



# Complaint and Whistleblower Policy

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*This policy is in part based on the Caritas Australia's Speaking Up Policy. The REACH for Nepal foundation expresses its thanks to Caritas Australia for making this resource available.*

## Purpose of this Policy

The REACH for Nepal (RFN) Foundation is committed to receiving complaints or concerns from anyone, especially those most vulnerable. We provide ways to make a complaint that are safe, accessible and publicised.

This policy covers three main categories of complaints:

- General complaints
- Sensitive complaints
- Whistleblower complaints

## Key Elements of this Policy

- Anyone can make a complaint, raise an incident or express a concern.
- We will treat your complaint or concern seriously and confidentially.
- If you feel afraid to speak up, there are things we can do to help protect you.

## To Whom does this Policy apply?

This policy applies to anyone who makes a complaint, regardless of who they are or how the complaint is made, including:

- People inside the organisation
- People outside the organisation
- Our delivery partner and participants
- Others who wish to make a complaint or report

## Definitions used in this Policy

Term	Definition
Complaint	Any grievance, suspicion, allegation, concern or report about an incident or someone's behaviour. Complaints include general complaints, sensitive complaints or whistleblower complaints.
General complaint	A complaint from anyone who has observed, heard about or been directly affected by the actions of the RFN Foundation or our delivery partner, or who believes that RFN or its delivery partner have failed to meet a specific commitment or obligation.
Sensitive complaint	A complaint that needs to be treated urgently and confidentially by senior employees within the organisation. A sensitive complaint can be made by anyone who has observed, heard about or been directly affected by the actions of the RFN Foundation or its delivery partner. Sensitive complaints may include bullying and harassment between employees, or unlawful discrimination.
Whistleblower complaint	A complaint about wrongdoing such as fraud, corruption, abuse, misuse of resources, risk to health and safety etc. This may also be a sensitive complaint.
Mandatory reporting	The obligation of certain professional groups and community members to report incidents of abuse. At RFN, it is mandatory to report any concerns, suspicions or alleged incidents of child abuse or exploitation and/or any sexual exploitation, abuse or harassment in line with our PSEAH and Child Protection policies. It is also mandatory to report fraud.
Personnel	Any person doing paid or unpaid work for, or on behalf of RFN including Australian-based staff and in-country employees, Board of Directors, volunteers, contractors, sub-contractors and consultants.
Reporter	A person who makes a complaint
Whistleblower	A special type of reporter who is linked (directly or indirectly) to the organisation who reports a whistleblower complaint. Under Australian law, a whistleblower may be entitled to extra protection.
Delivery Partner	The Delivery Partner is REACH for Nepal in Nepal, which is separately registered company and charity in Nepal that has been established to plan and deliver humanitarian and development projects or activities on behalf of RFN in Australia.



## Guiding Principles

We have adopted the following principles for our Complaint and Whistleblower Policy.

### Principle 1: Visibility

We will clearly publicise information about how and where to complain.

### Principle 2: Accessibility

We will ensure that our complaint handling process is as accessible as we can practically make it to all complainants.

### Principle 3: Responsiveness

We will respond to a complaint according to our predetermined timeframes.

### Principle 4: Objectivity

We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process.

### Principle 5: Charges

Access to the complaint handling process is free of charge to complainants.

### Principle 6: Confidentiality

We will observe strict confidentiality in complaint handling.

### Principle 7: Accountability

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

## Policy commitments

### How to make a complaint, raise an incident or concern

We have multiple ways of making a complaint that are easy to use.

#### Complaints Focal Point (responsible for complaints, incidents or concerns)

Complaints Focal Point

- Phone: +61 2 8405 7950
- Email: Complaints Focal Point
- Mail: PO Box 76, Calwell, ACT, Australia 2905



RFN's Manager Communications and Company Secretary is the delegated RFN staff member with portfolio responsibility for handling of complaints, incidents or concerns. This person has overall responsibility for the development and implementation of a number of policies including Child and Vulnerable People; Prevention of Sexual Exploitation; Abuse and Harassment; Privacy; and Communications.

#### Any employee

You can make a complaint or raise an incident or concern to any RFN staff member. They will consult with the Complaints Focal Point directly to get advice on the next steps. However, all sensitive or whistleblower complaints (including child protection, sexual exploitation, misconduct, abuse or harassment or fraud) must be reported via the Complaints Focal Point

#### Our delivery partner or our in-country staff

In Nepal, complaints, incidents or concerns can be made to our delivery partner or RFN Australia personnel in-country. Sensitive complaints (such as child abuse or sexual exploitation) must be reported to Complaints Focal Point.

Our delivery partner in Nepal has an obligation under the MOU with RFN in Australia to have processes in place to receive and manage complaints and to incorporate these processes in any third party contractual arrangement. We work with our delivery partner and personnel in-country to ensure that they:

- Understand their obligations to receive and manage complaints
- Provide multiple options for making a complaint that are easy to use and accessible including child-friendly ways.
- Make the process culturally appropriate
- Handle complaints in line with relevant organisational policies, procedures, contracts and the law
- Record and report where required to RFN in Australia

At a minimum, the Policy is to be published in Nepalese and displayed on a notice-board at the project site, or if no such notice-board is available, in the office delivery partner, RFN Nepal. RFN Nepal is to communicate the existence of this Policy to village leaders, school principal, teachers and other beneficiaries of the project and provide them a copy of the Policy if requested.

Receiving complaints and feedback from participants is important. It helps both our delivery partner and us. It is also part of the monitoring and evaluation of projects. We will continue to work with our partners to strengthen their own feedback and complaints mechanisms.

#### Types of complaints

A general complaint includes but is not limited to:

- Funding and program decisions
- Program implementation
- Fundraising and Supporter Services



- Conflict of Interest issues
- Staffing issues including complaints or concerns about:
  - Safety or security within the work environment
  - Unethical behaviour associated with organisation changes
  - Unfair or unjust working conditions

We support a culture of speaking up. If you have a complaint about employment issues, you should first speak with the Manager HR and Planning. If you feel your complaint is not being heard, it is appropriate to escalate it in line with this policy.

A sensitive complaint includes but is not limited to:

- Corruption
- Theft
- Fraud
- Misuse of funds
- Exploitation
- Abuse
- Harassment
- Bullying
- Discrimination
- Misconduct negligence
- Matters raised under RFN Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy and Child Protection policies
- Any other abusive or inappropriate behaviour by our personnel, partners or those involved in our work in-country
- Bullying, harassment or discrimination between personnel

All sensitive complaints should be directed immediately to the Manager Communications and Company Secretary, the organisations Complaints Focal Point

A whistleblower complaint is defined in Appendix 1.

A person who makes such a complaint is known as a whistleblower. Whistleblowers have extra protection under Australian law if they:

- a) Are connected to RFN in a certain way (be an 'eligible whistleblower')
- b) Tell the right person (an 'eligible recipient') and
- c) Make a certain type of complaint (a 'disclosable matter') If you suspect something is wrong, even if it is not illegal, it is your responsibility to report it.

### Assigning complaints

Where appropriate, general complaints are referred to the local level to be investigated and resolved. Where this is not possible (because the complaint is sensitive, because there isn't enough capacity or expertise at the local level, or because the allegation involves senior personnel), the matter will be referred to a more senior person in the organisation

Sensitive complaints (including fraud, sexual exploitation, abuse and harassment and child protection matters) are always referred to Complaints Focal Point for resolution. Sensitive complaints will be managed and investigated by senior personnel.



Complaints will be assigned to an appropriate person who is impartial with the authority to take action where necessary. For example, where a complaint involves a senior volunteer staff member, it will be directed to the CEO.

#### Referring complaints to other organisations

Complaints that are made about another organisation and/or their personnel will be referred to that organisation. It is the responsibility of that organisation to resolve it under their own complaints handling mechanism.

We will abide by all mandatory reporting requirements. We are obligated in certain circumstances to report to authorities, such as law enforcement agencies, DFAT or ACFID.

Regarding complaints with criminal aspects (including alleged incidents of fraud, sexual exploitation, abuse and harassment), we take the view that these should also be reported. We will consider whether it is appropriate to do so, and take into consideration the wishes of the victims/survivors and whistleblowers.

If a reporter believes that RFN has breached the ACFID Code of Conduct, a complaint may be lodged with the ACFID Code of Conduct Committee

The RFN Complaints Focal Point will provide the necessary details.

#### Managing and investigating complaints

We will communicate transparently how we will investigate the complaint.

The investigation process will include the recording of the complaint, assessment of the complaint, investigating the complaint, and resolving the complaint.

All complaints will be recorded in the REACH for Nepal Complaints Register.

The following information is to be recorded in the Complaints Register upon receipt of a complaint:

- Date of complaint
- Name of Complainant and contact details (if not made anonymously or if the reporter does not wish to be identified)
- To whom the complaint was made
- Description of the complaint
- Requested Remedy and due date for a response (if included in the complaint)

Depending on the nature of the complaint and whether any investigation has taken place, the Complaints Focal Point will also record in the Complaints Register

- Whether the complaint was escalated to the RFN Board
- Resolution of the complaint
- Date of communication to the Complainant



We will treat reporters respectfully, and will inform them within 2 working days that we have received their complaint.

If the complaint involves child protection matters, we will use the Complaint Handling Procedure.

When we receive a complaint, RFN will respond to the complaint in line with this policy and any relevant standards and legislation.

Complaints are taken seriously and will be handled as quickly as practical. We will aim to resolve complaints within 30 days. If a complaint is not resolved within 30 days, we will let the reporter know and continue to keep them informed.

We will inform reporters of the outcome (subject to legal and regulatory requirements or guidance including the ACFID Code of Conduct) as soon as possible.

We address complaints in a fair, equitable, objective and unbiased manner. Any issues of conflict of interest will be managed in accordance with RFN Conflict of Interest Policy.

If complaints relate to delivery partner in Nepal or their personnel, RFN will work with the partner to address the complaint in line with cultural, social, program and local contexts.

We will work with our delivery partner to ensure it is easy for people to make a complaint. Our delivery partner is responsible for handling complaints in line with cultural, social, program and local contexts. This forms part of our accompaniment and capacity building initiatives in accordance with the Child Protection and Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy.

Any serious issues or safeguarding incidents will be reported to the Board.

### Confidentiality

We will not reveal a complainant's name or personal details to anyone in or outside our organisation other than staff involved in handling the complaint without obtaining the complainant's permission.

### Maintaining your anonymity

Complaints can be made anonymously. In those cases, while we may not be able to respond directly to the reporter, we may be able to use the complaint to alert us to matters that need to be investigated and/or referred to authorities.

### Communicating outcomes of complaints

We will ensure that the reporter and the respondent are informed of the outcome of the complaint. Other personnel will be informed of the outcome as required based on a need-to-know basis depending on the nature of the complaint. During this process, we will continue to respect the confidentiality of persons involved where appropriate. We will take all required remedial action as indicated by the investigation. Where needed, we will counsel personnel and undertake disciplinary action. In keeping with confidentiality and privacy requirements, we will consult with relevant bodies for advice.



### Further assistance

The Foundation is committed to providing appropriate assistance and referrals to Complainants and Protected Individuals. Where appropriate this may include medical, social, legal and financial assistance, or referrals to such services.

### **Accessing and communicating the policy**

This Policy will be available on our website and disseminated to all our personnel and project partners.

We will ensure that all personnel and the Delivery Partner are notified of and made aware that they are required to comply with the policy.

### **Policy review**

We are committed to continuous improvement to our policies procedures and practices. This policy will be reviewed at a minimum every three years by the Manager Communications and Company Secretary to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

### **Roles and responsibilities**

The Board of Directors is responsible for:

- Ultimate accountability for our organisational policies
- Guiding governance and culture of RFN through strategic leadership
- Approving this policy and holding the CEO accountable to how effectively this policy is implemented

The Chief Executive Officer is responsible for:

- Ensuring this policy is upheld
- Ensuring all senior employees are accountable to this policy
- Reporting to the Board on serious complaints and whistleblower matters

Executive Team is responsible for:

- Leading by example
- Ensuring our procedures, practices, plans and operations align with this policy
- Ensuring their team is aware of this policy and understand their responsibilities

### Safeguarding Focal Point

Manager Communications and Company Secretary is the RFN employee identified as the point of contact for complaints and whistleblower matters. The position is responsible for:



- Ensuring this policy is accessible via the RFN website
- Assessing who is the most appropriate person to respond to a complaint
- Recording the complaint in a secured database
- Receiving complaints directly from the reporter, the Whistleblower or from any personnel
- Referring the complaint to the correct person to manage or investigate
- Supporting the person(s) appointed to handle the complaint using good practice

Managers are responsible for:

- Demonstrating a commitment to a culture of speaking up and leading by example
- Creating transparent practices that show how complaints will be handled
- Communicating this policy and related procedures to personnel

Delivery Partner Managers are responsible for:

- Communicating this policy and related procedures to personnel.
- Ensuring in-country procedures for handling complaints are consistent with this policy
- Engaging their teams in an open, honest and meaningful way to ensure they understand what is expected of them.

Personnel (including you) are responsible for:

- Understanding and following this policy and related procedures
- Ensuring that your actions are in line with this policy, and that your work reflects the Guiding Principles and Policy Commitments above
- Not encouraging others (directly or indirectly) to breach this policy
- Any concerns, allegations or breaches must also be reported to the Manager Communications and Company Secretary (the RFN Complaints Focal Point).

# Whistleblower Complaint

### Whistleblower Protections

As long as your complaint is made in good faith, we offer you protection from being negatively affected. We offer this protection to all people, regardless of your situation. You may also wish to get extra protections under Australian Law (the Corporations Act) in certain circumstances. To get these extra protections under law, you need to:

- Be connected to RFN in a certain way (be an 'eligible whistleblower')
- Tell the right person (an 'eligible recipient')
- Make a certain type of complaint (a 'disclosable matter')

More information on each of these criteria is below.

### Eligible whistleblower

To be an eligible whistleblower, you need to be connected to RFN as:

- A staff member
- An officer (such as a Director of the Board)
- A volunteer, contractor or consultant who supplies goods or services to RFN (and this also includes their employees)
- A spouse, relative or dependent of one the above

### Making a complaint

You can make a complaint to any of these people or organisations ('eligible recipients'):

- A Director of the Board
- A senior manager of RFN such as Chief Executive Officer, Manager Finance and Nepal Operations, RFN Leadership Team members
- A government body (such as ASIC or APRA)
- A legal practitioner (such as a lawyer) – in this case, you must ask for legal advice or legal representation on whistleblower protections.

You can make a whistleblower complaint if you have objectively reasonable grounds to suspect:

- Misconduct or an improper state of affairs or circumstances in relation to RFN
- A contravention by RFN of Corporations Act 2001 (Cth), and any other relevant legislation that provides for Whistleblower protection, or their associated Regulations
- That an offence against any other law of the Commonwealth bearing a term of imprisonment of 12 months or more has occurred
- Conduct which represents a danger to the public or the financial system or
- Any other eligible conduct proscribed by relevant Regulations.

These are known as 'disclosable matters'. Some examples of disclosable matters are:



- Misconduct
- An improper state of affairs or circumstances in relation to Caritas Australia
- Theft
- Fraud
- Embezzlement
- Negligence
- Breach of legal duty
- Harassment
- Unlawful discrimination
- Bullying
- Corruption
- Unethical conduct
- Risk to health or safety of any person
- Failure to comply with legal obligations (breaking the law)
- Criminal offences • Not following the Corporations Act, or other similar laws
- Concealment (hiding) any of the above.

If your complaint is about something else, you can still make a complaint. You will still be protected by RFN (but you will not get extra protections under the Australian law).

Examples that are not a whistleblower complaint:

- Interpersonal conflicts between employees
- A breach in workplace law, such as a decision relating to promotion, engagement or transfer

#### How you will be protected as a whistleblower

We understand that it can be difficult to make a complaint. We will take all practical steps to protect those who make a whistleblower complaint as long as it is made in good faith. If you make a complaint as a whistleblower, you will be protected from identity protection, protection from harmful acts or omission, compensation and remedies, and civil, criminal and administrative liability protection. This includes protection from:

- Being named publicly as the person who made the complaint
- Information being shared that is likely to identify you
- Being dismissed from your job
- Having your job changed
- Being intimidated or harassed
- Harm or injury (physical, psychological)
- Damage to property
- Damage to your reputation
- And similar actions If you suffer loss, damage or injury, there may be potential compensation and remedies available as well. We encourage you to seek independent legal advice.



### Complaints made in good faith

These protections apply as long as the complaint was made in good faith, even if the complaint was found to be incorrect. Protections also apply if the complaint was made anonymously. In Australia, these protections are law under the Corporations Act 2001. The Corporations Act protects whistleblowers from specific legal action (such as if you break the confidentiality clause in your employment contract by speaking out).

You will be protected if your complaint is made in good faith (this is called objectively reasonable grounds). However, if your complaint is considered to be false or vexatious, disciplinary action may be taken.

### How to make a whistleblower complaint

You may contact the Complaints Focal Point:

- Phone: +61 2 8405 7950
- Email: [Complaints Focal Point](#)
- Mail: PO Box 76, Calwell, ACT, Australia 2905