



MercyWorks

SISTERS OF MERCY
IN AUSTRALIA & PAPUA NEW GUINEA

MANAGEMENT OF CONCERNS, COMPLAINTS AND COMMENDATIONS POLICY

Policy Number:	05	Version:	1
Updated by:	Policy Writer	Approved by Board on:	3 September 2020
Reason of Review:	Review to include ACFID CSA/ACNC and CPSL Guidelines	Scheduled review date:	As per schedule

INTRODUCTION

Mercy Works Limited (MWL) promotes social justice through local and overseas relief and development activities that are part of the mission and vision of the Sisters of Mercy in Australia and Papua New Guinea.

The programs engage in partnerships with communities to promote justice, self-reliance and to support peoples and communities who are displaced or denied access to basic resources such as education, health and social welfare.

CONTENT

This document contains the Mercy Works Limited (MWL) Management of Concerns, Complaints and Commendations Policy.

1. PURPOSE

The purpose of this policy is to outline MWL's policy on managing concerns, complaints and commendations. This policy is intended to ensure that MWL handles complaints fairly, efficiently and effectively. This policy has also been documented to ensure that MWL Workers and implementing partners understand why they need to manage concerns, complaints and commendations, the process for doing so and how concerns, complaints and commendations can be used to improve the quality of service delivery.

The purpose of this policy is also to ensure observance with the Australian Council for International Development (ACFID) Code of Conduct Principles, in particular:

- Commitment 7.3 - We are accountable to our stakeholders.

Any exemption to this policy must be applied for in writing, for approval by the Executive Director. Any exemption granted by the Executive Director must be in writing.

2. SCOPE

This policy provides guidance to MWL Board Directors, committee members, employees contractors, volunteers, (defined as Workers) in relation to their work with/for MWL.

Such guidance is in receiving or managing complaints from the public and supporters made to or about us, participants/primary stakeholders and partners in the country programs where we work.

This is regards to programs, communications, fundraising, services and staff, and people who wish to make a complaint.

The policy applies equally to country programs managed directly by MWL, and programs funded by MWL but implemented by other external organisations. MWL will ensure it has reasonable processes in place to enable people to make complaints. This includes having information available in the local languages of PNG (Tok Pisin) and Timor-Leste (Tetum).

3. DEFINITIONS & ACRONYMS

For terms used in this policy see sections 5.1 and 5.2 below

4. ROLES AND RESPONSIBILITIES

4.1 *MWL Executive Director*

It is the sole responsibility of the Executive Director to:

- Own and administer this policy;
- Review and update all related processes and procedures.

4.2 *The Board*

It is the responsibility of the Board to:

- Review and approve this policy in accordance with the revision schedule.

Also, see additional responsibilities in the table in section 5.4 below and throughout the document.

5. APPLICATION

5.1 What are Concerns, Complaints and Commendations?

Concerns, complaints and commendations are feedback that is accepted by the MWL whether it is verbal (in person or by phone) or in writing (by letter, email or social media). In the case of concerns and complaints, it may be that the aggrieved person will be required to put their communication in writing at the appropriate time. This will be assessed on a case by case basis and usually depends on the seriousness of their communication.

a) Concerns

A concern is generally a matter of interest or importance that worries, troubles or bothers someone. It is not a complaint but can escalate to a complaint depending on whether the basis for the concerns becomes an issue that the person voicing the concern wishes MWL to consider and take some action including responding to or addressing the concern.

b) Complaints

A complaint is an expression of dissatisfaction about the standards of service, actions or lack of action by MWL or its staff, volunteers or anybody directly involved in the delivery of our work. It is a criticism that implicitly or explicitly expects a response or is legally required. A reported complaint occurs if the issues cannot be resolved immediately at the point of notification.

c) Commendations

A commendation is an expression of acknowledgement and satisfaction generally directed towards an individual or team.

5.2 Management of complaints

a) Complaint management principles

Accessibility. Complainants should be able to make a complaint as easily as possible: written correspondence, email, telephone, verbally, or via a third party. We are committed to making communication with us as easy as possible (See 5.5 below).

Timeliness. MWL commits to acknowledge complaints within 5 working days and aims to resolve complaints within 15 working days (3 weeks) of receipt of the complaint. In the event that a complaint cannot be resolved within this timeframe, the complainant will be informed about the progress made to date and when they can expect to receive a response. 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 escalated appropriately.

Mutual Respect: Complaint management happens in a respectful manner and through careful listening, recognising the dignity of each person concerned. Complainants can expect to be treated with dignity by the MWL and therefore listened to. MWL will address each complaint with integrity and in an equitable, objective and unbiased manner. 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 MWL, their conduct can significantly affect the progress and efficiency of MWL's work. As a result, MWL 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.

People centred approach: The interests of participants/primary stakeholders, partners and other stakeholders are foremost in our approach to complaints handling. We will take into account cultural and gender sensitivities to ensure that complaints are handled appropriately.

Right to appeal: Complainants who have launched a well-founded complaint and who are unsatisfied with MWL's response to that complaint have the right to appeal (see 5.10 below).

After an Appeal: After the internal appeal, there is no further internal process. Complainants may, however, still contact our peak body ACFID. Outside of Australia, the complainant will be notified if there is an external procedure. Complainants may still wish to contact ACFID. ACFID also receives and manages complaints that relate to any potential breach to the ACFID Code of Conduct.

<https://acfid.asn.au/content/complaints>

Organisational commitment to this policy: MWL will ensure that sufficient resources and expertise are provided to handle complaints. This policy will be distributed to all our paid staff, office-based volunteers, partners, consultants, contracted service providers and all others acting on our behalf. Staff, volunteers, consultants and partners will be required to formally signify their commitment to this policy. MWL will run induction programs for all relevant personnel. Personnel directly involved in complaint handling are to be fully trained in all aspects of this policy and its implementation. MWL takes special care to train all field facing personnel to encourage, receive and handle complaints taking account of language issues and cultural sensitivities.

Record

All meetings and interviews will be documented, including details of who attended and agreed with outcomes (even where no formal investigation is undertaken).

Evidence

All relevant evidence will be obtained and carefully considered. It is not sufficient to simply rely on that evidence which best fits the circumstances and provides the desired outcome. As a matter of fairness, witnesses and the alleged wrong doer will have the opportunity to review their statement before signing and should be provided with a copy.

Documented outcomes

The investigation findings and recommendations will be documented in a written report. If the matter involves an employee, the decision of the final decision-maker will be noted on the relevant personnel files, both in paper form and electronically.

b) Procedural fairness

Where possible, the rules of procedural fairness should be applied to complaint handling.

Procedural fairness, when managing a complaint made against an individual, requires that the decision makers inform the individual of the allegation made against them and afford them the right to respond to the allegations. Fundamental to procedural fairness is that the decision maker not have a personal interest in the outcome of the decision or a bias. Procedural fairness also requires that in considering allegations and responses only logically probative evidence be taken into account. MWL may at its discretion decide not to apply these rules, for example in cases of overt serious misconduct or where the cost of applying procedural fairness in comparison to the seriousness of the complaint and likely outcome or finding, is disproportionate or prohibitive.

c) Essential requirements

Complaints, at any level, should be managed so that there is:

- engagement of the complainant;
- clarification of the complainant's concerns and issues;
- clarification of the desired outcome of the complainant;
- if necessary, adequate inquiry or in the case of serious complaints, an investigation;
- a decision resulting from the inquiry or in the case of an investigation;
- a response to the complainant about the complaint; and
- documentation of each step of the complaint handling process.

d) Confidentiality

In so far as it allows adequate inquiries or an investigation to take place, strictest confidentiality will be maintained during and after the complaint management process. MWL 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 MWL as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations. Confidentiality also applies to any sensitive verbal or written information recorded in the course of the complaint handling process. MWL will not take anonymous complaints.

5.3 Categorisation of complaints

The subject matter of complaints can include the following:

- Exploitation or abuse of children, vulnerable adults or any other person;
- Misuse of funds or fraud (including terror financing);
- Misconduct (including sexual exploitation, abuse, and harassment) by an individual involved in the work of MWL, including employees, volunteers, and contractors, partner organisations or other stakeholders;
- Concern from someone with whom we work about the quality of program delivery;
- Concern from a member of the public or supporter about a particular fundraising approach or campaign;
- Complaints about staff, contractors and volunteers working for MWL;
- Worker Grievances;
- Operational complaints in respect of practical matters in the MWL offices.

A complaint must be about an action for which MWL is responsible or is within MWL's sphere of influence.

A complaint is not:

- A general query about MWL's work;
- A request for information;

- A contractual dispute;
- A request to amend records, e.g. to correct an address, cancel a donation;
- A request to unsubscribe from an MWL 'service' e.g. a newsletter or email.

5.4. Where and how Complaints be lodged or directed?

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

- the complaints process;
- the expected timeframes for our actions;
- the progress of the complaint and key reasons for any delay;
- their likely involvement in the process and
- the possible or likely outcome of their complaint

To enable a thorough investigation, complaints should be made within a reasonable time following the relevant incident. In exceptional circumstances, MWL may be able to respond to an older complaint, although the passage of time may make it harder to resolve the complaint satisfactorily.

In the first instance, complaints should be lodged or directed as follows depending on the category of the complaint:

Complaint Category	Administrative Responsibility
Complaints involving Child Safeguarding Allegations : 1. Overseas 2. Australia	1. Made to the In-Country Coordinator. If this is not possible, to the Australian based Executive Director. 2. Made to Executive Director, or the Board Chair via Mercy Works Parramatta.
Complaints involving children and adults – Sexual Exploitation and Harassment 1. Overseas 2. Australia	1. Made to the In-Country Coordinator. If this is not possible, to the Australian based Executive Director. 2. Made to Executive Director, or the Board Chair via Mercy Works Parramatta.
Allegations of Fraud/Financial wrongdoing	1. Made to the In-Country Coordinator. If this is not possible, to the Australian based Executive Director. 2. Made to Executive Director, or the Board Chair via Mercy Works Parramatta.
Complaints about staff, contractor and volunteers for MWL.	The Respondents supervisor and/or the Executive Director.
Staff Grievances.	The Respondent's supervisor and/or the Executive Director.
Operational complaints in respect of practical matters in MWL	Office Manager and Administrative Assistant

(See below for detailed contact information).

The Complaints Form in Annex A should be used to make a complaint.

Serious Complaints: MWL considers Child Sexual Abuse, Sexual Exploitation and Harassment and any Allegations of Fraud/Financial Wrongdoing to be serious. Hence these complaints can be directly sent as above and will be prioritised. Refer to **Child Safeguarding Policy** and **Prevention of**

Sexual Exploitation and Abuse Policy. These are included as regular agenda items in the MWL Board meetings.

Lodgement, in the first instance, may result in a referral to another appropriate person once the complaint has been assessed.

MWL is able to receive complaints verbally in person or by telephone and in writing by post, email, or online via our website.

Complaints may be made by a friend or advocate of the complainant on their behalf.

In countries where MWL works, complaints can be made through our partners or in-country staff. MWL works with them to ensure that accessible ways to make complaints are made clear and those complaints are handled in line with MWL policies.

MWL ensures that our complaints handling policies and procedures are shared with partners and ensures that the information is clear and easily understandable. MWL works with partners to ensure that all stakeholders can make complaints in a safe and confidential manner. Dissemination and sharing of the complaint's procedures, and underlying principles and purpose, will be undertaken upon the inception of new projects with all implementing partners.

Public displayed information will provide a confidential complaint handling contact point, mailing address and email address at all registered offices of MWL in-country programs.

Complaints can be made through the following channels:

Website: www.mercyworks.org.au using the Contact link on our website

Email: mercyworks@mercyworks.org.au

Mail: Mercy Works Limited
PO Box 2023
North Parramatta NSW 1750
Australia

Phone: +61 2 9564 1911

In-person: If the complaint cannot be made by phone, email, or post, it may be made directly to an MWL staff member.

Country Office: In countries where MWL operates country programs, complaints can be made in person to the In-Country Coordinator or submitted by mail to the Country Office. Country Programs will develop appropriate procedures to implement this policy.

5.5 Assessing Complaints

When a complaint is received, the information that has been provided is assessed in line with the following criteria:

- source of information;
- involvement of the complainant;
- seriousness of the complaint;
- category of the complaint;
- any individual who is the subject of the complaint;
- risk.

5.6 Management of Specific Complaint Categories

a) Complaints about Child Safeguarding, complaints about Sexual Abuse, Harassment or Exploitation, or complaints about Fraud/Financial wrongdoing

MWL considers child safeguarding complaints as serious. Furthermore, any complaints relating to sexual abuse, harassment or exploitation (non-children), or Fraud/Financial wrongdoing would also be considered serious. When a complaint is received, the information that has been provided is assessed in line with the following criteria

i) What constitutes a child safeguarding complaint?

A complaint against an employee, a contractor or volunteer of inappropriate conduct by them with, towards or in the presence of a child under the age of 18 years.

ii) What constitutes a complaint relating to sexual abuse, harassment or exploitation (non-children)?

A complaint against an employee, a contractor or volunteer of inappropriate conduct by them towards another person (non-children).

iii) What constitutes a complaint relating to Fraud/Financial wrongdoing?

A complaint against an employee, a contractor or volunteer relating to fraud or financial wrongdoing.

iv) Administrative responsibility for child safeguarding complaints, complaints relating to sexual abuse, harassment or exploitation (non-children), or complaints relating to Fraud/Financial wrongdoing.

The Executive Director/MWL Board is responsible for managing child safeguarding complaints, complaints relating to sexual abuse, harassment or exploitation (non-children), and complaints relating to Fraud/Financial wrongdoing.

b) Complaints about Workers

i) What constitutes a complaint about Workers?

Complaints concerning Workers are complaints specific to these individuals or a team. These complaints can include failing to return phone calls, rudeness or offensive language, for example.

ii) Administrative responsibility for complaints about Workers

Unless the complaint involves child-safeguarding, or sexual abuse, harassment or exploitation (non-children), or Fraud/Financial wrongdoing, or is a Worker grievance, the matter should be managed by the individual's manager.

c) Worker Grievances

i) What constitutes a Staff grievance?

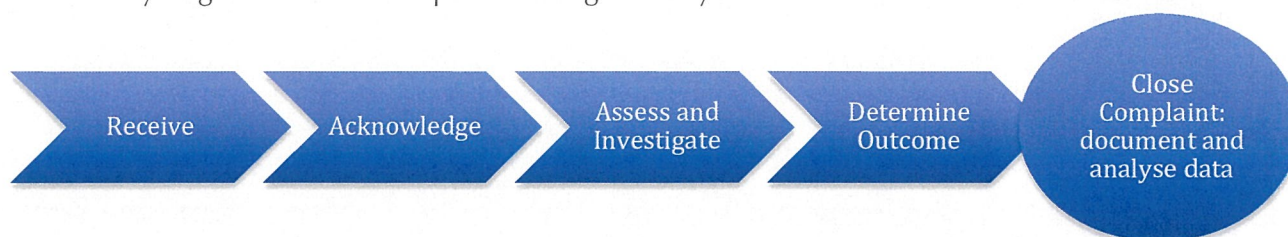
Staff grievances are complaints concerning unresolved issues between MWL staff, contractors or volunteers. Generally, they concern a work-related grievance where an employee believes he/she has received unreasonable treatment from their supervisor, another employee or wishes to bring a grievance to the attention of the MWL. These complaints can include disputes about pay rates, a fellow Worker behaving inappropriately or a workplace dispute between two individuals in the same workplace, for example.

ii) Administrative responsibility for Staff grievances

Coordinators and managers are responsible for managing workplace grievances in consultation with the Executive Director.

5.7 Complaints Management

The five key stages in MWL's complaint management system are set out below:



- a) **Receive**
- b) **Acknowledge**
- c) **Assess and investigate**
- d) **Determine the outcome**
- e) **Close complaint: document and report as necessary**

5.8 Providing appropriate assistance and referrals to survivors

MWL is committed to assisting complainants. This might include medical, social, legal and financial assistance or referrals to such services as necessary and appropriate. MWL is also committed to outlining a referral process for complaints that do not fit inside this MWL policy scope.

5.9 When is a Complaint Resolved?

A complaint is resolved when an interaction between the service and the complainant has ceased, and all reasonable action has been undertaken and/ or it is anticipated that no further action will occur. A complaint is also considered to be resolved if the MWL withdraws access to the complaint handling process to an individual because of unreasonable complainant conduct (UCC).

5.10 Appeals Process

If the complainant is not satisfied with the outcome of the formal complaint, then he/she has the right to appeal the decision made by MWL where reasonable grounds can be established. The complainant is required to provide a summary of the grounds that the appeal is based on and the reason why he/she feels that the initial decision made is unfair within 10 working days from the time they received the outcome for their formal complaint.

Once the appeal has been received, the Executive Director (ED) will then determine the validity of the appeal and where necessary, organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate. Each party may be accompanied or assisted by another person, at that party's cost. The process for all formally lodged appeals will begin within 15 working days from the date that the appeal was lodged.

The ED will ensure that MWL acts on any substantiated appeal immediately. The ED will review the initial documentation of the complaint and shall make a decision based on the grounds of the appeal. The complainant will be notified in writing within 20 working days from the initial lodgement of the appeal of the outcome with reasons for the decision and advice about how to have the decision reviewed.

5.11 Unreasonable Complainant Conduct

a) What is unreasonable complainant conduct?

Unreasonable complainant conduct is defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint. The parties to a complaint that might be detrimentally impacted by UCC include, the MWL, MWL employees, the person tasked with dealing with a complaint, the subject of complaint, a complainant himself or herself (potentially including members of their families and friends) and other complainants and service users.

5.12 Management of Commendation

The communication and management of commendations plays an important part in maintaining morale, acknowledging individual employees or teams for doing a good job and promoting high levels of service delivery to other service users.

The process for managing commendations can include any of the following:

- communication and acknowledgement to the individual or team of the accolade;
- acknowledging and thanking the person for making the accolade;
- inclusion in reports and meetings;
- appropriate formal acknowledgement via email, letter.

5.13 How MWL will learn from complaints

MWL will ensure that all relevant personnel are informed of the outcomes of complaints and the implications for our programs, processes, at all times and with our best endeavours.

MWL will log and monitor all serious complaints and results of such complaints, and this information will be brought, regularly, to the attention of appropriate senior managers in order that we learn from what we do and how we do it. This information will not necessarily be available to the public.

MWL will keep this policy under review, and an annual report will be produced by the Executive Director (as the owner of this policy) on its implementation for submission to MWL's Finance, Risk & Audit Committee (FR&AC) of the Board. FR&AC will then report to the MWL Board.

This report will also include consideration and comment on the application of lessons learned from previous years' reports.

5.14 Implementing Partners and Policy

MWL will be supporting its partners to develop their own complaints handling policy. Complaints handling will be incorporated, where possible, into the partnership processes and consultation with partners to develop shared understandings of expectations, due diligence, the provision of training for partners, and ongoing monitoring of their compliance.

6 BREACH

A breach of this policy may result in disciplinary action that may involve severance from the organisation.

7 AUTHORITY

This policy is approved and reviewed by the Board.

8 RELATED POLICIES/DOCUMENTS

Other organisational policies, legislation, and codes etc. that should be read in conjunction with this policy and with MWL's ethical value principles include:

- Code of Conduct Policy (Employee Services Manual)
- Work Health & Safety Policy
- Child Safeguarding Policy
- Prevention of Sexual Exploitation and Abuse Policy
- ACFID Code of Conduct - Commitment 7.3
- Privacy Act 1998 (Cth)
- Child Protection (Working with Children) Act 2012
- Children and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900

- Ombudsman Act 1974
- How to make a Complaint - ACFID Guidelines <https://acfid.asn.au/content/complaints>
- Annexure A – Complaints Form

9 CONTACTS

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 Executive Director
 Mercy Works Ltd
 Level 3, 6 Victoria Road
 Parramatta NSW 2150
 0295641911
Mercyworks@mercyworks.org.au

10 REVIEW

Review of this Policy, related forms and resources will be undertaken every three years by the Executive Director and approved by the MWL Board.

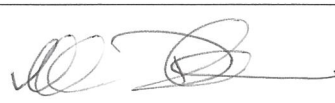
11 REVISION/MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
2 September 2020	1.	Management of Concerns, Complaints and Commendations Policy	New	2 September 2020	3 September 2020

12 APPROVAL DATE/REVISION SCHEDULE

Approved by: Board, Mercy Works Limited
 Date: 3 September 2020

To be Revised: September 2023

Board Chair Signature	
Date	12-10-2020



MercyWorks

SISTERS OF MERCY
IN AUSTRALIA & PAPUA NEW GUINEA

ANNEXURE A:

Complaints Form

This form could be completed (or adapted) by or for the person wishing to lodge a complaint. If the person making a complaint would rather use a different format, that is fine too. Please ensure that enough information is provided to enable Mercy Works Limited to contact you to discuss your concerns. MWL does not respond to anonymous complaints. MWL aims to ensure that all complaints are handled fairly, timely and appropriately. Information shared will be kept confidential unless MWL needs to share it to resolve a complaint, in which case MWL will discuss this with the complainant first. MWL will also do our best to support the complainant through the process of resolving the complaint.

A: General Information

1. Name of complainant: _____
2. Their Organisation (if any):

3. Their Location (city, country): _____
4. Male/Female: _____ Age: _____
5. Address: _____
6. Tel: _____ Email: _____
7. Name of the person and/or organisation you wish to lodge a complaint against (if known):

8. Date of incident or concern: _____ Time of incident or concern: _____
9. Place of incident:

10. Date of reporting: _____ Time of reporting: _____

B: Brief description of the incident or concern:

C: Name of witnesses (if any/ and if relevant). Include the names of witnesses and where they can be contacted, if known:

D: State what kind of response you expect from MWL and how you wish to see the matter resolved:

(Name)_____Signature_____

Please send by email, addressed to Mercy Works Limited: mercyworks@mercyworks.org.au