



Version No.	Version 1.1
Last Revised	21 June 2024
Effective Date	21 June 2024
Responsible Person	The Board

## COMPLAINTS HANDLING POLICY

For the purpose of this policy, 'CRSF' means the Cambodia Rural Students Foundation

### 1. PURPOSE

CRSF understands that circumstances may arise where a party may wish to make a Complaint about any aspect of CRSF's activities or work, or about the Complaints handling process itself. CRSF is committed to receiving Complaints from anyone and believes that all Complaints should be handled in an efficient, fair and effective way. Complaints may assist us to identify, address and report on any fraudulent, illegal or unethical conduct (including any sexual exploitation, abuse or harassment) in any of the work we support.

This policy provides guidance on the key principles and process of how Complaints will be handled and resolved by CRSF.

### 2. SCOPE AND RESPONSIBILITY

This policy applies to all employees and volunteers working with CRSF, along with contractors, consultants, interns, visitors, Board members and partner organisations with whom we work (collectively, "CRSF Parties").

This policy is also applicable to all donors, members, primary stakeholders and other recipients of care from CRSF.

This policy also applies to anyone else who wishes to make a Complaint.

### 3. DEFINITIONS USED IN THIS POLICY

**Complainant** means a person, organisation or its representative, making a Complaint.

**Complaint** means 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. A Complaint can also be any grievance, suspicion, allegation, concern or report about an incident or someone's behaviour.

**Complaints** include General Complaints, Sensitive Complaints or Whistleblower Complaints.

**Enquiry** means a request for information or an explanation.

**Feedback** means opinions, comments, suggestions and expressions of interest in the products or services of the organisation.

**General Complaint** is a Complaint from anyone who has observed, heard about or been directly affected by the actions of CRSF or our partners, or who believes that CRSF or its partners have failed to meet a specific commitment or obligation.

**Mandatory reporting** is the mandatory obligation within CRSF to report any concerns, suspicions or alleged incidents of child abuse or exploitation and/or any sexual exploitation, abuse or harassment. It is

also mandatory to report fraud.

**PSEAH** is prevention of sexual exploitation, abuse and harassment.

**Safeguarding** is any actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.

**SEAH** is sexual exploitation, abuse and harassment.

**Sensitive Complaint** is 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 CRSF or its program partners. Sensitive Complaints may include bullying and harassment between employees, or unlawful discrimination.

**Sexual abuse** is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

**Sexual exploitation** is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

**Sexual harassment** is any unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands.

**Stakeholder** or interested party means a person or group having an interest in the performance or success of the organization.

**Whistleblower** is 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.

**Whistleblower Complaint** is 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.

#### 4. **CRSF'S ORGANISATIONAL COMMITMENT AND GUIDING PRINCIPLES**

CRSF expects all CRSF Parties to be committed to fair, effective and efficient complaint handling. While all Complaints will be different, CRSF will use the following process and guiding principles in handling all Complaints received.

##### 4.1 **Confidentiality**

CRSF recognises that people may feel safer to report a Complaint if they know it will be treated confidentially. This means a Complainant's identity (name and other details) will not be shared, where possible and appropriate. It is also possible to make an anonymous Complaint. Sometimes we need to share some information with other people. Confidentiality means that CRSF will share minimum information with the minimum number of people, and only with people who need to know ("need-to-know" basis).

##### 4.2 **Responsiveness**

CRSF will promptly advise Complainants that we have received their Complaint. We will respond to Complaints according to how urgent or serious they are. If somebody's safety or security is at risk, we will respond immediately and will escalate appropriately. We are committed to managing your expectations, and will inform you, as soon as possible, of:

- (a) What will happen (the Complaints process)

- (b) When it will happen (the expected timeframes for our actions)
- (c) How it is progressing (whether an investigation may take place, reasons for any delays and how you may be involved) If we cannot deal with any part of your Complaint, we will tell you (and if possible, we will advise you what you can do instead). If the Complaint is about something that is not within the scope of our organisation, it will be referred to the relevant party.

#### **4.3 Accessibility**

We promote safe and dignified ways of making a Complaint. We can be contacted via multiple platforms and it is free to make a Complaint. We work with our in-country employees and program partners to develop ways to make Complaints that are safe, easily accessible, while being mindful of local contexts, culture and language (including low literacy).

#### **4.4 Impartiality**

Each Complaint will be handled with integrity and without bias, irrespective of the subject of the Complaint. We follow procedural fairness which means that all parties, including the respondent, are treated in a dignified way. We will ensure that the person handling a Complaint is different from any employee who is the subject of, or involved in, the Complaint.

#### **4.5 People-focused**

Throughout the Complaint process, CRSF commits to prioritise the safety, rights, needs and wishes of all people whilst ensuring procedural fairness to all parties. We especially recognise the needs of those who are vulnerable or may be victims/survivors of harm. We will provide the Complainant with information about how we handle Complaints. We will treat the Complainant with dignity and respect, actively involve the Complainant in decision making, provide the Complainant with comprehensive information, protect the Complainant's privacy and confidentiality and, where required, assist the Complainant to access other support services including health or psychological services.

#### **4.6 No detriment to people making Complaints**

CRSF 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.

### **5. COMPLAINT PROCESS**

#### **5.1 Making a Complaint**

Where a Complaint is made to CRSF, it should be:

- (a) Addressed to the Complaints Handling Officer  
Aviv Palti or Jessica Palti
- (b) Made in whatever format the Complainant wishes, and should provide as much information as possible to allow CRSF to investigate the Complaint made;
  - (i) Include the name and contact details of the Complainant, noting that anonymous Complaints will be accepted in certain circumstances, including Whistleblowing Complaints
  - (ii) Set out the basis of the Complaint, including all relevant details (names, locations, times, actions); and
  - (iii) Include all relevant supporting evidence.

## **5.2 Types of Complaints**

### **5.2.1 General Complaint**

A General Complaint includes but is not limited to:

- (a) Funding and program decisions;
- (b) Program implementation;
- (c) Fundraising and Supporter Services;
- (d) Conflict of Interest issues;
- (e) Employment issues including Complaints or concerns about:
  - (i) Safety or security within the work environment
  - (ii) Unethical behaviour associated with organisation changes
  - (iii) Unfair or unjust engagement conditions

In relation to workplace complaints, CRSF supports a culture of speaking up. If a Complainant has a Complaint about engagement issues, they should first speak with their manager (if appropriate). If a Complainant feels that their Complaint is not being heard, is a Whistleblower Complaint or it relates to the manager to whom they would otherwise report the Complaint, it may be appropriate to escalate it in line with this policy.

### **5.2.2 Sensitive Complaint**

A Sensitive Complaint includes but is not limited to:

- (a) Corruption
- (b) Theft
- (c) Fraud
- (d) Misuse of funds
- (e) Exploitation
- (f) Abuse
- (g) Harassment
- (h) Bullying
- (i) Discrimination
- (j) Misconduct
- (k) Negligence
- (l) Matters raised under a CRSF policy dealing with sexual exploitation, abuse or harassment or child protection

- (m) Any other abusive or inappropriate behaviour by our personnel, partners or those involved in our work in-country.

### **5.3 Whistleblower Complaint**

A Whistleblower Complaint is described 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 CRSF 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 a Whistleblower suspects something is wrong, even if it is not illegal, it is their responsibility to report it.

### **5.4 The Complaint Process**

#### **5.4.1 Acknowledging Complaints**

CRSF will promptly acknowledge receipt of Complaints. CRSF 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.

All Complaints will be recorded. We will treat Complainants respectfully and will inform them within 2 working days that we have received their Complaint.

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

#### **5.4.2 Complaint Referral**

Where appropriate, general Complaints are referred to the local management 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 the CRSF Board for consideration.

Sensitive Complaints (including fraud, sexual exploitation, abuse and harassment and child protection matters) are always referred to the CRSF Board for consideration.

Complaints will be assigned to an appropriate person who is impartial with the authority to take action where necessary.

#### **5.4.3 Referring Complaints to other organisations**

- (a) We work with our partners to ensure it is easy for people to make a Complaint. Our partners are responsible for handling Complaints in line with cultural, social, program and local contexts.
- (b) Complaints that are made about another organisation and/or their personnel will, where appropriate, be referred to that organisation so that the organisation can resolve it under their own Complaints handling mechanism. In certain circumstances, it may be appropriate for CRSF to refer the Complaint to police or other authorities.
- (c) CRSF will abide by all mandatory reporting requirements. We are obligated in certain circumstances to report to authorities, such as law enforcement agencies or ACFID.

- (d) If a Complainant believes that CRSF has breached the ACFID Code of Conduct, a Complaint may be lodged with the ACFID Code of Conduct Committee.

#### **5.4.4 Managing Complaints**

- (a) 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 Complainant know and continue to keep them informed.
- (b) Where they are not anonymous, we will inform Complainants of the outcome (subject to legal and regulatory requirements or guidance including the ACFID Code of Conduct) as soon as possible.
- (c) We address Complaints in a fair, equitable, objective and unbiased manner. Any issues of conflict of interest will be managed.
- (d) Where this policy conflicts with legislation, CRSF will comply with legislative obligations.
- (e) If Complaints relate to program partners and/or their personnel in the countries where we work, CRSF will work with the partner, where reasonably possible to address the Complaint in line with cultural, social, program and local contexts. In certain circumstances, it may be appropriate for CRSF to discontinue the partnership.

#### **5.4.5 Investigating and Determining the Outcome of Complaints**

- (a) Investigating Complaints

CRSF will investigate Complaints in a transparent manner, and will communicate in a transparent manner with relevant parties in relation to the investigation process.

- (b) Ensuring fair treatment

CRSF will handle Complaints confidentially where it is practical and appropriate. The investigation will be impartial and fair for all involved (including the Complainant and the respondent). As reasonable in the circumstances, both the Complainant and Respondent will be provided with support throughout the process. Where appropriate, the Respondent will be told what the Complaint is about (the subject matter) to enable them to respond appropriately. Where relevant, Respondents will have an opportunity to provide additional information and name other sources who may verify this information.

- (c) Outcome of Complaints

If a Complaint is upheld, the matter will be referred for appropriate disciplinary processes. In the case of vexatious Complaints made by a CRSF employee, they will be referred for appropriate disciplinary action. Vexatious complaints may also be referred to authorities or result in legal action against the Complainant.

- (d) Communicating outcomes of Complaints

CRSF will ensure that the Complainant 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.

## APPENDIX 1

### Whistleblower Protections

As long a Complaint is made in good faith, we offer Complainants protection from being negatively affected. We offer this protection to all people, regardless of their situation.

Complainants may also wish to get extra protections under Australian Law (the Corporations Act) in certain circumstances.

To get these extra protections under law, Complainants need to:

- Be connected to CRSF in a certain way (be an “eligible whistleblower”)
- Tell the right person (an “eligible recipient”)
- Make a certain type of Complaint (a “disclosable matter”)

### Eligible Whistleblowers

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

- An employee;
- An NGO student;
- A CRSF sanctioned visitor to the NGO;
- An officer (such as a Director of the Board);
- A volunteer, contractor or consultant who supplies goods or services to CRSF (and this also includes their employees); or
- A spouse, relative or dependent of one the above

### Eligible recipients

You can make a Complaint to any of these people or organisations (“eligible recipients”):

- A Director of the Board of CRSF;
- A senior manager of CRSF;
- An auditor, or a member of an audit team conducting an audit;
- A government body (such as ASIC or APRA); or
- A legal practitioner (such as a lawyer) – in this case, you must ask for legal advice or legal representation on whistleblower protections.

### Disclosable Matters

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 CRSF;
- A contravention by CRSF of the *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 prescribed 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 CRSF
- 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 a Complaint is about something else, it can still be made. A Complainant will still be protected by CRSF (but the Complainant will not get extra protections under the Australian law).

### **How whistleblowers will be protected**

CRSF understands that it can be difficult to make Complaints. CRSF will take all practical steps to protect those who make a whistleblower Complaint as long as it is made in good faith.

Complainants who make a Complaint as a whistleblower will be afforded protection from identity disclosure, protection from harmful acts or omission, compensation and remedies, and civil, criminal and administrative liability protection.



This includes protection for the Complainant from:

- Being named publicly as the person who made the Complaint;
- Information being shared that is likely to identify them;
- Being dismissed from their job;
- Having their job changed ;
- Being intimidated or harassed;
- Harm or injury (physical, psychological);
- Damage to property;
- Damage to your reputation; and
- Similar actions

If a Complainant suffers 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 a Complainant breaks the confidentiality clause in their employment contract by speaking out).

Complainants will be protected if a Complaint is made in good faith (this is called objectively reasonable grounds). However, if a Complaint is considered to be false or vexatious, disciplinary action may be taken against the Complainant.