

Policy Number: **OS02.1**

Policy Area: **Governance**

Policy Title: **Complaints Handling Process**

Related Documents: OS02 Complaints Policy
OS02.1a Child Friendly Complaints Handling
OS02.1b Complaints Handling Flowchart
OS04 Sexual Misconduct Policy
OS07 Whistle Blower Policy
DFAT SEAH Incident Notification Form



Process

- 1. Aggrieved persons may initially choose to pursue informal means of resolving an issue. GMP will provide support to facilitate this approach.**

GMP will provide advice and support to aggrieved persons, including information about sexual misconduct and whistle blowing.

GMP will nominate a sexual harassment contact officer who will be available to discuss the nature of sexual harassment and bullying, and options for resolution of a complaint with an aggrieved person. This will be done confidentially and without bias.

GMP will engage professional assistance where the particular advice or support are beyond its capacity.

Reporting of sexual harassment and bullying is encouraged, regardless of who the offender might be.

Aggrieved persons may choose to take the following actions:

- If possible, promptly inform the offender directly or in writing that their behaviour is offensive and unacceptable and request that it stop immediately.
- Discuss the matter with someone you trust.
- Keep a record of incidents noting what happened, when and the names of witnesses.
- Contact your supervisor or a trusted GMP staff member who will assist you to access support from GMP confidentially.

- Ask your supervisor to speak to an alleged perpetrator on your behalf. The supervisor will privately convey your concerns and reiterate the GMP *OS06 Board and Staff Code of Conduct* without assessing the merits of the case.
 - Your supervisor or another GMP staff member may observe unacceptable conduct. They will then take independent action even if a complaint is not made.
- 2. If an aggrieved person decides to make a formal complaint, this will be directed to the Executive Officer or to the Board Chair or the nominated Board Member of the opposite sex to the Board Chair. Where the Executive Officer is the subject of the complaint, the complaint will be directed to the relevant board member.**

The person receiving the complaint will confer with members of the Board Executive who are not the subject of the complaint and appoint an “Investigation Manager” who will be responsible for processing the complaint according to this procedure. The Board Executive may engage an external consultant for this role. The complainant will be immediately informed who the investigation manager is and their responsibilities.

GMP is a signatory to the Australian Council for International Development (ACFID) Code of Conduct. Complaints may also be directed to the ACFID Code of Conduct Committee. <http://www.acfid.asn.au/code-of-conduct>, Telephone: Code Management Team (02) 6281 9222.

Employees also have the right to raise concerns relating to sexual harassment in the workplace with the Commissioner for Equal Opportunity.

- 3. Complaints will be reviewed to determine how they are best handled, in particular whether they require a formal investigation or not. This will generally be done within 3 days and within 24 hours when the complaint involves Sexual Exploitation or Abuse (SEA) or Child Protection issues.**

Complaints will be reviewed with respect to the scope outlined in the Complaints Policy to determine whether it is appropriate to process it using this process or refer it elsewhere.

Not every operational complaint needs a formal investigation. Some operational complaints can be resolved to the complainant’s satisfaction through two-way communication between the complainant and the person who received the complaint. The Investigation Manager must decide if the allegation needs to be investigated. This can be decided by asking the following questions:

- (a) Does the complaint constitute a ‘complaint’?
- (b) Does it relate to a breach of GMP policies and procedures?
- (c) Is there enough information to investigate?

- (d) Will an investigation put the lives of the complainant or the subject of the complaint or their families at risk, and if so, can all reasonable steps be taken to ensure those risks are minimised?

If a formal investigation is required, the Investigation Manager will aim to undertake and complete an investigation within 30 days after receipt of the complaint and submit a report 14 days after the investigation ends. This report will be presented to the board and to the complainant.

The complainant shall receive a report within 30 business days of the initial reported concern, and be informed as to the investigation process.

Except with the Board's approval, a formal complaint may not be made later than 12 months after the date on which the incident is alleged to have taken place.

- 4. Any risks to the complainant will be assessed and appropriate protection provided. Where physical or sexual assault or psychological damage is suspected, a medical assessment will be undertaken immediately.**
- 5. The appropriate authorities will be informed where complaints include credible allegations of criminal activity.**

DFAT will be informed within 2 working days of credible allegations relating to child abuse and exploitation <childwelfare@dfat.gov.au>, sexual exploitation or abuse <seah.reports@dfat.gov.au>, fraud <fraud@dfat.gov.au> or terrorism <sanctions@dfat.gov.au> in DFAT-funded projects.

GMP will cooperate with the investigations of DFAT, the police and other appropriate authorities.

- 6. A confidential file for the complaint will be established.**
- 7. The Investigation Manager will engage two other suitable people to make up the investigation team with them.**
- 8. A written confirmation will be made to the complainant regarding how the complaint will be handled.**

The complainant, and any others to be interviewed and the subject of the complaint, as they are identified will be made aware:

- (a) That the investigation is to determine the facts only, not the consequent action, if any.
- (b) That the investigation assumes that the subject of the complaint is innocent until proven guilty.

- (c) That the participants may have access to a support person throughout the process and the investigation team can provide such a person. **In the case of child complainant or a Child Protection complaint a support person will be appointed to make the process child-friendly.**
- (d) Of the process, the potential outcomes and the avenues of appeal.

Employees will be informed that they have a duty to participate and to tell the truth and that they could be subject to disciplinary action if they do not.

- 9. The Investigation Team will then determine the allegation in terms of the policy or procedure which has allegedly been breached.**
- 10. The Investigation Team will then collect background information – documents, photos, physical evidence and expert evidence.**
- 11. The Investigation Team will then interview the complainant, any others deemed helpful and the subject of the complaint, generally in that order.**

Interviews will always involve two of the Investigation Team. Confidential notes will be kept. The interview will be planned so that all relevant matters can be assessed in the one interview rather than recalling the interviewee.

The identity of the other party, any interviewees and any sources of information will be kept confidential from the interviewee.

For each interviewee after thanking them for attending the interview, the following information will be outlined:

- (a) **Introductions:** Introduce everyone in the room and their roles;
- (a) **Honest and Accuracy:** Explain the importance of accuracy and truthfulness. For GMP staff, indicate that they have a duty to respond and an obligation to tell the truth.
- (b) **Purpose of note-taking:** Explain who will be taking notes (if there are two investigators, it is best if one leads on questioning and one focuses on taking detailed notes – verbatim if possible) and that the purpose of taking notes is for accuracy. Explain that at the end of the interview, the interviewee will be provided with a short verbal summary of the interview and s/he will be given the opportunity to read the content of the notes and to sign that they agree with the record. Note the date, start and end time of the interview on the statement. Also note if the interview is face-to-face or by other means.
- (c) **Acceptable to state when answer is not known:** Clarify to the interviewee that it is ok to say so when they genuinely cannot remember or do not know a particular piece of information.
- (d) **Right to ask for a short break:** Tell interviewees where the bathroom facilities are. Offer them water and explain they can ask for a short break if they need it.

During interviews, avoid interrupting or clarifying ambiguities. Take an 'active listener' posture. Elicit more information by repeating key phrases used by the Interviewees. Offer prompts that relate to the interviewee's account only – not in relation to other evidence. Work at the pace of the interviewee. Do not give positive or negative feedback during interviews. Investigators will beware of unintentionally communicating approval or disapproval through facial expressions and voice inflexions. Avoid judgmental words or approaches.

- 12. The Investigation Team will report to the board the facts they have determined and a determination that the complaint is either:**
- (a) Established by reasonable inference from the evidence.**
 - (b) Not Established due to insufficient evidence.**
 - (c) Not Established by reasonable inference from the evidence.**

The parties will be informed of the decision in terms of the above outcomes and that the decision has been referred to management for action. The identities of interviewees will never be disclosed. Those interviewed will not be informed of the decision. GMP staff who are aware of the investigation will be informed of the decision.

If a complainant is not satisfied with the outcome, they may appeal to Churches of Christ in Australia. The contact person is the Company Secretary of the Churches of Christ in Australia whose contact details are available online at <http://cofcaustralia.org/contact/>.

- 13. The board will take appropriate action based on the determination of the Investigation Team.**

The outcome of the investigation shall be submitted to the Board of GMP.

The Board will take appropriate action in line with the determination. This may include disciplinary action and remedial measures.

The conclusion of the investigation and any remedial action taken will be reported to the complainant.