

# Conflict of Interest Policy

## 1. INTRODUCTION

Hagar Australia is committed to the responsible stewardship of the resources entrusted to it. Hagar Australia personnel and contractors are required to avoid (where possible) or disclose and manage any actual, potential or perceived conflicts of interest. While conflicts of interest can arise, they may not present a problem to Hagar Australia if they are appropriately identified, and openly and effectively managed. This policy aims to protect Hagar Australia's integrity and ensure personnel do not allow their personal interests to override their responsibility to act in the best interests of Hagar Australia. Hagar Australia aims to carry out all aspects of organisational and program management with integrity, and in a transparent and accountable manner.

## 2. PURPOSE

This policy is intended to:

- protect the interests of Hagar Australia personnel, supporters, partners, clients and other stakeholders
- provide guidance on the identification, reporting/ disclosure and management of any actual, potential or perceived conflicts of interest
- ensure all parties are aware of their responsibilities regarding conflict of interest
- preserve the reputation and integrity of Hagar Australia, as well as that of all parties affiliated with it, and manage risk.

## 3. SCOPE

This policy applies to:

- Hagar Australia personnel (as defined), and
- Contractors engaged by Hagar Australia

Hagar Australia management will take steps to ensure that all Hagar Australia personnel and contractors are made aware of their obligations under this policy.

## 4. POLICY

This policy has been developed to address conflicts of interest affecting Hagar Australia. Conflicts of interest are common and must be openly and effectively managed.

It is the policy of Hagar Australia, as well as a responsibility of Hagar Australia personnel and contractors, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with their obligations to Hagar Australia.

## 5. RISK AND RISK MANAGEMENT CONTROLS

Hagar Australia's internal controls to manage conflict of interest are to:

- Clearly state Hagar Australia's commitment to integrity in recruitment materials, human resource policies, and all partnership agreements.
- Provide Hagar Australia's Conflict of Interest Policy, including Code of Conduct and Conflict of Interest Declaration, reporting requirements and procedures, to all Hagar Australia personnel and contractors; take steps to ensure they understand the Policy and sign the Code of Conduct and Declaration, and discuss it with Hagar Australia personnel during annual Performance Reviews (where required).
- Include 'Conflict of Interest' as a standing Board bi-monthly meeting agenda item to monitor Conflict of Interest Policy compliance.

## 6. CODE OF CONDUCT

All Hagar Australia personnel and contractors must read, sign and comply with Hagar Australia's Code of Conduct (Annex 1) which sets out strict standards of behaviour in relation to actual, potential or perceive conflicts of interest.

## 7. IDENTIFICATION AND DISCLOSURE

Hagar Australia personnel and contractors must consider three things when deciding if they have a conflict of interest:

- 1) **Hagar Australia's charitable purpose:** "providing relief to people within countries declared by the Minister for Foreign Affairs to be developing countries" with a focus on "women and children... who have suffered violence, exploitation and injustice, particularly human trafficking and gender-based violence".
- 2) **Their personal interests, the interests of others connected with them and how these interests could influence them:** considering current and previous paid or volunteer work, current and previous trusteeships, whether they are a Board member of any other organisation, whether they own a business or share in a business, membership of other organisations, and any similar interests of family or friend. These must be recorded in the register of interests.
- 3) **Their duties within Hagar Australia:** act with reasonable care and diligence, act in good faith in the best interests of Hagar Australia and for its purposes, not misuse their position, not misuse information they gain, disclose any actual or perceived conflict of interest, ensure responsible financial management, and not allow Hagar Australia to operate while insolvent.

Once an actual, potential or perceived conflict of interest is identified, it is entered into Hagar Australia's Conflict of Interest Register, as well as being raised with the Board. Where every other Board member shares a conflict, the Board should refer to Australian Charities and Not-for-profits Commission (ACNC) Governance Standard 5 to ensure that proper disclosure occurs.

The Conflict of Interest Register is maintained by the Board Secretary with advice from the Executive Director. The Register records information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

Where Board members handle Hagar Australia operations in a voluntary capacity or where multiple family members are involved in governance and operations, there must be a clear delineation of roles, role descriptions and decision-making procedures (for example, no two family members should be bank signatories or solely responsible for decision-making). Arrangements will be documented and approved by the Board.

## **8. ACTION REQUIRED TO MANAGE CONFLICTS OF INTEREST**

Once the conflict of interest has been appropriately disclosed, the Board (excluding the Board or staff member who has made the disclosure, as well as any other conflicted Board or staff member) must decide whether or not those conflicted Board members should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a Board or staff member from regularly participating in discussions, the Board should consider if it is appropriate for the conflicted person to resign from the Board.

### **8.1 Considerations**

In deciding the appropriate action to take, the Board will consider:

- whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the organisation's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, Hagar Australia.

The approval of any action requires the agreement of at least a majority of the Board (excluding any conflicted Board member/s) who are present and voting at the meeting.

The action and result of the voting will be recorded in the minutes of the meeting and in the Conflict of Interest Register.

## 8.2 Specific Scenarios

- Where goods or services are provided by Hagar Australia personnel or contractors, a proper tendering process should be established which includes obtaining at least three competitive quotations.
- Offices of auditor, solicitor or similar positions should not be accepted where the person is Hagar Australia personnel or a contractor (or is related to such).
- Hagar Australia personnel and contractors must disclose any gifts they have been offered and/or accepted as a result of their association with Hagar Australia. It is expected that any valuable or otherwise inappropriate gifts, however minor, should not be accepted (see Annex 1).

## 9. PROCESSES FOR REPORTING CONCERNS OR ALLEGATIONS

### 9.1 How to Report

Any person who becomes aware of or suspects that another person within the scope of this policy has failed to disclose a conflict of interest must:

- Discuss the conflict with the person in question;
- Report at <https://hagar.org.au/reporting> (conflict of interest reports will be received by the Executive Director) or email Hagar Australia's Board Secretary at [secretary@hagar.org.au](mailto:secretary@hagar.org.au), and
- Considering who is involved, contact Hagar Australia's Executive Director, Board Secretary or Chair on **+61 3 9416 1960**.

Any person reporting a suspected or alleged conflict of interest in good faith will not be penalised. Deliberately making a false allegation, regarding conflicts of interest, will be considered a breach of this policy and will be managed accordingly (see Section 9.3).

### 9.2 How the Report will be managed

Any failure to disclose a conflict of interest and/ or alleged breach of this policy is a serious matter which will be investigated by Hagar Australia, as follows:

- All reports will be handled confidentially on a 'need to know' basis, which will include the Executive Director and/ or Board Chair, with transparency and procedural fairness to all parties. Any substantial allegation will be reported to the Board of Directors.
- An objective and impartial investigation will be conducted by the Executive Director or Board Chair, regardless of the position, title, length of service or relationship with the organisation of any party who might be the subject of such investigation.

### 9.3 Sanctions

If it is determined that a person within the scope of this Conflict of Interest Policy is in breach of the obligations it or the Hagar Australia Code of Conduct imposes, then Hagar Australia may apply an appropriate sanction as follows:

- dismissal; or
- cancellation of a contract.

## 10. DEFINITIONS

Term	Definition
Hagar Australia personnel	Hagar Australia's Board of Directors, employees (full time, part-time and casual) and volunteers. This includes persons delegated to make decisions on behalf of Hagar Australia or who can influence the actions of Hagar Australia. For example, personnel who make purchasing decisions, anyone who may be described as management personnel, and/ or anyone who has proprietary information concerning Hagar Australia.
Conflict of interest	<p>A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of Hagar Australia.</p> <p>Personal interests include direct interests, as well as those of family, friends, or other organisations/ companies a person may be involved with or have an interest in (for example, as a shareholder).</p> <p>It also includes a conflict between Hagar Australia personnel duties to Hagar Australia and another duty that person has (for example, to another organisation). A conflict of interest may be actual, potential or perceived, and may be financial or non-financial.</p> <p>These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of Hagar Australia. Therefore these situations must be managed accordingly.</p>

## 11. RELEVANT LEGISLATION

Hagar Australia personnel and contractors must adhere to Australian Commonwealth laws.

### **Australian legislation**

a) *Corporations Act 2001*

## 12. RELATED POLICIES AND PROCEDURES

- Prevention of Fraud & Corruption Policy
- Prevention of Terrorism Financing Policy
- Whistleblowing Policy
- Feedback & Complaint Handling Policy
- Risk Management Policy
- Incident Reporting Procedure

### **13. POLICY REVIEW**

This policy will be reviewed at least every three years, or as required, incorporating lessons learned.

#### **Contact:**

For questions about this policy, contact Hagar Australia's Board Secretary or Executive Director on +61 3 9416 1960.

## Annex 1: Hagar Australia Code of Conduct

In keeping with its vision and values, Hagar Australia is committed to maintaining the highest degree of ethical conduct amongst its personnel, representatives and visitors. The Hagar Australia Code of Conduct provides to Board members, staff, consultants/ contractors, volunteers, representatives and visitors to Hagar Australia-funded projects overseas guidance on the mandatory standards of personal and professional conduct required of a representative of Hagar Australia at all times. These standards, in conjunction with all Hagar Australia policies, should inform decision-making that exemplifies Hagar Australia's values of Respect, Integrity, Compassion and Excellence; as well as transparency and accountability. Acknowledging the above, in my role with Hagar Australia,

### I WILL-

- Uphold the **integrity** and **reputation** of Hagar Australia by ensuring that my professional and personal conduct is consistent with the organisation's values and standards.
- Contribute to a **safe, fair, inclusive, equitable and collegial work environment** free from harassment and discrimination, where all people are treated with respect and dignity.<sup>1</sup>
- Comply with Australian and local **legislation** (including child<sup>2</sup> and adult labour laws), and immediately disclose all charges, convictions and other outcomes of any offences that relate to exploitation and abuse (particularly of children), terrorist activity, financial misconduct and/or discrimination, including those under traditional law; which occurred before or during my association with Hagar Australia.
- Comply with all Hagar Australia policies and **immediately report** any concerns or allegations of wrongdoing, exploitation and abuse (particularly of children); policy non-compliance, and/or breaches of this Code of Conduct to <https://hagar.org.au/reporting> and Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) or Executive Director on +61 3 9416 1960. Please note: Making an allegation known to be false is considered a breach of this Code of Conduct and will be treated accordingly.
- Maintain an environment in which Hagar Australia personnel, partners, representatives, visitors, the people who are participants in, and are directly affected by, Hagar Australia-funded projects know expected standards of behaviour and how to **raise complaints and concerns without fear** of reprisal, harassment or victimisation.
- Be **accountable** for my behaviour and not place myself in a position where there is a risk of allegations being made, particularly avoiding actions or behaviours that could be perceived by others as exploitation and/or abuse.
- Wherever possible, ensure that **another adult is present** when working near children and adult beneficiaries<sup>3</sup> (the 'two adult rule').

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<sup>1</sup> Regardless of sex, gender, age, language, ethnicity, ability, sexual orientation, intersex status, religious or political beliefs, educational level, professional skills, work experience, cultural and socio-economic background.

<sup>2</sup> A 'child' is any person under the age of 18 years.

<sup>3</sup> 'Beneficiaries' or 'primary stakeholders' are the women and men, boys and girls who Hagar Australia seeks to support and are participants in, and are directly affected by, Hagar Australia-funded development initiatives.

- Exercise due care in all matters of official business and not disclose any **confidential information** received in the course of exercising official duties unless that disclosure has been authorised by Hagar Australia, or is required by law.
- Protect the organisation from **fraud, theft, waste and misuse** of resources.
- Be sensitive to **local values, culture and customs** when engaged in international contexts on behalf of Hagar Australia.
- Respect the **environment** by engaging in environmentally-friendly work practices.

*Regarding children & adult beneficiaries:*

- Be a **positive role model** and provide a **welcoming, inclusive and safe environment** for all children, young people and adult survivors.
- Encourage **open communication** between children, young people, parents and Hagar personnel, and allow children and young people to participate in the decisions that affect them.

When photographing or filming a child or adult survivor, or using their images for work-related purposes:

- Take care to ensure **local traditions** or restrictions for reproducing personal images are adhered to before photographing or filming a child or adult survivor.
- Obtain documented **informed consent**<sup>4</sup> from the child and parent(s) or guardian(s) of the child, as well as adult survivors, before photographing or filming a child and/ or adult survivor; and inform them of their rights to have a support person present, to withdraw consent at any point, to access information about them and seek its correction (if desired, unless there are legal or safety reasons to prevent this), and to make a complaint to the Hagar Program Office Executive Director, <https://hagar.org.au/reporting> or the Australian Council For International Development (ACFID) at [code@acfid.asn.au](mailto:code@acfid.asn.au) (marked 'Confidential').
- Ensure photographs, films, videos and DVDs present child and adult survivors in a **dignified and respectful manner**, and not in a vulnerable or submissive manner. Child and adult survivors should be adequately clothed, and not in poses that could be seen as sexually suggestive.
- Ensure images are **honest representations** of the context and facts.
- Ensure all images of child and adult survivors are obscured with **name changes**, no identifying **background features**, Global Positioning System **tracking** turned off and **stored securely**, in accordance with Hagar International's Communications Policy.
- Ensure file labels, meta data or text descriptions do not reveal **identifying information** about a child or adult survivor when sending images electronically or publishing images in any form.

*Regarding Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH):*

- Inform the Executive Director or Board Chair if I become engaged in a **personal relationship** which may be perceived as inappropriate or exploitative.

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<sup>4</sup> Taking steps, in local language, to ensure that contributors (the people sharing their stories) understand: 1) Why Hagar wishes to document stories about them; 2) Who the audience is likely to be; 3) How their stories may be used now and in the future; 4) How their stories will be stored, how long for and how they will be destroyed.

*Regarding conflicts of interest:*

- Avoid (where possible), disclose and manage any actual, potential or perceived **conflicts of interest**.
- Notify of any known or perceived form of **corruption** and not offer, promise or accept bribes.
- Declare any financial, personal or family (or close intimate relationship) **interest** in matters of official business which may impact on the work of Hagar Australia.
- Refuse or return any **gift**, however minor, that appears to be given with an expectation of reward or influence.
- Seek permission before agreeing to being nominated as a **prospective candidate** or other official role for any political party.

*Regarding the safety, health & welfare of others:*

- Adhere to all **health and safety requirements** at my location of work.
- Comply with any **local security guidelines** overseas and be pro-active in informing management of any necessary changes to such guidelines.
- Behave in a manner which **avoids any unnecessary risk** to the safety, health and welfare of myself and others, including partner organisations and communities with whom we work.

*Regarding use of information, assets & resources during my engagement with Hagar Australia:*

- Notify Hagar Australia immediately if I become aware of **Hagar Australia property**, resources or funds being used other than for their authorised purposes.
- Ensure that I consider **value for money** (spending funds economically, efficiently, effectively and ethically) when procuring assets and resources on behalf of Hagar Australia.
- Ensure that I use the intellectual and physical **property, assets and resources** entrusted to me by Hagar Australia in a **responsible manner**, including treating and maintaining them with due care, securing them against theft and misuse, and accounting for all money and property.

I WILL NOT-

- Seek to make contact, spend time with and/or **develop relationships** with children, young people or adult beneficiaries outside of Hagar Australia-related work and work hours.
- Act in a way that shows unfair and **differential treatment** of children or adult beneficiaries, including through the provision of gifts, payment or inappropriate attention. This includes providing payment to another person to solicit any form of advantage or sexual favour from a child or adult beneficiary.
- Invite unaccompanied children or adult **beneficiaries into private residences** or other private location, unless they are at immediate risk of injury or in physical danger.
- **Hold, kiss, cuddle or touch** a child or adult beneficiary in inappropriate, unnecessary or culturally insensitive ways.
- Use **language or behaviour** (towards children and/or adults) that is harassing, abusive, sexually provocative, inappropriate, discriminatory/exclusionary or generally intended to shame, humiliate, belittle, degrade or exploit.

- **Misuse Hagar Australia property**, information or my status through my engagement with Hagar Australia for personal gain.
- Work under the influence of **alcohol** or use, or be in possession of, **illegal substances** on Hagar Australia premises or accommodation.
- Use computers, mobile phones, video cameras, photographic cameras or other technology inappropriately to **exploit or harass children**, in particular; or access and/or disseminate exploitative material, including but not limited to pornography or depictions of child abuse, through any medium.

*Regarding children:*

- Condone or engage in **behaviour that is illegal and/or unsafe**, including giving or allowing children to use illegal drugs, alcohol or restricted substances.
- Do things of a **personal nature** that a child can do for him/herself, such as assistance with toileting or changing clothes.
- Smack, hit, assault or **physically punish** children.
- Engage children in **sexual relationships** or any form of sexual intercourse or activity, including paying for sexual services (transactional sex). Mistaken belief that a child is over 18 years of age is not a defence.
- **Sleep close to unsupervised children**, including in the same area or bed, unless absolutely necessary, in which case the supervisor's permission must be obtained and another adult should be present if possible (noting that this does not apply to an individual's own children).
- **Hire children** for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury.

*Regarding Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH):*

- Engage in **sexual relationships** with program participants or beneficiaries. These relationships are inherently based on unequal power dynamics and undermine the credibility and integrity of Hagar Australia.
- Engage in any conduct that may be considered, or has the potential to be considered, **sexual exploitation, abuse or harassment**, including fraternisation.<sup>5</sup>
- Exchange money, employment, goods or services for sex (**transactional sex**), including sexual favours. This includes any exchange of assistance that is due to beneficiaries and a prohibition on engaging the services of sex workers even when it is legal to do so. This further prohibits the procurement of sex for others or the use of a third party to do so.
- Use Hagar Australia or partner organisation facilities, vehicles, personnel, or **resources** for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Hagar Australia or partner offices or programs.

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<sup>5</sup> Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

*Regarding conflicts of interest:*

- Allow personal interests, or the interests of any associated person, to **conflict with the interests** of Hagar Australia.
- Be involved in awarding benefits, contracts for goods or services, employment or promotion within Hagar Australia, to any person with whom I have financial, personal or family (or close intimate relationship) **interests**.
- Accept **significant gifts or any remuneration** from governments, communities with whom we work, donors, suppliers and other persons, which have been offered to me as a result of my engagement with Hagar Australia and which appear to have been offered with an expectation of reward or influence.

*Regarding use of information, assets & resources during my engagement with Hagar Australia:*

- Use **Hagar Australia property**, resources or funds other than for their authorised purposes.
- Use Hagar Australia IT equipment, software or e-mail and social media platforms to **engage in activity that is illegal** under local or international law, or that encourages conduct that would constitute a criminal offence. This includes any activity that intimidates or harasses any group based on protected characteristics, or that encourages extremism.

### **Breach of the Code of Conduct**

The Code of Conduct forms part of all Hagar Australia personnel contracts and a breach of this Code may be grounds for disciplinary action, including dismissal,<sup>6</sup> the ending of a relationship or contract with Hagar Australia, or the cancellation or ending of a visit to Hagar Australia, its partners and projects. Any breaches, if criminal in nature, will be reported to relevant law enforcement agencies, both in Australia and overseas, where it is safe to do so and in accordance with the wishes of victims/ survivors.

I declare that I have read and understood the Hagar Australia Code of Conduct, and agree to abide by its standards and behaviour protocols-

*Name:*

*Signature:*

*Date:*

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<sup>6</sup> A person will be dismissed after an investigation if a safeguarding incident is found to have occurred.

## Annex 2: Reporting and Investigation Procedure

- 1) *Initial review:* Upon notification of a suspected, alleged or actual incident – see sidebar, the Report Receiver (Safeguarding Focal Person, Executive Director, or Secretary or Chair of the Board) of Hagar Australia will promptly carry out an initial review (see sidebar) and determine potential support needs of the victim/survivor (if relevant) and whether further investigation is needed – see sidebar. If further investigation of a safeguarding incident is required, the person accused will be suspended/transferred to other duties for the duration of the investigation. The needs of victims/survivors will be prioritised, including identifying a support person, accessing medical care, counselling, legal support and/or finding a safe place to stay. If related to financial wrongdoing, relevant records and information may be removed, and placed in a secure location with limited access, and the individual suspected of committing the incident prevented from accessing them.
- 2) *Legal support:* The Report Receiver will seek limited disclosure permission from the victim/survivor/report-maker and coordinate the investigation (see sidebar) with the appropriate Head of Hagar office, local law enforcement officials or external investigator, depending on whether the incident took place in Australia/overseas and the wishes of the victim/survivor, within 3 working days. Internal or external legal representatives may be involved in the process, as deemed appropriate.
- 3) *Incident substantiated:* If a suspicion or allegation is substantiated by the investigation, disciplinary action, up to and including dismissal (or termination of an individual’s right to work as a contractor or volunteer), will be taken by the Executive Director or Board Secretary, and communicated to the offender, victim/survivor/report-maker and the Board, using de-identified information. The Board will discuss further action to be taken. Regarding property, Hagar Australia will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of any losses from the offender.

Where a case has been established, the matter shall be referred to local authorities. If an allegation is made in good faith but not substantiated by the investigation, no action will be taken against the report-maker and, where the investigation relates to an employee, their file will not contain any record of the allegation, investigation or report. Hagar Australia will reflect on learnings to improve its own and partner practices.

### Actual or Alleged Incident

This may be related to child protection, sexual exploitation, abuse and harassment; fraud and corruption, health, safety and security; and/or breach of Hagar Australia’s Code of Conduct and/or any of its policies. It may also be in the form of whistleblowing.

### Initial Review

Initial review will involve assessing the report (without pre-judgement) and determining the immediate needs of the people involved, and the organisation.

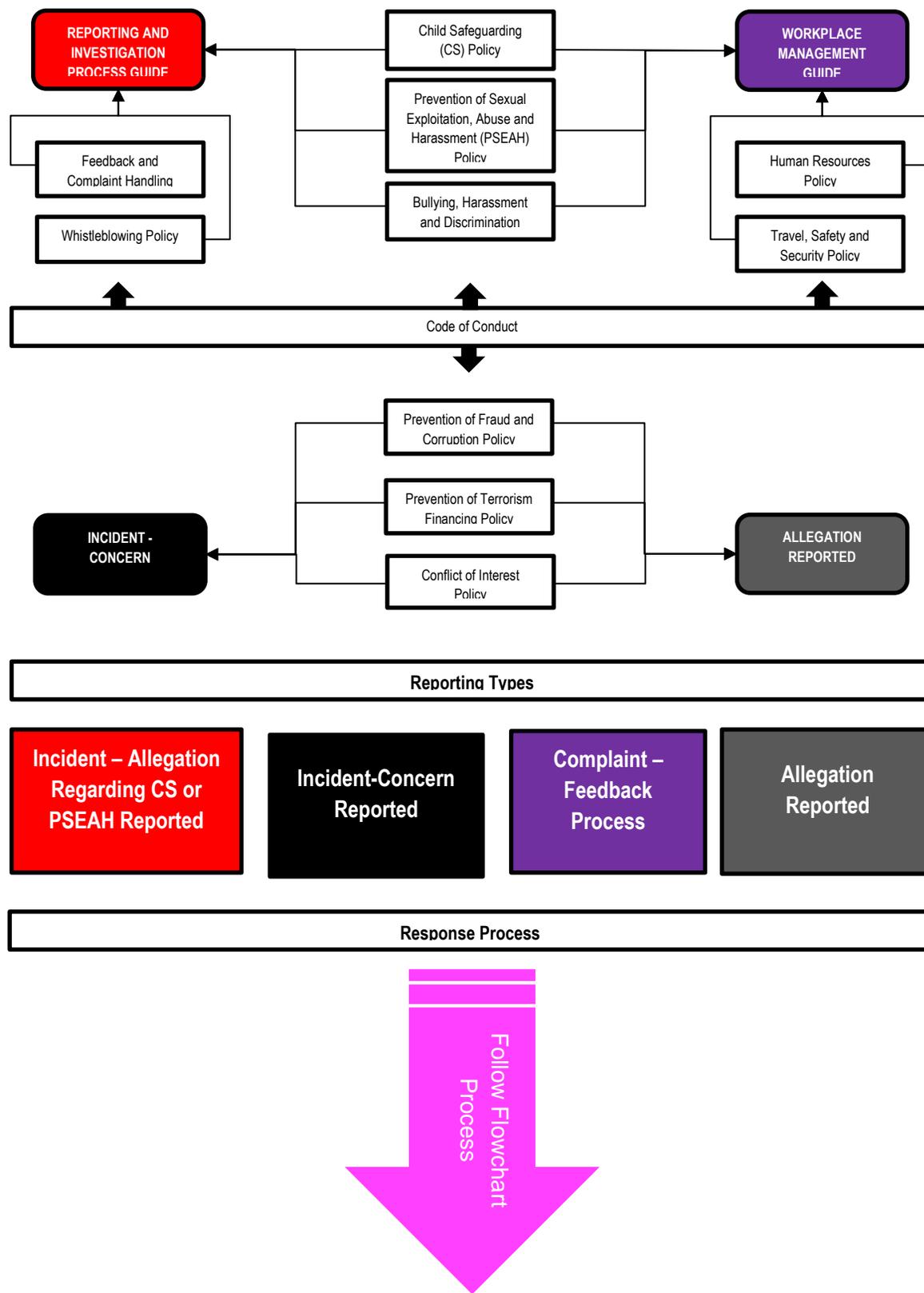
### Further Investigation

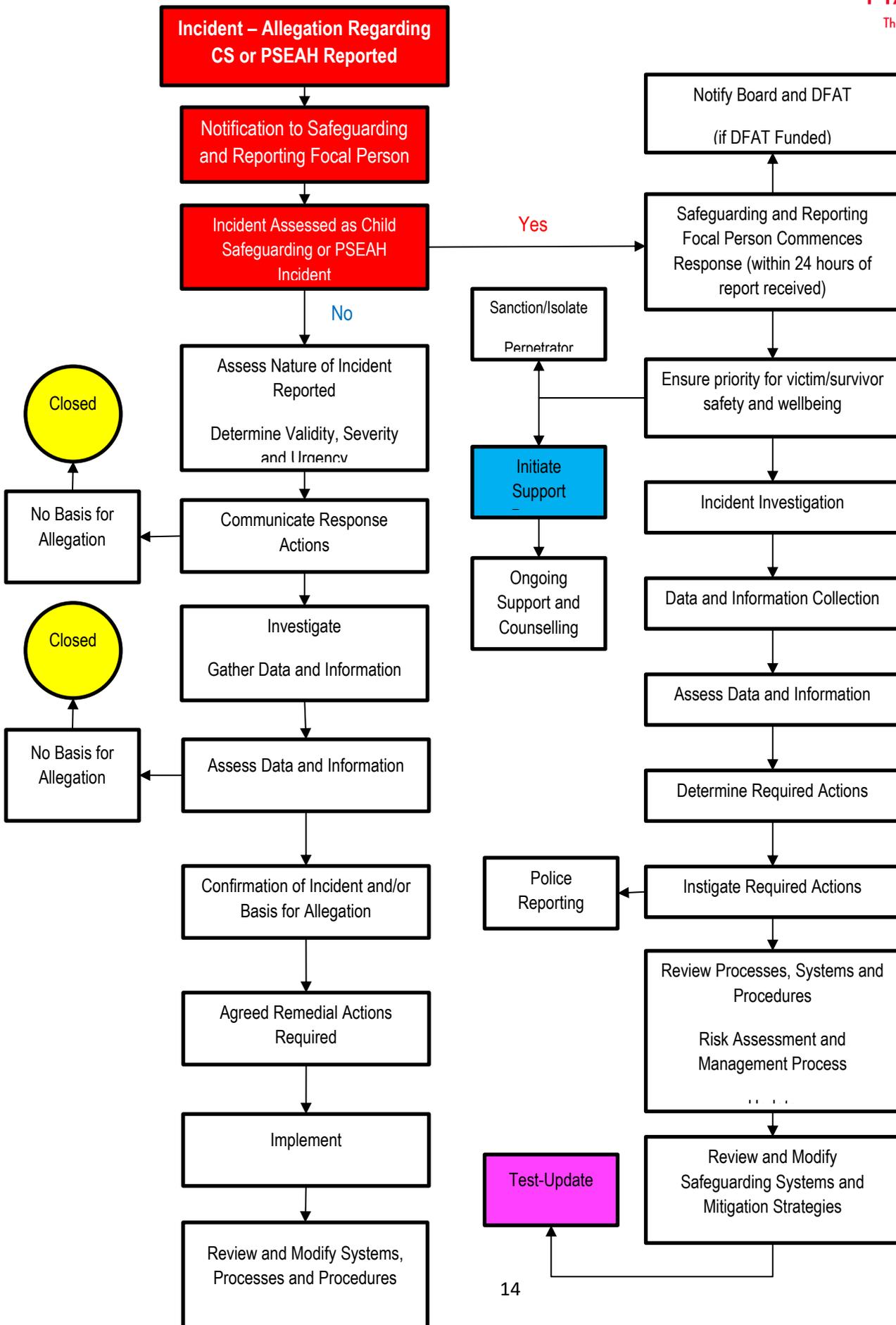
The threshold for ‘further investigation’ is if one or more of these answers is ‘yes’: ‘Does it require support outside of usual management processes?’, ‘Will business operations be affected for more than 24 hours?’, ‘Is it likely to become a critical incident or crisis?’, ‘Does the person responsible require support in making the decisions needed to contain or resolve the situation?’, ‘Is it medium risk or above?’, ‘Does it affect Hagar’s reputation?’

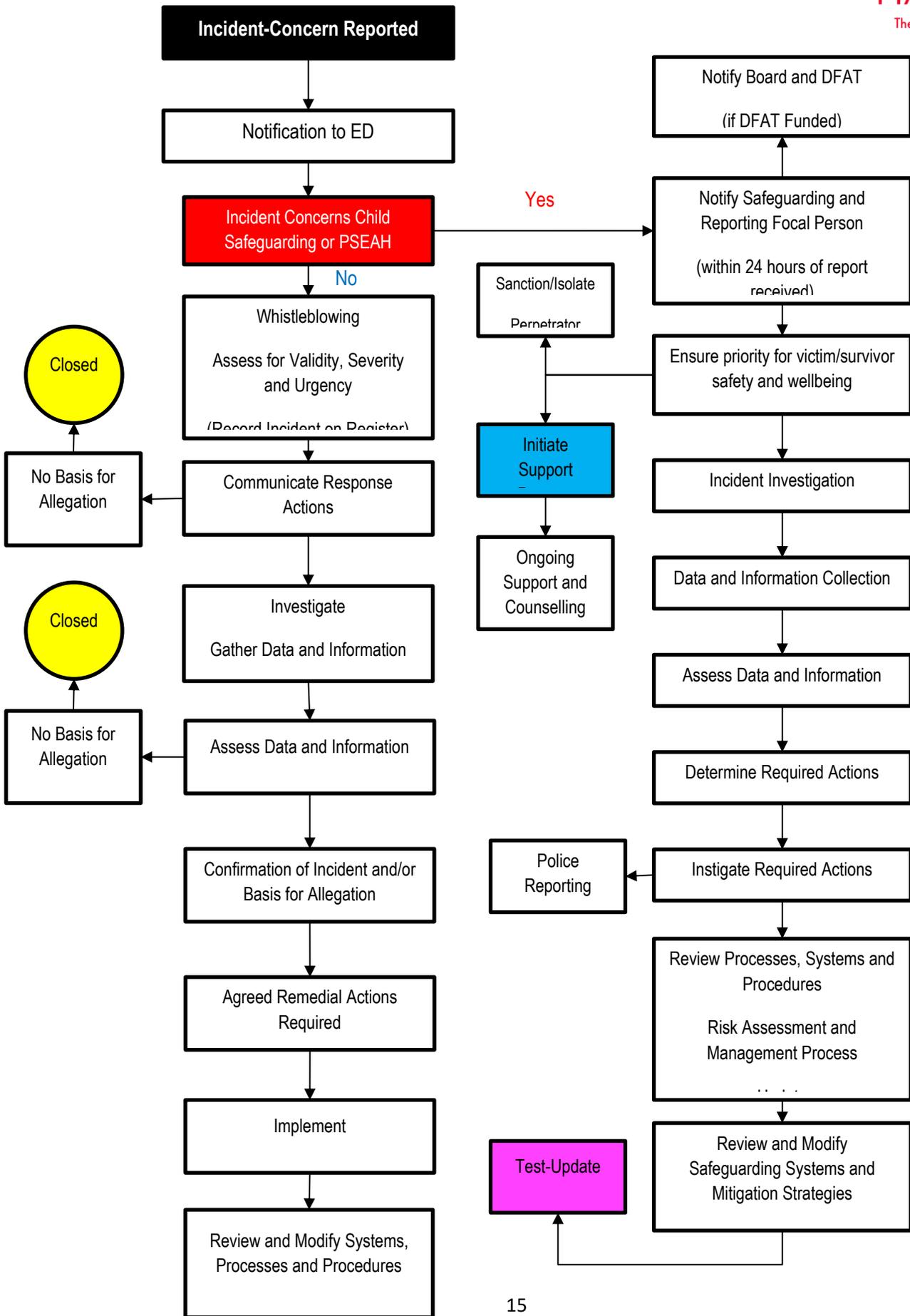
### Investigation Process

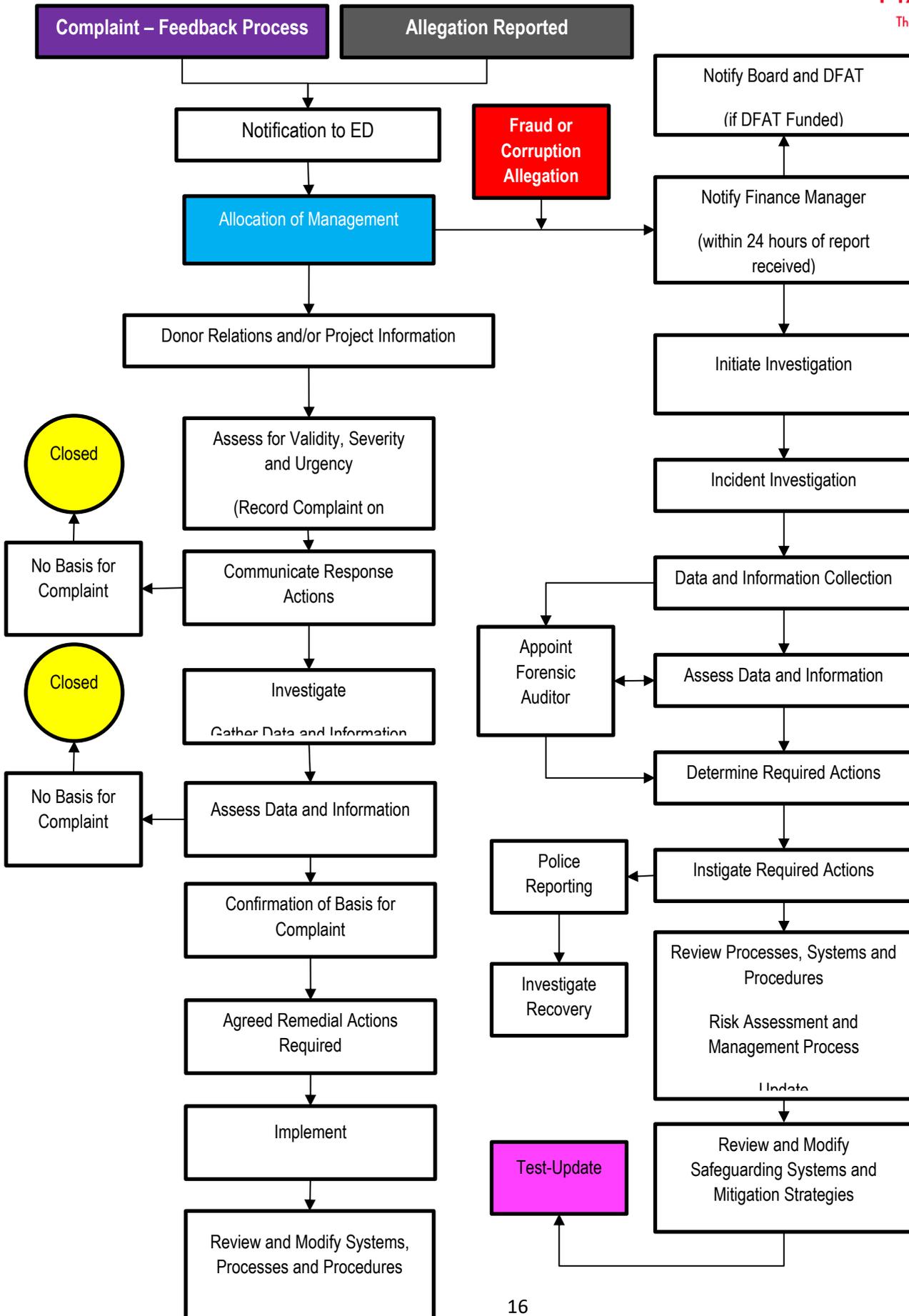
This investigation is to determine exactly what happened, when, where and who was involved/present by interviewing the person(s) who made the allegations and/or other witnesses to

# Quick Reference Guide to Reporting & Investigation









## Supporting Information

### 1) Reporting

Who has an obligation/ is able to report different matters?

			<b>Reporting Obligation/ Ability to Report</b>								
<b>Incident/ Concern</b>	<b>Reporting Requirement</b>	<b>Report Timing</b>	<b>Personnel</b>	<b>Contractors</b>	<b>Representatives</b>	<b>Visitors</b>	<b>Funded Partners</b>	<b>Suppliers</b>	<b>Associates</b>	<b>Family of Whistleblower</b>	<b>Public</b>
Child Safeguarding	Mandatory	Immediate	X	X	X	X	X				X
Sexual Exploitation, Abuse & Harassment (SEAH)	Mandatory	Immediate	X	X	X	X	X				X
Fraud & Corruption	"Must"	Prompt	X	X			X				X
Terrorism Financing	"Must"	Immediate	X	X			X				X
Whistleblowing			X	X	X		X	X	X	X	
Bullying, Harassment & Discrimination (BHD)			X	X	X	X					
Conflict of Interest (Col)	"Must"	Prompt	X	X							
Feedback/ Complaint			X	X	X	X	X	X	X		X

<b>Approved by:</b> Hagar Australia Board	<b>Date Policy Took Effect:</b> 16 <sup>th</sup> March, 2021
<b>Review Date:</b> 16 <sup>th</sup> March, 2024	<b>Responsible Person:</b> HAUS Board Secretary

Who should receive reports for different matters?

Incident/ Concern	Acknowledgement Response Time (Bus. Days)	Report Receiver							
		Safeguarding Focal Person	Executive Director	Board Secretary	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
Child Safeguarding	1	X	X				X		
SEAH	1	X	X				X		
Fraud & Corruption	1		X	X					
Terrorism Financing	1		X	X					X
Whistleblowing	1		X	X				X	
BHD	1		X	X					
Col	1		X	X	X				
Feedback/ Complaint	5		X	X		X			

## Ways to report

- Website: <https://hagar.org.au/reporting>
- Email: [secretary@hagar.org.au](mailto:secretary@hagar.org.au)
- Phone: +61 3 9416 1960
- In person

## Process

1. *BHD & Col*: First step is to address the issue with the person concerned.
  - *BHD*: If not comfortable or behaviour continues, report to Executive Director or Board Secretary.
  - *Col*: Also report to Executive Director, Board Secretary or Chair.
2. Report receiver assesses report to determine whether formal, in-depth investigation is required, informs Board Chair of all serious matters and acts-
  - *Child Safeguarding, SEAH & BHD*: Also whether a child or adult is in immediate danger or has any other urgent needs;
  - *Whistleblowing*: Also whether the report qualifies for protection and whether a person is in immediate danger/ has other urgent needs;
  - *Fraud & corruption, terrorism financing & Col*: Also whether immediate request to the HAUS Finance Manager, HAUS bank and/or credit card company, and HI (if necessary) to freeze all resources is required. This may include funds to a partner organisation.

3. If report receiver determines an investigation is required, they will then decide:
- Nature and scope of the investigation
  - Person(s) within and/or outside of HAUS that may need to be consulted
  - Nature of any technical, financial or legal advice that may be required
  - Timeframe (considering any potential delays)

2) **Investigation**

*What are the follow-up times of investigators for different matters (depending on their urgency)?*

The Board Chair will be informed of all serious matters and, with whistleblower permission, may be involved in whistleblowing investigations:

Incident/ Concern	Follow-up Interview Response Time (Bus. Days)	Investigator							
		Safeguarding Focal Person	Manager/ ED	Board Sec	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
Child Safeguarding	1-3	X	X		X		X		
SEAH	1-3	X	X		X		X		
Fraud & Corruption	1-3		X	X	X				
Terrorism Financing	1-3		X	X	X				X
Whistleblowing	3-5		X	X	X			X	
BHD	1-3		X	X	X				
Col	5		X	X	X				
Feedback/ Complaint	5		X	X	X	X			

What is the timeframe for reporting to institutional donors, particularly DFAT?

Incident/ Concern	DFAT Reporting (Bus. Days)	Contact	More Information (02) 6178 5100
Child Safeguarding	2	<a href="mailto:childwelfare@dfat.gov.au">childwelfare@dfat.gov.au</a> (use Child Incident Notification Form on website)	<a href="http://www.dfat.gov.au/childprotection">www.dfat.gov.au/childprotection</a>
SEAH	2 (alleged incident) or 5 (alleged policy breach)	<a href="mailto:seah.reports@dfat.gov.au">seah.reports@dfat.gov.au</a> (use SEAH Incident Notification Form on website)	<a href="http://www.dfat.gov.au/pseah">www.dfat.gov.au/pseah</a>
Fraud & Corruption	5	<a href="mailto:fraud@DFAT.gov.au">fraud@DFAT.gov.au</a> (use Fraud Referral Form at <a href="https://www.dfat.gov.au/about-us/publications/Pages/suspected-or-detected-fraud-referral-form">https://www.dfat.gov.au/about-us/publications/Pages/suspected-or-detected-fraud-referral-form</a> )	<a href="https://www.dfat.gov.au/about-us/corporate/fraud-control/Pages/fraud-control">https://www.dfat.gov.au/about-us/corporate/fraud-control/Pages/fraud-control</a>
Terrorism Financing	2	<a href="mailto:counter-terrorism.resourcing@dfat.gov.au">counter-terrorism.resourcing@dfat.gov.au</a>	<a href="https://www.dfat.gov.au/international-relations/security/counter-terrorism/terrorism-resourcing-risk-management-statement">https://www.dfat.gov.au/international-relations/security/counter-terrorism/terrorism-resourcing-risk-management-statement</a>
Environmental & Social Safeguards	2	<a href="mailto:aidsafeguards@dfat.gov.au">aidsafeguards@dfat.gov.au</a> (any project that has/ likely to have a significant environmental impact should be identified early and referred for advice under the EPBC Act).	<a href="https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards">https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards</a>

1. Report receiver contacts the report-maker and has a confidential discussion regarding (please de-identify notes)-
  - The investigation and resolution process (confidential, impartial, prompt, thorough)
  - Expected timeframe for action
  - The need for referral/ additional support (if necessary) and permitted investigation team (eg. ED/ Board Sec and external third party)
  - The report-maker's likely involvement in the process
  - Possible outcomes (report-maker will not be informed of details of disciplinary action)
  - *Child Safeguarding, SEAH, Whistleblowing, BDH & Feedback/ Complaints Policies:* What the report-maker and/ or the person involved (child/ adult/ associate of HAUS/ member of the public) want to happen (from possible outcomes).
  - Support the report-maker may need in relation to the report (what HAUS can do/ referral support)
  - *Whistleblowing:* Rights (eg. protection) and obligations (eg. non-disclosure); confidentiality (ie. how they wish to communicate- may be anonymous but investigation cannot proceed if HAUS unable to contact); permission to disclose identity to Board Chair/ ED to arrange work protection (if necessary) and/or specific third party for investigation purposes; help in identifying any aspects of their report that could inadvertently identify them.

- Avenues for review/ complaint:

Incident/ Concern	Board	ACNC	ASIC
Child Safeguarding	X	X	
PSEAH	X	X	
Fraud & Corruption		X	X
Terrorism Financing		X	X
Whistleblowing			X
BHD	X	X	
Col		X	
Feedback/ Complaint	X	X	

2. Report receiver:

- Assembles permitted investigation team
  - Arranges support for report-maker (including work modifications for whistleblower, if necessary)
3. Permitted investigation team reviews process and timeframe, and begins confidential, impartial, prompt yet thorough investigation (all notes with report-maker information de-identified).
  4. Report receiver updates report-maker at the start, part-way through, within 5 days of the investigation's completion and if timeframe is unable to be met, explaining any reasons for delay.
  5. Report receiver will advise individual who is subject of report regarding subject matter, as and when required by principles of natural justice and procedural fairness, and prior to action being taken; also offering appropriate support.
  6. The findings of the investigation will be documented, de-identified and reported to the Hagar Australia Board of Directors and relevant staff for learning and improvement of systems and processes.
- *Feedback & Complaints:* Review of Feedback & Complaints Register every Board meeting and annual process review, including number of complaints received, outcome and where resolved (eg. first point of contact), issues arising, systemic issues, and number of requests for review (internal/ external).

### 3) Sanctions

If it is determined that a person has engaged in wrongdoing, or a person or an organisation has failed to comply with Hagar Australia policies or Code of Conduct, then Hagar Australia will apply an appropriate sanction as follows:

Incident/ Concern	Warning	Counselling	Dismissal	Suspension	Transfer to other duties	Cancellation of contract	End of relationship	Termination of visit	Reporting to law enforcement (Aust &/or overseas)
Child Safeguarding			X			X	X	X	X
PSEAH			X			X	X	X	X
Fraud & Corruption			X	X	X	X	X		X
Terrorism Financing			X	X	X	X	X		X
Whistleblowing			X			X	X		X
BHD	X	X	X	X	X	X	X	X	X
Col			X			X	X		X
Feedback/ Complaint	X	X		X	X				

#### Sanctions apply for:

- Deliberately making a false allegation;
- Retaliating against anyone who raises a concern or makes a report in good faith, or assists/ participates in an investigation or other proceeding;
- *Child Safeguarding, SEAH, Fraud & Corruption, Terrorism Financing, Col*: Failing to report; or
- *Whistleblowing*: Breach of Whistleblower confidentiality.

*Fraud & Corruption, & Terrorism Financing*: HAUS will pursue every reasonable effort to recover losses and report any incident to relevant institutional donors, the ACNC and ACFID.

4) **Review**

After any incident, the systems strengthening questions that will be discussed at an operational level and reported on to the Board are:

1. How and why did the incident occur?
2. How can this be prevented in the future?

## Annex 3: Hagar Australia Conflict of Interest Disclosure Statement

(To be completed at appointment and at least annually thereafter)

**Note:** This statement of disclosure/ questionnaire also requires you to provide information with respect to certain parties that are related to you. These persons are termed “affiliated persons” and include:

- your spouse, domestic partner, child or step-child or spouse of a child or step-child, mother, father, brother or sister or spouse or domestic partner of a brother or sister
- any corporation or organisation of which you are a Board member, an officer, a partner, participate in management or are employed by, or are, directly or indirectly, a debt holder or the beneficial owner of any substantial class of equity securities
- any trust or other estate in which you have a substantial beneficial interest or as to which you serve as a trustee or in a similar capacity

**1) Name of Employee, Board Member or Volunteer: (Please print)**

**2) Capacity (please tick):**

Board of Directors     Staff     Volunteer/ Intern     Other (describe capacity)

**3) Have you or any of your affiliated persons provided services or property to Hagar Australia in the past year other than services related to your ordinary duties?**

YES     NO

If yes, please describe the nature of the services or property and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

**4) Have you or any of your affiliated persons purchased services or property from Hagar Australia in the past year?**

YES     NO

If yes, please describe the purchased services or property and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

**5) Have you or any of your affiliated persons had any direct or indirect interest in any business transaction(s) to which Hagar Australia was, or is, a party in the past year?**

YES     NO

If yes, describe the transaction(s) and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

**6) Were you or any of your affiliated persons indebted to pay money to Hagar Australia at any time in the past year (other than travel advances or the like)?**

YES     NO

<b>Approved by:</b> Hagar Australia Board	<b>Date Policy Took Effect:</b> 16 <sup>th</sup> March, 2021
<b>Review Date:</b> 16 <sup>th</sup> March, 2024	<b>Responsible Person:</b> HAUS Board Secretary

If yes, please describe the indebtedness and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

- 7) In the past year, did you or any of your affiliated persons receive, or become entitled to receive, directly or indirectly, any personal or financial benefit from Hagar Australia or as a result of your relationship with Hagar Australia, that in the aggregate could be valued in excess of \$500, that were not or will not be compensation directly related to your duties to Hagar Australia?**

YES    NO

If yes, please describe the benefit(s) and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

- 8) Are you or any of your affiliated persons a party to or have a material interest in any pending legal proceedings involving Hagar Australia?**

YES    NO

If yes, please describe the proceeding(s) and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

- 9) Are you aware of any other events, transactions, arrangements or other situations that have occurred or may occur in the future that you believe should be examined by the Executive Director or Hagar Australia's Board in accordance with the terms and intent of Hagar Australia's Conflict of Interest Policy?**

YES    NO

If yes, please describe the situation(s) and if an affiliated person is involved, the identity of the affiliated person and your relationship with that person:

I hereby confirm that I have read and understand Hagar Australia's Conflict of Interest Policy and that my responses to the above questions are complete and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this disclosure is inaccurate, or that I have not complied with this policy, I will notify the Executive Director or Hagar Australia's Board immediately.

**X**

Board Member/ Employee/ Volunteer

*Signature:*

*Date:* 2/09/2021