

FreeSchools World Literacy Complaints Handling Process

(based on ACFID Code of Conduct – Amended 30 October 2009 7)

1. A Complaint may be made to FreeSchools World Literacy by any person and must:
 - a. Be in writing, and should be addressed to the President of the Committee of Management of FreeSchools World Literacy (President);
 - b. Include the name and contact details of the person making the Complaint (Complainant),
2. A complaint may also be made directly to the chairperson of the ACFID Code of Conduct of which FreeSchools World Literacy is a Member. In this case the complaint will be handled according to ACFID Complaints Process under Section 8 of its Code of Conduct (see ACFID website).

3 Complaint to be acknowledged

Receipt of the Complaint will be confirmed in writing to the Complainant.

4 President review of Complaint

The President in consultation with the Committee of Management (Committee) will review the Complaint and decide whether:

- a. the Complaint be dismissed.
- b. the Complaint be referred to the Australian Council for International Development (ACFID)

If the Complaint is referred to ACFID, then it will be investigated according to the ACFID Complaints Handling Process under Section 8 of its Code of Conduct (which is reproduced below)

ACFID CODE OF CONDUCT

8. Complaints Handling Process

8.1 No legal representation or hearings

No person has a right to:

- a. legal representation;
 - b. a hearing; or
 - c. make oral submissions,
- under this complaint handling process set out in this clause 8.

8.2 Complaint received

A Complaint may be made by any person and must:

- a. be in writing, and should be addressed to the chairperson of the ACFID Code of Conduct (Chairperson);
- b. include the name and contact details of the person making the Complaint (Complainant), and should be made in the form (if any) approved by the ACFID Code of Conduct Committee.

8.3 Complaint to be acknowledged

Receipt of the Complaint will be confirmed in writing to the Complainant.

8.4 Chairperson review of Complaint

The Chairperson (in consultation with one member of the ACFID Code of Conduct Committee of the Chairperson's choosing) will review the Complaint and decide whether:

- a. to recommend to the ACFID Code of Conduct Committee that the Complaint be dismissed. If such a recommendation is made and the ACFID Code of Conduct Committee does not accept the recommendation, the Chairperson must appoint an Investigating Officer under clause 8.5;
- b. to recommend to the ACFID Code of Conduct Committee that the Complaint be referred to a more appropriate body. If such a recommendation is made and the ACFID Code of Conduct Committee does not accept the recommendation, the Chairperson must appoint an Investigating Officer under clause 8.5; or
- c. to appoint an Investigating Officer under clause 8.5 to investigate the Complaint further. If the ACFID Code of Conduct Committee accepts a recommendation made under paragraph (a) or paragraph (b) of this clause 8.4, then the Complaint is dismissed (in the case of a recommendation under paragraph (a)) or must be referred to the other body (in the case of a recommendation under paragraph (b)).

8.5 Investigating Officer review of Complaint

- a. If a Complaint is to be investigated following the Chairperson's review under clause 4 the Chairperson must appoint a member of the ACFID Code of Conduct Committee or a team including at least one member of the ACFID Code of Conduct Committee, and any number of other people (as the Chairperson considers appropriate) with expertise related to the nature of the Complaint (Investigating Officer) to investigate the matters raised in the Complaint. A person may not be appointed as the Investigating Officer (and a person may not be appointed to the team which is the Investigating Officer) if they have, or the Chairperson reasonably considers them to have, a material personal interest in the outcome of the Complaint.
- b. The Investigating Officer must give the Affected Signatory a copy of the Complaint and invite the Affected Signatory to respond to the Complaint in writing no later than 21 days after the date of the notice.
- c. The Investigating Officer must inform the Complainant in writing of the decision to investigate the Complaint further and any expected timeframes for dealing with the Complaint. The Complainant will be notified in writing of any substantial changes to expected timeframes.
- d. The Investigating Officer must consider the Complaint and any response submitted by the Affected Signatory if that response is submitted within the time period set out in paragraph 8.5(b). The Investigating Officer may, but is not required to, seek further information or invite further written submissions from the Complainant, the Affected Signatory or any other person, with such time limits to respond as the Investigating Officer considers reasonable in the circumstances. The Investigating Officer must consider any further submissions made in accordance with this paragraph 8.5(d), if they are submitted within the relevant time limit set by the Investigating Officer.
- e. In its investigations, the Investigating Officer is not limited to the breaches of the Code and/or, if applicable, the Rules specified in the Complaint and may investigate any other breaches arising from substantially the same circumstances as those set out in the Complaint. The Investigating Officer is not bound by the laws of evidence.
- f. The Investigating Officer must prepare a draft report regarding the Complaint and make a recommendation on whether, in the opinion of the Investigating Officer:
 - i. the Complaint should be dismissed;
 - ii. the Complainant should be referred to a more appropriate body; or
 - iii. the Affected Signatory has breached the Code.
- iv. If the Investigating Officer considers that the Affected Signatory has breached the Code and/or, if applicable, the Rules, the Investigating Officer must make a recommendation as to the disciplinary action that should be taken by the ACFID Code of Conduct Committee.
- g. A copy of the draft report (with recommendations) must be given to the Affected

Signatory, who may, within 7 days after the date on which the draft report is sent, submit written submissions in response to the draft report.

h. The Investigating Officer must consider any submissions in response to the draft report made by the Affected Signatory, and may, but is not required to, make changes to the draft report when it prepares a final report (with recommendations) for the ACFID Code of Conduct Committee.

i. The final report of the Investigating Officer and the submissions of the Affected Signatory in response to the draft report must be submitted to the ACFID Code of Conduct Committee for a final determination.

8.6 Determination by ACFID Code of Conduct Committee

a. The ACFID Code of Conduct Committee must consider the Complaint, the final report of the Investigating Officer, any submissions made by the Affected Signatory in response to the draft report, and may consider any other information it considers relevant. The ACFID Code of Conduct Committee must make a determination (by simple majority of those present and eligible to vote) as to whether the Affected Signatory:

- i. has not breached the Code, in which case the Complaint must be dismissed; or
- ii. has breached the Code and/or, if applicable, the Rules.

The ACFID Code of Conduct Committee is not bound to follow the recommendations made by the Investigating Officer or the laws of evidence.

b. A member of the ACFID Code of Conduct Committee who:

- i. is the Investigating Officer (or any member of the Investigating Officer, if a team has been appointed);
- ii. is an employee or director (or equivalent) of either the Complainant or the Affected Signatory; or
- iii. for some other reason has a material personal interest in the outcome of the Complaint, must not be present at discussion regarding the Complaint or at any vote in relation to the Complaint.

8.7 Signatories must co-operate

If the Investigating Officer or the ACFID Code of Conduct Committee requests information from a signatory to the Code in relation to an investigation, the signatory must not without reasonable excuse fail to comply with the request. Without limiting what may be considered a reasonable excuse, the signatory is not required to comply with the request to the extent that:

- a. to do so would involve the signatory breaching a law or an obligation under a contract to which it is a party; or
- b. the request involves the disclosure of information which is subject to legal professional privilege or an obligation to keep the information confidential.

To avoid doubt, a breach of the obligation under this clause 8.7 is a breach of the Code.

8.8 If a breach is found

If the ACFID Code of Conduct Committee determines that the Affected Signatory has breached the Code and/or, if applicable, the Rules, it may:

- a. attempt to negotiate (including through conciliation or mediation) a course of action with the Affected Signatory. If the ACFID Code of Conduct Committee and the Affected Signatory are not able to reach an agreement within such time as the ACFID Code of Conduct (in its absolute discretion) considers appropriate in the circumstances, the ACFID Code of Conduct Committee may take disciplinary action in accordance with clause 8.9; or
- b. take disciplinary action in accordance with clause 8.9.

8.9 Disciplinary action

- a. The ACFID Code of Conduct Committee may take any of the following actions (including

any combination of them) as it considers appropriate:

- i. require the Affected Signatory to provide information concerning the breach to the Affected Signatory's donors;
 - ii. revoke the Affected Signatory's status as a signatory to the Code, or suspend its status as a signatory to the Code or any period it determines not exceeding 1 year;
 - iii. notify the ACFID Executive Committee of the details of the disciplinary action (if any) which the ACFID Code of Conduct Committee has determined it will take under this clause 8.9;
 - iv. if the Affected Signatory has been accredited by AusAID, notify AusAID of the breach; and
 - v. publish the name of the Affected Signatory and the nature of the breach on the ACFID website.
- c. No disciplinary action may be taken until the expiry of the period within which an appeal may be requested in accordance with clause 8.13(a), or if an Appeal (as defined in clause 8.11 has been made, until the Appeal has been determined by the Appeals Officer.
- d. The Affected Signatory must comply with any disciplinary action the ACFID Code of Conduct Committee determines in response to the breach. If the Affected Signatory fails to do so, the ACFID Code of Conduct Committee may take any further disciplinary action in accordance with this clause 8.9 as it considers appropriate.

8.10 Notification of outcome

The ACFID Code of Conduct Committee must notify the Complainant and the Affected Signatory in writing:

- a. of its determination under clause 8.6(a);
 - b. of any action it has determined to take in accordance with clause 8.8 or clause 8.9(a); and
 - c. that the decision may be appealed in accordance with this clause 8.
- A copy of the notices must be given to the ACFID Executive Committee.

8.11 Appeal

An appeal from a determination of the ACFID Code of Conduct Committee made under clauses 8.6 to 8.9 (inclusive) (Appeal) may be made to the Appeals Officer in accordance with clause 8.13.

8.12 Appeals Officer

The ACFID Executive Committee must appoint an Appeals Officer, for a term of three years and on such other terms and conditions as the ACFID Executive Committee resolves. The Appeals Officer is to be selected from nominations made by the ACFID Code of Conduct Committee.

8.13 Review process

- a. An Appeal must be:
 - i. made in writing;
 - ii. sent to the ACFID Code of Conduct Committee Appeals Officer;
 - iii. received within 30 days after the date of the notice referred to in clause 8.10; and
 - iv. specify the grounds on which the Appeal is made.
- b. An Appeal may be made on any grounds, and may relate to the whole or a part only of a determination.
- c. The Appeals Officer must
 - i. consider the Appeal;
 - ii. give:

A the Complainant, if the Affected Signatory has made the Appeal; or

B the Affected Signatory, if the Complainant has made the Appeal,
a copy of the Appeal and the opportunity to make written submissions in response to the Appeal within 21 days after the date of the notice;
iii. consider any submissions made in accordance with clause 8.13(c)(ii).
d. The Appeals Officer must notify the ACFID Code of Conduct Committee and the Investigating Officer of the Appeal. The ACFID Code of Conduct Committee must give the Appeals Officer copies of:
i. the Complaint and all submissions received by the Investigating Officer in relation to the Complaint;
ii. the Investigating Officer's draft report and the Affected Signatory's submissions in relation to it;
iii. the Investigating Officer's final report; and
iv. the ACFID Code of Conduct Committee's notices to the Complainant and Affected Signatory under clause 8.10.
e. The Appeals Officer may:
i. uphold the determinations of the ACFID Code of Conduct Committee in whole or in part;
ii. overturn the determinations of the ACFID Code of Conduct Committee in whole or in part;
iii. make a new determination in relation to the Complaint; and
iv. if the Appeals Officer determines that there has been a breach of the Code, exercise the powers of the ACFID Code of Conduct Committee set out in clauses 8.8 and 8.9.
f. The Appeals Officer must notify the Affected Signatory, the Complainant and the ACFID Code of Conduct Committee in writing of the determination made under clause 8.13(e).

8.14 No further appeal

A determination of the Appeals Officer may not be appealed.

8.15 Resignation of Affected Signatory

If an Affected Signatory ceases to be a signatory to the Code at any time before any action that must be taken under this clause 8 is taken, the ACFID Code of Conduct Committee may resolve that any current procedures under this clause 8 in relation to the Complaint are to cease. If it does so, any action which may have been required to be taken under this clause 8 if the Affected Signatory had continued to be a signatory to the Code, is no longer required to be taken.

However, the resignation of an Affected Signatory does not prevent:

- a. the investigation of a Complaint concerning the Affected Signatory;
- b. a determination being made in relation to the Complaint; or
- c. the taking of any disciplinary action under clause 8.9, which is capable of being taken despite the Affected Signatory's ceasing to be a signatory, in accordance with this clause 8.

8.16 ACFID may publicise
The ACFID Code of Conduct Committee may, but is not required to, publicise at any time and by any method it considers appropriate:

- a. the fact that a Complaint has been made, including the names the Complainant and the Affected Signatory;
- b. the fact that a Complaint will be, is being or has been investigated; and
- c. the outcome of an investigation and any disciplinary action taken.