

Complaints Policy

1. Purpose

The purpose of this Policy is to provide a fair, efficient and effective process for addressing complaints related to the conduct of Staff and network volunteers of Reach Australia. We recognise that there will be occasions when Christians fall short of the standard of conduct expected of them and therefore the importance of a procedure by which any misconduct is addressed in a God-honouring way. As an organisation and fellowship, we are committed to living in godliness and holiness by the grace, joy and freedom that are in Christ Jesus.

2. Scope

This Policy applies to all Staff of Reach Australia and network volunteers as they represent Reach Australia. Network volunteers are people who are appointed by Reach Australia and serve in various roles across the network. A complaint can be made under this Policy by anyone connected or not connected with Reach Australia.

Complaints made under this Policy cannot be anonymous and must be personally signed by the complainant.

3. Principles

The following principles will guide the manner in which all complaints are handled under this Policy:

- 3.1 **Sensitivity and Care:** all parties should be treated with loving respect and dignity. An appropriate level of pastoral care should be offered to both the complainant and the respondent during and after the resolution of a complaint.
- 3.2 **Promptness and Timeliness:** as far as reasonably practicable, a complaint should be received, considered, investigated (if necessary) and decided upon promptly and without undue delay.
- 3.3 **Confidentiality and Discretion:** the fact and details of a complaint should be kept confidential to the greatest extent possible. All parties should limit disclosure to those persons directly involved in resolving it or who are providing pastoral care.
- 3.4 **Impartiality and Fairness:** all complaints should be handled in an impartial manner, all parties should be fairly heard, and all persons involved in resolving the complaint should be free of any actual or apprehended bias.
- 3.5 **Free of Repercussions:** no person should be subject to victimisation or adverse treatment for making a complaint or participating in an investigation in good faith under this Policy.

4. Interaction with Other Policies

This Policy is to be read alongside the Code of Conduct (**Code**) which sets the standard of behaviour to which Reach Australia staff and volunteers can be held accountable. Any complaint made under this Policy must specify the section(s) of the Code which the complainant alleges has been breached.

Where the complaint relates to an internal grievance then the Interpersonal Grievance Procedure for Reach Australia should be followed prior to making a complaint under this Policy. However, where it is not appropriate to follow the Interpersonal Grievance Procedure, such as in situations of bullying, harassment or assault of any nature, this requirement will be waived.

Where a complainant alleges any criminal conduct by a person covered by the Code, he or she is encouraged to report the matter to the relevant law enforcement agency. Reach Australia will at all times comply with its mandatory reporting obligations under law.

5. Complaints Panel

The Complaints Panel (**Panel**) is responsible for receiving, considering and if necessary, investigating a complaint made under this Policy.

The Panel will comprise up to 10 persons who are appointed by the Reach Australia Board (**Board**) and who each serve a renewable term of three years. The Panel is to comprise at least:

- a. the Executive Director
- b. one Non-executive Director
- c. one person who is or who has been an Australian legal practitioner and
- d. one person who has tertiary qualifications in social work or psychology.

When a complaint is received under this Policy, the Executive Director will invite at least three members of the Panel to form a Complaints Committee (**Committee**) for the purposes of handling the particular complaint. He must not invite any Panel member who is the subject of or directly or indirectly involved in the complaint, or who has a real or perceived conflict of interest in relation to the complaint.

6. Complaints Procedure

The formal complaints management process is set out in Appendix A.

6.1 *The complaints management procedure*

If you are not satisfied with the outcome of the Interpersonal Grievance Procedure, or the issue is not of an interpersonal nature or it is not appropriate to first attempt to resolve the issue via the Interpersonal Grievance Procedure, then you may consider making a complaint by following the steps below.

a. Step 1: Submitting a formal complaint

You may make a formal complaint by submitting it to the Executive Director or if your complaint is in relation to the Executive Director, you should submit it to the Chair of the Board.

Your complaint must be in the form prescribed by Appendix B. Specifically, it must be writing, personally signed and include the following information:

- i. your name and contact details, and the nature of your relationship with the respondent;
- ii. the name of the person you are alleging has breached the Code;
- iii. the specific section(s) of the Code that you allege the respondent has breached;
- iv. details of the alleged breach including when, where and how this breach is alleged to have occurred; and
- v. any evidence of or witnesses to the alleged breach.

b. Step 2: Receiving a formal complaint and making initial assessments

Upon receiving a formal complaint, the Executive Director or Chair of the Board is to form a Committee and refer the complaint to the Committee for initial consideration.

The Committee is to consider whether the complaint is, prima facie:

- i. a matter of substance: it describes specific conduct, an incident or a pattern of conduct that can be verified; and
- ii. a matter of consequence: it describes specific conduct, an incident or a pattern of conduct that, if substantiated, would constitute a breach of the Code and which would have consequences for the respondent and Reach Australia.
- iii. a matter that involves serious misconduct or poses a threat to the well-being of individuals or the integrity of Reach Australia such that preliminary immediate action should be taken while the complaint is investigated.

If the Committee determines that the complaint is not prima facie a matter of both substance and consequence, it is to dismiss the complaint, advise the complainant of its decision, and refer the matter back to the Executive Director for further response if required.

However, if the Committee determines that the complaint is prima facie a matter of both substance and consequence, it must initiate an investigation into the matter and inform the complainant that the matter is being investigated.

If the Committee determines that the complaint involves serious misconduct or poses a threat to the well-being of individuals or the integrity of Reach Australia such that immediate action should be taken, then it can suspend or impose conditions on the Respondent's employment or engagement in their role while the investigation is taking place. If the Respondent is employed, they will continue to be paid their regular pay.

The Respondent will be informed of the grounds for the immediate action and will have the opportunity to provide their response during the course of the investigation. The Committee may alter their immediate action steps during the course of the investigation.

The purpose of the immediate action is to ensure the safety of all parties and to preserve the integrity of Reach Australia and the investigative process.

c. Step 3: Investigating a formal complaint

As part of its investigation, the Committee may interview the complainant, the respondent and any appropriate witnesses. It may also, if it deems appropriate, engage an experienced investigator to conduct or assist with the investigation.

Any investigation must be conducted expeditiously and in accordance with the principles set out in this Policy. Any findings in the course of the investigation must be made on the balance of probabilities.

Following its investigation into the complaint, the Committee is to provide a report including any initial findings of fact and recommendations to the Board. The report must make a preliminary determination whether the alleged conduct contained in the complaint is in whole or in part:

- i. Sustained: the evidence supports a finding that the alleged conduct did in fact occur.
- ii. Not sustained: there is not sufficient evidence to establish whether the alleged conduct did or did not occur.
- iii. False: the evidence supports a finding that the alleged conduct did not occur.
- iv. Vexatious: the evidence supports a finding that the complaint was made without reasonable grounds or was designed to harass, annoy, or cause delay or detriment to the respondent.
- v. Misconceived: the evidence supports a finding that the complaint was made in good faith but was based on a misunderstanding of the facts.

If the Committee engaged an experienced investigator to conduct or assist with the investigation, it must also provide that investigator's report to the Board.

d. Step 4: Determining a formal complaint

Upon receiving the report from the Committee, the Board is to make a final determination in relation to the complaint.

Where the respondent is found to have breached the Code, the Board may take appropriate disciplinary action against the respondent in accordance with section 8 of this Policy.

The Executive Director or the Chair of the Board is to advise the complainant and the respondent of the final determination including any action taken by the Board in relation to the complaint.

e. Step 5: Accepting the final determination

Whatever the outcome, the complainant should acknowledge that their complaint has been taken seriously and accept the final determination of the Board.

If, however, the complainant is unable to accept the outcome, he or she may seek recourse under civil law. The complainant may also raise a relevant concern with the Australian Charities and Not-for-profits Commission.

7. Own Motion Investigations

Where the Executive Director receives information and forms a reasonable belief that a staff member or volunteer has acted in breach of the Code, he may detail the complaint using Appendix B and form a Committee and refer the matter to the Committee for initial consideration and if appropriate, investigation and then determination by the Board, according to the process set out from section 6.1b to 6.1e of this Policy.

Where the Board Chair receives information and forms a reasonable belief that the Executive Director has acted in breach of the Code, he may detail the complaint using Appendix B and form a Committee and refer the matter to the Committee for initial consideration and if appropriate, investigation and then determination by the Board, according to the process set out from section 6.1b to 6.1e of this Policy.

8. Disciplinary Action

Where the Board determines that a complaint made under this Policy is substantiated and an alleged breach of the Code is sustained, it may take one or more of the following disciplinary actions against the respondent:

- a. recommend to the respondent that:
 - i. the respondent undergo counselling, specific training, coaching or mentoring;
 - ii. the respondent offer a written apology to the complainant for their conduct;or
 - iii. the respondent offer an explanation or some form of restitution to the complainant;
- b. recommend that both the complainant and the respondent undergo formal mediation in relation to the complaint;
- c. issue an oral warning, an initial written warning, or a final written warning;
- d. where the respondent is a volunteer:
 - i. remove them as volunteer of Reach Australia or
 - ii. temporarily suspend them as a volunteer of Reach Australia; or
- e. where the respondent is staff, suspend or terminate their employment.

9. Vexatious Complaints

This Policy should not be used by any person to make vexatious complaints. Vexatious complaints include complaints that are an abuse of the process set out in this Policy, submitted or continued without reasonable grounds, or designed to harass, annoy, or cause delay or detriment.

If the Committee determines that a complaint submitted under this Policy is vexatious, it may dismiss the complaint in the first instance without further consideration.

10. Further investigations

Reach Australia is under no obligation to consider or investigate a complaint any further once all avenues under this Policy have been exhausted.

11. Record Keeping

All records including the complaint, investigation reports, interviews, correspondence and file notes will be securely kept by Reach Australia during and after the resolution of the matter.

All personal information will be handled in accordance with the Australian Privacy Principles and where appropriate will be de-identified and destroyed after a data retention period of 2 years from the formal conclusion of the matter.

12. Review

Reach Australia will monitor the effectiveness of this Policy and make any appropriate amendments at least every three years.

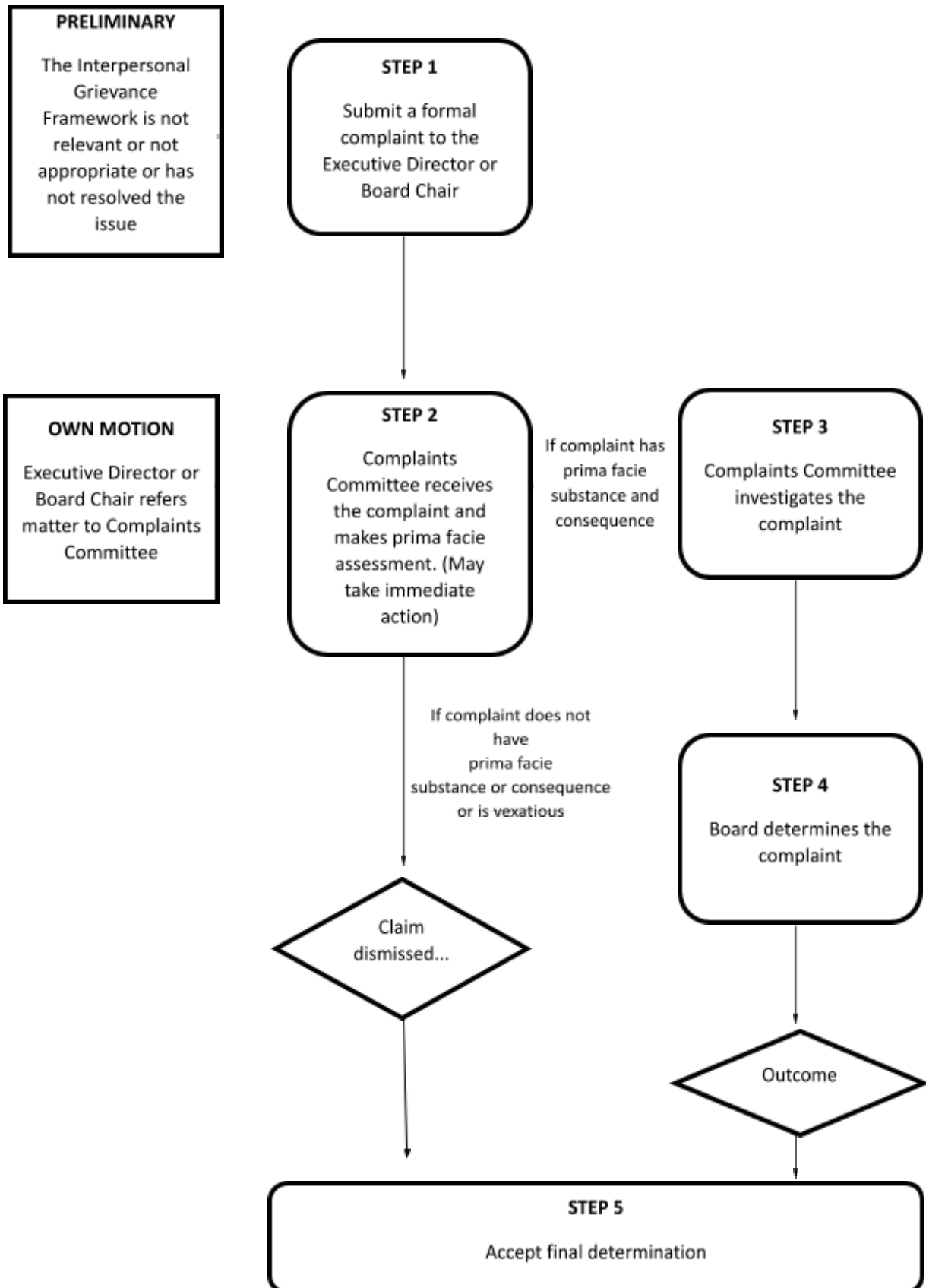
Approvals

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Revision History

Date	Authority	Action

Appendix A: Formal Complaints Management Process



Appendix B: Formal Complaint Form

YOUR DETAILS	
Name:	
Address:	Phone:
	Email:

YOUR COMPLAINT	
Name of the person who is the subject of your complaint:	
Category (please tick): <input type="checkbox"/> Executive Director <input type="checkbox"/> Chair of the Reach Australia Board <input type="checkbox"/> Staff <input type="checkbox"/> Volunteer	Role/s of the respondent: <hr/> Your relationship with the respondent:
Specific section of the Code alleged to have been breached:	
Details of your complaint: <ul style="list-style-type: none"> • <i>Write what happened, when (dates) and where</i> • <i>Provide the contact details or statements of any witnesses</i> • <i>Explain what impact this conduct had or you fear may have on you or others</i> • <i>Provide any additional information that you believe might be helpful</i> 	

Have you tried to resolve this issue informally?	YES	NO
<p>If not, please explain why you have not tried to resolve this issue informally:</p>		
Have you used the Interpersonal Grievance Procedure?	YES	NO
<p>If not, please explain why you have not used the Interpersonal Grievance Procedure:</p> <p><i>This could include that it is not an interpersonal grievance or that there are specific reasons why this procedure is not appropriate to use in relation to this matter.</i></p>		
<p>What actions do you want taken in response to this complaint and what type of resolution are you seeking?</p>		
<p>Signature:</p> <p>Date:</p>		