

## **CLAN Complaint Management Policy**

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### **1. Introduction**

CLAN is a non-government organization whose mission is 'To maximize the quality of life for children and their families who are living with chronic health conditions in resource-poor settings of the world.' This involves CLAN working with partners and communities to achieve outcomes to build capacity and sustainability for their projects and activities. CLAN is committed to managing any complaints promptly in a fair and ethical manner.

### **2. Purpose**

This policy has been developed to provide an accessible and appropriate complaints management framework for all Committee Members, Staff and, Volunteers, donors, Partner Organisations of CLAN and communities with whom we work, including children and their families involved in CLAN activities and all visitors to project sites.

### **3. Scope**

This Policy is intended to apply to any complaint, regardless of who makes it. CLAN will accept complaints relating to our paid staff, our volunteers, our partners, our contracted service providers or anyone else acting on behalf of CLAN. Complaints may be made by those involved in CLAN activities, including families and children.

A complaint may be made by a person, including a child or young person, community groups, those receiving goods and services or those who may be affected by services, a partner, a local organisation involved with CLAN, staff, volunteers, donors or a member of the public or an advocate on behalf of another person.

Anonymous complaints can be made, but this will likely have implications for the validity of investigations undertaken and thus may create potential legal issues depending on the complaint.

### **4. Definitions**

<b>Term</b>	<b>Definition</b>
Complaint	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	A person, including a child or young person, organisation or its representative making a complaint.
Complaint Inquiry Feedback	A request for information or an explanation, opinions, comments, suggestions and expressions of interest in the products or the complaint

handling process.

Stakeholder  
or  
interested party

A person or group having an interest in the performance or success of the organisation.

Advocate

A person who offers independent support to those who feel they are not being heard and to ensure they are taken seriously and that their rights are respected and protected.

## **5. Commitment**

CLAN is committed to managing complaints effectively. The Policy for managing complaints is made available publicly and when projects are implemented, involved parties are directed to the Complaints Management Policy and are requested to become cognisant of the policy contents and specifically about reporting and procedures to make a complaint.

CLAN seeks to ensure all actions taken are ethical, transparent and done with integrity. However, if this does not happen, and a complaint is made to CLAN, it will be addressed in accordance with the set procedure for complaint management. CLAN will assess all complaints made against individuals acting on behalf of CLAN or the organization, and deal with them professionally and transparently and with absolute confidentiality to respect the rights of the complainant and the person against whom the complaint is made.

CLAN believes that being open to complaints and taking them seriously is an important component of our organisational culture of continuous quality improvement. Every effort will be made to resolve complaints in a satisfactory and timely manner and to protect the rights of the complainant, including maintaining confidentiality and privacy of identity.

CLAN is committed to effective and efficient management of complaints and, as such, has a clearly articulated process for managing complaints documented within this policy. Reports about any complaint/s received and the management of such complaint/s will be presented (de-identified) at the following CLAN Association Committee meeting. As complaints are classified as a risk to CLAN, the topics of Complaint Management and Safeguarding are standing agenda items.

Where appropriate, CLAN's personnel working in communities will have all necessary training to encourage and handle inquiries, expressions of concern, and management of complaints. This is required so that cultural and gender sensitivities are understood and managed effectively, and also to ensure that cases involving children or reported by children are handled in a safe and delicate manner by CLAN representatives who have experience in working with children and young people.

CLAN will ensure that a complainant is not required to express their complaint to a person implicated in their complaint. Similarly, a person implicated in a complaint is not to be involved in any way with the handling of that complaint.

CLAN is committed to providing appropriate assistance and referrals to complainants where possible, for example, medical, social, legal, or referrals to other services.

## **6 Procedures**

All Committee members, staff and volunteers are inducted. The complaints management policy and procedures are discussed and advice provided on where they the policy can be located on the CLAN website. The Complaint Management Policy is distributed to all CLAN's paid staff, volunteers, partners, contracted service providers.

CLAN's Executive Committee members are educated regarding the Complaints Policy. Induction programs are undertaken for governing committee members.

Personnel directly involved in complaint handling are fully trained in all aspects of this policy and its implementation.

CLAN provides inductions to field personnel to encourage, receive and handle complaints taking account of language issues and cultural sensitivities and how different age groups and people living in vulnerable communities may like to communicate their complaint, for example, SMS, email, telephone, letter, on line form, face to face etc.

Other personnel acting on our behalf are made aware of the Complaint Management Policy on the Contact page of the CLAN website and the overarching CLAN Policy Handbook. It is required that all who may be involved in any way with a complaint must formally signify their commitment to this policy. This acknowledgement is recorded in the CLAN Executive Committee meeting minutes under the heading of 'Complaint Management'.

Where staff, volunteers, contractors or partners become aware of any wrongdoing, it is their responsibility to disclose such information to the CLAN President or a member of the Executive Committee. Protection and confidentiality will be provided for the person reporting the matter.

All relevant communications provide explanations about procedures for handling complaints. This includes CLAN's website, newsletters, annual reports, partnership agreements, inductions and staff/volunteer policies.

CLAN values receiving compliments, concerns and complaints in all relevant communications. CLAN's website provides information about making a complaint and a link to Complaint Management Policy can be found on the Contact Us page as well as in the CLAN Policy Handbook.

Where literacy is a constraint or language a barrier, CLAN will orally, and through interpreters or through the health care professionals who treat the communities CLAN works with, invite expressions of concern and complaint on a regular basis, generally during the conduct of a support club meeting and across the planning or evaluation process.

Care will be taken to give this invitation in a way that is culturally appropriate, recognising that in some cultures people require greater encouragement to make a complaint. CLAN will take special care to manage complaints from vulnerable populations including children and marginalised groups. If required, CLAN will use pictorial means of communication. CLAN will listen carefully to the issues raised to demonstrate to complainants that they can have confidence substantiated matters raised will be dealt with accordingly. CLAN would also take all steps to ensure a child making a complaint has a support person available to them who is culturally sensitive and can cross language barriers.

CLAN will ensure that making a complaint is as easy as possible. Complaints will be received orally in person, over the phone, via the website form and by any written means. Every effort will be made to assist a complainant to put their complaint in writing or if made orally, it will be recorded as accurately as possible. Oral complaints will be treated the same as a written complaint.

Complaints by our community members will be carefully addressed when reported to us by the health care professionals and partners that we communicate with through our usual business.

## **Children**

CLAN volunteers or representatives who will have direct contact with children are inducted into CLAN which specifically addresses the CLAN Complaint Management Policy. Working with children and how to deal with a complaint or concern, should one be raised directly with them, is discussed in detail.

In such a situation, given potential barriers, every effort will be made to ensure the safety and wellbeing of the child. If necessary, an advocate will be identified.

Children and young people who make complaints will be given every opportunity to ask questions, and to advise how they want to be kept informed, to ensure they understand the process.

The complaint, if made verbally, will be transferred into writing at the earliest opportunity to ensure all aspects of the issue/s raised will be assessed.

Timely follow up contact will be made with them or their advocate to keep them up to date with progress throughout the course of the investigation and any action taken.

Confidentiality and privacy will be assured in the case of complaints made by children and young people to give confidence in the process and that their rights will be protected.

The CLAN President/Vice President will be notified immediately and all necessary action will be taken to immediately address any risk to the child through reliable and trust partnerships relationships in country.

Following the complaint management process, consideration will be given to whether any policy, procedure or process requires adjustment. The risk management process will also be reviewed. CLAN will also consider whether there is any opportunity to influence processes in country should this forms part of the complaint process.

CLAN's website contains the Complaint Management Policy on the Contact Us page as well as in the CLAN Policy Handbook, where a child friendly icon and speech bubble can be seen which states "Remember kids can complain anonymously too!"

## **7 Lodging a complaint**

A complaint can be lodged with the President of CLAN or the Committee in accordance with this policy.

Complaints can be made in any form – verbal or written (electronic or hard copy form). However, if the complaint is of a serious or substantive nature, the aggrieved person is encouraged to put their complaint in writing, addressed to the President.

Where the President is the subject of, or otherwise closely linked to the cause of the complaint, the written complaint will be directed to another member of CLAN's Committee. Depending on the circumstances, CLAN may engage an external party to engage in a component of the complaint process.

Where a complaint involves a breach of the ACFID Code of Conduct, the complainant will be advised that they can make a complaint to ACFID and will be given information about the ACFID website.

## **8. Categories of complaints**

The main categories of complaints and the way they are dealt with is as follows:

- i. Complaints from donors and partners are logged and managed by members of the Committee. This may also include complaints from participants involved in CLAN programs or projects, including families and children.
- ii. Complaints from members of the public and supporters are logged and are managed by members of the Committee
- iii. All other external complaints are logged and are managed by a person designated by the Committee
- iv. Complaints about CLAN members that fall within the bounds of the CLAN Constitution will be dealt with in accordance with the Constitution (Sections 10 – 12).
- v. Complaints about child safeguarding, including sexual exploitations, abuse and harassment are to be managed as stated in the Child Protection Policy and the Preventing of Sexual Exploitation, Abuse and Harassment Policy, this may include reporting the matter to a law enforcement agency.

## **9. Complaints to the Australian Council for International Development**

If CLAN is not seen to be acting in accordance with the ACFID Code of Conduct, contact can be made with the ACFID Code of Conduct Committee by following this link: <http://www.acfid.asn.au/code-of-conduct/complaints>.

## **10. CLAN Complaint Register**

CLAN maintains a Complaint Register which is used to track the progress of a complaint across its life time. Analysis of complaint data will be undertaken to feed into policy and training development.

## **11. Procedure for all complaints – Triage and investigation**

### **Triage**

On receipt of a complaint will be triaged which involves an preliminary assessment of the complaint material and will help determine nature of the response.

Items to be considered in the triage process include, but no limited to, and examples:

- Severity – potential/actual harm to a person, in particular a child or young person, or the environment
- Health and wellbeing of the complainant – sexual abuse or exploitation, assault, harassment
- Financial implications – potential loss of earnings
- Complexity – number of persons/organisations/issues identified
- Potential for escalation – criminal/political/newsworthy
- Systemic implications – depth/time/resources
- Urgency or response – high/medium/low
- Level of response – conciliation/investigation

Persons subject of the complaint will not be part of decision making throughout the complaint management process.

All actions in relation to the complaint are documented throughout the management process.

## **Investigation**

Following the triage process, if a complaint is accepted CLAN will determine whether an internal investigation will be undertaken or whether an external investigator will be engaged to undertake the investigation. All misconduct complaints must be recorded but may de-identify the complainant at the request of the complainant or survivor.

Complaints made will be responded to quickly, kept confidential, treated with fairness and focused on the well-being of all concerned in a complaint. Any personnel or teams identified in a complaint will not be involved in the decision-making process of complaints handling.

A complaint about a matter outside the jurisdiction of CLAN, e.g. complaints about another organisation or individual not associated with CLAN will be referred to the relevant organisation or government department or other authority of the state or country for their assessment. CLAN will assist the complainant with identifying the most appropriate reporting mechanism, or help refer their complaint, where possible (especially in any safeguarding-related complaints). Such matters may include conduct matters, criminal offenses, assault, abuse including sexual abuse, theft, damage to property, other.

Where serious incidents involve child protection and sexual exploitation, abuse and harassment or other incidents, a complainant will be informed that such complaints will be managed as stated in CLAN's relevant policies. Children and young people will be given the option to choose how they would like to be kept informed of progress of the investigation.

A complaint about serious incidents including child protection and sexual exploitation, abuse and harassment will be managed as stated in CLAN's Child Protection and Safeguarding Policy. If there is a complaint or a suspicion of child sexual abuse, exploitation, abuse or harassment made about a staff member or volunteer, the complaint may be made to the person in charge of a program who will then forward the complaint to the President of CLAN. Or a complaint may be made to the President of CLAN via CLAN's website. The President of CLAN will then report the matter to the relevant authorities, which may include state police, the state child protection authorities, DFAT, the Australian Federal Police subject to the wishes and welfare of the survivor.

If a complaint is made concerning child sexual abuse in an overseas program involving other person's than a staff member, local reporting procedures will guide CLAN to determine whether it is a disciplinary matter, or managed by local authorities, and/or reported to Australian authorities.

Should a complaint be reported in relation to sexual exploitation, sexual abuse or harassment, fraternisation or transactional sex where the victim is an adult, CLAN will take into account the wishes and the welfare of the survivor. Should the survivor wish not to report, CLAN will take all reasonable action to support the person/s.

All complaints about misconduct must be recorded, subject to the wishes and welfare of the complainant.

## **Process**

All complaints are assessed and directed to the appropriate person for investigation, response and resolution (*see table below*).

- i. All complaints, including those forwarded anonymously, will be documented, assessed and responded to (where possible). Criteria for assessing a complaint may include severity, health and safety implications, financial implications, complexity, impact on the individual and others, potential to escalate and need for immediate action.
- ii. An entry is made in the CLAN Complaints Register.
- iii. An acknowledgement receipt of the complaint will be forwarded to the complainant, preferably in writing, within five working days of receiving the complaint. If the receipt is made verbally, a note to this effect is placed in the complaints register.
- iv. The complaint will be assessed by the CLAN Executive Committee where a determination will be made as to the veracity of the complaint and whether to decline to investigate or to investigate it.
- v. In the event the complaint is declined, the complainant will be advised in writing of this decision and the reason why. For example, complaints that are deemed to be vexatious or frivolous will be responded to but not investigated further.
- vi. In the event the CLAN Executive Committee determine to investigate the complaint, the investigation will be allocated for investigation. Planning for and implementing the investigation includes who will undertake the investigation, steps to be followed, and how the determination is reached.
- vii. Whether a complaint is investigated or declined the complainant will be advised within ten working days of the proposed action.
- viii. An entry is made in the CLAN Complaints Register.
- ix. The complaint will be investigated as swiftly yet thoroughly as is reasonably practicable given the circumstances. This will include making all reasonable enquiries and making records of same (for example, making a written record of responses of person of which enquiries have been made, making copies of documents, screen shots from electronic records, etc). An investigation and determination should be made within 30 working days.
- x. An appeals process should be managed within 30 working days.
- xi. At the conclusion of enquiries and findings the investigator prepares a report for consideration of the CLAN Executive Committee.
- xii. The CLAN Executive Committee will review the investigation outcome and make a determination as to what remedial action, if any, is to take place.
- xiii. An entry is made in the CLAN Complaints Register.
- xiv. In the event remedial action is to be taken, the management of this action is to be allocated to the most appropriate representative of the CLAN Executive Committee. This Committee Member is required to update the CLAN Executive Committee until the matter is completely resolved.
- xv. In the event of that there is no further action the matter will be closed.
- xvi. Throughout the investigation, and at reasonable intervals if the complaint is protracted, complainants will be kept informed of progress by the investigator. This will provide the opportunity to ensure that the complainant is satisfied and confident that their complaint is being dealt with accordingly, in particular, if the matter is of a more complex nature and time is required to investigate the matter thoroughly.
- xvii. A final report will be made to CLAN's Committee including learnings from complaint made and the investigation undertaken.
- xviii. CLAN is committed to providing assistance to complainants that might include medical, social, legal and financial assistance or referrals to such services.

## **12. Responsibilities for categories of complaints**

<b>Type or source of complaint</b>	<b>Person responsible to investigate and resolve</b>
Decision of the organisation	President and/or member of CLAN's Committee
Any complaint from a member of CLAN	President and/or member of CLAN's Committee
Fundraising activities	President and/or member of CLAN's Committee or member in charge
Media and publicity e.g, advertising or TV program	President and/or member of CLAN's Committee or staff member in charge
A particular program or project	Relevant Project Manager
Donations errors or concerns	Relevant Project Manager
About a staff member or volunteer	President and/or member of CLAN's Executive Committee
President	Other member of the Committee
A member of the Executive Committee	President
Other person associated with CLAN (eg, Ambassadors, volunteers, community fundraisers)	President or Vice President (who will refer on as relevant)

### **13. Reviewing and Reporting**

As part of the complaint management process, the Committee will review any complaints made at the following Committee meeting. The Committee will review the complaint, the management process and findings, outcomes, and any recommendations or legal issues that have, or may arise from the complaint.

A summary analysis of all complaints will be prepared by the Secretary and for the Committee on an annual basis or as deemed necessary for inclusion in the Annual Report. The Committee will analyse complaints, decide if the report reveals systemic problems and, if so, how these will be addressed.

#### **Associated Documents**

Child Protection Policy  
Human Resources Policy  
Preventing Sexual Exploitation, Abuse and Harassment Policy  
Workplace Health and Safety Policy  
ACFID Guidance for the Development of a Complaints Handling Policy