

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.

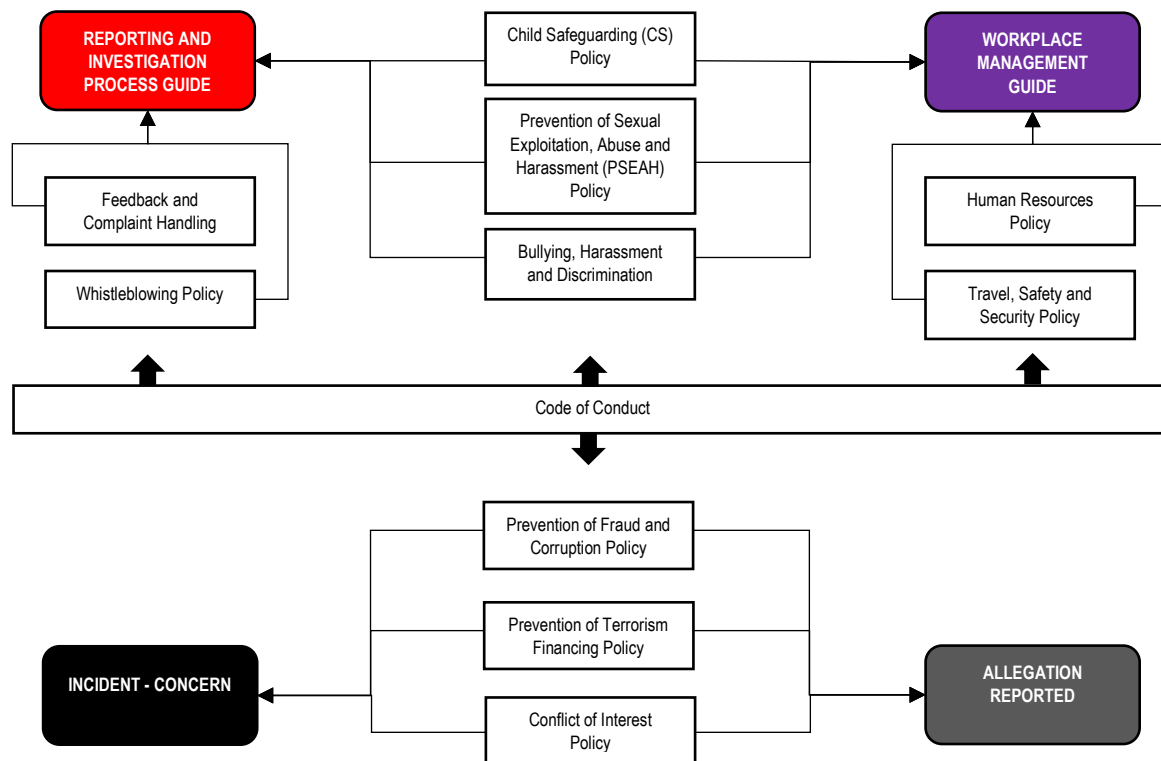
Further Investigation

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 gather more information.

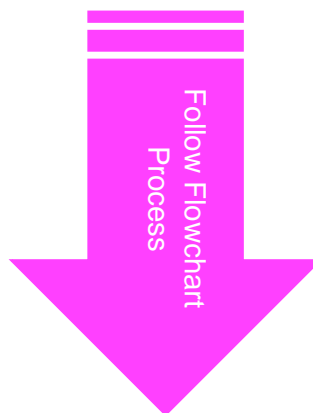
Quick Reference Guide to Reporting & Investigation

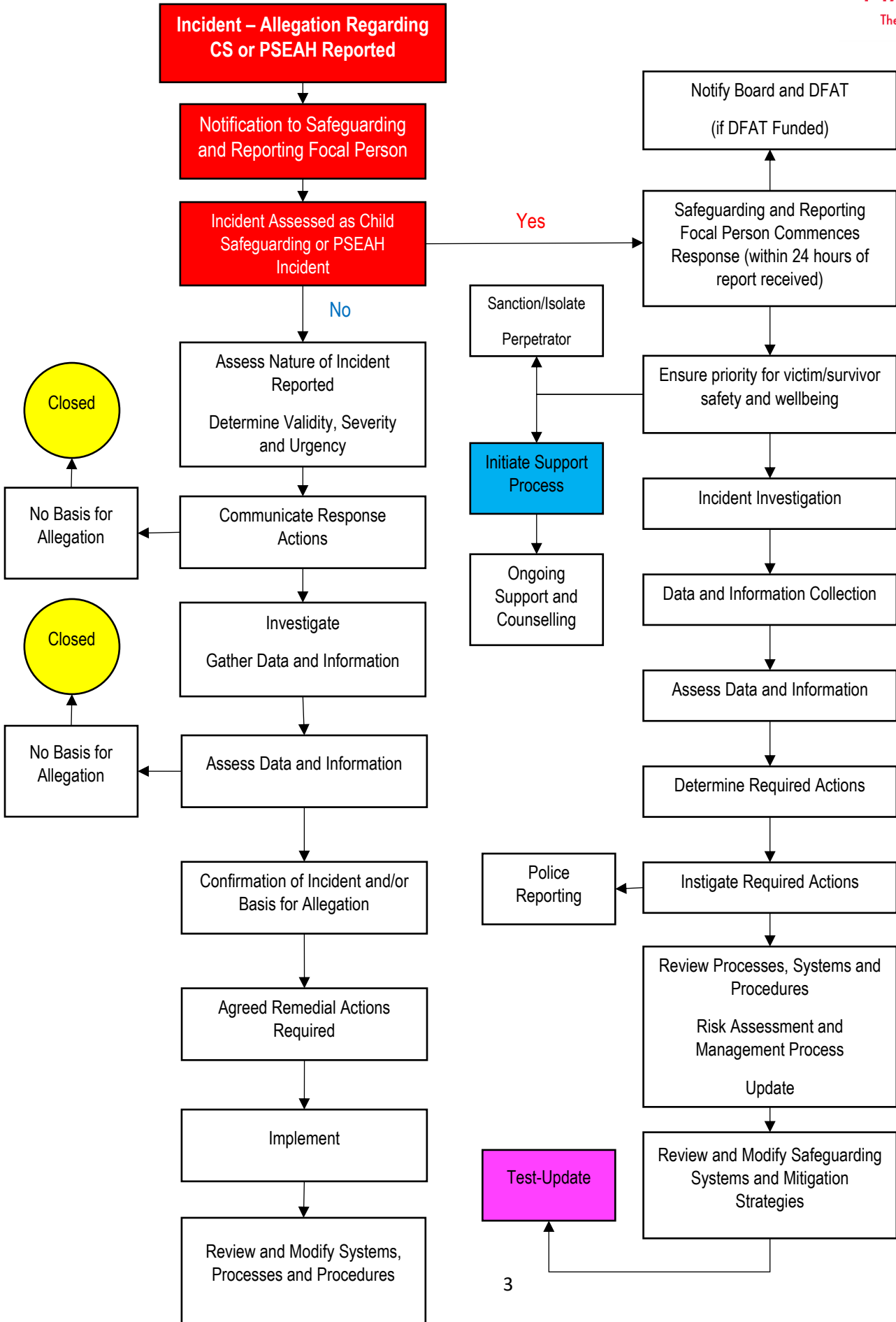


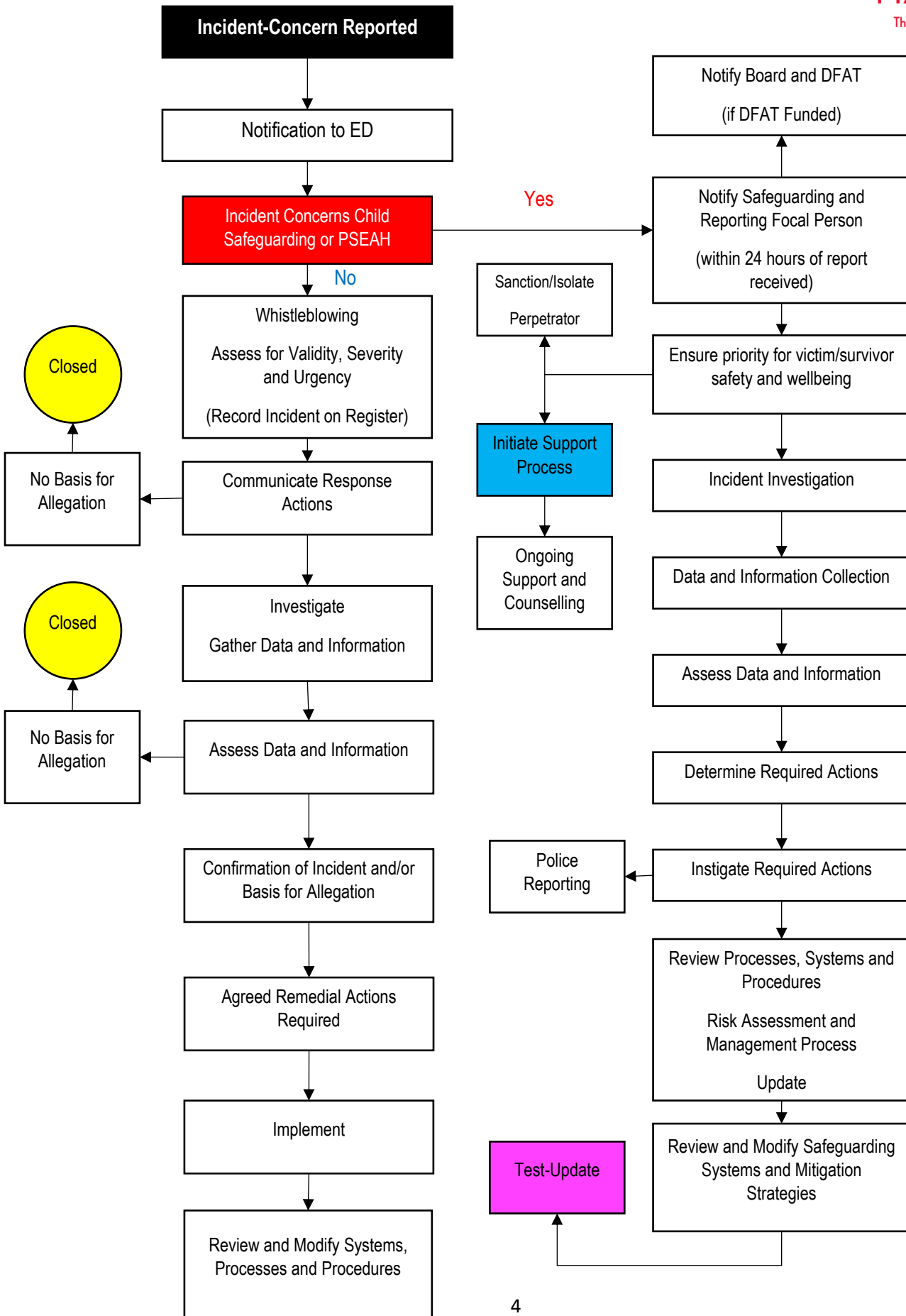
Reporting Types

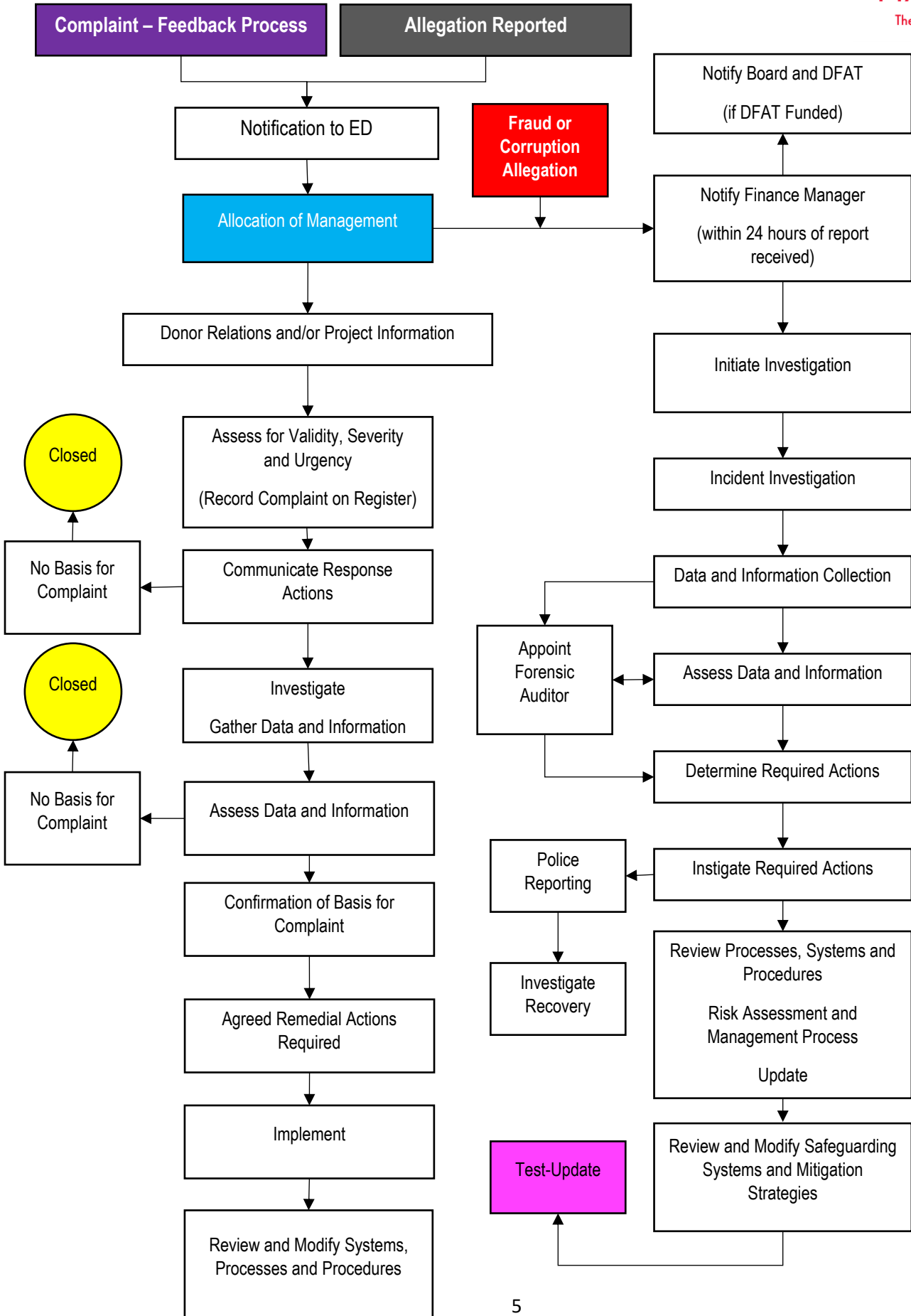


Response Process









Supporting Information

1) **Reporting**

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

Incident/ Concern	Reporting Requirement	Report Timing	Reporting Obligation/ Ability to Report								
			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

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

Incident/ Concern	Acknowledgement Response Time (Bus. Days)	Report Receiver (2)							
		Safeguarding Focal Person	Executive Director	Board Secretary	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
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
Incident/ Concern (2)	Board	ACNC	ASIC
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?