



Friends of Kutumb Ltd.

**COMPLAINTS HANDLING POLICY
INCLUDING
WHISTLEBLOWER PROTECTIONS**

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Complaints Handling Policy including Whistleblower Protections

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Complaints Handling Policy including Whistleblower Protections

PART A - INTRODUCTION

1 POLICY

1.1 Policy Statement

Friends of Kutumb Ltd. (the charity) handles complaints and related matters, including disclosures from whistleblowers, fairly, efficiently and effectively thereby maintaining the charity's good reputation and enabling it to achieve its purpose.

1.2 Purpose

The purpose of this policy is to document the complaints handling and whistleblower protection protocols used by *Friends of Kutumb Ltd.*

For people wishing to make a complaint, this policy provides guidance on the key principles and concepts of the complaints handling system, including whistleblower protections.

1.3 Compliance

As a small charity *Friends of Kutumb Ltd.* is exempt from ASIC's requirement for public companies to have a whistleblower policy. Public companies limited by guarantee only need a whistleblower policy if the annual (consolidated) revenue is \$1 million or more. However, *Friends of Kutumb Ltd.* takes seriously the concerns of its stakeholders and has outlined a framework for whistleblower protections within this policy.

1.4 Approach

The provision of whistleblower protections and the handling of complaints involves very similar perspectives and processes, including concepts of natural justice, due process, confidentiality and the support of those raising a concern. The major difference is the legal framework and the more systemic nature of a disclosure requiring whistleblower protection.

A complaint may be made that is then assessed as a disclosure requiring whistleblower protections. When dealing with a whistleblower disclosure, the complaint handling policy and procedures will provide an approach that will aid in managing the organisational response.

1.5 Breach of Policy

If a breach of this policy is identified, the Complaint Handler or chairperson should be notified; or if an individual believes a complaint has not been handled appropriately they can request an internal or external review as per the procedures outlined in section 6.3 6.3(e) .

2 SCOPE

This policy applies to all people who have an association with *Friends of Kutumb Ltd.* including directors, volunteers, partners and others.

3 ROLES AND RESPONSIBILITIES

3.1 Chairperson Responsibilities

The chairperson is committed to promoting a culture that values complaints and their effective resolution. They will:

- Report to the board on the complaints handling system.
- Provide adequate support and direction to those responsible for handling complaints and protecting whistleblowers.
- Review reports about complaint trends and issues arising from complaints.
- Encourage all members to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.
- Encourage recommendations for system improvements.
- Support recommendations for improvements arising from the analysis of the data.

3.2 Complaint Handler

The complaint handler is committed to demonstrating exemplary complaint handling practices. They will:

- Treat all people with respect, including people who make complaints or disclosures.
- Assist people to make a complaint, if needed.
- Comply with this policy and associated procedures.
- Provide regular feedback to the board on issues arising from complaints.
- Provide suggestions on ways to improve the complaints management system.
- Implement changes arising from individual complaints and from the analysis of complaint data as directed by the board.

3.3 All Staff

All staff are committed to understanding and complying with the complaint handling practices. They will:

- Treat all people with respect, including people who make complaints.
- Be aware of the complaint handling policies and procedures.
- Assist people who wish to make complaints to access our complaints process.
- Be alert to complaints and assist those handling complaints to resolve matters promptly.

4 DEFINITIONS

4.1 Complaint

An expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. (AS/NZ 10002:2014)

As well as complaints being made directly to our organisation, some complaints (or at least negative comments) may be made on social media.

4.2 Complaints System

'Complaints management system' and 'complaints handling system' refers to all policies, procedures, practices, staff, hardware and software used by us in the management (or handling) of complaints.

4.3 Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaints handling system where a response is not explicitly or implicitly expected or legally required.

4.4 Staff

In the context of this policy, 'staff' refers to members, directors, volunteers or others who enact or engage in activities on behalf of *Friends of Kutumb Ltd.*

4.5 Whistleblower

A whistleblower is someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation.

4.6 Whistleblower Protections

Whistleblower protections are the protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

5 REFERENCES AND REVIEW

5.1 Organisational Policies

Other organisational policies, as listed in the Board Charter Policy Framework, are supported by, or expand upon, aspects of this policy.

5.2 Legislation

Relevant legislation includes:

- [Australian Charities and Not-for-profits Commission Act 2012](#) (Cth)
- [Corporations Act 2001](#) (Cth)
- [Taxation Administration Act 1953](#) (Cth)

5.3 Development Resources

This policy has been developed with reference to:

- ACNC
<https://www.acnc.gov.au/tools/factsheets/whistleblower-protections>
<https://www.acnc.gov.au/tools/factsheets/small-charities-library-complaints-handling>
- Our Community
<https://www.ourcommunity.com.au/files/whistleblowingbook.pdf>
- Not-for-profit Law
<https://www.nfplaw.org.au/complainthandling>
- ASIC
<https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-protections-for-not-for-profit-organisations/#policy>

5.4 Administration of this Document

This document will be made available to the public through the charity's website and will be reviewed every two years, as per the Board Calendar.

PART B - COMPLAINTS HANDLING POLICY

6 GUIDING PRINCIPLES

Our effective complaints handling system is modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration into organisational culture.



6.1 Facilitate Complaints

(a) People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame (as in AS/NZ 10002).

(b) No Detriment to People Making Complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

(c) Anonymous Complaints

We accept anonymous complaints if there is a compelling reason to do so and will carry out a confidential investigation of the issues raised where there is enough information provided.

(d) Accessibility

If a person prefers, or needs, another person or organisation to assist or represent them in the making or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of parliament, another organisation).

(e) No Charge

Complaining to us is free.

6.2 Respond to Complaints

(a) Early resolution

Where possible, complaints will be resolved at first contact with us.

When appropriate we may offer an explanation or apology to the person making the complaint.

(b) Responsiveness

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

(c) Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

(d) Responding flexibly

Our staff are empowered to resolve complaints promptly, flexibly and with as little formality as possible. We will assess each complaint on its merits and involve the people making the complaints and/or their representative in the process as far as possible.

(e) Confidentiality

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by us as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

6.3 Manage the Parties to a Complaint

(a) Complaints involving multiple agencies

Where a complaint involves multiple organisations, we will work with the other organisations where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of our service providers.

(b) Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

(c) Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

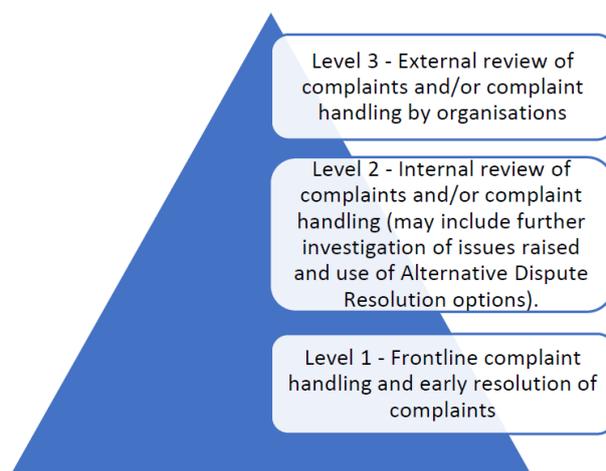
- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

(d) Alternative avenues for dealing with complaints

We will inform people who make complaints of any internal or external review options available to them (including any relevant Ombudsman or oversight regulatory bodies).

(e) The three levels of complaint handling



Level 1

We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Level 2

Where this is not possible, we may decide to escalate the complaint to a more senior officer within our organisation. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decisions already made; and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Level 3

Where a person making a complaint is dissatisfied with the outcome of our review of their complaint, they may seek an external review of our decision (by the Australian Charities and Not-for-Profits Commission, for example).

7 ACCOUNTABILITY AND LEARNING

7.1 Analysis and Evaluation of Complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis by the board.

We will report, at least annually, on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests received for internal or external review of our complaints handling system.

7.2 Monitoring the Complaints System

We will continually monitor our complaint management system to ensure its effectiveness and improve the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

7.3 Continuous Improvement

We are committed to improving the way our organisation operates, including our management of the complaint handling system. This will be achieved through data collection and analysis, and by eliciting and considering feedback from our stakeholders.

PART C - COMPLAINTS HANDLING PROCEDURE

8 INTRODUCTION

The five key stages in the complaint management system are:



9 RECEIVE COMPLAINT

Unless the complaint has been resolved at the outset, a record of the complaint and supporting information will be made, including unique file number or identifier.

The record of the complaint will document:

- Contact information of the person making a complaint and the date received;
- Issues raised by the person making a complaint and the outcome/s they want;
- Any other relevant information; and
- Any additional support the person making a complaint requires.

10 ACKNOWLEDGE

Receipt of each complaint will be promptly acknowledged, usually by email and preferably within 10 working days. When appropriate, an explanation or apology may be offered.

11 ASSESS AND INVESTIGATE

11.1 Initial Assessment

After acknowledging receipt of the complaint, we will confirm whether the issue raised is within our control. We will also consider the outcome sought by the complainant and, if there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether a resolution requires the involvement of other organisations, and
- Whether the complainant requires whistleblower protections.

11.2 Investigating the Complaint

After assessing the complaint, the complainant may be provided with information or an explanation, further information may be gathered, or a formal investigation may be initiated. The actions will be tailored to each case and take into account any statutory requirements.

11.3 Report

The complainant will be kept up-to-date on our progress, particularly if there are any delays. The outcome will be communicated to the complainant, usually by email.

12 DETERMINE OUTCOME

Following consideration of the complaint and any investigation into the issues raised, the person making the complaint will be advised of:

- The outcome of the complaint and any action taken,
- The reasons for the decision,
- The remedy or resolutions proposed or put in place, and
- Any options for review that may be available to the complainant, such as an internal review, external review or appeal.

13 CLOSE THE COMPLAINT

13.1 Document

We will keep records about:

- how we managed the complaint;
- the outcome of the complaint (including the degree to which it was substantiated, any recommendations and decisions made to address problems identified); and
- outstanding actions to be followed up, including analysis of underlying or root causes.

13.2 Analyse Data

We ensure that outcomes are properly implemented, monitored and reported to the board.

PART D - WHISTLEBLOWER PROTECTIONS

14 RELEVANT MATTERS

Matters that require whistleblower protections include concerns regarding illegal, corrupt, improper or unethical behaviour. Such breaches include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources
- practices endangering the health or safety of staff, volunteers, or the general public
- practices endangering the environment.

Complaints regarding occupational health and safety should, where possible, be made through the organisation's occupational health and safety procedures.

15 DISCLOSURE

Where a person believes in good faith on reasonable grounds that someone associated with *Friends of Kutumb Ltd.* has breached any provision of the general law or of the organisation's constitution, policies, code of conduct, or ethical principles, they must report their concern to:

- the chairperson: or, if they feel that the chairperson may be complicit in the breach,
- another board member: or, if they feel that all directors may be complicit in the breach,
- the regulatory authorities responsible for the enforcement of the law in the related area.

16 ANONIMITY

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation unless disclosure is required under law. However, the complainant needs to be aware that maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

17 ORGANISATION RESPONSE

17.1 Good Faith

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions are in good faith, are based on reasonable grounds, and conform to the designated procedures.

17.2 Investigation

(a) Determination

On receiving a report of a breach, the person to whom the disclosure is made shall:

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.

(b) Procedure

The person to whom the disclosure is made shall notify the chairperson (if not a subject of the complaint), who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

Terms of reference for the investigation will be drawn up to clarify the key issues to be investigated.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined.

Contemporaneous notes of all discussions, phone calls and interviews will be made.

Where possible, interviews will be taped.

The principles of procedural fairness (natural justice) will be observed.

In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The person or persons conducting the investigation shall be, as far as possible, unbiased.

17.3 Findings

A report will be prepared when an investigation is complete. This report will include:

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- recommendations, based on those conclusions, to address any wrongdoing identified and any other matters arising during the investigation.

17.4 Information to informant

Subject to considerations of the privacy of those against whom the allegations are made and customary practices of confidentiality, the whistleblower will be kept informed of relevant progress and outcomes of an investigation.

17.5 Protection of informant

Where the investigation has found that the person making the allegation acted in good faith on reasonable grounds, the chairperson shall be responsible for ensuring that the person suffers no organisation-related disadvantage on account of their actions in this matter, and that the person receives additional support where necessary.

18 FURTHER INFORMATION

For further information about whistleblower protections, refer to the ACNC Fact Sheet 'Whistleblower Protections' available on their website.