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|  | **ECS Incident Response Plan and Register** |

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| **PURPOSE OF THIS PLAN** |  |

The ACNC External Conduct Standards (ECS) place obligations on registered charities to take “reasonable steps” to manage certain risks in overseas activities – particularly risks around use of resources, money laundering and terrorism financing, and vulnerable clients and staff.

“Reasonable steps” may include being prepared to respond quickly and effectively to resolve incidents and mitigate or eliminate risks moving forward.

This Incident Response Plan and Register provides Missions Interlink members with a framework for responding to incidents relating to overseas operations.

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|  **COMPLETING THE PLAN** |  |

Your charity’s Board, CEO and key staff should review and amend this plan and register to ensure that it suits your charity’s circumstances. In particular, pay attention to:

* identifying the appropriate responsible staff within your organisational structure;
* ensuring that risks specific to your charity’s operations are taken into account (such as your relationship with third parties); and
* how this plan integrates with you charity’s existing policies and procedures.

The Incident Response Plan and Register is designed to apply to overseas activities and may not necessarily be appropriate for domestic activities.

You should amend other policies to refer to the Incident Response Plan and Register where appropriate.

[Your charity name]

Incident Response Plan

1. Introduction
	1. [Your charity name][(**Short Name**)] is committed to preventing, detecting and responding to incidents in a transparent and accountable way. A planned response can assist in the prompt and effective resolution of incidents and mitigation of any ongoing risks.
2. Purpose
	1. The purpose of this Incident Response Plan is to provide a framework for [Short name] to respond to suspected or confirmed incidents that present a risk to [Short name]’s beneficiaries, volunteers, employees, resources or [CONSIDER].
	2. The Incident Response Plan provides instructions to the Board, staff and volunteers on responding to an incident.
	3. The Incident Register is a place to summarise and record incidents and [Short name]’s response.
3. Scope
	1. This Incident Response Plan should be used for incidents that relate to [Short Name]’s employees, volunteers, beneficiaries, operations, resources or third parties outside of Australia.
	2. “Incidents” covered by this plan include situations where there are allegations made or reasonable grounds to suspect:
		1. Damage, harm and abuse to employees, volunteers, beneficiaries and other people interacting with overseas operations;
		2. Improper conduct relating to accounting, internal controls, compliance, actuarial, and audit processes;
		3. Illegal, fraudulent, corrupt or seriously dishonest behaviour or activity;
		4. Serious mismanagement of resources; and
		5. Other activities, behaviours and states of affairs as determined by the Board.
	3. The Incident Response Plan may apply to:
		1. complaints made by beneficiaries of [short name], in which case it should be read in conjunction with the Complaints Handling Policy.
		2. concerns raised by a Board member, staff member, volunteer or third party, in which case it should be read in conjunction with the Whistleblowing Policy.
		3. incidents involving vulnerable individuals, in which case it should be read in conjunction with the Protection of Vulnerable Individuals Policy.
4. Summary
	1. This plan sets out a five stage response to incidents:
		1. Gather the team;
		2. Preliminary Assessment;
		3. Investigate;
		4. Respond; and
		5. Review.
	2. The Incident Register records incidents for the purpose of monitoring and reporting.
5. Related policies
	1. Whistleblowing Policy
	2. Protection of Vulnerable Individuals Policy
	3. Complaints Policy
	4. Conflicts of Interest Policy
6. Authorisation

(Signed)

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[Position]

On behalf of [Organisation]

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|  **[CHARITY NAME] – INCIDENT RESPONSE PLAN** |  |

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| **STAGE ONE****Gather the team** | **Summary**Once [Short Name], its Board members, volunteers or employees receive an allegation of an incident or has reasonable grounds to suspect that an incident has occurred, [Short name] will ensure that the right people are informed. **Purpose**[Short name] will ensure that relevant Board members, employees and advisors are involved in responding to incidents. **Key steps**1. [Short name] may become aware of an incident in a number of ways, including through a complaint or whistleblower.
2. All employees, volunteers and third parties must report suspected or actual incidents to their supervisor or manager, who will refer to the [Responsible person – primary incident response manager] as appropriate. If the suspected or actual incident involves a supervisor or manager, a report may be made to the CEO. suspected or actual incident involves the CEO, a report may be made direct to the Chair. Board members must report suspect or actual incidents to the Chair.
3. The [Responsible person – primary incident response manager] will form a Incident Response Group that may include:
	1. The Board Chair
	2. CEO
	3. Senior employees
	4. [Other]
4. The [Board Chair/Responsible person – primary incident response manage] will chair and lead the Incident Response Group, unless otherwise agreed.

**Key documents*** Complaints Handling Policy
* Whistleblower Policy
* Protection of vulnerable individuals policy;
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| **STAGE TWO****Conduct a preliminary assessment** | **Summary**[Short name] must conduct a preliminary assessment of all incidents to determine what risks or obligations the incident raises, particularly in relation to:* reportable conduct;
* notifying local governments, police or regulators; or
* engaging third parties, insurers and advisors.

**Purpose**[Short name] will ensure that the appropriate authorities are notified as soon as possible, if required and/or appropriate. **Key steps**1. The Incident Response Team will assess the available information to determine if it is appropriate or necessary to:
	1. Involve local police, for example where there are allegations of criminal behaviour;
	2. Report to an Australian or overseas regulator, for example under mandatory reporting of child sexual abuse regimes;
	3. Report to a third party involved in [Short name]’s overseas operations;
	4. Reporting to a funding body (such as DFAT) or key partner; or
	5. Making a preliminary statement to employees, members, supporters or the media – note that any statement must be carefully worded so as not to pre-empt the outcome of any investigation.
2. The Incident Response Team will consider any immediate and/or ongoing risks to health and safety or [Short Name], and take steps to reduce or eliminate these risks, for example:
3. Changing or suspending duties of volunteers or employees involved in alleged incidents;
4. Stopping operations until the incident is resolved;
5. Freezing bank accounts and cards.
6. The Incident Response Team will consider if the nature of the incident requires:
7. Notification to [Short name]’s insurer; or
8. Professional advice, including legal advice, financial advice or public relations advice.

**Key documents*** A report or summary of the incident;
* Insurance policies;
* Protection of vulnerable individuals policy;
* [register of legislative requirements]
* [summary of local laws]
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| **STAGE THREE****Investigate if appropriate** | **Summary**[Short name] will conduct a proportionate, thorough, and fair investigation of all incidents when further information is required or findings must be made. Not all incidents require an investigation. **Purpose**[Short name] will obtain appropriately detailed information about the alleged incident to enable it to determine how to respond. **Key steps**1. The Incident Response Team will review the information it has access to, and determine if it is appropriate to investigate further, or if it can respond to the incident immediately.
2. Investigation may be required if the Incident Response Team requires further information to make a recommendation, determine next steps or make an informed and fair decision. For example, where the alleged incident:
3. involves conflicting recounts of events, decisions, behaviour or actions that must be resolved;
4. involves criminal behaviour that (if proven or likely) must be reported;
5. involves individuals that must be identified in order to respond appropriately to the incident;
6. should (if proven or likely), be reported to an external authority, regulator or insurer;
7. would, if proven or likely, warrant disciplinary action against employees;
8. would, if proven or likely, result in the termination of an agreement with a third party; or
9. indicates that there are process or policy gaps that must be properly understood in order to be addressed.
10. The Incident Response Team must ensure that any investigation conducted is fair, robust and proportionate.
11. Investigations may range from:
12. A preliminary inquiry – to determine potential wrongdoing.
13. An investigation “on the papers” - where documentary, visual or electronic records are sufficient to make findings of fact.
14. A preliminary investigation with no findings of fact.
15. A full investigation conducted by an independent investigator trained and authorised to make findings of fact about allegations on the balance of probabilities.
16. The Incident Response Team will consider if it is appropriate to engage an external investigator in situations where impartiality, trust and confidence in the process necessitates it.
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| **STAGE FOUR****Respond** | **Summary**The Incident Response Team will respond to incidents appropriately and within a reasonable timeframe, considering the information available to it, legal and ethical obligations, and confidentiality. **Purpose**[Short name] will respond to incidents quickly and appropriately.**Key steps**1. [Short name] will respond to all incidents within a reasonable timeframe.
2. The Incident Response Team will consider a range of responses to incidents, including:
3. offering a formal apology or compensation to affected individuals;
4. dismissing or taking other disciplinary action against responsible employees, volunteers and/or Board members;
5. terminating third party relationships;
6. temporarily or permanently closing operations or programs;
7. a statement to employees, members or supporters;
8. a public statement;
9. initiating legal proceedings;
10. reporting conduct to local or Australian governments, authorities or regulators;
11. referring the matter to the police;
12. recommending changes to address gaps identified in policies or processes.
13. The Incident Response Team must ensure that any response is consistent with the organisation’s values, mission and purpose.
14. The Incident Response Team must consider the confidentiality, privacy, reputational and legal implications of a response.
15. The Incident Response Team will consider what (if any) authorisation the response needs, including authorisation by [Short name]’s Board and/or third parties.
16. Details of the incident must be recorded in the **attached** Incident Register.

**Key documents*** Constitution
* Employee agreements
* Workplace policies
* Third party contracts
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| **STAGE FIVE****Review** | **Summary**[Short name] will evaluate and review past incidents and how [Short name] responded every [six months/one year/two years]. **Purpose**[Short name] will continually learn from incidents to improve policies, processes and behaviour.**Key steps**1. [Responsible person] will arrange for a review of past incidents every [six months/one year/two years].
2. This review will include the [full Board/Risk Subcommittee/other relevant people] and be informed by the attached Incident Register and any investigation outcomes/findings.
3. The review will focus on the Incident Register and ask:
4. What themes (if any) are present in incidents;
5. Was there a consistent approach to incident response and if not, why not;
6. Do incidents identify risks that [Short name] is currently not effectively mitigating;
7. Do incidents identify systemic issues that [Short name] needs to address;
8. [other].

**Key documents*** Incident Register;
* Relevant policies and procedures;
* Risk assessment and management documents
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| **[CHARITY NAME] – INCIDENT REGISTER** |  |

Please exercise discretion when including personal or identifiable information in this table. Consider privacy and confidentiality obligations and where this register is stored/who has access.

| **Summary Description** | **Date of incident** | **Country/Project** | **Response** | **Further information** |
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| *i.e Historical sexual abuse allegations were made against a current volunteer. The allegations were in the media and it was public knowledge that the volunteer was involved with our organisation*  | *i.e 1/2/20* | *i.e Peru – Hand in Hand Mission* | *The volunteer was immediately stood down from their position;**We worked with partners in Peru to confirm no contact with children.* *We responded to media questions and informed our network;**Undertaken to review screening policies and procedures – noting that screening would not have identified this allegation.*  | *Further information is stored on the shared drive at Z://SHARED/DRIVE/ INCIDENT\_RESPONSE/*  |
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