle in the Code's Good Practice Toolkit on the ACFID website.



SAFEGUARDING CHECK:

A key point in the implementation of your policy is to make sure that your organisation's personnel and partners can identify a serious incident if raised through the complaints handling process, then triage and escalate this incident through the process your policy describes. The ACFID Code does not define 'serious incident', instead your organisation should determine the definition of a 'serious incident'. It is likely to include all misconduct allegations involving vulnerable people, as well as other critical aspects such as financial wrongdoing. To help determine whether an incident is 'serious', one should consider risk; risk to the complainant, risk to others, risk to the agency, and risk to the wider sector. Having a process for the triage and escalation of serious incidents is a requirement in the ACFID Code.



The Mentawai fight for recognition and the protection of their Indigenous Arat Sabulungan culture and lands. Mentawai woman, Bai Golok. Siberut Island.

Photo: Rob Henry, Indigenous Education Foundation

Key elements of a complaints handling policy

Your complaints handling policy should be tailored to fit your organisation. Nonetheless, there are common elements across good policies, and certain elements are required for your organisation's compliance with the ACFID Code of Conduct. Your organisation may decide to order or group these elements differently and include additional elements as needed.

Regardless of how you decide to lay out your policy, the common elements should include:

- Policy title and scope
- Introduction and statement of commitment to complaints handling
- Linked/related policies
- Underpinning principles
- Scope of application of the policy
- Working with partners
- Communicating the policy
- How complaints are made
- Process for managing complaints
- Reporting and recording of complaints
- Responsibilities to report
- Managing reports and continuous improvement
- Definition of terms

POLICY TITLE AND SCOPE

Give your policy a clear title that reflects its intent. You could simply refer to it as 'Agency ABC's complaints handling policy'. Dependent on the contexts in which your organisation works, you may wish to broaden the intent and scope to include 'enquiries' or 'feedback'.



SAFEGUARDING CHECK:

ACFID's members should be aware that additional to having a complaints handling policy in place, Compliance Indicator 7.3.3 also requires members to have a documented investigation procedure, which stipulates that an organisational record must be kept of all misconduct complaints, noting the ability to de-identify complaints at the request of the complainant or survivor.

It should be clear from the scope of your policy whether you have chosen to include this within the complaints policy itself, or if it can be found in a separate document.

INTRODUCTION AND STATEMENT OF COMMITMENT TO COMPLAINTS HANDLING

If the policy is to be provided as a stand-alone document the introduction may start with a description of the organisation's mission, vision, purpose and nature of programs. The introduction should make clear that the organisation values complaints and its commitment to effective complaints handling. The policy statement should reflect your organisation's commitment to transparent and responsive complaints handling, where no form of misconduct is acceptable and where no power should be abused. The policy statement should commit your organisation to ensuring that complaints are handled in a responsive, accessible way that is clearly communicated to staff, partners, vulnerable people and their communities, in languages and formats they understand.

It is usual for the governing board of an organisation to adopt a policy by resolution and to make effective implementation of a policy a key performance requirement of its CEO. If this is the case the introduction could also make this clear. Your organisation must have the policy easily accessible on its website. Your organisation should use the word complaint prominently on the home page with a link to the complaints policy and information on making complaints.



SAFEGUARDING CHECK:

It is a requirement of the ACFID Code that your organisation's policy commits your organisation to providing appropriate assistance and referrals to survivors (e.g. providing assistance to complainants might include medical, social, legal and financial assistance, or referrals to related services based on the needs and wishes of the survivor).

You should include this commitment in this section of your policy.

LINKED/RELATED POLICIES

This is a useful section to link the complaints handling policy to any other related organisational policies or processes. Suggestions for these are found in the "Develop or update supporting documents and procedures" section of the Action list earlier in this guidance (p10). Ensuring your policy linkages are spelled out in this section is useful to users of the policy who may need to locate related documents, as well as providing a helpful prompt to review these policies if sections of your organisation's complaints handling policy are changed or updated at a later date. Include correct policy titles, as well as dates and versions.

UNDERPINNING PRINCIPLES

The requirement for ACFID's members to develop and implement a complaints handling policy falls under Commitment 7.3 "We are accountable to our stakeholders". This commitment to **accountability** should form one of the underpinning principles of your policy guidance. At a minimum, your organisation's policy principles should also consider:

ACCESSIBILITY

Why?

The Code requires your policy to be readily accessible on your organisation's website. It also requires that your policy will provide information to all stakeholders, including to members of the communities where activities are implemented, about the reporting and complaints procedure.

CONFIDENTIALITY

Why?

The Code requires your policy to provide a safe and discrete point of contact for stakeholders in Australia and countries where work is conducted, to raise concerns or complaints about the organisation.

FAIRNESS

Why?

The Code specifically requires your policy to prioritise fairness.

RESPONSIVENESS

Why?

The Code specifically requires your policy to prioritise responsiveness.

PEOPLE-FOCUSED APPROACH

Why?

The Code requires your policy to provide information in a clear and easily understandable manner in appropriate forms and through appropriate media. It further requires your organisation to ensure that requirements for filing a complaint consider the needs of the most vulnerable and considers minority and disadvantaged stakeholders.

Each of these principles is articulated in the verifiers attached to Compliance Indicator 7.3.3 – ACFID's members enable stakeholders to make complaints to the organisation in a safe and confidential manner. For each principle, consider what this means in the context of complaints handling for your organisation and write a short description. For example, for 'accountability', you could write "we will ensure that accountability for and reporting on the actions and decisions taken by our organisation with regards to complaints handling are clearly established and prioritised". Include additional underpinning principles as relevant to your organisation.



SAFEGUARDING CHECK:

To make clear to your stakeholders your organisation's commitment to the safeguarding of vulnerable persons you should also include the following principles to ensure consistency with your PSEA policy:

- Gender equality
- Zero tolerance of inaction on incidents of SEA
- Victim/survivor centred

SCOPE OF APPLICATION OF THE POLICY

Clearly outline who is included in the scope of the policy i.e. who the policy will apply to. This would commonly include:

- Governing body members, staff, volunteers, representatives, and contractors;
- All visitors to project sites;
- Implementing partners.

FOR EXAMPLE:

Governing body members, staff, volunteers, representatives, contractors and partners are expected to comply with the principles and reporting requirements specified in this policy.



SAFEGUARDING CHECK:

Your organisation's complaints handling policy must include a referral process for complaints that do not fall within the scope of the policy (e.g. complaints against another organisation or Government department).

This is an important step to ensure that complaints are not disregarded simply because you may consider that your organisation is not the correct body to respond.

Be clear within this section of your policy what steps should be undertaken when a complaint falls outside of the scope of your policy. This should include a key contact point within your organisation who can decide on the correct process for referring on a complainant.

You may also wish to include the correct referral points for the country/context in which the policy applies such as local/national Police, relevant government services, or other complaints handling bodies.

WORKING WITH PARTNERS

ACFID's members commonly work through in-country partners. Partners work directly with communities and primary stakeholders. They therefore play a vital role in ensuring awareness of expected behaviours and complaints mechanisms, managing the behaviours of their staff and responding to complaints or incidents. Your policy must be extended to your partners as required under ACFID Code of

Conduct Compliance Indicator 7.3.3. This section should outline how the policy will apply to partners. This may involve defining different types of partners with varying risk levels depending on your operating model and how compliance with the policy will be assessed, implemented and monitored with partners.

Ideally you should be working with or supporting your partners to develop their own complaints handling policy which is aligned with the requirements set out in the ACFID Code of Conduct. This will depend on the operating model and types of partners you may have – at a minimum they will be included in the scope of your policy.

Outline how complaints handling will be incorporated into your partnership processes. This could include reference to consultation with partners to develop shared understandings of expectations, due diligence or partner capacity assessment processes (as required under ACFID Code of Conduct Compliance Indicator 5.1.2), the provision of training for partners, partner agreements (as required under ACFID Code of Conduct Compliance Indicator 5.2.1) and ongoing monitoring of their compliance.

COMMUNICATING THE POLICY

Publish your complaints handling policy on your organisation's website. This is a requirement under ACFID Code of Conduct Compliance Indicator 7.3.4.

Outline a commitment to providing an induction on complaints handling to all personnel and partners to ensure they are equipped to understand and implement the policy, including expected standards of conduct. Outline a commitment to providing ongoing and refresher training as needed for all personnel and partners on a regular basis. This is linked to a requirement under ACFID Code of Conduct Compliance Indicator 9.4.2.

Outline a commitment to developing communications materials about complaints handling, expected staff behaviours, and complaints processes for communities in appropriate language and media. This is linked to a requirement under ACFID Code of Conduct Compliance Indicator 7.3.4.

HOW COMPLAINTS ARE MADE

This section will describe the various avenues by which complaints can be made. Phone numbers, email and addresses in Australia should be included in the policy. Access points in countries where your organisation works should also be available. This could be your partner organisations or in-country offices. Your contact points should not be solely Australian-based to ensure accessibility. Be as specific as possible about the roles of country contact points, e-mailboxes for the management of complaints, who they should be addressed to, and what information is required from a complainant.

This section should acknowledge that there are multiple formats in which a complaint could be initially raised with your organisation, and that your commitment to effective management of complaints means that you will also respond to enquiries or expressions of dissatisfaction raised verbally to staff, or through other channels such as social media or direct emails to staff, and that these will be resolved to the extent possible. Your policy should specify a contact point and contact information for every country where your organisation works.



SAFEGUARDING CHECK:

It is important that any mechanism employed to collect and receive complaints has considered and adopted a survivor-centred approach.

This means that survivors of sexual exploitation, abuse and harassment ('SEAH') have their rights, needs, wishes and empowerment prioritised.

Especially important is the way in which a complaint is made and responded to. In practice, this means that ACFID's members need to ensure that those who are affected by SEAH have accessible mechanisms to make a complaint that are designed with their needs and contexts in mind.

Your policy should explicitly outline your organisation's commitment to assuring the confidentiality of the reporting mechanism as well as the ability for a complaint to be anonymous.

Whilst all misconduct complaints need to be documented by your organisation, there should be a clear avenue for them to be de-identified at the request of the complainant or survivor.



PROCESS FOR MANAGING COMPLAINTS

This section should set out key steps to be undertaken in the management of complaints as they are received, including how a complaint is identified, confirming and recording details of complaints received, and expected responsiveness.

It is a requirement of the Code of Conduct that your complaints handling policy is both responsive and fair, which your organisation may have included as a guiding principle to the implementation of your policy earlier within the document.

A **responsive** complaints handling policy will guide users as to acceptable timeframes for responding to a complainant, acknowledging receipt of the complaint, and provide information as to how the complaint will be investigated, or otherwise followed up. Set out guiding timeframes for each stage of the complaints handling process. As an example, the CCC's complaints handling policy timeframes are:

- **Acknowledgement of complaint:** 5 working days
- **Initial review:** 15 working days
- **Investigation process and determination:** 30 working days
- **Appeals process:** 30 working days

Your organisation should aim to use timeframes that are responsive, but also manageable for your size and resources. Where there are extenuating circumstances that mean it will not be possible to meet the timeframes set out in your policy you should provide a revised timeframe as to when the complainant can expect to hear from your organisation. Ensure that your process acknowledges that the complainant may make a complaint to the ACFID Code of Conduct Committee if they are not satisfied with the outcome of your organisation's complaints process.

A fair complaints handling policy will ensure that the process undertaken for the management of complaints is both consistent and transparent. Your complaints handling policy is intended to manage grievances of stakeholders interacting with your organisation. Given this, it is often the case that when a complaint is received by your organisation, the complainant has already had some interactions with your organisation that have left them feeling aggrieved. Ensuring the consistency and professional management of the complaints handling process is thus essential to managing the expectations of complaints and assuring them that their grievance is being managed transparently. In cases where a complaint is taken to the ACFID Code of Conduct Committee, this is often because the complainant felt that the organisation did not meet their complaints handling obligations, rather than due to a direct breach of other standards set out in the Code. Ensuring you set out and follow a clear complaints handling process will help to mitigate this outcome for your organisation. Set out some key steps for each stage of the complaints handling process:

ACKNOWLEDGEMENT OF COMPLAINT

Describe how a complaint is to be acknowledged, by whom and what information should be included in an acknowledgement. This process may differ according to how the complaint was received (e.g. through a formal complaints mechanism, or a less formal process such as an email, social media comment or phone call). Ensure your process gives clarity to the user as to how to log the complaint, and who to contact in the first instance.

INITIAL REVIEW

Set out a process for undertaking an initial review of the complaint received and articulate who is to undertake this initial review. This should detail steps that will help the organisation to determine whether a complaint should be investigated further. Determining whether a complaint should be investigated is often not easy. If the complaint is based on a misunderstanding or insufficient information it might be that provision of information immediately satisfies the complainant and resolves the complaint, but this is not always the case.

To ensure fairness and transparency in your process, your policy should make clear that personnel/teams identified in the complaint will not be involved in the decision-making process of complaints handling.

The initial review stage should also provide information to the policy user as to how to triage and manage the complaint and specify a process for the identification and management of a serious included. Some criteria you might use for this step could include:

- severity;
- health (including mental health) and safety implications;
- financial implications for the complainant or others
- complexity;
- impact on the individual, public and organisation;
- potential to escalate;
- systemic implications; and
- the need for, and possibility of immediate action.

If the initial assessment of the complaint determines that further investigation is not warranted, set out a process for responding to the complainant with this outcome, and what information should be included that will provide the reasons for this decision.



SAFEGUARDING CHECK:

The Code requires that your complaints handling process sets out a process for the escalation and management of serious incidents.

Your organisation should decide what constitutes an incident that is 'serious', but at a minimum it is recommended that this include any allegations relation to the sexual exploitation, abuse or harassment of vulnerable persons, including children.

Serious incident allegations require immediate escalation and your policy should set out a process for this.

At a minimum, this should include how such an incident will be referred to relevant authorities, safeguarding focal points, and your governing body.

Serious incidents often trigger legal and external reporting obligations, and your policy should consider and set out the relevant requirements.

ACFID's members who are DFAT funded should note that any SEAH incident must be reported to DFAT, as per DFAT's PSEAH policy requirements.

INVESTIGATION PROCESS AND DETERMINATION

Organisations must be prepared to devote the necessary resources to complaint investigations. The level of resources required will vary dependent on the complaint and its implications. How these steps are determined will rely on the outcome of the initial assessment stage.

The investigation process should identify who will undertake this, include how a determination is reached, and how the determination will be communicated back to the complainant.

This section will outline the approach taken where initial assessment indicates that investigation of a complaint is not warranted.

Determining whether a complaint should be investigated is often not easy. If it is based on a misunderstanding or insufficient information it might be that provision of information immediately satisfies the complainant and thus the complaint can be recorded as an inquiry. A complaint may be frivolous or capricious. With care it ought to be possible to negotiate its early withdrawal. Use this section to outline how a less serious complaint could be logged and managed and what these thresholds are.

A complaint may be vexatious. A vexatious complaint may arise from time to time and refers to an allegation made without grounds or where it is not necessary/possible for the pursuit of a legitimate end. A vexatious complaint is made with the intention, or inevitable effect, of causing distress, trouble and annoyance to the person or body who has to deal with it. Again, careful negotiation at the outset might achieve withdrawal, but often it will be necessary to take the matter further and ultimately refer it to the external complaint entity that is the ACFID Code of Conduct Committee. Your policy should outline how a complaint will be referred onwards in the scenario that it cannot be resolved.

A complaint may be about a matter that is outside the jurisdiction of your organisation perhaps because it relates to the actions of another organisation or an individual who is unconnected with your organisation. It might concern a matter that must be dealt with by the police or other authority of the relevant state and thus the obligation is to notify the police or relevant authority. Such notifiable matters include those that appear to involve criminal offences e.g. assault, sexual or otherwise, theft and severe damage to property. Civil matters such as defamation may also be outside jurisdiction. Outline referral processes for complaints that fall outside the jurisdiction of your organisational policy.

Making clear that a decision on an investigated complaint is made at a level that indicates the seriousness with which the organisation views the matter is critical to the confidence of the complainant that they have had a proper hearing. When a complainant feels they have had a proper hearing, it is less likely that the complainant will seek an appeal or report the complaint to ACFID's Code of Conduct Committee. All ACFID's members are required to document their investigation procedure. Sometimes a flow chart can be a useful way to describe the various pathways for complaints investigation.



SAFEGUARDING CHECK:

If a complaint involves allegations of sexual abuse or exploitation, ACFID's members are committed to providing appropriate assistance and referrals to survivors.

Assistance takes several forms and it will be up to the organisation to decide on what assistance is appropriate, and how long the assistance needs to be provided. For example, assistance may include medical, social, legal and financial assistance. It may include referrals for the survivor and information on how to access these services.

The principle to be employed is that the organisation's response shows a duty-of-care that is commensurate with the nature of the incident, as determined by the organisation, and that this response is based on the needs and wishes of the victim/survivor.

APPEALS PROCESS

If your organisation will receive and consider appeals to decisions taken under your complaints handling policy, describe this process here, including who would be undertaking the appeals process. If your organisation does not have the capacity to undertake this, this section should inform the user and the complainant of their right to make a complaint to the ACFID Code of Conduct Committee if they are unhappy with the outcome of the complaint.

REPORTING AND RECORDING OF COMPLAINTS

Making clear the organisation's commitment to learning from the outcomes of complaints is important. Organisational records must be kept of all misconduct complaints, noting the ability to de-identify complaints at the request of the complainant or survivor. Use this section of your policy to describe how your organisation will keep complaints confidential, and ensure they are recorded and reported on to ensure confidentiality as well as to facilitate the organisation learning and improvement as a result of complaints received.

CONFIDENTIALITY

Information that identifies the complainant should only be available where needed to deal with the complaint within the organisation. It should be actively protected from disclosure, unless the complainant expressly consents to its disclosure.

MAINTAINING RECORDS

Good record keeping is essential to effective handling of complaints, but also to gather information for good management of the organisation generally that may help to indicate where systemic problems might be occurring. There are many way organisations choose to maintain records; a simple complaints register is a one example.



SAFEGUARDING CHECK:

ACFID's members are required to record all misconduct complaints (complaints that may involve harassment, fraud, sexual misconduct and any other complaint involving behavioural misconduct). Nonetheless, the survivor-centred approach set out in the ACFID Code of Conduct requires that the needs and wishes of the victim/survivor are the primary determinant of how the complaint is managed, and whether the identifying details of the complaint are recorded.

The person receiving the complaint must consider whether the complainant / victim / survivor has ongoing needs requiring protection or assistance. There may be immediate safety needs if the person is returning to an unsafe situation or has immediate health and psychological needs. Detailed information on employing a survivor-centred approach in responding to serious complaints involving SEAH is provided on page 5 of the [Guidance for the Development of a Prevention of Sexual Exploitation, Abuse and Harassment Policy](#).

Provide details for how staff and partners must report allegations of SEAH incidents. At a minimum, this should include a dedicated phone number and email address. Outline the commitment to assuring the confidentiality of the reporting mechanism, options for making anonymous reports, and the need for overseas staff, partners and primary stakeholders to easily access and use the mechanism.



MANAGING REPORTS AND CONTINUOUS IMPROVEMENT

It is important to have processes in place to learn from and improve complaints handling processes and outcomes. Use this section of your policy to outline how your organisation will maintain records of complaints received, and how it intends to learn from the complaints handled.

The policy must include a process for reviewing and analysing complaint information within the organisation. This may include providing summary data on complaints to management teams or boards.

Include information about how your organisation will report on complaints to your management, or governing body periodically. If your organisation is committed to reporting on complaints received within your annual report on your website, outline this commitment here. Specify how you will record and maintain data regarding complaints e.g. a summary form for minor complaints and a detailed complaint form completed for major complaints.

It is important to review your policy on a regular basis to assess its effectiveness and to include any new activities or relevant legislation. Specify a review period, and include your complaints handling policy on your organisation's policy register with the review date clearly stated.

DEFINITION OF TERMS

Define the key terms used in your policy here to ensure clarity for users and stakeholders. Some suggested terms for inclusion here are:

- Complaint means an expression of dissatisfaction made to an organisation, related to its products or services, or the complaint handling process itself, where a response or resolution is explicitly or implicitly expected.
- Complainant means a person, organisation or its representative, making a complaint.
- Enquiry means a request for information or an explanation
- Feedback means opinions, comments, suggestions and expressions of interest in the products or services of the organisation
- Stakeholder or interested party means a person or group having an interest in the performance or success of the organisation



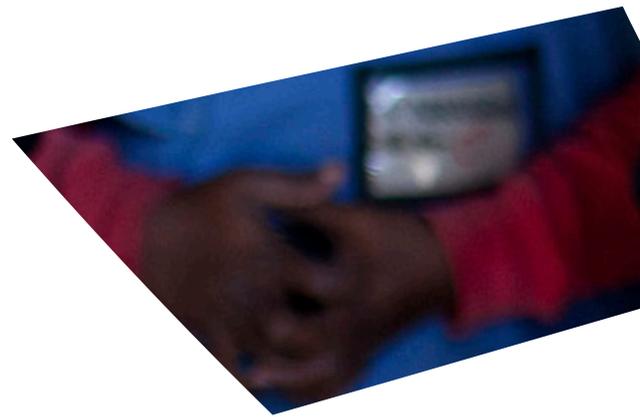
SAFEGUARDING CHECK:

Include new terms introduced in your policy as a result of updating the policy to include new safeguarding provisions. This could include:

- PSEAH: Prevention of sexual exploitation, abuse and harassment.
- SEAH: Sexual exploitation, abuse and harassment.
- Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another. (Source: the UN Secretary General's Bulletin on protection from sexual exploitation and abuse.)
- Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (Source: the UN Secretary General's Bulletin on protection from sexual exploitation and abuse.)
- Sexual harassment: Unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands.
- Safeguarding: Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.



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Cover photo: These women defuse land mines in Sri Lanka. The dangerous mines are a bad remnant of the civil war. © Department of Foreign Affairs and Trade / CC BY 2.0

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