

PALMERA

Complaints Handling and Whistleblowing Policy

APRIL 2021, VERSION 1

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Introduction

Palmera Projects (Palmera) is committed to providing the highest standards in development, humanitarian aid and advocacy programs and operating in compliance with all applicable laws, rules and regulations. In a continuous effort to operate at the highest standards, we strive to meet the expectations of:

- Our own organisation, including staff, volunteers, the Board of Directors, Members, consultants and contractors
- Our supporters and donors
- Our local partners and other NGOs with which we work
- The entrepreneurs, families and communities with which we work
- The general public

We are also committed to fostering a culture which encourages raising concerns about unethical and unacceptable behaviour.

We acknowledge that there may be situations when we do not meet our own standards and policies, which has an impact on our stakeholders and our organisation as a whole. In these circumstances, any person from the stakeholder groups described above have the right to complain, and have those complaints taken seriously and addressed in a prompt and professional manner.

Palmera also encourages the reporting of suspected wrongdoing and are committed to providing a safe environment for reports to be made without fear retaliation or retribution.

Purpose

This Complaints Handling and Whistleblowing Policy (this Policy) is designed to ensure that:

1. Palmera is able to resolve complaints or any concerns about our organisation, staff, volunteers, partners or anyone acting on our behalf, in the most effective and efficient manner;
2. Palmera Staff and Partner Staff are encouraged to report actions that they reasonably believe violates a law, or regulation or that constitutes fraudulent accounting or other corrupt or unethical practices in order to deter any wrongdoing; and
3. Ensure that any reports are dealt with appropriately and promptly and that those persons who make such reports can do so safely, securely and with confidence that they will be protected and supported.

This Policy should be read in conjunction with Palmera's other policies, including the Anti-Corruption and Anti-Fraud Policy, Anti-Terrorism Policy and the Safeguarding Policy (**Safeguarding Policy**). In particular, complaints which relate to child safety, abuse or exploitation, or other sexual exploitation, abuse or harassment (SEAH) are dealt with in accordance with the Safeguarding Policy. If your complaints relates to a child safety or SEAH matter, please refer to the Safeguarding Policy.

Status of Policy

This Policy replaces previous versions of Palmera's Complaints Handling Policy and Whistleblowing Policy (each a **Prior Policy**). Any reference to a Prior Policy in any document, policy, guidance of Palmera or any agreement entered into by Palmera (including agreements with Palmera Partners) will be taken as a reference to this Policy. This Policy will be disseminated to all Palmera Staff and Partner Staff.

Application and Scope

This Policy applies to any matter which is related to Palmera’s operations, projects, events, fundraising initiatives or other activities and does not relate to private acts of an individual not connected to Palmera’s.

Any person is entitled to make a complaint regarding Palmera, including Palmera Staff and Partner Staff, or its activities in accordance with this Policy. If a complaint is made outside the scope of this Policy, Palmera will endeavor to refer to the complainant to an appropriate place. The whistleblowing protections set out in this Policy apply to all Palmera Staff and Partner Staff, each of whom shall be entitled to protection.

While complaints regarding sexual exploitation, abuse or harassment by a member of Palmera Staff or Partner Staff can be made under this policy, Palmera has stringent documented procedures to deal with such complaints and allegations in Palmera’s Safeguarding Policy.

Definitions

Term	Definition
complaint	An expression of dissatisfaction or concern regarding Palmera, any Palmera Staff or anyone acting on Palmera’s behalf in relation to Palmera’s work (including Partner Staff), operations, products or services; where a response or resolution may be explicitly or implicitly expected.
Complainant	A person, organisation or its representative making a complaint.
Compliance Officer	The Palmera CEO or their designee responsible for facilitating the address and resolution of complaints and whistleblowing report.
Donor Field Visit	Any physical visit to the site of a Palmera Activity by a member of Palmera Staff or Palmera Supporter outside of delivery of a Palmera Activity.
Palmera Activity	Any proposed or actual programme or project to which Palmera contributes funds.
Palmera Partner	Any implementing partner organisation engaged by Palmera in the delivery of a Palmera Activity.
Palmera Staff	All employees, volunteers, contractors, consultants, officers and directors of Palmera.
Palmera Supporter	Any donor or supporter of Palmera who will participating in a Donor Field Visit.
Partner Staff	All employees, volunteers, contractors, consultants, officers and directors of a Palmera Partner.
Protected Individual	Any Palmera Staff, Partner Staff, supplier of goods and services, an associate of Palmera or any relative or dependent of such persons.
Subject	The individual, group of persons or body to which a complaint relates.
Violation	Any act or omission that violates policies of Palmera, any applicable law, or regulation (including those concerning accounting and auditing), or constitutes a fraudulent or corrupt practice.

Training of Policy

This Policy (including the Prior Policies) has been distributed to all Palmera Staff and Palmera Partners. Palmera requires any Palmera Staff to formally signify their commitment to adherence of this Policy upon their engagement with Palmera. Palmera will also provide induction training to all relevant employees, volunteers and Board members to ensure they have knowledge and understanding of this Policy and the application of the relevant procedures.

Communicating this Policy

Palmera makes clear the value we place on receiving concerns and complaints in all relevant communications. This Policy is published on Palmera’s website and the means by which complaints can be made is also published in Palmera’s Annual Report.

For all our projects implemented in Sri Lanka, the Policy is to be published in Tamil (and English if in a non-Tamil dominant area) and displayed on a notice-board at the project site, or if no such notice-board is available, in the local office of the implementing Palmera Partner. The implementing Palmera Partner is to communicate the existence of this Policy to beneficiaries of the project and provide beneficiaries with a copy of the Policy if requested.

Complaints Handling Procedures

How to make a complaint

A complaint may be made in writing, whether by letter, email or submitting a form on the “Contact Us” page of Palmera’s website, or verbally (by phone or in person) and may be made anonymously. A complaint may be made directly to a Palmera Staff member, or any person acting on Palmera’s behalf. A complaint may also be made directly to a Palmera Partner.

Complaints regarding an alleged breach of the Australian Council for International Development (**ACFID**) Code of Conduct can be made directly to the ACFID Code of Conduct Committee at <http://www.acfid.asn.au/>.

Method of Complaint	How
Letter	Complaints by letter should be addressed to: 57 Chalmers Road Strathfield NSW 2261 Australia
Email	Complaints by email should be addressed to: abarna.r@palmera.org OR hello@palmera.org
Telephone	Complaints by phone can be made by calling: +61 410 523 342
Website	Complaints can also be made through Palmera’s website: https://palmera.org/contact-us

Complaints in-country can also be made to any of the Palmera Partners by telephone, at their offices, by email or by contacting a member of Partner Staff.

Responsibility for resolving complaints

Primary responsibility for managing, investigating and resolving complaints rests with the Compliance Officer. For any complaints considered to be of a serious nature (that is, where the complaint carries high or extreme reputational, financial or legal risk to Palmera), the complaint is to be managed, investigated and resolved by the Palmera Board, supported by the Company Secretary.

Types of complaints

1. OPERATIONAL AND SENSITIVE COMPLAINTS

Operational complaints may involve any member of Palmera Staff (including Board members) questioning or objecting to issues such as geographic and sectoral priorities, strategic approaches, focus groups, choice of partners and adherence to programmatic policies and procedures.

Sensitive complaints may include, but are not limited to, allegations of harassment or bullying, fraud and corruption or other forms of gross misconduct.

2. ANONYMOUS COMPLAINTS

We recognise that, at times, people who have genuine concerns cannot speak out because of special circumstances and may wish to lodge a complaint to a specific person without revealing their identity in the normal manner. In such circumstances, the Complaints Handling Officer can initiate an investigation if it is evident that there are grounds for further action and in an effort to ensure a safe and abuse-free environment.

3. FRIVOLOUS COMPLAINTS

It is expected that all complaints are made in good faith and are not motivated by intent for personal gain, personal interest or a grudge. However, should a subsequent investigation reveal a complaint to be frivolous, for example, an accusation that the Complainant knows to be false, any investigation underway will be terminated immediately and the complaint closed.

If a frivolous complaint is made by any member of Palmera Staff, disciplinary measures will be taken.

Process for handling complaints

Step	Description
RECORD	If any member of Palmera Staff or any person acting on Palmera's behalf receives a complaint, they must ensure that the complaint is recorded in Palmera's Complaints Register as promptly and as faithfully as possible.
NOTIFY	The person receiving the complaint should immediately notify the Compliance Officer of the complaint: <ol style="list-style-type: none"> If the Compliance Officer is the CEO and the complaint concerns the CEO, or the Complainant feels uncomfortable discussing the matter with the CEO, then the Complainant should approach the Chairperson of the Palmera Board. If the Chairperson of the Palmera Board is involved or the Complainant feels uncomfortable discussing the matter with the Chairperson of the Palmera Board, then the complainant should approach another Board member. If all the above options are unavailable to the Complainant, then they should approach any member of Palmera Staff.

Step	Description
ASSESS	<p>The Compliance Officer shall assess the severity of the complaint to determine whether it is:</p> <ul style="list-style-type: none"> a. Frivolous, in which case the complaint will be terminated; b. Minor (such as, a misconception based on an error) c. Moderate (requires some investigation and possible remedial action); or d. Serious (carries high or extreme reputational, financial or legal risk to Palmera or invokes significant health (including mental health) or safety implications).
INVESTIGATE	<p>Complaints that are of minor or moderate nature must be investigated by the Compliance Officer, unless the complaint relates to the CEO (in which case the Chairperson of the Palmera Board will investigate the complaint). The Compliance Officer or Chairperson must escalate the complaint to the Palmera Board if it is assessed to be serious.</p>
RESOLVE	<p>Once investigated, the Compliance Officer will present their findings to the CEO and the CEO or Palmera Board must determine whether any formal apology is to be provided to the Complainant (if the Complainant is not anonymous), whether any remedial action is to be taken, whether any disciplinary action is to be taken against any Palmera Staff.</p> <p>If remedial action is required, any changes identified to the way in which we operate, training, counseling or disciplining of staff or volunteers etc., then these actions will be implemented as a matter of priority.</p> <p>This Policy does allow that a person who may have a conflict with another (e.g. because of inappropriate, but not illegal, behaviour) can first try to resolve the issue directly with that other person. Palmera encourages this approach to resolving issues among employees and colleagues, as long as it done in a fair, safe and appropriate manner.</p>

Process for handling complaints – Palmera Partners

Complaints by any Palmera Staff against any Partner Staff, or against the Palmera Partner itself, will be referred to the Palmera Partner’s management or someone with delegated authority to handle complaints within that organisation. Complaints by a Partner Staff or the Palmera Partner itself, against any Palmera Staff, will be received and addressed using the processes outlined above.

Process for complaints outside this Policy

In situations whereby a complaint made does not fall within the scope of this Policy (e.g. complaints against another organisation or a Government department, including complaints of any sexual exploitation, abuse or harassment by a representative of such other person), Palmera will assist in providing the correct referrals to the complainant to ensure that complaints are not simply disregarded because Palmera is not the correct body to respond. For assistance with determining the correct body to respond to an individual’s complaint, please contact the Compliance Officer.

Timeframe for response

When a formal complaint is received, an initial written correspondence of acknowledgement will be sent to the Complainant within five (5) days. Similarly, the Subject (if an individual) will also be advised that a complaint has been lodged against them. In normal circumstances, the complaints process should have commenced and been completed within 30 days after receipt of the complaint, including a formal written response to the Complainant, as well as the Subject of the complaint. The broad categories of response will be:

- Dismissal of the complaint
- Referral of the Complainant to a more appropriate body, such as ACFID's Code of Conduct Committee
- Uphold the complaint and outline steps that will be taken to rectify the situation

In the case of legal and insurance complaints we will make every endeavour to abide by the above timeframes, however Palmera acknowledges that the nature of these matters may require more flexibility.

Responding to and closing a complaint

Palmera will inform the person making the complaint in writing of its escalation within the organisation and action taken to address the issue, where appropriate. Communication will be in writing in the appropriate language by email or mail and will be signed by either the CEO or Chairperson of the Board (depending on the nature of the complaint and against whom it was made).

When responding to the Complainant and resolving the problem, the Compliance Officer, CEO or Chairperson should seek feedback from the Complainant as to whether the Complainant is satisfied. If the Complainant is not satisfied with the response, the complaint must be escalated to the Board and the complainant should be notified that they may complain to ACFID's Code of Conduct Compliance Committee (Code Committee). In such circumstances, Palmera will provide all necessary information for referral to the Code Committee and offer assistance as appropriate.

Recording complaints

The Compliance Officer will record the following information in the Complaints Register upon receipt of a complaint:

- Date of complaint
- Name of Complainant and contact details (if not made anonymously)
- To whom the complaint was made
- Description of the complaint
- Requested Remedy and due date for a response (if included in the complaint)

Depending on the nature of the complaint and whether any investigation has taken place, the Compliance Officer should also record in the Complaints Register

- Whether the complaint was escalated to the Palmera Board
- Resolution of the complaint
- Date of communication to the Complainant

Whistleblowing procedures

Reporting violations

If a Protected Individual has a reasonable belief that Palmera or any Palmera Staff has engaged in any Violation, that Protected Individual is encouraged to promptly report such information to the Compliance Officer. If the Compliance Officer is the CEO and Protected Individual does not feel comfortable reporting the information to the CEO, he or she is expected to report the information another senior Palmera Staff member.

Violations may include:

- breaches of legal obligations (including negligence, breach of contract, breach of the Corporations Act 2001 (Cth), Taxation Administration Act 1953 (Cth), The Australian Charities and Not-for-profits Commission Act 2012 (Cth))
- criminal offences
- fraud, negligence, default, breach of trust and breach of duty, corruption, money laundering, terrorism financing or any other conduct which contravenes our Anti-Terrorism and Anti-Corruption policies
- mismanagement or unauthorised use of organisational funds
- abuse of authority
- health and safety risks, including risks to the public as well as other personnel
- harassment, discrimination, victimisation and bullying, other than personal work-related grievances (see our Organisational Policy)
- sexual exploitation, sexual abuse or physical abuse of other personnel, children or vulnerable adults
- conduct that is contrary to, or a breach of, our policies
- conduct which may cause financial loss or damage to our reputation or be otherwise detrimental to our interests

Acting in good faith

Any Protected Individual reporting a Violation must act in good faith, and have reasonable grounds for believing that the information shared in the report indicates that a Violation has occurred. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Investigation

All reports will be followed up promptly, and an investigation conducted. An investigation should be commenced by the Compliance Officer within 48 hours of a report being made. In investigating the report, the Compliance Officer shall prepare a written report to the Palmera Board. In connection with such investigation all persons entitled to protection shall provide the Compliance Officer with credible information. All actions of the Compliance Officer in receiving and investigating the report and additional information shall endeavor to protect the confidentiality of all persons entitled to protection, including the Protected Individual reporting the Violation.

The Compliance Officer should seek to provide a written report of the Violation within 5-7 days of a report first being made. This may include taking firm corrective action where any wrongdoing is identified.

The Protected Individual shall be kept informed about the status of the report to the extent consistent with any privacy or confidentiality limitations.

Action

If, after receiving the report from the Compliance Officer, the Palmera Board is satisfied that a Violation has occurred, it will recommend the action that must be taken to prevent the Violation from continuing or occurring in the future. They may also recommend actions to be taken to remedy any harm or loss arising from the conduct.

Confidentiality and support

Palmera encourages anyone making a complaint or reporting a Violation to identify themselves when making a complaint or report in order to facilitate the investigation of the complaint or Violation.

In conducting its investigations, Palmera will strive to keep the identity of the Complainant or Protected Individual as confidential as possible, while ensuring fairness in conducting an adequate review and investigation. Information that identifies the Complainant or the Subject in respect of a complaint, or a Protected Individual in respect of a report of a Violation, should only be disclosed to the appropriate people within the organisation. Such information should be actively protected, unless the Complainant or Protected Individual expressly consents to its disclosure.

Palmera is committed to providing appropriate assistance and referrals to Complainants and Protected Individuals. Where appropriate this may include medical, social, legal and financial assistance, or referrals to such services.

Protection from retaliation

Palmera will not retaliate against a Complainant or Protected Individual because that person:

- makes a complaint in accordance with this Policy;
- reports to a supervisor, to the CEO, the Palmera Board or to a federal, state or local agency what the employee believes in good faith to be a violation of the law; or
- participates in good faith in any resulting investigation or proceeding, or
- exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.

No person entitled to protection shall be subjected to retaliation, intimidation, harassment, or other adverse action for reporting information in accordance with this Policy. Any person entitled to protection who believes that he or she is the subject of any form of retaliation for such participation should immediately report the same as a violation of and in accordance with this Policy.

Any individual within Palmera who retaliates against another individual who has reported a complaint or Violation in good faith or who, in good faith, has cooperated in the investigation of a complaint or a Violation is subject to discipline, including termination of employment, volunteer or contractor status.

Reviewing this policy

This policy is to be reviewed every three years, or earlier if appropriate, and lessons learned incorporated into subsequent versions.

Date	Version	Review Description	Reviewed By	Approved By
April 2021	1	Original	N/A	CEO