



Complaints Handling Policy

- **Statement of Purpose:** Love Mercy Foundation (LMF) is committed to the timely, impartial and effective resolution of complaints. It is the responsibility of LMF staff, volunteers and board members to ensure that anyone wishing to make a complaint about LMF and/or its ways of working is able to do so in an accessible and safe way.

The following Complaints Handling Policy applies to:

- Love Mercy Foundation Ltd staff (both in Australia and Uganda).
- Love Mercy Foundation Ltd board members (both in Australia and Uganda).
- Love Mercy Foundation Ltd members (both in Australia and Uganda).
- Love Mercy Foundation Ltd volunteers and interns (both in Australia and Uganda).
- Individually contracted consultants and labour personnel (both in Australia and Uganda).
- Partner organisations.

1. Key Principles

Increasing our transparency and accountability to individuals, communities and partners for and with whom we work is important to us. Recognising the importance of complaints and the opportunity to review and learn from previous complaints is an important mechanism to increase accountability between all stakeholders and LMF representatives.

This policy and procedure aims to ensure that:

- 1.1. Complainants will be treated with respect at all times.
- 1.2. Staff, volunteers and board members receiving complaints will listen, accept the complaint and be courteous and committed to solving the complaint.
- 1.3. Formal complaints will be replied to within 5 working days of receiving them.
- 1.4. Donors and sponsors are provided with the highest possible customer service.
- 1.5. Feedback from complaints is included in the organisations' learning and processes.
- 1.6. Complaints can be made quickly and easily by all, by providing access to the complaints mechanism on our website, , and in print at our office.

2. Definitions

Complaint: For the purposes of this policy, any reference to the term 'complaint' is taken to mean an expression of dissatisfaction about the standard of service, actions or lack of action by a direct representative of LMF or some practice, process or procedure employed by LMF itself.

Complainant: For the purposes of this policy, any reference to the term 'complainant' is taken to mean a person, organisation or its representative, making a complaint.

Whistleblowing: The disclosure by or for a witness, of actual or suspected serious misconduct in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.

Whistle blower: A person who reports serious misconduct in accordance with this policy

3. Informal complaints

Informal complaints can be solved quickly and effectively via an immediate apology or explanation. Where an informal complaint resolution is not satisfactory, complainants are encouraged to pursue the below complaint handling procedure for an effective remedy to their complaint.

4. Complaint handling mechanism

1.1. Receiving complaints

Complaints can be made via any of the following:

- Telephone;
- Email;
- Online enquiry using the contact form on our website;
- In person; or
- In writing.

Australian point of contact for complaints:

- Rebecca Stanley (CEO), rebecca@lovemercyfoundation.org or 0422 532 068.
- Katie Rosser (Chair of Board), katie@seldonrosser.com / + 61 424 944 997.

Ugandan point of contact for complaints:

- Jimmy Okullo (Manager), jimmylovmecy.aucf@yahoo.com or +256 774 581 156.

Complaints can be made by a friend or representative of the complainant on their behalf. Anonymous complaints will also be accepted however the ability of LMF to investigate and resolve such complaints may be limited.

All LMF staff are empowered to deal with complaints upon their receipt. If an immediate resolution is not met upon initial point of contact with the complainant, LMF will ensure that an official receipt of the complaint is acknowledged in writing to the complainant and to the CEO within 5 working days with an appropriate time frame for action steps to be taken. Management staff will be notified immediately when a complaint is not resolved in the first instance.

1.2. Investigating complaints

Any complaint that is not resolved in the first instance will be referred to the appropriate person for investigation as outlined below:

- 1.1.1. LMF management staff will investigate any complaints made against LMF staff or volunteers.
- 1.1.2. The CEO will investigate any complaints made against LMF management staff, unless the complaint is against the CEO, in which case the chairperson of the board will investigate the complaint.

LMF will make every reasonable effort to investigate all the relevant circumstances and information surrounding the complaint. Investigation will occur through staff interviews, complainant interviews, and any other available evidence of the complaint. All investigations will be recorded and notes written.

Any staff member with a complaint against them will be assumed to be innocent until proven otherwise. No disciplinary action will be taken against any LMF staff until the complaint has been established as truth.

If there is an obvious or perceived bias or conflict of interest of the staff member investigating the complaint, the complaint will be passed to a different management staff member or member of the Board. Complainants have the option to escalate their complaint if they feel that the staff member handling their complaint is not the appropriate person to do so.

If the complaint at any level is deemed a serious breach of the law or involves criminal conduct, child protection issues, or sexual exploitation, abuse and harassment, the CEO and/or Chairperson will be informed and will immediately refer the matter to the relevant legal body, such as the Police.

1.3. Resolving complaints

1.1.1. Complaints upheld

If the complaint is deemed to be substantive following investigation by management staff, CEO or Chairperson, the complainant will be informed that their complaint has been upheld and that a decision is pending.

A decision will be made through consultation with the board of directors as to how to resolve the complaint. This will occur as soon as a board member meeting can be established with a quorum in attendance.

Once the complaint has been resolved, the complainant will be notified and informed of the action taken. In some instances however, it may not be appropriate to inform the complainant of the action taken for the sake of maintaining the privacy of LMF management, staff or volunteers. In this case, the complainant will be notified that the complaint was received, investigated and the appropriate action taken. For more information, please see our Privacy Policy on our website.

Where appropriate, LMF may consult and take advice from the Australian Council for International Development (ACFID) and/or other relevant regulatory/enforcement authorities.

Where appropriate, LMF may consider providing assistance to complainants which might include referring the complainant to external medical, social, legal and financial assistance organisations which may be of value to the complainant.

1.1.2. Complaint not upheld

If the complaint is not upheld, the complainant will be informed of this as well as their right to contact the CEO or chairperson directly to discuss and review the decision.

1.4. Disciplinary action

In accordance with its **Personnel Code of Conduct** and **Control of Funds Policy**, LMF is firmly against any behaviour of personnel that could potentially bring the organisation into disrepute and has established adequate systems to mitigate risks of wrongdoing or misconduct.

LMF however reserves the right to determine the disciplinary action to be taken in relation to personnel who are found to have engaged in wrongdoing or misconduct, except where the wrongdoing or misconduct is a breach of law and punishable by the courts.

1.5. Learning from complaints and records

A key part of the complaint process is to identify any issues that need to be addressed so that similar complaints do not arise. All complaints will be kept on file in writing for a minimum of 5 years. A yearly review will take place to integrate lessons learned from all complaints received into our organisational learning and into strengthening this policy and procedure.

1.6 Referring complaints

Where complaints do not fall within the scope of the policy (for example they are complaints against an employee of another organization or strategic partner, the CEO will, as appropriate and with the express permission of the complainant, refer the complaint to the relevant organization; in doing so LMF's CEO will be guided by that organisation's complaints policy in terms of which individual to refer to.

5. Internal complaints

All board members, staff and volunteers are encouraged to make complaints or report misconduct they suspect or witness occurring within LMF. Internal complaints will be dealt with in the upmost confidence and complainants will not be punished or adversely treated for making a

complaint against LMF personnel or organisational practices or procedures. Not only would such personal disadvantage be illegal it may directly oppose the values and mission of LMF.

Where appropriate, LMF encourages all board members, employees and volunteers to endeavour to resolve issues directly and informally through a process of discussion and conciliation. This process may involve seeking advice from others within the organisation such as a board member or a trusted colleague. LMF however strongly discourages behaviour which will escalate the issue such as gossiping about or ignoring the person concerned.

In the event that informal options of resolution have been exhausted or are not appropriate in the circumstances, LMF encourages the submission of a formal complaint using the same complaints handling mechanism as outlined above.

6. Whistle Blower Complaints

LMF is committed to the highest standards of legal, ethical and moral behaviour. Any Whistle Blower who suspects misconduct by LMF has an obligation to report this misconduct. LMF understands that the person Whistleblowing should not be personally disadvantaged for reporting a wrongdoing. Not only may this misconduct be illegal, but it may directly oppose the values and mission of LMF. LMF is committed to maintaining an environment where legitimate concerns can be reported without fear of retaliatory action or retribution. When a Whistle Blower makes such a disclosure they are entitled to expect that:

- their identity remains confidential at all times to the extent permitted by law or is practical in the circumstances,
- they will be protected from reprisal, harassment or victimisation for making the report,
- should retaliation occur for having made the disclosure then LMF will treat it as serious wrongdoing under this Policy.

A person considering making a whistle-blower report is obliged to act in good faith and have reasonable grounds for believing the disclosure is reportable wrongdoing.

For the purposes of Whistleblowing, serious misconduct includes behaviour that:

- is fraudulent or corrupt
- is illegal
- is unethical, such as acting dishonestly; altering company records; willfully making false entries in official records; engaging in questionable accounting practices; or willfully breaching LMF's Code of Conduct of the ACFID Code of Conduct
- is potentially damaging to LMF, such as maladministration
- is seriously harmful or potentially seriously harmful to a LMF employee or volunteer such as deliberate unsafe work practice or willful disregard to the safety of others in the workplace
- may cause serious financial or non-financial loss to LMF; or damage its reputation

7. Confidentiality

LMF is committed to ensuring that all stakeholders feel free and safe to bring any complaints to its attention (including internal complaints, see above). For this reason, LMF agrees not to reveal a complainant's name or personal information to anyone in or outside of our organisation, other than to staff or board members directly involved in handling the complaint, without first obtaining the complainant's consent.

8. Documenting complaints

LMF will keep a record of all and any misconduct complaints received by the organization, and, where requested by the complainant, will make this record anonymous without so that the complainant's identity could not be found from this record.

9. Dissatisfaction with resolution

If you do not consider our response to your complaint satisfactory or you consider a breach of the ACFID Code of Conduct has occurred, you may contact the ACFID Code of Conduct Committee at its website www.acfid.asn.au or by telephone on (02) 6285 1816.

8. Education and implementation of this policy

This policy has been distributed to all paid staff, board members, volunteers, partners and contracted service providers who may from time to time act on behalf of LMF.

In addition, all board members and relevant personnel are fully trained in all aspects of this policy and its implementation during their initial induction to LMF. Special care is taken to train LMF field staff in Uganda to encourage, receive and handle complaints taking account of language issues and cultural sensitivities.

9. Access to policy

It is important to LMF that the complaints handling process is available to all of its stakeholders including beneficiaries of our programs, donors and supporters. LMF therefore endeavours to ensure that access to this policy is made as easy as possible.

This policy is available for download from our website (www.lovemercyfoundation.org) or in print form by request.

It is the responsibility of LMF field staff to ensure that all relevant stakeholders in Uganda are informed of the existence and implementation of this policy in any way they consider to be culturally appropriate.

10. Policy review

This policy will be reviewed on an annual basis but may be amended at any time the Board sees fit. Review will include collection of paperwork to audit this process and ensure it is operating effectively.