

Pacific Conference of Churches (PCC) Policy

Executive Committee approved 25 April 2022

Complaints and Incidents Handling Policy

1. Introduction

PCC is committed to providing the highest standards in humanitarian, development and advocacy work in a transparent and accountable way. PCC strives to meet the expectations of all PCC representatives¹, partners, local community members, donors and supporters. PCC recognises that there may be times when these expectations are not met. In such instances people and organisations have a right to complain and have those complaints taken seriously and addressed in a professional and timely manner. PCC encourages all feedback.

2.0 Complaints and Incidents – Key definitions

2.1 A Complaint is an expression of dissatisfaction about the standards of service, action or lack of action by PCC, our Representatives or anyone involved in the delivery of our work. It is a criticism that expects a reply and would like things to be changed².

Complaints could include, but are not limited to, the following:

- Concern from someone we work with about the quality of program delivery
- Concern from a member of the public or supporter about a fundraising approach or campaign
- Concern about fraud, corruption or misuse of funds
- Concern about the behaviour of staff, volunteers or contractors.

A complaint is different from feedback and enquiries and is usually more formal and a response or resolution is expected by the complainant. As a result, complaints are dealt with differently to feedback and enquiries. As well as complaints being made directly to PCC, some complaints (or at least negative comments) may be made on social media.

A complaint has to be about an action which PCC is responsible for or is within our sphere of influence.

All complaints need to be reviewed and addressed, but not all will require a formal investigation process.

Any stakeholder has the right to raise a complaint or report an incident, have that report addressed, and receive a response for mistakes, wrongful actions or breaches of the codes to which PCC subscribes.

2.2 An Incident is:

- A breach of the Professional Conduct Policy, Protection and Safeguarding Policy, Child Protection Policy, Code of Conduct,
- An event that results in harm or threat to a PCC Representative. This can include medical issues, accidents, crime or death,
- An event that has significant legal, insurance or risk implications for PCC, and

¹ This Policy applies to Committee members, staff, contractors and volunteers of PCC.

² Core Humanitarian Standards (CHS) Guideline for Investigation (2015).

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- A Complaint (as defined above).

For the purposes of this policy, Complaints will be considered a special category of Incidents and deemed to be included anywhere the term 'incident' is used.

3.0 Commitment by PCC

- PCC commits to handling Incidents promptly and appropriately according to their content and severity.
- We commit to incident handling that is fair, efficient and effective for all concerned.
- We commit to handling Incidents in a way that improves our accountability to stakeholders and learning as an organisation.
- We commit to transparency with Incident handling, making policy available on our website and providing clear information on how complaints and reports may be made.

4.0 Scope of the Policy

This policy applies to all PCC Representatives as defined in Operations Manual. PCC will address the policy's obligations in the staff and Executive and Finance and General Business Committee inductions, annual training, contracts and Partner Memoranda of Understanding and Letters of Agreement.

For the purposes of this policy, Complaints are a special type of Incident and handled in the same manner.

This policy documents PCC's commitments and our actions to respond to incident; to meet our obligations to, and scrutiny, by the member churches, public, partners and other interested parties.

Complaints covered by this policy are those raised by anyone who is NOT PCC staff. Issues raised by staff are considered grievances and are addressed through PCC Employment Policy³. PCC's Whistleblower Policy may also apply.

Internal issues and grievances raised by partner staff concerning a partner organisation will be dealt with according to the Employment policies and procedures of the partner organisation. PCC will offer full support and, if requested or necessary, assistance to ensure the partner organisation addresses the matter appropriately.

While we are committed to enabling beneficiary communities to be able to complain directly to PCC, we do not have a direct relationship with the local communities, who work with and recognise our partners as the active deliverers of activities. In this hybrid world, PCC strives to ensure that there are avenues for local issues to be escalated where necessary. This Policy operates alongside the complaints procedures put in place by our autonomous local partners.

5.0 Guiding Principles

PCC's incident reporting and incident-handling processes are guided by the principles below⁴.

Principle 1: We will make the incident reporting process accessible.

1.1 We will accept an incident report from any supporter, partner organisation, donor, stakeholder community or individual with whom we work or any member of the public

³ Under development.

⁴ Including via a complaints box, or a letter addressed to the PCC office

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whether an individual or organisational entity.

- 1.2 We will accept an incident report made verbally, in writing, by phone (including SMS), social media or in person or via a third party, or in any other manner.
- 1.3 We will publicise information about how and where incident reports may be lodged to or about us, including through our website. We will ensure our systems to manage incidents are easily understood and accessible to everyone, particularly people who may require assistance.
- 1.4 PCC will work with overseas partners to develop and publicise child- and vulnerable adult-friendly local avenues for providing feedback, lodging complaints or reporting incidents, including providing information for stakeholders in the local language. PCC will work partner organisations to identify a focal point to support complainants as required. See Protection and Safeguarding Policy Principle for further guidance.
- 1.5 If a person prefers or needs another person or organisation to assist or represent them in making and/or resolving the incident, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to complain or report an incident with their consent (eg advocate, family member, legal or community representative, Member of Parliament, another organisation).
- 1.6 We will accept anonymous incident reports if there is a compelling reason to do so and will carry out a confidential investigation of the issues raised where there is enough information provided.
- 1.7 We will design the reporting process to collect the following information: Who is the reporter (unless they wish to be anonymous), a description of what has happened, who was involved, the relevant time(s) and place(s), the names of witnesses or other involved parties, and how the reporter can be contacted again.
- 1.8 The person making the reports will be provided with information about our incident handling process; be listened to and treated with respect by the person receiving the report and provided with reasons for our decision/s and any option for redress or review.
- 1.9 We will take all reasonable steps to ensure that people are not adversely affected because an incident report has been made by them or on their behalf.
- 1.10 We will encourage bystander reporting, particularly for matters such as sexual exploitation and abuse. People will be encouraged to report their concerns to partner program staff or PCC staff, who will document the concerns in the form of an incident. If an investigation is conducted, the person who raised the concern will be considered the reporter, even if they are not the alleged victim in the case.
- 1.11 All incidents will be reported immediately to the General Secretary and the Finance & Administration Manager.

Principle 2: We will respond appropriately

- 2.1 PCC staff and partners will receive training relating to this policy and receive reports regarding our Safeguarding Policy, Professional Conduct Policy or Code of Conduct and/or a risk of harm to children or vulnerable adults, to ensure anyone who brings

concerns or allegations to the notice of PCC is responded to sensitively, respectfully and seriously. This includes specific guidance for responding appropriately to concerns or allegations from children.

- 2.2 We will acknowledge receipt of incident reports within 2 working days.
- 2.3 We will assess and prioritise the matter according to 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 will be escalated appropriately.
- 2.4 We will address each incident report with integrity and in an equitable, objective and unbiased manner.
- 2.5 PCC will review all incidents but may not further investigate incidents that can be established as vexatious, in bad faith or without serious intent or that are already the subject of legal proceedings. We will respond explaining why we are not investigating further.
- 2.6 Personal information that identifies individuals will only be disclosed or used by PCC as permitted under relevant privacy laws and secrecy provisions. Incident information will be stored separately, and access will be restricted to authorised staff.
- 2.7 Where an incident involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making the report and/or their representatives is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information-sharing between the parties will also be organised to facilitate a timely response to the matter.
- 2.8 If we are notified of an incident that falls outside the scope of this policy, such as complaints against the employee of another organisation, or a government department, we will advise the organisation or department or approach an appropriate authority.

Principle 3: We will investigate incidents appropriately

3.1 Investigations will be overseen by a nominee of the General Secretary. The Investigator will be chosen to ensure transparent and independent handling of the incident. The Investigator handling an incident will not be any person with involvement in the incident. Conflicts of interest, whether actual or perceived, will be managed responsibly. The investigator will report to the General Secretary (unless there is a conflict of interest). They will maintain appropriate confidentiality and ensure only relevant parties are involved.

3.2 Incident reports relating to the General Secretary or any member of the Finance and General Business Committee will be referred to and investigation overseen by the Executive Committee of the PCC.

3.3 Different roles within PCC will have distinct responsibilities in incident handling

The General Secretary is responsible for ensuring incidents are managed in line with this Policy and the Finance and General Business Committee will be advised of all incidents.

The Finance and General Business Committee of the PCC has a role in reviewing data on the complaints received by PCC and ensuring that they have been handled satisfactorily, that appropriate corrective action has been implemented and that any trends are identified and addressed. The General Secretary will provide the Finance and General Business Committee with quarterly reports and analysis of complaints/incidents.

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The General Secretary has overarching responsibility for all incident handling but can delegate authority to staff to initiate and coordinate responses, depending on the context.

The Finance & Administration Manager is responsible for managing and maintaining the process whereby incidents and subsequent investigation, determination and actions handled in line with this policy.

PCC's Safeguarding Focal Point is responsible for monitoring and reporting to senior management on safeguarding practice.

3.4 Investigations will include the following basic components. The extent and duration of an investigation will be proportionate to the severity of the Incident.

- a. Information gathering: Assembling information on what happened, including from all the different people involved and establishing timelines and evidence.
- b. Root cause analysis: Analysing the incident to understand what the underlying causes were – what sequence of actions, decisions and choices and external stimuli resulted in the incident.
- c. Remediation: Recommendations for what needs to be done (if anything) to address the harm or impact of the incident in line with fairness.
- d. Risk management: Recommendations for steps to mitigate the risk of a similar incident happening the future.

The investigation may find that the incident report was false or vexatious and recommend no further action.

3.5 The progress and conclusions of an Investigation will be communicated to the Incident Reporter in a regular and timely manner.

3.6 If an Incident report indicates an immediate safety concern for anyone involved, interim safety measures will be taken immediately pending the completion of the investigation.

3.7 Anonymous complaints/incidents will be investigated if there is enough background information and/or good leads to witnesses who can give strong testimony about the incident.

3.8 PCC will triage allegations of criminal offences appropriately so as not to jeopardise criminal investigations, using guidance based on the Core Humanitarian Standards Guidelines for Investigation 2015⁵, which will also be used to inform internal investigation procedures.

Principle 4: PCC Incident responses will be survivor/child-centred

PCC will manage all SEAH/Child Protection incident responses in a manner that balances respect for due process with a survivor-centred approach in which the survivors' wishes, safety, and well-being remain a priority in all matters and procedures. All action taken will be guided by respect for the safety, choices, wishes, rights and dignity of the

⁵ <https://www.chsalliance.org/get-support/resource/guidelines-for-investigations/>

survivor. Confidentiality is paramount and information relating to safeguarding concerns or allegations will only be shared on a need-to-know basis.

Where partners fund activities, partners will be notified of safeguarding breaches.

PCC is committed to holding perpetrators to account. Sexual exploitation and abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures for staff, including dismissal.

Principle 5: We will support survivors

PCC will make support available to survivors where there have been concerns or allegations of some form of harm or maltreatment by a PCC Representative. This may include referral to safe health/medical services, psychosocial and legal/justice responses where appropriate, and where required, referral to specialised children's or women's services.

Principle 6: We will be accountable and learn from Complaints and Incidents.

6.1 Reporters who are unsatisfied with PCC's response to a reported incident have the right to appeal to the PCC Executive Committee.

6.2 We will make public the external bodies to which we are accountable and who may receive reports against us.

6.3 We will log and monitor all incidents including the outcomes and this information will be brought quarterly to the attention of senior management and the Board.

6.4 We will continue to review and improve the effectiveness of our incident management system. We will review lessons learned to support the making and appropriate resolution of incidents; and implement best practices in incident handling.

6.0 Policy Context

PCC operates in an international and domestic context which prioritises transparency and accountability. This is particularly the case for not-for-profit organisations and is demonstrated by our commitment to maintain standards established by our partners. It is also consistent with and demonstrates PCC's mission: "Lead and coordinate a spirit of ecumenism in the Pacific by facilitating cooperation amongst member churches to implement programming, education and research that bears prophetic witness and voice on issues of morality, justice and peace".

7.0 Additional reporting information for PCC staff

PCC staff with a concern regarding the activities of PCC Representatives have the option to contact any member of the Management Team⁶ and Finance and General Business Committee and can also report through the PCC Whistleblowing Policy.

Staff who raise a concern or allegation about potential or actual serious malpractice carried out by PCC Representatives (which includes safeguarding concerns) will be legally protected from detrimental treatment in accordance with PCC's Whistleblowing Policy, provided concerns and allegations are raised in good faith. Although legal protection for whistle-blowers cannot extend beyond staff, PCC will make every effort to ensure partner

⁶ Made up of GS, Finance and Administration Manager. Programme Managers and Communications and Properties Development Manager.

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staff who raise concerns or allegations about PCC (or a partner organisation) are protected from any negative treatment that might arise from a report.

8.0 Making a Complaint

PCC welcomes all feedback, complaints and incident reports.

PCC encourages complaint/incident reports to be lodged as soon as possible after the complainant becomes aware of the concern. However, all complaints/incidents will be considered. Complaints/incident reports may be addressed to PCC by any means.

PCC's contact details are:

Phone: +679 331 1277

Email: pacific@pcc.org.fj

Physical address: 4 Thurston Street, Suva, Fiji

Postal address: PO Box 208, Suva, Fiji

In person: to the PCC General Secretary or PCC Safeguarding Focal Point

PCC values feedback and complaints from donors and supporters.

Guidance for implementing this policy is contained in the PCC Manual (to be revised) and on the PCC Website.

Related PCC and other Policies

In addressing a complaint/incident, PCC may take account of the following:

- PCC processes for handling complaints, including complaints relating to sexual misconduct;
- PCC Professional Conduct Policy and Code of Conduct
- PCC Communication and Transparency Policy

Related Resources

PCC is guided by and works in the context of the following national and international codes and conventions:

United Nations: *Interagency Standing Committee Minimum Operating Standards – Preventing Sexual Exploitation and Abuse (IASC MOS-PSEA)*

https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf

Department of Foreign Affairs and Trade Australia DFAT *Preventing Sexual Exploitation Abuse and Harassment (PSEAH) Policy (2019)* <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf>

Department of Foreign Affairs and Trade Australia DFAT *Child Protection Policy (2018)* <https://dfat.gov.au/international-relations/themes/child-protection/Documents/child-protection-policy.docx#targetText=DFAT%20recognises%20that%20it%20is,prevent%20child%20exploitation%20and%20abuse.&targetText=The%20policy%20is%20principles%20based,management%20of%20child%20protection%20risks.>

Church Agencies' Network Disaster Operations *CAN DO Standard Operating Procedure (2019)*

Joint Statement and 22 Commitments (UK-led International Summit to Tackle Sexual Exploitation, Abuse and Harassment in the Aid Sector (October 2018)) <https://dfat.gov.au/about-us/publications/Documents/uk-safeguarding-summit-donor-commitments.pdf>

UK BOND the International Development Network, *Our Commitment to Change in Safeguarding* <https://www.bond.org.uk/resources/our-commitment-to-change-in-safeguarding>

Glossary of Terms

Abuse: any action or inaction that causes harm to another person. It can include physical abuse, emotional abuse, sexual abuse and neglect. It also includes abuse online and/or through mobile technology.

Child: anyone under the age of 18. This is irrespective of local country definitions, including legal definitions, of when a child reaches adulthood, in line with the DFAT PSEAH Policy 2019.

Child protection, an activity or initiative designed to protect and respond to child abuse & risk of abuse (DFAT Child Protection Policy 2017)

Complaint: An expression of dissatisfaction made to or about PCC, our programs, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Complaint handling system: All policies, procedures, practices, staff, hardware and software used by PCC in the management of complaints.

Complainant: a person, organisation or its representative, making a complaint

DFAT: Department of Foreign Affairs and Trade

Exploitation: any actual or attempted abuse of a position of vulnerability, differential power or trust to profit monetarily, socially or politically. It includes sexual exploitation.

Feedback: Feedback means opinions, comments, suggestions and expressions of interest in the products or the complaint handling process

Focal point: A person or group of persons designated to receive Complaints of cases of sexual exploitation and abuse. (IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013)

Grievance: A clear, formal written statement by an individual staff member about another staff member or a work-related problem.

Harassment: Any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be **committed by** or **against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency (see **sexual harassment** below).

Incident: Any allegation, suspicion or instance of a breach **by or involving** PCC Representatives of PCC's Professional Conduct Policy and Code of Conduct, including illegal activity; also as well as personnel risks including medical incidents and minor accidents. Incidents may have significant legal, insurance or serious risk implications for PCC and include serious personnel and safeguarding events (such as death, assault of or accident involving our Representatives or project beneficiaries).

Misconduct: or improper behaviour. A breach of PCC's Code of Conduct. (see also Serious Misconduct)

Perpetrator: A person (or group of persons) who commits an act of SEAH or other type of crime or offence.

Policy: A statement of instruction that sets out how we should fulfil our vision, mission and goals.

Procedure: A statement or instruction that sets out how our policies will be implemented and by whom.

Protection: that individual basic human rights, welfare and physical security are recognised, safeguarded and protected in accordance with international standards.

PSEAH: Acronym for Preventing Sexual Abuse Exploitation and Harassment

Safeguarding: A broad obligation to ensure that an organisation's activities do not expose people (including children and vulnerable adults) to adverse impacts, including the risk of abuse and exploitation, and that any concerns about safety within the communities where the organisation works are appropriately reported. (based on DFAT's definition of Child Safeguarding in Child Protection Policy January, 2017 <https://www.dfat.gov.au/about-us/publications/pages/child-protection-policy> Accessed 17 February, 2022).

The international aid sector uses the term 'safeguarding' to mean 'protecting staff from harm and from harming others'. It is an umbrella term that covers preventing and

addressing exploitative, harmful and abusive behaviours and practices, and the associated processes, initiatives, frameworks and policies. Safeguarding also involves organisations maintaining policies, procedures and trusted mechanisms through which those who observe or experience abuse can raise concerns – either directly or anonymously. (*Humanitarian Action Group, CAN DO Standard Operating Procedure, 2019*)

SEAH: Acronym for Sexual Exploitation, Abuse and Harassment

Serious Misconduct: Conduct that is wilful or deliberate and that is inconsistent with the continuation of a person's employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person or to the reputation, viability or profitability of the employer's business.

Sexual abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013*); DFAT PSEAH Policy 2019 adds: It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under the Fiji Crimes Act 2009 S 212-224 [16 years], whichever is greater) is considered to be sexual abuse, and the Fiji Sexual Harassment Policy 2007.

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013/DFAT PSEAH Policy 2019*).

Sexual harassment: A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. (*DFAT PSEAH Policy 2019*).

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

Subject of Complaint: the staff member/s or Committee against whom the complaint, allegation or concern has been raised – ie, the alleged perpetrator of sexual exploitation or abuse.

Survivor/victim: A person who is, or has been, sexually exploited harassed or abused (DFAT PSEAH Policy, 2019). Survivor implies strength, resilience and the capacity to survive. (*IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013*)

Volunteer: An unpaid community member who participates in PCC activities for an extended or repeated period.

Vulnerable adult: an individual aged 18 years or over who is at greater risk of significant harm due to factors such as gender, age, mental or physical health, or as a result of poverty, inequality or experience of displacement or crisis. In an international development context, an example might be a person with reliance on humanitarian aid with another intersecting vulnerability such as a disability or their ethnicity.

Whistleblowing: A disclosure by a person about serious malpractice carried out by PCC or our Representatives, for example concerns or complaints about criminal acts, abuse or exploitation.

Witness: A person who gives testimony or evidence in the investigation, including the person who has experienced sexual exploitation and/or abuse, the complainant, a person of concern, a staff member of a Partner agency, the subject of the Complaint or another staff member, etc. (IASC Guidelines to Implement Minimum Operating Standards for the PSEAH 2013).