

APPENDIX F: COMPLAINTS HANDLING POLICY

“The Lord is near to all who call on him, to all who call on him in truth. He fulfills the desire of those who fear him; he also hears their cry and saves them.” Psalm 145:18-19

1. INTRODUCTION

1.1. The Diocese of Armidale aims to respond to all complaints fairly and appropriately. Its complaints handling process is set out below for the purpose of transparency, to support complainants and respondents, and to enable Church Personnel to know what to do and expect if they are required to make a report of abuse to an external authority.

COVERED BY THIS POLICY	NOT COVERED BY THIS POLICY
Safeguarding Complaints: Complaints related to the safety and well-being of Children or adults at risk (vulnerable persons) under the care of the Diocese or its Agencies.	Workplace complaints: Genuine work-related concerns raised by a paid employee of the Diocese, eg interpersonal conflict, perceived breach of policy, breach of the employee specific Code of Conduct, the allocation of work or developmental opportunities or a perceived unfairness in the workplace). These complaints are governed by internal policy.
Professional Standards Complaints: Complaints regarding misconduct by Church Personnel, including breaches of the Diocesan Code of Conduct and/or the National Code of Conduct, <i>Integrity in Our Common Mission</i> (which may include, but are not confined to, Safeguarding Complaints).	Armidale Catholic Schools (ACS) and Centacare NENW, which have their own policies, except to the extent that the Diocese provides a point of escalation for any complaints received internally.
Administrative Complaints: Complaints regarding the practices, policies, or procedures of the Diocese or its Agencies. These may include, for example, administrative decisions, policy adherence or procedural fairness issues.	Complaints about Clergy from other dioceses/religious orders: Those without an appointment in the Diocese of Armidale or who are not incardinated in the Diocese of Armidale. Such concerns will be referred to the relevant Bishop or Provincial.

2. PRINCIPLES

2.1. With consideration of the power imbalances that can exist between complainants and respondents, management of all complaints will be guided by the following principles to ensure fair and due process.

- Safety and wellbeing of children and adults at risk (paramount consideration, this includes strong responses/consequences of breaches of this Safeguarding Policy)
- Accountability and transparency of complaint handling processes

- Procedural fairness (impartiality in decision making, right to be heard)
- Subsidiarity (issues resolved with least intervention required)
- Responsiveness
- Efficiency
- Confidentiality and protection of privacy
- Conflict of interest management (these must be disclosed in writing)
- Continuous Improvement

3. WHO CAN MAKE A COMPLAINT OR REPORT

- All Church Personnel are required by law to report suspected child abuse (including neglect) to government authorities.⁴
- Any person may make a complaint/report.
- Complaints should be made using the procedures set out in this policy and summarised in the flowchart at the end of this appendix.

3.1. Anonymous complaints may be made. However, the anonymity of the complainant may limit the ability of the Diocese/Agency to effectively investigate and manage the complaint.

4. WHAT SHOULD YOU REPORT OR MAKE A COMPLAINT ABOUT

4.1. Breaches of the Safeguarding Policy, Codes of Conduct or other concerns can become known in various ways, including:

- Receiving a disclosure;
- Witnessing an incident; or
- Otherwise forming a suspicion.

4.2. As all Personnel have legal reporting obligations, and are bound by this Policy, they must report instances or allegations of:

- Any breach of criminal law, particularly those affecting children and adults at risk;
- Historical child sexual abuse;

Where the discloser is a child, this must always be reported.

Where the discloser is an adult who does not wish to report it further (eg to Diocese or Police), this must be respected and you are not required to report it elsewhere (see, eg, *Crimes Act 1900* (NSW) s2(f)). However, if there is **any** concern about an alleged perpetrator continuing to place others at risk of abuse (here or elsewhere), the disclosure of historical abuse **MUST** be reported to the Safeguarding and Professional Standards Office, but the discloser may be kept anonymous if the adult disclosing does not wish to reveal their identity. The alleged perpetrator must be identified to the Office.

- Known or suspected child abuse or Risk of Significant Harm (ROSH) of any kind (physical, psychological, sexual, emotional, spiritual);
- Any sexual misconduct committed against or in the presence of a child;
- Any abuse against an adult at risk (vulnerable adult) (physical, emotional, psychological, spiritual, sexual);
- Any allegation of Personnel being under the influence of alcohol or capacity-affecting drugs while responsible for children; and
- Any other breach of this Policy or the Diocesan Code of Conduct.

4.3. While a single instance may not be so serious to warrant action, repeated reports may reveal a pattern serious enough to prompt a response. Personnel are encouraged to report all concerns.

4.4. Your reporting requirements and specific examples of what to report are contained in Appendix G – Reporting Requirements Summary. This is also included in your mandatory safeguarding training and in resources available online.

5. HOW TO RESPOND IF SOMEONE DISCLOSES ABUSE TO YOU

5.1. A disclosure is when a child or adult lets someone else know of a recent, ongoing or historic experience of harm, either to themselves or another person. It may be direct, by telling someone, or indirect, through non-verbal means (e.g. drawings).

5.2. All Personnel must be alert to disclosures of all kinds.

5.3. **If there is any immediate danger, threat to life or other emergency situation, you must call 000.**

5.4. Where there is no immediate danger, you should RRR:

R	Reassure	<p>DO</p> <ul style="list-style-type: none"> • Stay calm and listen patiently. • Reassure the person that they did the right thing by telling you. • Ask them: <ul style="list-style-type: none"> ○ Is this still happening? ○ Have you told someone about it? • Tell them it is not their fault, they are not in trouble, and that everyone has a right to feel safe and protected.
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		<ul style="list-style-type: none"> Tell them that you will tell someone who can assist them. If it is a child, tell them you are legally required to tell another person. <p>DO NOT: press for details (except to clarify), investigate, make judgements, promise to keep secrets, tell them stories about other people, or convey your anger, shock or embarrassment.</p>
R	Record	<p>Immediately after the disclosure (or as soon as practical) write down anything that you are told or you observe.</p> <p>Only include facts (not subjective statements). Include the date, time, parties involved and your signature.</p> <p>You can use the Incident Report Form to assist you.</p>
R	Report	<p>Report (escalate) to the Safeguarding Contact Person, Parish Priest/Agency head or delegate, or Safeguarding and Professional Standards Office.</p>

6. HOW TO MAKE A COMPLAINT/REPORT

- a) If any person is in immediate danger, call the Police (000) immediately.
- b) Otherwise, contact your Parish Priest and/or Safeguarding Contact Person, who will advise you how to respond, or escalate the matter on your behalf to the Diocesan Safeguarding and Professional Standards Office for assistance.
- c) Should your concern involve the Parish Priest or Safeguarding Contact Person, or for any other reason you do not wish to involve them, or your concern relates to historical child sexual abuse, you can directly contact the Diocesan Safeguarding and Professional Standards Office on:

Email: safeguarding@armidale.catholic.org.au

Phone: (02) 6771 8700 (Armidale Catholic Chancery Office)

Post: PO Box 93, Armidale NSW 2350

- d) If your complaint is a Safeguarding Complaint, you may be required to make reports to external authorities, and the Diocesan Safeguarding and Professional Standards Office will assist you in this process.

7. HOW WE WILL RESPOND TO YOUR COMPLAINT/REPORT

7.1. **Complaint is received, acknowledged and triaged:** If you have or receive a complaint, you should notify your Parish Priest, Agency head or Safeguarding Contact Person (or you may contact the Safeguarding and Professional Standards Office directly). If possible, the matter should be resolved at a local level to the satisfaction of each party. However, if unable to resolve, or if the complaint is a safeguarding complaint, the Parish Priest, Agency head or Safeguarding Contact Person should inform the Safeguarding and Professional Standards Office, who will assess and categorise the complaint as a Level 1, 2, 3, or 4 complaint. Complaints not falling within those categories will be referred to the relevant area (eg Chancery).

7.2. Complaints will be recorded, including the following information:

- Date received;
- Type of complaint;
- Assessed level;
- Risk assessment completion (if relevant);
- Any conflict of interest details;
- Whether legislative reporting requirements have been met;
- Status (open/closed/referred);
- Any follow-up actions required.

7.3. **Complaint Categorisation**

Where a complaint relates to conduct by persons other than Church Personnel, the matter will be referred to the appropriate body (eg NSW Police) and necessary safeguards put in place for their involvement in the Parish community/Agency.

Level 1	<p>What is a Level 1 complaint?</p> <p>A complaint involving alleged conduct by Church Personnel or others that involves:</p> <ul style="list-style-type: none"> • a child abuse crime or serious indictable offence involving a child or adult at risk; • Reportable Conduct (a Reportable Allegation or Reportable Conviction); or • Risk of Significant Harm (ROSH) to a child, or a suspicion on reasonable grounds that a child is at ROSH. • An adult has been or is at risk of abuse. 	<p>Responsibility for managing / responding to Level 1 complaint</p> <p>The Safeguarding and Professional Standards Office with guidance from the Bishop/Vicar General.</p>
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Level 2	<p>What is a Level 2 complaint?</p> <p>A complaint involving alleged conduct by Church Personnel regarding a child or adult at risk that involves:</p> <ul style="list-style-type: none"> • serious misconduct; or • a serious breach of the Safeguarding Policy, the Diocesan Code of Conduct, or <i>Integrity in Our Common Mission</i>; <p>that is not a Level 1 complaint.</p> <p>For example, where the allegation does not constitute Reportable Conduct, such as communication with a child on a one-on-one basis without the consent of the child’s parent/guardian.</p>	<p>Responsibility for managing / responding to Level 2 complaint</p> <p>The Safeguarding and Professional Standards Office, under the guidance of the Bishop/Vicar General.</p>
Level 3	<p>What is a Level 3 complaint?</p> <p>A complaint relating to less serious breaches of the Safeguarding Policy, the Diocesan Code of Conduct, or <i>Integrity in Our Common Mission</i>.</p> <p>Example: showing favouritism to one child over another.</p>	<p>Responsibility for managing / responding to Level 3 complaint</p> <p>Parish Priests and Agency heads, with assistance from the Safeguarding and Professional Standards Office as required.</p>
Level 4	<p>What is a Level 4 complaint?</p> <p>Administrative Complaints or other complaints that may be resolved quickly to the complainant’s satisfaction.</p>	<p>Responsibility for managing / responding to Level 4 complaint</p> <p>Safeguarding and Professional Standards Office, Vicar-General, Chancellor or other lead relevant to the subject matter of the complaint.</p>

7.4. **Frivolous or vexatious complaints:** The complaint will also be assessed by the Safeguarding and Professional Standards Office to consider whether there is sufficient information and whether it is frivolous or vexatious. It will not progress further if it:

- a) Is frivolous or vexatious;
- b) Is lacking in detail sufficient for an investigation, even after clarification and further information has been sought; or

- c) would not constitute Reportable Conduct, sufficient grounds for suspecting that a child is at significant risk of harm, inappropriate conduct that would be in breach of the Safeguarding Policy, Diocesan Code of Conduct or Integrity in Our Common Mission, or reasonable administrative complaints.

7.5. The complainant will be notified and a record of this finding and the reasons for it will be kept.

8. COMPLAINTS HANDLING PROCESS SUMMARY: LEVEL 1 AND 2 COMPLAINTS

8.1. The following steps will generally be taken in response to Level 1 and 2 complaints.

	Summary	Responsible Person
1.	Initial enquiries necessary to clarify allegations and determine response	Safeguarding and Professional Standards Office
2.	Initial Risk Assessment	Safeguarding and Professional Standards Office
3.	Notify authorities (Police, OCJ, DCJ)	Safeguarding and Professional Standards Office, Diocesan lawyers
4.	Notification to person responsible for the respondent (if relevant)	Safeguarding and Professional Standards Office
5.	If child is subject of complaint, meet with parents/guardian/complainant	Safeguarding and Professional Standards Office
6.	Notify respondent, provide opportunity to respond and if appropriate, provide Safeguarding Support Plan	Bishop/Vicar General/ Safeguarding and Professional Standards Office
7.	Update Initial Risk Assessment and seek approval	Safeguarding and Professional Standards Office, approval from Bishop/Vicar General

8.	Take necessary action arising from risk assessment	Various as relevant
9.	Communicate with/notify stakeholders	Bishop/Vicar General, Safeguarding and Professional Standards Office
10.	Appoint investigator (Level 1 external investigation, Level 2 internal investigator)	Bishop/Vicar General (assistance from Safeguarding and Professional Standards Office)
11.	Notify complainant and respondent of investigation	Safeguarding and Professional Standards Office
12.	Investigator to consider evidence, make findings and prepare report	
13.	Bishop/Vicar General to consider report and findings of fact, determine action to be taken	Bishop/Vicar General, Safeguarding and Professional Standards Office
14.	For Level 1 complaints: If Reportable Conduct, provide entity report to OCG	Head of Entity/delegate (Safeguarding and Professional Standards Office)
15.	Update risk assessment to include findings	Safeguarding and Professional Standards Office
16.	Inform complainant and respondent of findings and action to be taken, including right to review	Safeguarding and Professional Standards Office
17.	Continuous improvement	

9. COMPLAINTS HANDLING PROCESS SUMMARY: LEVEL 3 COMPLAINTS

9.1. Level 3 Complaints are resolved on an Agency/Parish level, by the Agency head or Parish Priest. For any uncertainty as to the level of the complaint, the Safeguarding and Professional Standards Office will confirm the assessed categorization as a Level 3 complaint, and will also generally be available to provide assistance in management of that complaint.

The following process will ordinarily be followed:

	Action	Detail
1.	Acknowledge complaint and set out next steps	Acknowledge receipt, preferably in writing. Advise of next steps.
2.	Clarify the complaint	If unclear, have a discussion to obtain further information. Identify resolution the complainant seeks to achieve.
3.	If a child/adult at risk, notify parent / guardian / carer.	Identify resolution the parent / guardian / carer may also want to.
4.	Assess risk	Note any risks or concerns arising. Take relevant action.
5.	Notify respondent	Parish Priest/Agency head should meet with respondent to advise that there has been a complaint and provide comprehensive detail. Advise that the respondent will have an opportunity to respond and address the complaint or otherwise explain the conduct.
6.	Gather information	Parish Priest/Agency head may need further information to determine a response, and may gather information to do so (eg, speaking to witnesses).
7.	Put complaint to respondent and allow response	Once all relevant information is gathered, the complaint should be put to the respondent in full, and the respondent given ample opportunity to respond, including by providing supporting evidence or material.

8.	Make determination	<p>Parish Priest or Agency head should then consider the complaint and all relevant information and determine action.</p> <p>This may include:</p> <ul style="list-style-type: none"> • Further safeguarding or other training by the respondent; • An apology from the respondent; • Acknowledgement conduct was inappropriate; • Other support to the complainant or respondent.
9.	Inform parties of the determination	<p>Inform the complainant and respondent of the determination and further action, and be offered appropriate support.</p>
10.	Continuous improvement	<p>If relevant, the Parish Priest or Agency head should consider whether strategies to reduce risk / similar conduct could be put in place to avoid future issues.</p>

9.2. If the matter remains unresolved, or is about the Parish Priest or Agency head, or if other avenues of review are required, the complaint may be escalated to the Safeguarding and Professional Standards Office to review or manage.

10. Complaints Handling Process Summary: Level 4 Complaints

10.1. Level 4 Complaints relate to administrative matters. The complaint will be considered either by the Safeguarding and Professional Standards Office or the relevant area (eg Chancery).

Reporting Abuse and Misconduct

Who can report?

Any person

A child or vulnerable adult

Parent, guardian or carer

Employee, Volunteer or Contractor

What should you report?

If you become aware of or suspect ABUSE or MISCONDUCT, including:

- abuse or harm (or risk of) to a child or vulnerable adult
- sexual misconduct
- breach of the Diocesan Code of Conduct or *Integrity in Our Common Mission*
- suspicious behaviours, eg grooming

If any person is in imminent danger, call the Police (000) immediately.

Then notify the Parish Priest and/or Parish Safeguarding Contact person. If it relates to Clergy or Religious, contact the Safeguarding and Professional Standards Office of the Diocese on (02) 6771 8700.

How to report?

Face to face, written letter, email, phone, meeting.
Complete an Incident Form as soon as possible.

Who to?

- Parish Priest, or
- Parish Safeguarding Contact Person, or
- Diocesan Safeguarding and Professional Standards Office

What next?

The Parish Priest/Safeguarding Contact Person will:

- provide information about support services to the child/vulnerable adult, their parents/guardians/carers, the person who reported and the person accused;
- contact the Diocesan Safeguarding and Professional Standards Office to:
 1. ensure the safety of all involved, to clarify the complaint and to manage the complaint/concern; and
 2. consider and meet/assist in meeting reporting requirements to external authorities (Police, OCG, DCJ).

Parish Safeguarding Contact Person:

Parish Priest:

Safeguarding and Professional Standards Office

Email: safeguarding@armidale.catholic.org.au

Phone: (02) 6771 8700 (Armidale Catholic Chancery Office)

Post: PO Box 93, Armidale NSW 2350