

## COMPLAINTS POLICY AND PROCEDURES

Lotus Outreach Australia Incorporated

2014

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## 1. Policy Statement

Lotus Outreach Australia (LOA) affirms that its members and donors involved with LOA have a right to:

- Participate in
- Influence
- And add value to and question:
  - o The behaviour of LOA staff
  - o Services provided by LOA
  - o Determinations by LOA regarding where funds go.

Lotus Outreach affirms their commitment to the Code of Conduct as described by ACFID (Australian Council for International Development) and to the Code complaints handling process.

LOA takes all complaints seriously and manages complaints in an accountable, transparent and meaningful way. LOA believes that receiving feedback from and responding to complaints from stakeholders is an important part of improving LOA's accountability. LOA staff and management committee therefore welcome complaints and recognise the importance of complaints and regard them as an opportunity to rectify issues that have been identified through the people that we work with: members, partners, staff, donors and the general public, with the aim to improve in the future.

This Policy is reviewed regularly with a view to improvement of the complaint handling process and the quality of services as one of our permanent objectives.

In the operationalizing of this policy, all staff; volunteers, stakeholders, partners and any other parties associated with LOA are made aware of this policy. The Policy is available on the LOA website.

## 2. Key Principles

LOA's complaints management is governed by the following principles:

- All complaints will be treated with respect.
- Complaints will be properly documented and handled promptly, fairly, objectively and in a confidential manner and complainants will not suffer any reprisals from making a complaint.
- LOA will respond to all complaints received, irrespective of who makes them or the nature or subject of the complaint.
- Complainants will be treated with respect and will be provided with:
  1. Information about what LOA can and cannot do to resolve their complaint
  2. Updates on the progress of their complaint
  3. Clear explanation of LOA's determinations and any recommendations made

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- LOA will ensure that sufficient resources and expertise are provided to handle complaints.

### 3. Definition

For the purpose of this Policy, LOA defines a complaint as:

“An external grievance or expression of dissatisfaction made against LOA or against one or more of its committee members, consultants, stakeholders, partners or anyone else acting on its behalf, where the organisation has allegedly failed to meet a requirement. That commitment might be related to LOA’s activities, use of resources, mission and values, staff or Board conduct/ behaviour or a legal requirement.”

### 4. What complaints are considered?

LOA will receive and respond to all complaints irrespective of who makes them or the nature or subject of the complaint.

#### 4.1 Minor complaints

Complaints that are minor in nature can be more easily and promptly resolved and pose minimal risk to LOA or its partners. Minor complaints might include a complaint that can be responded to with a call, or a written complaint that proceeds on the basis of a misconception that can readily be corrected.

#### 4.2 Complaints of a complex nature

Complaints of a more complex and significant nature (e.g. may include health and safety issues) that require acknowledgment, initial assessment and investigation may require remedial action (e.g. a change to the way in which LOA operates, train, counsel or discipline staff or volunteers or even the involvement of regulatory/ enforcement authorities).

#### 4.3 Serious complaints

Serious complaints are those that pose significant operational safety, financial or reputational risk to LOA or its partners. These complaints will be immediately escalated to the Complaints Handling Officer and by the Officer, depending on the seriousness of the complaint, to the President and potentially to the other Board members. If the matter of the complaint is out of our jurisdiction it will be referred to the relevant agency.

A complaint is not:

- A general query about LOA’s work
- A request for information

- A contractual dispute
- A request to amend details (e.g. to change address, cancel a donation)
- A request to unsubscribe from LOA (e.g. as a member or from a newsletter)

Examples of complaints include, but are not limited to:

- A member of the public contacts LOA to express their concern about the way in which we have conducted a fundraising campaign; or
- A local person or partner, raises concerns with us about one of our programs and/ or staff behaviour of one of our Australian or in country partners; or
- A donor contacts LOA to express their concern about content on the LOA website; or
- A government, NGO, partner or other actor brings allegations of terrorism or child abuse against LOA and/ or its partner(s). In such cases the most stringent standard will apply whether it be local laws or regulations or LOA policies.

A complaint may be made by a person to whom LOA delivers programs (beneficiaries) or whom LOA supports including a partner, a local organisation with which we work, a national government or other NGOs, as well as members of the public (in Australia or in another country), supporters, donors, the Australian government, and trusts and foundations.

## 5. Making a complaint

To ensure that LOA can give a fair and efficient consideration to your complaint, as much information as possible should be provided when reporting your complaint. When making a complaint please provide:

- Your name
- Address
- Telephone number
- Email
- Details of the complaint
- Date of the complaint occurring
- Current date
- The remedy or outcome you would like to see as a result of your complaint.

## 6. How to make a complaint

You can contact LOA by:

1. Emailing us at [info@lotusoutreachaustralia.org.au](mailto:info@lotusoutreachaustralia.org.au)
2. Writing to us at: Complaints Handling Officer, 3/16 Wonderland Ave, NSW, 2026, Australia.

Anonymous complaints are accepted; however, they will only be considered if sufficient information is provided.

All information provided to LOA is treated as confidential.

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

Complaints originating in Cambodia (and made in Khmer) can be directed to safe and confidential points of contact in person, by phone, text message, email or via social media. They can be made anonymously, or the complainant can request to be de-identified.

1. CWCC (see also their Complaints policy in Khmer)

42F, Street 488, Phsar Daeum Thkov, Chamkarmon, Phnom Penh

+ 855 23 987 158,

PNPmanager@cwcc.org.kh

2. LOCAM

Building 9A, Street 217, Sangkat Steung Meanchey, Khan Meanchey, Phnom Penh

+85512911075 (linked to Telegram)

+85511894908 (linked to Telegram)

[raksme@lotusoutreach.org](mailto:raksme@lotusoutreach.org)

<https://web.facebook.com/raksme.var.5/>

## 7. When a complaint may be declined

LOA reserves the right to decline a complaint that they deem to be frivolous, vexatious, not made in good faith, misconceived or lacking in substance. LOA will provide feedback regarding the complaint and why it is not being taken further.

Complaints that do not fall within the scope of the policy (ie those made against persons or organisations who are not associated with Lotus Outreach Australia) will be referred on to the relevant department.

## 8. Sharing of information

Sharing of information is dependent on the severity of the allegation and only ever entered into after gaining the consent from the complainant.

If a complaint or enquiry is made on behalf of a stakeholder, LOA will need to contact that stakeholder in order to verify information provided. The person making the complaint will need to give LOA permission to speak directly to the primary complainant stakeholder unless there is a safety concern related to doing so.

If the complainant disputes an assessment that a complaint should not be investigated the member of staff handling the complaint will refer it to the Board for review.

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## 9. LOA complaints procedures

### 9.1 Policy Implementation

This policy will be implemented using the following investigation and recording procedures:

1. An LOA representative (Board member), CWCC or LOCAM staff may receive a complaint either verbally, by email or via social media or in a letter. Where pertinent, complaints received by CWCC or LOCAM in Cambodia will share these with LOA in Australia, de-identifying the complainant if requested. Irrespective of how the complaint is made, those complainants who are not anonymous, will receive a notification of their complaint being received within 5 days. Or immediately should the complaint be a serious one concerning notifiable matters.
2. An LOA or CWCC or LOCAM representative will record the details of the complaint in the form of a Complaints Record Form (Annex 1).
3. Should the complainant request anonymity they will be de-identified in these records.
4. Each complaint will be investigated. The person handling the complaint will:
  - a. If necessary, consult staff or Board members for advice and the best way to handle the complaint.
  - b. Establish the facts and gather the relevant information; and
  - c. If necessary and/ or practicable, interview those involved.
  - d. Assess safety and implement immediate protection and support where required.
5. If a complaint cannot be handled immediately then it will be processed within 10 business days. If the complaint is complex, it will be processed in 30 business days. If the complaint is serious, after initial response, an estimated deadline for the resolution of the complaint will be communicated to the complainant, along with any further investigation that is required to resolve the complaint.
6. If the complaint is a serious one (e.g. assault, fraud, theft or damage to property) then notification will be made to external authorities such as Australian Federal Police or relevant local authorities in Cambodia.

Complaints involving civil matters such as defamation will be referred for legal advice. Depending on the circumstances of the complaint the persons investigating the complaint may recommend actions such as staff discipline, dismissal, suspension or redeployment. Changes to procedures, or changes to reporting lines may also be required.

### 9.2 Responding to complaints

Complainants, who are not anonymous, will receive a response outlining the outcome of the complaint, or, if it is a complex matter when it will be investigated further and how long it is likely to take. LOA will let the complainant know the outcome of the complaint, which may include:

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- Corrective action which has been taken;
  - Timeline for implementation; and/ or
  - The person addressing the issue.

Whenever possible, LOA will invite the complainant to outline suggestions for actions the organisation can take to ensure similar complaints do not arise in the future.

Where the complainant is a beneficiary, the confidential contacts at CWCC or LOCAM listed above will ascertain whether the complainant is requiring protection or assistance. If the complainant is returning to an insecure or hazardous situation, they will assess safety, health or psychological needs and offer the appropriate protection or assistance. Consultation with community leaders, teachers, health, legal or financial services may be necessary where relevant.

### 9.3 Appeals Process

If a complainant is unhappy about the response received from LOA or if they believe the corrective action has not been adequately implemented, they may appeal to the LOA Board.

If the complainant continues to be dissatisfied with the outcome, after all avenues have been explored to resolve the complaint, a letter will be sent to the complainant explaining the steps/ actions that have been taken, outlining any changes that have been put in place as a result of the complaint. Should the complainant wish to take the matter further they have recourse to the ACFID Code of Conduct Committee.

<https://acfid.asn.au/code-of-conduct/complaints/>

### 9.4 Closing a complaint

Once a complaint has been resolved and the complainant has been notified, LOA will complete the Complaints Handling Log (Annex 2) and file it appropriately.

## 10. Educating our organisation on this Policy and training relevant personnel:

LOA's complaints Policy is distributed to all: staff, Board members, volunteers, partners, stakeholders and all others acting on LOA's behalf. All those who may be involved in anyway with the resolving of a complaint must formally signify their commitment to this Policy. Those who will be directly involved in handling complaints, such as the Complaints Handling Officer, will be encouraged to attend relevant training.

The training should include elements around:

- Receiving complaints: listening and empathizing skills;
- Responding to complaints: understanding the complainants view point and responding using constructive language;
- Investigating the complaint: gathering factual information, interviewing skills;

- Handling difficult complainants: how to respond when under pressure.

Our partners are encouraged to receive and handle complaints taking account of language issues and cultural sensitivities.

## 11. Monitoring and Review of the Policy and Procedure

This Policy will be monitored and reviewed in line with the process outlined in the policy framework. The Board and relevant committees will review this Policy every year. The review must address the efficiency of the complaints handling process and any revisions will be submitted and endorsed by the Board.

## 12. Resources

- LOA Child Protection Policy
- LOA Preventing Sexual Exploitation and Abuse Policy
- LOA Volunteer Policy
- LOA Anti Fraud Policy
- LOA Anti Terrorism Policy
- CWCC Complaints Policy
- ACFID Code of Conduct

## Annexes

### ANNEX 1 Complaints Record Form

All complaints about LOA, its partners or any of its people from an external individual or organisation, whether verbal or written, are to be recorded on this form.

Date: Date complaint is received	
Personal Details: Name (de-identified on request) contact details if appropriate	
Nature of Complaint: Brief outline of the complaint	
Detail of complaint: A detailed description of the complaint the person has made	
Who dealt with it: Name of person who has responded to the complaint	
How it was dealt with: Action taken to handle the complaint	
Outcome: Outline of what has happened as a result of the complaint	
Follow up required: Any action required because of the complaint, including referrals to external authorities. This may include a change to LOA or their partners procedures and policies	

## ANNEX 2 Complaints handling log

This log should record all complaints received by LOA (in Australia or from Cambodia) over the period of one year.

Date	Nature and detail of complaint	Who dealt with it	How was it dealt with	Outcome	Follow up required