

International Corrections and Prisons Association Complaints Resolution Policy

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Approved by: Legal and Ethics Committee, ICPA, and ICPA Board of Directors

1.1. Introduction

- 1.1. The International Corrections and Prisons Association (ICPA / the Association) Complaints Resolution Process is designed to assist ICPA contractors, members of the Board of Directors, and volunteers (hereafter referred to as ICPA Representatives) to access avenues to redress improper or inappropriate conduct that has the potential to harm. This includes discrimination, harassment, or inappropriate behavior.
- 1.2. This policy operates within the following definitions:
 - 1.2.1. Harassment involves any form of behavior that is unwanted, offensive, humiliating or intimidating, or creates a hostile environment wherein it relates to race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.
 - 1.2.2. Discrimination refers to adverse action based on any of the items included in Section 1.2.1.
 - 1.2.3. Inappropriate behavior refers to actions, conduct, or communication that violates professional norms, disrupts the organizational environment, or negatively the organization. Examples of or inappropriate behavior include harassment, discrimination, theft, fraud, substance abuse, violence, aggression, and bullying.
- 1.3. The ICPA Complaints Resolution Process is designed to provide ICPA Representatives with a clear avenue to raise complaints or feedback regarding a specific decision made by the Association. See Section Five of this document.
- 1.4. The purpose of this document to assist ICPA Representatives to resolve complaints with respect, integrity, and accountability in a confidential manner and at the lowest level possible in the circumstances.
- 1.5. ICPA is committed to a Complaints Resolution Process that is fair and equitable to both the complainant and the person against whom the complaint is made (respondent).
- 1.6. All complaints will be treated as legitimate and natural justice will be

applied. All complaints will be treated without prejudice.

- 1.7. Natural justice involves the following principles:
 - 1.7.1. The respondent will be informed of the allegations against them unless there is a legal reason why this should not occur;
 - 1.7.2. The respondent will be provided with an opportunity to respond to any allegation against that person;
 - 1.7.3. All parties to the complaint will have the right to be heard;
 - 1.7.4. All relevant submissions and evidence will be considered;
 - 1.7.5. Matters which are not relevant to the complaint will not be considered;
 - 1.7.6. Decisions will be made in a fair and just manner by a decision maker, free from bias.

2.1. Underpinning Principles

- 2.1. ICPA Representatives are to behave in accordance with the following ICPA organizational values:
 - 2.1.1. Integrity: ICPA Representatives are committed to honesty, transparency, and ethical behavior in all actions and decisions;
 - 2.1.2. Respect: ICPA Representatives value diversity, equity, and inclusion, and treat all individuals with dignity and empathy;
 - 2.1.3. Collaboration: ICPA Representatives seek to foster teamwork and partnerships to achieve common goals and strengthen community impact;
 - 2.1.4. Accountability: ICPA Representatives take responsibility for actions, use resources wisely, and uphold the trust placed in the Association by members and partners;
 - 2.1.5. Innovation: ICPA Representatives seek creative solutions and embrace continuous improvement to enhance the achievement of the Association's mission;
 - 2.1.6. Stewardship: ICPA Representatives seek to safeguard the Association's mission, reputation, and assets for the benefit of current and future members.
 - 2.1.7. Complaints resolution processes are confidential. All parties must ensure that the confidentiality of the complainant, the respondent, and the complaints process is maintained if they are involved in a complaint or become aware that a complaint has been made.
- 2.2. The respondent will be provided with details of the complaint as part of the

process and is therefore also be bound by a requirement for confidentiality.

- 2.3. ICPA Representatives who fail to comply with the rules of confidentiality may be subject to disciplinary measures.
- 2.4. Where a conflict of interest is identified or reasonably suspected, the decision maker must promptly notify the Executive Director and/or the President, as appropriate. A suitable alternative decision maker will then be appointed to ensure the complaint is handled impartially.
- 2.5. For the purposes of this policy, a conflict of interest refers to any situation in which a decision maker's personal, professional, financial, or relational interests may compromise, could be perceived to compromise, or could improperly influence their ability to make fair, objective, and impartial decisions.

3.1. Overview of Procedure: Conduct

3.1. Informal Process

- 3.1.1. Where they feel comfortable to do so, the complainant may choose to personally approach the respondent and seek clarification of that person's perspective, as they may not be aware of the impact of their decision/actions/inaction. Many issues can be resolved by informally talking to the respondent and this can be done with the assistance of a support person if required.
- 3.1.2. Complainants and respondents who have undertaken an informal process for addressing a complaint may also address their concerns to an ICPA director.

3.2. Formal Process

- 3.2.1. Where a complainant finds that their attempts to raise their concerns informally have not been successful, or the complainant does not wish to attempt to resolve the complaint informally, the complainant may make a formal complaint.
- 3.2.2. Complainants who decide to make a formal complaint about the improper or inappropriate conduct of an ICPA Representatives shall use the following processes:
 - 3.2.2.1. The complainant shall send their written complaint, together with any supporting documentation, to the Executive Director ICPA (or other director, if applicable) via email;
 - 3.2.2.2. In circumstances in which the Executive Director ICPA is the subject of the complaint, the complainant may submit their complaint to another director of the ICPA.
 - 3.2.2.3. A complaint may be made with the assistance of a support person if required.

3.2.2.4. The submission of a formal complaint assumes that the complainant has attempted a resolution through an informal process unless there are circumstances that would not support this action being taken.

3.2.2.5. It is the responsibility of the Executive Director or the director (as relevant) to manage the complaint.

3.3. Formal Complaints Resolution Process: Conduct

3.3.1. The ICPA complaints management process aims to resolve complaints quickly between the parties.

3.3.2. The Executive Director or director (as relevant) must maintain records of the date and time of meetings, the issues discussed and the complainant's complaint form. Advice may be sought from the Legal and Ethics Committee, or Executives ICPA, if necessary, before attempting to resolve the complaint.

3.3.3. When making a complaint, the complainant shall:

3.3.3.1. Email an overview of their complaint outlining the complaint, the subject(s) of the complaint, and the preferred outcome, together with any supporting documentation, to the Executive Director ICPA (or other director of the ICPA in cases in which the Executive Director ICPA is the subject of the complaint).

3.3.3.2. Meet with the Executive Director or the director (as relevant).

3.3.3.3. Describe the specifics of the behavior that they considered inappropriate in their email.

3.3.3.4. Make clear their preferred outcome of the process in their email.

3.3.4. The Executive Director or the director (as relevant) must:

3.3.4.1. Acknowledge receipt of the ICPA Complaints Form, meet with the complainant, give the complainant an opportunity to explain their complaint and document any further details about the complaint.

3.3.4.2. Ensure the complainant has been offered to have a representative or support person present and that all parties understand the requirement for confidentiality in relation to the process.

3.3.4.3. Reaffirm the outcome sought by the complainant, including if any complaint documentation should be shared with the

respondent, and detail the proposed process from this point, including the meeting with the respondent.

- 3.3.4.4. Meet separately with the respondent and provide the respondent with an opportunity to consider the complaint that has been made against them prior to responding.
- 3.3.4.5. Ensure the respondent has been offered to have a representative or support person present and that all parties understand the requirement for confidentiality in relation to the process.
- 3.3.4.6. Document the respondent's reply and detail the outcome sought by the complainant and ascertain what the respondent would be prepared to engage in if relevant (e.g. mediation, apology if appropriate, etc.).
- 3.3.4.7. Meet with the complainant a second time and detail the outcome of the discussion with the respondent. Clarify expectations in relation to behavior at work (if appropriate/relevant).
- 3.3.4.8. Ensure, where possible, on an agreed resolution and timeframes are identified.

3.3.5. Possible options for resolution may include:

- 3.3.5.1. Mediation; and/or
- 3.3.5.2. Review of policies and / or procedures; and/or
- 3.3.5.3. Referral for an external investigation of potential misconduct.

3.3.6. On completion of the process, the Executive Director or the director (as relevant) shall forward a letter to all parties explaining the outcome.

- 3.4. If the Executive Director or the director (as relevant) determines that the complaint could not be reasonably substantiated, neither the complainant nor the respondent must be disadvantaged. This shall be confirmed in writing to the complainant and the respondent.
- 3.5. If the Executive Director or Director (as relevant) believes that the complaint cannot be addressed, they may escalate it to an external investigator. The external investigator will be appointed by the ICPA Board of Directors and a Board Liaison appointed to oversee the process.
- 3.6. The external investigator shall undertake the steps outlined above under paragraph 4. Throughout the process, the external investigator must provide regular updates to the Board Liaison and may direct any questions regarding policies, procedures, and trainings to relevant members of the ICPA Board

of Directors and / or the Executive Director.

- 3.7. On completion of the process, the external investigator shall forward a letter to all parties (including the ICPA Board of Directors) explaining the outcome. The ICPA Executive Director or Director as relevant) shall forward a letter to all parties explaining the outcome.
- 3.8. The complainant may withdraw their complaint at any time. This shall be done in writing, and the respondent will be advised in writing.

4.1. Investigation

- 4.1. Investigations may be conducted by an external third party chosen by the ICPA Board of Directors.
- 4.2. The investigator shall review the complaint and initiate an investigation within ten (10) business days.
- 4.3. Investigations shall include:
 - 4.3.1. Interviews with the person who filed the complaint;
 - 4.3.2. Interviewing anyone else involved and any witnesses;
 - 4.3.3. Reviewing evidence;
 - 4.3.4. Consulting with other parties in the ICPA, such as human resources; and
 - 4.3.5. Reviewing ICPA policies and procedures, legislation, or employment contracts as necessary.
- 4.4. The investigation shall be completed within thirty (30) business days, unless there are unusual circumstances that require extending this timeframe, in which case the ICPA will provide the complainant an updated timeframe for completing the investigation.
- 4.5. The investigator shall communicate the findings of the investigation to the complainant, as well as to any members of ICPA who must implement the resolution. Any corrective measures are implemented as soon as reasonably possible following the resolution.

5.1. Overview of Procedure and Process: Feedback and Complaints

- 5.1. Informal Process for complaints or feedback regarding a specific decision made by the Association.:
 - 5.1.1. If they feel comfortable to do so, the complainant or respondent may choose to personally approach the decision maker and seek clarification of the decision. Many issues can be resolved by informally talking to the decision maker and this can be done with the assistance of a support person, if required.

5.2. Formal Process complaints or feedback regarding a specific decision made by the Association:

5.2.1. Where a complainant finds that their attempts to raise feedback / complaints informally have not been successful, or the complainant does not wish to attempt to resolve the complaint informally, the complainant may make a formal complaint or provide formal feedback.

5.2.2. Complainants who decide to make a formal complaint about an Association decision shall use the following process:

5.2.2.1. The complainant shall send their complaint or feedback, together with any supporting documentation, to the Executive Director or director (as relevant) via email;

5.2.2.2. The Executive Director or director shall confirm receipt of the feedback / complaint and table the feedback / complaint at the next meeting of the ICPA Board of Directors.

5.2.2.3. The ICPA Board of Directors shall review the feedback / complaint and provide a response outlining next steps, if any, to be finalized and provide the response to the complainant in writing, via email.