

Prevention of Fraud & Corruption Policy

1. INTRODUCTION

Hagar Australia is committed to the responsible stewardship of the resources entrusted to it. The organisation recognises that conditions, such as poverty, weak rule of law, displacement and the dissolution of community structures due to conflict, increase the vulnerability of Hagar and its partners to fraud and corruption. The paying of bribes also encourages corruption which, like fraudulent acts, can harm those Hagar Australia seeks to support by diverting goods, services and opportunities away from them, and preventing the organisation's objectives from being achieved.

Accordingly, Hagar Australia has a zero tolerance approach towards fraudulent and corrupt activity or behaviour, maintaining a high level of professional and ethical standards in the conduct of its work. It aims to carry out all aspects of organisational and program management with integrity, and in a transparent and accountable manner.

Hagar Australia takes any instance of corruption and/ or fraud extremely seriously. This policy prohibits actual or attempted corruption or involvement in fraudulent activities or behaviour, either directly or indirectly, on Hagar Australia's behalf. Hagar Australia is committed to preventing, detecting and responding to fraud and corruption in all aspects of its operations and programs.

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, investigation and management of corruption and/ or fraudulent activity
- ensure all parties are aware of their responsibilities regarding the prevention of corruption and/ or fraudulent activity
- preserve the reputation and integrity of Hagar Australia, as well as that of all parties affiliated with it.

3. SCOPE

This policy applies to:

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

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

4. PRINCIPLES

This policy is underpinned by four principles:

- 1) *Zero tolerance of inaction:* Hagar Australia will not tolerate fraud or corruption in any aspect of its operations. In this policy, Hagar Australia defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.
- 2) *Strong leadership accelerates cultural change:* Hagar Australia's Board and management are committed to setting clear expectations and modelling appropriate behaviour. This includes human resource procedures that embed integrity and inclusion of financial risk discussions in Board meetings.
- 3) *Preventing fraud and corruption is a shared responsibility:* Hagar Australia recognises that all organisations, including those in partnership with Hagar Australia, have a collective responsibility to build capacity to deal sensitively and effectively with fraud and corruption wherever it occurs. Hagar Australia requires the commitment, support and investment of its partners for this policy to be effective.
- 4) *Stronger reporting will enhance accountability and transparency:* Hagar Australia sees preventing fraud and corruption as a key obligation of its work. Hagar Australia supports strengthened reporting mechanisms in order to better monitor fraud and corruption, understand risks, improve assurance, and work with organisations to improve systems and controls accordingly.

5. RISK AND RISK MANAGEMENT CONTROLS

Risk Assessment

Hagar Australia has a fraud control framework, including a Fraud Control Plan, which supports the organisation in maintaining a high standard of operational and programmatic service for its stakeholders, secures public money and property, and protects the integrity, security and reputation of Hagar Australia. This framework also ensures that fraud against Hagar Australia is prevented by proactively identifying fraud risk and developing, implementing, reviewing and updating fraud control measures every 6 months to ensure that risks and treatments are appropriate; managing our projects to ensure that activities are being carried out as intended, providing support to our partners, ensuring fraud losses incurred by Hagar Australia are minimised; and where fraud occurs, it is promptly detected, effectively investigated and, where necessary, sanctions applied.

Hagar Australia will assess the level of partner risk, taking into consideration Hagar International (HI) support, using the following guide:

Low Risk	Medium Risk	High Risk
Close project oversight: <ul style="list-style-type: none"> • HI Program Office (PO) exists and is in close proximity to partner/project location • Monitoring visit by Hagar Australia within the last 12 months. 	Project oversight: <ul style="list-style-type: none"> • HI Program Office (PO) exists but not in close proximity to partner/project location • Monitoring visit by Hagar Australia within the last 18 months. 	Limited project oversight: <ul style="list-style-type: none"> • No HI Program Office (PO) • Monitoring visit by Hagar Australia within the last 24 months or longer.
The PO and partner organisations are implementing activities in a country/region where perception of corruption is low to relatively low. ¹	The PO and partner organisations are implementing activities in a country/region where perception of corruption is moderate. ²	The PO and partner organisations are implementing activities in a country/region where perception of corruption is high. ³
The PO and partner organisations have strong financial controls and financial mechanisms in place.	The PO and partner organisations have established financial controls in place with identified processes and systems, which need strengthening.	The PO and partner organisations have no or only recently established financial controls and mechanisms in place.

Project risk will also be assessed at the start of collaboration, classifying them into high, medium or low risk categories, based on the nature of projects and their context. Hagar Australia will support partners in conducting organisational, project and activity risk assessments before the start of projects, which will include identification, treatment and escalation of fraud and corruption risks; and regular reporting and register review timelines, based on the minimum interval guidance outlined below:

	Low/Medium	High
<i>Existing</i>	Start of new contract (if previous check more than 12 months before)	<ul style="list-style-type: none"> • Annually • Immediately (if key staff changes)
<i>New</i>	Start of contract	<ul style="list-style-type: none"> • Annually • Immediately (if key staff changes)

Risk assessments will be reviewed immediately if there are concerns of suspected or alleged fraud, or major organisational change has occurred.

¹ Transparency International Corruption Perception Index, <https://www.transparency.org/en/cpi> (score of 67+)

² *Ibid.* (score of 34-66)

³ *Ibid.* (score of 0-33)

Internal Risk Management Controls

Hagar Australia's internal risk management controls are to:

- Clearly state Hagar Australia's commitment to integrity in recruitment materials, human resource policies, and all partnership agreements.
- Undertake police and verbal referee checks, prior to appointment, for all Hagar Australia personnel and contractors, and review if circumstances change (for example, disciplinary or court proceedings). This is to identify individuals who may pose an unacceptable risk. Board members will, additionally, be screened against the Australian Securities & Investments Commission (ASIC)'s Register of Banned and Disqualified Persons.⁴
- Provide Hagar Australia's Prevention of Fraud & Corruption Policy, including Code of Conduct, 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 discuss it with Hagar Australia personnel during annual Performance Reviews (where required).
- Ensure that all Hagar Australia personnel and contractors complete introduction and annual refresher training (evidenced by certificates and other documentation) on the prevention of fraud and corruption, including their obligations and Hagar Australia reporting/ complaints handling procedures.
- Include 'Risk,' supported by Hagar Australia's Risk Register, as a standing Board bi-monthly meeting agenda item to monitor Prevention of Fraud and Corruption Policy compliance, ensuring that Board members are aware of the level of fraud and corruption risk to which the organisation may be exposed.
- Detail who is permitted to use Hagar Australia's identity, facilities and equipment (name, office, bank account, credit cards, website, computer systems and telephone) and for what purpose in the organisation's Finance Manual (with clear delegations and separations of authority), Code of Conduct and partnership agreements.
- Maintain complete, accurate and up-to-date records of financial and operational activities with supporting documentation (including detailed project budgets, annual audits (both Hagar Australia and partners and/or projects), as well as partner and project performance reports), and ensure delivery of goods and services is substantiated before invoices are paid.
- Undertake an annual review of Hagar Australia's internal controls and prevention of fraud and corruption practices, and a more detailed periodic assessment (every 3 years) of the organisation's financial systems.
- Report any committed, suspected or alleged instances of fraud and corruption related to institutional donor-funded projects to institutional donors within five working days.

Programmatic Risk Management Controls

All Hagar Australia funded partners are expected to act in accordance with the principles outlined in this policy. Non-compliance with these standards, where required, may lead to suspension or termination of funding arrangements.

⁴ ASIC Register of Banned and Disqualified Persons, https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx?_adf.ctrl-state=v5a66rrpu_12.

Hagar Australia's programmatic risk management controls are to:

- Sign partnership and project-level funding agreements that reflect the principles and requirements in this policy, including details of the organisation ultimately responsible for the project, the Hagar Australia resources that will be required, what will happen to them at the project's conclusion, and detailed reporting and audit requirements. These agreements must be discussed with partners.
- Take steps to ensure that Hagar Australia has a deep understanding of fraud and corruption issues within each operational context, including knowing its beneficiaries, partners and any third parties they engage with.
- Ensure that due diligence assessments are conducted for all partners who receive Hagar Australia funds, including police checks/ statutory declarations and verbal referee checks for all personnel; ensure that all such personnel enter into compliant personnel agreements and sign Codes of Conduct, the latter to be summarised and distributed in local languages to clients, their families and communities with reporting information.
- Ensure that Hagar Australia-funded partners develop and implement their own Hagar Australia-compliant prevention of fraud and corruption policy with clear investigation and reporting procedures, or formally adopt Hagar Australia's Prevention of Fraud and Corruption Policy. The reporting procedure should be displayed in local languages in each office and discussed with clients and communities, within 6 months of signing a partnership agreement with Hagar Australia.
- Ensure prevention of fraud and corruption considerations are included in project planning, monitoring and evaluation. Partner (annual) and project (bi-annual) fraud and corruption risk and compliance will be reported to Hagar Australia throughout the project cycle.
- Support partners in their compliance with prevention of fraud and corruption requirements, including regularly assessing capacity, addressing training needs (including annual refresher training), explaining partnership and personnel obligations, as well as regular monitoring and review by Hagar Australia, including an annual fiduciary assessment.
- Undertake an annual review of the internal controls and prevention of fraud and corruption practices of Hagar Australia's partners, and a more detailed periodic assessment (every 3 years) of organisational financial systems and risks.
- Make all reasonable efforts, where funds are provided to a third party, to ensure the third party is aware of, and seek assurance that it will comply with, all applicable laws and this policy.

7. 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 Hagar Australia resources.

8. PROCESSES FOR REPORTING CONCERNS OR ALLEGATIONS

8.1 How to Report

Any person within the scope of this policy who becomes aware of or suspects, the actual or attempted use of any form of corruption or involvement in fraudulent activities must report this promptly as follows:

- At <https://hagar.org.au/reporting> (this can be anonymous and Google Chrome can assist with webpage translation; fraud and corruption reports will be received by the Executive Director) or email Hagar Australia's Board Secretary at secretary@hagar.org.au, and
- Contact Hagar Australia's Executive Director or Board Secretary on **+61 3 9416 1960**.

If in doubt, Hagar Australia personnel and partners should report an alleged incident, in line with the principle of zero tolerance of inaction. Community members can also report via Hagar Australia's website and phone number (details above). Any person reporting a suspected or alleged incident in good faith will not be penalised. A failure to report or deliberately making a false allegation, regarding fraud and corruption incidents, will be considered a breach of this policy and will be managed accordingly (see Section 8.3).

8.2 How the Report will be managed

Any alleged incident or 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 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, overseen by the Executive Director, regardless of the position, title, length of service or relationship with the organisation of any party who might be the subject of such investigation.
- The Executive Director will, if appropriate, immediately issue a request to the Hagar Australia Finance Manager, Hagar Australia's bank and/or credit card company, and Hagar International (if necessary) to freeze all resources. This may include funds to a partner organisation.

8.3 Sanctions

If it is determined that a person has engaged in fraud and/ or corruption, or a person or an organisation has failed to comply with this Prevention of Fraud and Corruption Policy or Code of Conduct, then Hagar Australia may apply an appropriate sanction as follows:

- dismissal, suspension or transfer to other duties for any employee who breaches the Prevention of Fraud and Corruption Policy and Code of Conduct;
- cancellation of a contract or relationship;
- if the incident is criminal, reporting to the relevant law enforcement agencies, in Australia or the country where the incident occurred, in cooperation with Hagar International.

Hagar Australia will pursue every reasonable effort to recover losses and report any incident to relevant institutional donors, the Australian Charities and Not-for-profits Commission (ACNC) and the Australian Council for International Development (ACFID).

Hagar Australia strictly prohibits any form of retaliation for raising a concern or reporting in good faith a violation of this policy, or for assisting or participating in any investigation or other proceeding. Any person who is found to have engaged in retaliation will be subject to disciplinary action up to and including termination of employment.

9. DEFINITIONS

Term	Definition
Hagar Australia personnel	Hagar Australia's Board of Directors, employees (full time, part-time and casual) and volunteers.
Hagar Australia-funded partners	This includes Hagar International, its Program Offices and other entities engaged to perform any part of a Hagar Australia-funded activity. These entities have agreed roles and responsibilities monitored by Hagar.
Fraud	<p>Dishonestly obtaining a benefit, or causing a loss, by deception or other means. 'Benefit' refers to both tangible items, such as money or objects, and intangible benefits including power, status or information.</p> <p>People can commit fraud in a variety of ways, including by making false representations, misusing assets, abusing their position, failing to disclose information, disclosing confidential information and using other forms of deception.</p> <ul style="list-style-type: none"> • Internal fraud: committed by someone within or connected to an organisation. For example: <ul style="list-style-type: none"> - Stealing cash donations; - Misusing banking facilities, including credit cards or internet banking accounts, for personal expenditure; - Claiming non-existent, excessive or inappropriate expenses; - Creating false or inflated invoices to obtain payment for goods and services that have not been supplied; - Submitting false applications for grants or other charitable benefits; - Creating non-existent beneficiaries or employees for the purposes of directing unauthorised payments. • External fraud: committed by someone with no connection to the organisation. For example: <ul style="list-style-type: none"> - Using false invoices to obtain money from an organisation; - Committing identity fraud, for example, hijacking an organisation's bank account - Unauthorised fundraising in an organisation's name, such as setting up a fraudulent disaster appeal website.
Financial wrongdoing	In the context of this policy includes fraud, corruption, bribery and money-laundering.
Corruption	Corruption is dishonest activity or the misuse of office, position, power or influence for some personal or private gain or advantage for him or herself or for another person or entity.

	<p>Examples of corruption include:</p> <ul style="list-style-type: none"> • Bribery, extortion and blackmail • Secretly permitting personal interests to override corporate interests • Secretly giving or accepting gifts or benefits in return for preferential treatment • Collusion, false quotes, false invoices or pricefixing • Nepotism (favouring relatives).
Bribery	<p>Bribery is a form of corruption. It is the (actual or attempted) offer, promise, giving, accepting or soliciting of an advantage or benefit (either directly or indirectly) as an inducement or reward for an action which is illegal, immoral, unethical, a breach of trust or designed to gain commercial, contractual, regulatory or personal advantage. Acts of bribery are designed to influence individuals to act dishonestly in the performance or discharge of their duty (irrespective of whether the individuals are ultimately influenced or not). Bribery of a public foreign official is a serious criminal offence and carries heavy penalties.</p>

10. RELEVANT LEGISLATION AND CONVENTIONS

Hagar Australia personnel, contractors and Hagar Australia-funded partners must adhere to local and international fraud and corruption criminal laws. These include Australian Commonwealth, state and territory laws, and international conventions and local laws in the countries where Hagar Australia works.

Australian legislation

- a) *Criminal Code Act 1995*
- b) *Crimes Act 1914*

State and territory anti-corruption legislation

- a) Victoria: *Crimes Act 1958*
- b) New South Wales: *Crimes Act 1900*
- c) Queensland: *Criminal Code Act 1899*
- d) Western Australia: *Criminal Code*
- e) South Australia: *Criminal Law Consolidation Act 1935*
- f) Tasmania: *Criminal Code Act 1924*
- g) Australian Capital Territory: *Crimes Act 1900*
- h) Northern Territory: *Criminal Code Act 1983*

International anti-corruption instruments that Australia is a signatory to

- a) *The United Nations Convention against Corruption*
- b) *The United Nations Convention against Transnational Organised Crime*
- c) *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, published by the Organisation for Economic Co-operation and Development (OECD)

Each Hagar office is legally obliged to comply with relevant country laws relating to fraud and corruption.

11. RELATED POLICIES AND PROCEDURES

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

12. 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 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.⁵
- Comply with Australian and local **legislation** (including child⁶ 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 beneficiaries⁷ (the 'two adult rule').

⁵ 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.

⁶ A 'child' is any person under the age of 18 years.

⁷ '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**⁸ 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 (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.

⁸ 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.⁹
- 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.

⁹ 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,¹⁰ 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:

¹⁰ 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.

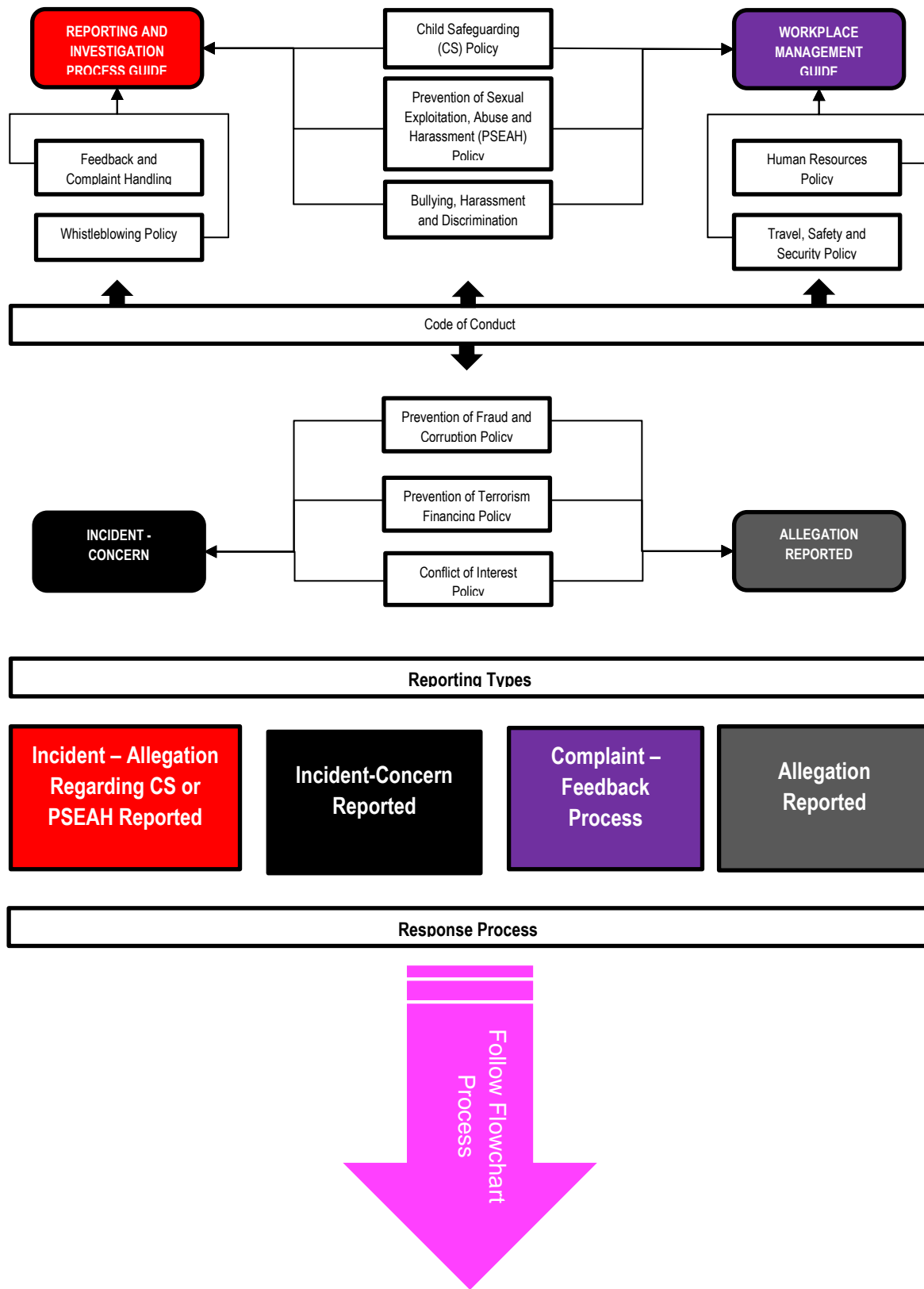
Further Investigation

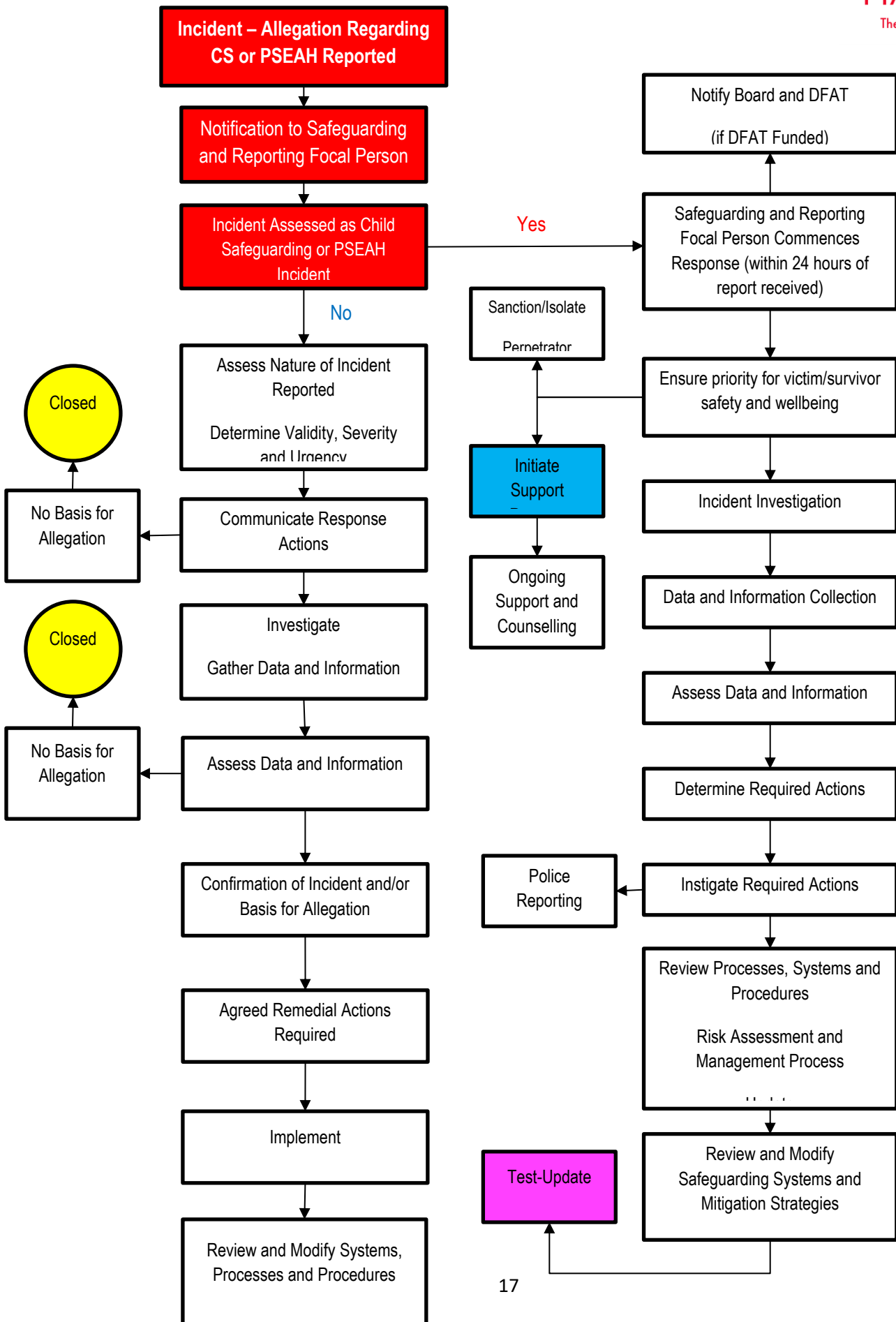
The threshold for ‘further investigation’ is if one or more of these answers is ‘yes’: ‘Does it require support outside of usual management processes?’, ‘Will business operations be affected for more than 24 hours?’, ‘Is it likely to become a critical incident or crisis?’, ‘Does the person responsible 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?’

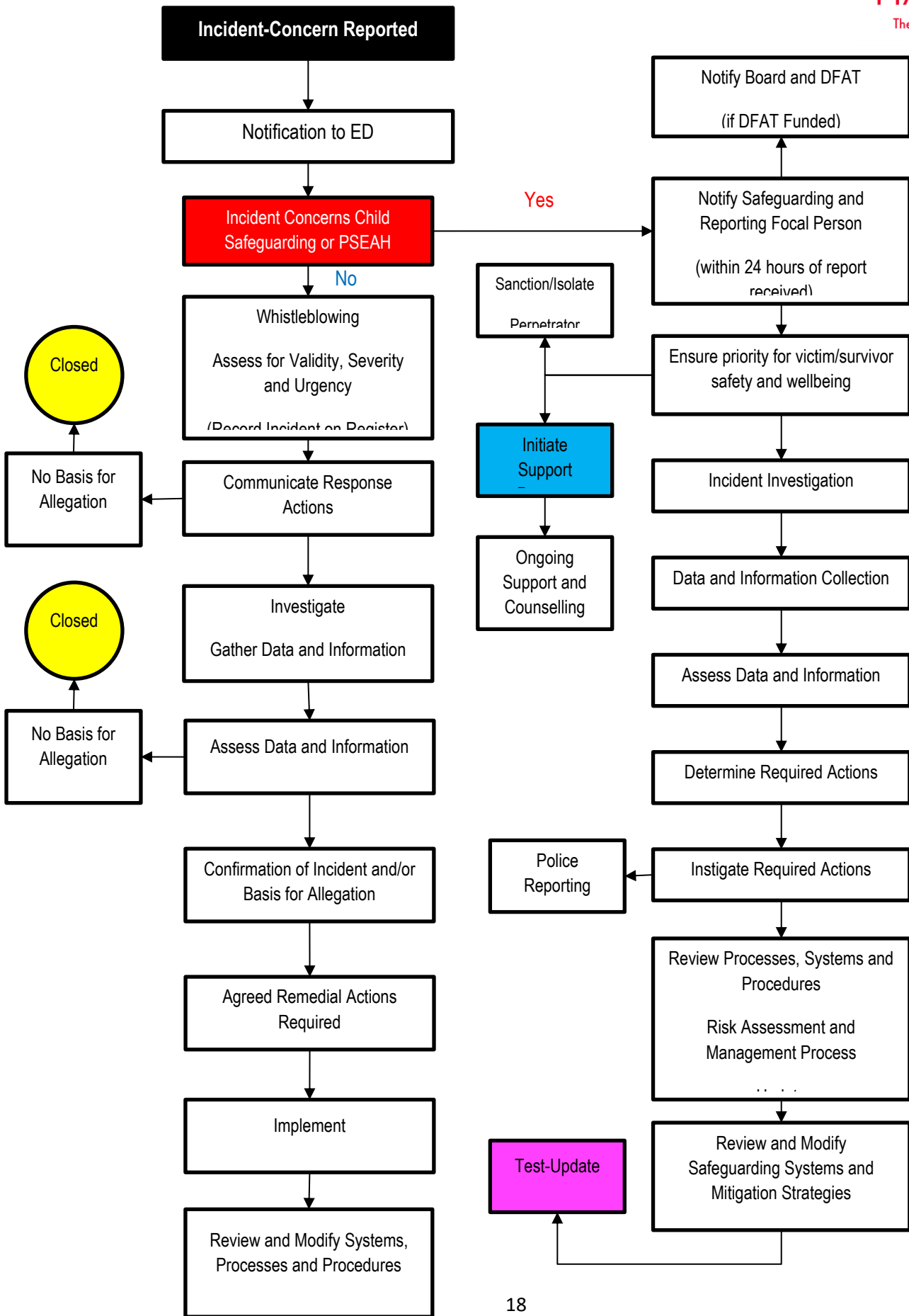
Investigation Process

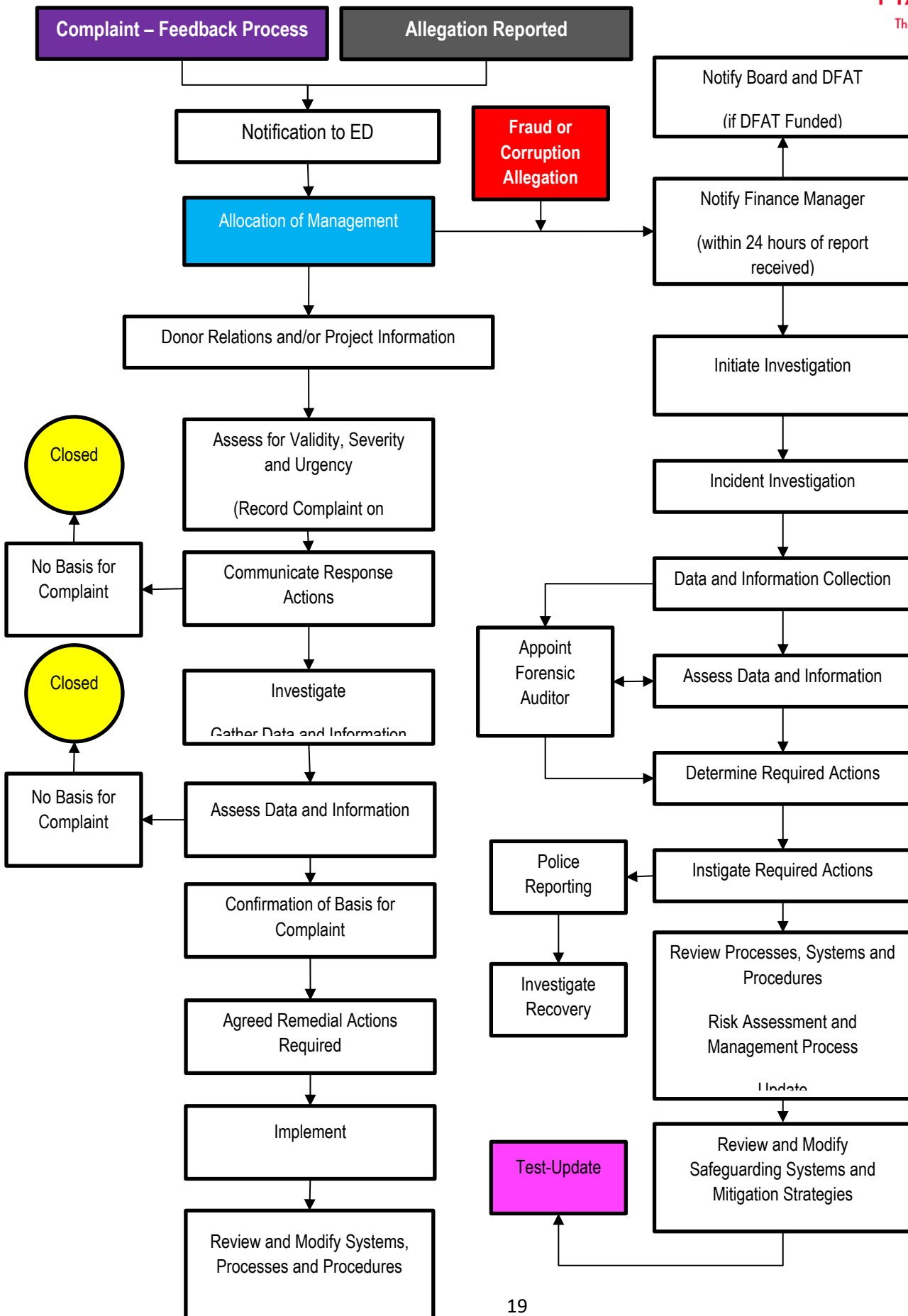
This investigation is to determine exactly what happened, when, where and who was involved/present by interviewing the person(s) who made the allegations and/or other witnesses to

Quick Reference Guide to Reporting & Investigation









Supporting Information

1) Reporting

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

			Reporting Obligation/ Ability to Report								
Incident/ Concern	Reporting Requirement	Report Timing	Personnel	Contractors	Representatives	Visitors	Funded Partners	Suppliers	Associates	Family of Whistleblower	Public
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

Approved by: Hagar Australia Board	Date Policy Took Effect: 2 nd March, 2021
Review Date: 2 nd March, 2024	Responsible Person: 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
- 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	childwelfare@dfat.gov.au (use Child Incident Notification Form on website)	www.dfat.gov.au/childprotection
SEAH	2 (alleged incident) or 5 (alleged policy breach)	seah.reports@dfat.gov.au (use SEAH Incident Notification Form on website)	www.dfat.gov.au/pseah
Fraud & Corruption	5	fraud@DFAT.gov.au (use Fraud Referral Form at https://www.dfat.gov.au/about-us/publications/Pages/suspected-or-detected-fraud-referral-form)	https://www.dfat.gov.au/about-us/corporate/fraud-control/Pages/fraud-control
Terrorism Financing	2	counter-terrorism.resourcing@dfat.gov.au	https://www.dfat.gov.au/international-relations/security/counter-terrorism/terrorism-resourcing-risk-management-statement
Environmental & Social Safeguards	2	aidsafeguards@dfat.gov.au (any project that has/ likely to have a significant environmental impact should be identified early and referred for advice under the EPBC Act).	https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards

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?