

# KOTO International Limited

**ABN 89 937 994 292**

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## Complaints Policy & Procedures

### 1 Introduction

This policy sets out our commitment to receiving and managing complaints regarding KOTO International (KI) or KOTO Vietnam's activities. It forms a key component of our governance and meeting regulatory requirements.

Additionally, as a registered charity operating outside Australia and/or working with third parties that are operating outside Australia, we must take reasonable steps to ensure the safety of vulnerable persons outside Australia:

- (a) who are, and to the extent they are, being provided with services or accessing benefits from us under programs provided by us or a third party in collaboration with us; or
- (b) who are, and to the extent they are, engaged by us or a third party in collaboration with us to provide services or benefits on behalf of us or the third party.

Our commitment and how we manage the risks of harm or exploitation of vulnerable persons is detailed in our 'Safeguarding Vulnerable Persons Policy' and should be read in conjunction with this Complaints Policy and Procedure.

### 2 Scope of the Policy

This policy applies to:

- (a) all our personnel (being our directors, employees, volunteers and consultants); and
- (b) all our partner organisations (including any of our affiliates around the world) and, contractors and sub-contractors, and their personnel, involved in activities and work (including our projects or programs or involved in activities resourced by us).

### 3 Policy in Practice

#### 3.1 What we mean in this policy

KI welcomes any queries or complaints about its, or KOTO Vietnam's activities. It considers these matters as ways to solve problems, an opportunity to provide correct information, and provide fair and reasonable outcomes which reflect common sense.

The KI Board and current members are experienced in dealing with queries and complaints.

KI's procedures are in two stages:

- (a) queries and complaints made and resolved, and
- (b) where queries and complaints are unable to be resolved, they become a dispute and follow the processes described below. Some queries and complaints may, in the first instance, be initially referred to KOTO Vietnam for action as they directly

relate to and involve KOTO Vietnam and/or they are likely to best be resolved by KOTO Vietnam in a timely manner.

The initial point of contact for all matters, including how to make a complaint, is: the Chairperson of KI Board. They can be contacted via email or confidential phone call before any process is instigated.

All queries and complaints must be in writing and should be identified. Where allegations of misconduct are concerned, it is the responsibility of a complainant to make an allegation in good faith, based on their experiences or suspicions. It is beneficial if any evidence can be provided, however it is not the responsibility of the complainant to provide evidence or any investigation.

Where a breach of safety and protection is suspected, there is both a moral imperative to raise the issue, and to comply with the vulnerable persons policy which requires mandatory reporting.

For successful resolution of a complaint, all parties in a dispute, including the complainant, should use common sense, apply confidentiality and take personal and professional responsibility for their actions.

KI cannot stop anonymous complaints and allegations, however these are much more difficult to resolve because it is very difficult to investigate and resolve and apply natural justice principles, especially if they are made via social media.

### **3.2 Guidelines**

To facilitate confidence and an open and transparent complaint process, KI abides by the following guidelines:

- (a) Strict confidentiality of information related to all parties at all times
- (b) Natural justice principles are applied in all its investigations, including: the presumption of innocence, a victim-centred approach, response by person(s) concerned/accused, independent, objective, competent investigation process, right of appeal, focus on mediation and resolution, focus on courtesy and timeliness, application of common sense, accurate and comprehensive written records made and kept
- (c) The broad formal process for dispute resolution, which is conducted under the authority of the Board, is as follows:
  - (i) Written complaint made to the nominated person
  - (ii) Initial response by KI in 3 working days; immediate response if an emergency
  - (iii) Written suggestion of how the complaint will be managed/investigated, including anticipated timelines and appeals process. In some cases KI may respond that it does not believe a complaint exists
  - (iv) Where possible, resolution of the matter via discussion and provision of information to the satisfaction of the complainant, and before further formal processes below are put in train
  - (v) Where required, referral of the complaint to the responsible authority in Vietnam or Australia, as required by law, policy or sound analysis

- (vi) KI investigation of the complaint by one or more of its Directors, or other agreed, qualified and independent appointed person, via: evidence collection and assessment, interviews, discussions, mediation, where appropriate, and decision making, with reasons provided. Formal records are kept
- (vii) Right of appeal in a timely manner
- (viii) Conclusion of matter
- (d) For serious complaints, or where required by the law or its policies, KI will refer the complaint to police, a regulatory authority, the Board of Directors or other responsible body.
- (e) In serious matters, KI is likely to appoint an independent investigator.
- (f) In some cases, as required by KI's registration, regulators may be required to be informed of, or involved in, the complaint process.
- (g) All complaints will be responded to in writing; all complaints will have a written decision.

### 3.3 Safety and protection

In relation to safety and protection matters:

- (a) The KOTO Vietnam Child Protection and PSEAH policies explain the process for addressing these matters in detail and have a nominated contact person for confidential contacting in the first instance.
- (b) The KI Safeguarding Vulnerable Persons policy explains the KI process in detail and have a nominated contact person for confidential contacting in the first instance.

## 4 Relevant laws:

- *Australian Charities and Not-for-profits Commission Act 2013* (Cth) and *Australian Charities and Not-for-profits Commission Regulations 2013* (Cth), in particular:
  - ACNC Governance Standard 3 (s 45.15 of the above Regulations)
  - ACNC External Conduct Standard 4 (s 50.35 of the above Regulations)
- *Privacy Act 1988* (Cth)
- If the company is required to have a Whistleblowing (Protected Disclosure) Policy under the Corporations Act: *Corporations Act 2001* (Cth), in particular Part 9.4 AAA – Whistleblowing.

## 5 Monitoring and Review of Policy

The Board is responsible for reviewing this policy regularly (minimum every two years).

Any updates and revisions to this policy must be approved by the Board.

**6 Contact details**

KOTO Director

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**7 Revision History**

	Approved by:	Date:
Approval and adoption of policy	Board	[insert]