



**Partners in Aid**

AUSTRALIA

## COMPLAINTS AND WHISTLEBLOWER POLICY

### Version control & review

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1.0	<2015	Board members; website link
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## 1. BACKGROUND

Partners in Aid (PIA) recognises the importance and value of listening and responding to concerns and complaints. We are committed to continuous improvement and welcome feedback from all stakeholders and other members of the public. We acknowledge that we may sometimes receive complaints. We regard these as a genuine opportunity to review our policies and practices with a view to improvement.

All complaints and disclosures of wrongdoing will be taken seriously and acted on in accordance with this policy. PIA is also committed to ensuring that it will provide appropriate assistance and referrals, if necessary and wanted, by the complainants.

## 2. DEFINITIONS

**A complaint** can be defined as 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.

**Whistleblowing** is defined as deliberate, voluntary disclosure of individual or organisational wrongdoing by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organisation.

**Whistleblower** refers to any Representative who attempts to make or wishes to make a report in connection with a wrongful act under this policy and who wishes to avail themselves of the protection offered by this policy.

A **wrongful act** includes, but is not limited to:

- breaches of legal obligations (including negligence, breach of contract, breach of administrative law),
- criminal offences,
- mismanagement or unauthorised use of funds,
- actual or suspected fraud or corruption,
- abuse of authority
- disclosures related to injustices,
- health and safety risks, including risks to the public as well as other employees,
- damage to the environment,
- sexual exploitation abuse or harassment,
- other unethical conduct, or
- the concealment of any of the above.

### 3. GUIDING PRINCIPLES

The following principles underpin PIA's complaint policy and procedures.

**Visibility:** We clearly publicise information about how and where to complain.

**Accessibility:** We ensure that our complaint handling process is as accessible as possible for all potential complainants.

**Responsiveness:** We will respond to complaints according to our predetermined timeframes, based on the seriousness of the complaint.

**Objectivity:** We will address all complaints in an equitable and unbiased manner using evidence submitted by both the complainant and any person/s allegedly responsible for the action on which the complaint is based.

**Fairness:** Every effort will be made to ensure fairness in the investigation of all complaints, the outcome of the investigation, and any subsequent appeal process that may take place.

**Confidentiality:** We will observe strict confidentiality in complaint handling.

**Accountability:** We will ensure that accountability for and reporting on the actions and decisions with respect to complaint handling is clearly established.

### 4. PURPOSE

This policy outlines how a complaint or disclosure of wrongdoing can be made to Partners in Aid and or a partner organisation and how it will be responded to.

### 5. SCOPE

This Policy applies to all complaints and disclosures of wrongdoing and to all complainants and whistleblowers, no matter who makes the complaint or disclosure. It applies to complaints or disclosures of wrongdoing made about the policies, practices or conduct of Partners in Aid as an organisation, and its Board, sponsors, donors, or volunteers. It also applies to any complaint made about a partner organisation and other agencies or their personnel, where such complaints arise from the complainant's involvement with the agency during activities undertaken on behalf of PIA.

Particular attention will be paid to ensuring that there is no gender bias in responding to complaints.

A copy of the Partners in Aid is provided to all PIA's partner organisations. The MOU signed between PIA and its partner organisations requires the latter to comply with this Complaints and Whistleblower Policy and its procedures, or their own if they have an equivalent policy and set of procedures.

## **6. PROCEDURES**

### **6.1 To Whom Complaints Should Be Made**

- 6.1.1 PIA will encourage its stakeholders to bring to the attention of the Board any issue where they feel aggrieved or concerned by the action of the organisation, a member of the organisation, or a member of a different organisation or government department with which they have interacted during PIA activities.
- 6.1.2 The primary contact point for complaints is the Board Chair, who can be contacted via email ([info@partnersinaid.org.au](mailto:info@partnersinaid.org.au)), phone (+61 429 929 063), direct message via social media, or post using the contact details outlined on our website ([www.partnersinaid.org.au](http://www.partnersinaid.org.au)).
- 6.1.3 Complaints related to a project overseas can also be raised with the project coordinator.
- 6.1.4 The PIA website advises complainants of their rights to also make a complaint directly to the ACFID Code of Conduct Committee ([acfid.asn.au/about/governance/governance-committees/](http://acfid.asn.au/about/governance/governance-committees/)) about a breach of the ACFID Code of Conduct.

### **6.2 Confidentiality**

- 6.2.1 When someone makes a complaint, they will be assured of confidentiality if they wish to remain anonymous.

### **6.3 Triaging of complaints**

- 6.3.1 When a complaint is received, it will be immediately triaged by the Chair, in conjunction, if appropriate, with PIA's relevant Safeguarding Focal Person and/or a relevant project coordinator. Any complaint that relates to sexual exploitation, abuse or harassment (SEAH) of vulnerable person/s will be investigated immediately.
- 6.3.2 Consideration will be given to other factors in determining the seriousness of the complaint, including, for example, whether it has health (including mental health) and safety implications, financial implications for the complainant or others, the possibility that funding may be going directly or indirectly to fund terrorism, the potential of the issue to escalate, or whether it involves any other issue deemed to require immediate action.

### **6.4 Response Time to Complaints**

- 6.4.1 All complaints will be acknowledged within 5 working days at the latest.
- 6.4.2 If the initial assessment of the complaint determines that further investigation is not warranted, the complainant will be informed of this decision and the reasons for this outcome. He/she will be advised that the decision can be appealed and whether further information should be provided in the event of an appeal being requested.

- 6.4.3 If the complaint is assessed as serious, immediate action will be taken to investigate the issue, and if the investigation warrants it, to respond as quickly as possible in accordance with the relevant policy, as outlined below. If initial assessment of the complaint indicates that the complaint is not serious but further investigation is warranted, this will take place within 15 days of the receipt of the complaint, either by the Chair of the Board or by a person nominated by the Chair and approved by the Board. Minor complaints should be resolved within two months of having been raised, and the complainant informed of the outcome and the reasons for the decisions made.
- 6.4.5 If a complaint has not been assessed as serious, but is complex – for example, requiring consultation with other organisations or advisors – resolution may take longer. The complainant will be kept informed of timelines and progress in resolving the complaint.

## **6.5 Process for Responding to Sexual Exploitation, Abuse and Harassment Complaints**

- 6.5.1 Every allegation of sexual misconduct must be investigated promptly, recognising the safety, well-being and rights of the victim, the alleged perpetrator and the whistleblower. In doing so, the rights, needs, and wishes of the victim/survivor must be prioritised. He/she must be treated with dignity and respect, involved in decision-making, provided with information on rights, and his/her privacy and confidentiality protected. Information must be treated confidentially during the investigation. Whistleblowers must similarly feel safe and protected during the reporting and investigation process.
- 6.5.2 In the event of an alleged sexual misconduct incident or other serious incident occurring during the implementation of a PIA-supported project overseas, within two days of PIA becoming aware of the alleged incident taking place, the Chair of the PIA Board and the CEO or equivalent of the partner organisation must be notified in writing, regardless of whether the alleged incident involves a staff member or volunteer of the partner organisation or a member of PIA. (Reports of abuse or exploitation of individuals under the age of 18 must follow PIA's Child Safeguarding Policy.) The Chair and / or PIA project coordinator will then liaise with the partner to determine the appropriate course of action, which must include a full investigation. Strict confidentiality will be maintained with respect to the victim/survivor, any whistleblower involved, and the accused party/parties until such time as a decision has been reached as to whether SEAH has occurred, and, if so, its severity. Where reasonable evidence of wrongdoing exists, steps will be agreed upon to prevent any further incidence. If the conduct is deemed to have been illegal in the locality in which it occurred, and it is considered safe and in accordance with the wishes of the victim and / or whistleblower, the incident will be reported to the appropriate local law enforcement agency. If the incident involves illegal sexual misconduct on the part of an Australian while overseas, it will also be reported to law enforcement authorities in Australia and the Department of Foreign Affairs and Trade.
- 6.5.3 If, after investigation, a complaint involving a SEAH incident in Australia proves to be warranted and is deemed to be illegal, depending on the wishes of the victim/survivor, the incident will be reported to the appropriate law enforcement authorities. If it involves a PIA member, sponsor, volunteer, or someone otherwise connected to PIA, and the conduct is not actually illegal, the investigation may lead to terminating the membership of the person, taking some other corrective action, counselling, or further training, depending on the severity of the incident.

## **6.6 Process for Responding to Complaints Concerning Financial Wrongdoing**

- 6.6.1 *If a complaint involving alleged financial mismanagement or wrongdoing in the internal operations of PIA is received, the Chair and the Treasurer should be notified in writing within two*

days, and the complaint investigated immediately. Again, strict confidentiality will be maintained with respect to both the whistleblower and the accused party/parties until such time as a decision has been reached as to whether wrongdoing has occurred, and, if so, its severity. If the complaint proves to be warranted, the PIA membership of the responsible party or parties may be revoked. In incidents in which a criminal offence may have been committed, the incident shall be reported to the police for investigation.

6.6.2 *In the event of a complaint regarding financial wrongdoing in relation to the implementation of an overseas project being received*, the Chair, in conjunction with the project coordinator and / or the Treasurer will discuss the incident with the partner organisation as promptly as possible. If after investigation, the complaint proves warranted and the outcome of the NGO's response to the complaint is not considered satisfactory, PIA's financial support for the project may be withdrawn. The partner organisation would be expected to report any major incident of financial wrongdoing to the local police.

## **6.7 Process for Responding to Serious Complaints Not Concerning SEAH or Financial Wrongdoing**

6.7.1 If, after investigation, a complaint proves warranted and is serious but neither illegal nor related to financial wrongdoing or sexual exploitation, abuse or harassment, a special meeting of the Board, or Board Executive, will be called within 5 days to discuss the complaint and decide on an appropriate response to be implemented as soon as possible. The complainant will be kept informed of progress in resolving the complaint.

## **6.8 Process for Responding to Complaints not Considered Serious**

6.8.1 *If the complaint is found after investigation to be warranted, but is not considered serious*, it will be addressed at the next Board meeting and the complainant informed of the date of the meeting when his/her complaint is acknowledged. The outcome will be communicated to the complainant in writing within one week of the Board meeting. The complainant will be advised that if he/she is not satisfied with the response, he/she may either complain to the ACFID Code of Conduct Committee if he/she feels there has been a breach of the Code. Alternatively, reconsideration of the complaint can be requested if the complainant feels there has been a misunderstanding or omission of facts by the Board in its resolution.

## **6.9 Process for Responding to Complaints Regarding Actions of an Agency or Agency Personnel Involved in PIA or Partner Organisation Activities**

6.9.1 If the complainant is concerned about the action of personnel of an agency with whom he/she has interacted while undertaking PIA activities, or an ongoing activity on the part of that agency, the PIA Chair and, if willing, the complainant, will discuss the complaint with an appropriate person in the agency. Attempts will be made to have the complaint investigated, and if found to be warranted, means of a resolution found.

6.9.2 If the alleged action under consideration is illegal, the matter will be referred to the appropriate authorities such as the ATO, ASIC or law enforcement.

6.9.3 If the issue relates to a serious infringement of the ACFID Code of Conduct by an NGO with ACFID accreditation, the complaint will be referred to ACFID.

## **6.10 Assistance for Complaint Victims**

6.10.1 PIA's duty of care to complainants will depend on the nature of the incident and the wishes of the complainant. At least, where the complaint warrants it, the complainant will be offered referrals to agencies that can help with the specific problem or be referred to sources of relevant information.

6.10.2 In more serious cases, if desired by the complainant, counselling at the expense of the project or PIA may be provided.

## **6.11 Ensuring Visibility of the Complaints Process**

6.11.1 The procedure for making a complaint will be publicised via the website, and in newsletters.

6.11.2 Processes will be advised to Project Partners via the MoU and to children and young people receiving educational sponsorship, through the Sponsorship Agreement. Project Agreements will also include provisions for the partner organisation to advise project beneficiaries, preferably by written notice, of these complaints processes when the Board cannot communicate directly with them.

6.11.3 The Complaints and Whistleblower Policy will be included in the Induction Manual for new Board members and volunteers.

## **7. LEARNING FROM COMPLAINTS**

7.1 The final response to all complaints will be signed off by a majority of those at the relevant Board meeting.

7.2 If appropriate, PIA will take remedial action to ensure that the action leading to the complaint does not recur – for example, training, counselling or dismissal of a PIA Board member or project coordinator, more explicit MOUs with collaborating NGOs, etc.

7.3 A record will be kept of all complaints, the investigation of these complaints, the outcome of the investigations, and the response to the outcome of the investigation.

7.4 All complaints will be reviewed annually by the Board at a Board meeting. Any pattern of complaints, or issues which complaints alert us to, will be addressed promptly.

## **8. THE RESPONSIBILITIES AND PROTECTION OF WHISTLEBLOWERS**

8.1 Staff, volunteers, contractors, and partner organisations who are aware of possible wrongdoing have a responsibility to disclose that information.

8.2 If a wrongful act, or suspected wrongful act, is reported, Partners in Aid will endeavour to protect the whistleblower's identity. They will not disclose the whistleblower's identity unless:

- the whistleblower consents to the disclosure,
- the law requires or authorises the identity of the whistleblower to be revealed, and/or
- the disclosure is necessary to further the investigation.

The whistleblower is also expected to keep the fact that they have raised a concern and the

content of their report confidential.

- 8.3 Partners in Aid will also take reasonable precautions to store securely any records relating to a disclosed wrongdoing or suspected wrongdoing and to only permit access to authorised personnel.
- 8.4 Volunteers, donors and partners who in good faith disclose perceived wrongdoing will be protected from victimisation, harassment or any other adverse consequences. So far as possible, if necessary, they will also be supported emotionally throughout the proceedings.
- 8.5 At the time of raising their concern, whistleblowers should be asked to specify in writing whether they wish their identity to remain confidential.
- 8.6 The person investigating the disclosure will prepare a report to be reviewed by the person to whom the allegation was made, if this is not the person doing the investigation. Ideally, this report will be prepared within one month of the allegation being made.
- 8.7 The person or persons who are the subject of the allegation will be given every opportunity to respond to the allegation both before and after the report is completed.
- 8.8 If the suspicion of the whistleblower is found to be baseless or unfounded, he or she will be informed, and no further action taken.
- 8.9 Where an investigation does not substantiate the disclosure, the results of the investigation and the identity of the person who was the subject of the investigation must continue to be handled confidentially.

## **9. REVIEW**

This policy will be reviewed every three years.

## **10. RELEVANT PARTNERS IN AID POLICY DOCUMENTS**

Partners in Aid Privacy Policy  
Partners in Aid Child Safeguarding Policy and Code of Conduct  
Partners in Aid Risk Management Policy  
Partners in Aid Financial Wrongdoing Policy  
Partners in Aid Sexual Exploitation, Abuse and Harassment Policy

## **11. REFERENCES**

ACFID (2019). *Guidance for the Development of a Complaints Handling Policy*